



Public Agenda Briefing Forum – 10 March 2020

NOTES



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1. Official Opening

The Presiding Member opened the meeting at 6:33pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk of the Noongar people.

2. Attendance, Apologies and Leave of Absence**Councillors****South East Ward**

John Giardina

Janelle Sewell

Geoff Stallard

South West Ward

Lesley Boyd

Mary Cannon

Brooke O'Donnell

North West Ward

Sue Bilich

Lisa Cooper - Presiding Member

Dylan O'Connor

North Ward

Cameron Blair

Kathy Ritchie

Margaret Thomas JP (Mayor)

Members of Staff**Chief Executive Officer**

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

Management Team

Andrew Fowler Tutt - Manager Approval Services

Chris Lodge – Senior Strategic Planner

Doug Bartlett - Manager Asset Planning

James Wickens - Manager Environmental Health & Community Safety

Regan Travers - Principal Statutory Planner

Nicole O'Neill - Manager Customer & Public Relations

Administration Support

Donna McPherson - Executive Assistant to the CEO

Members of the Public 20

Members of the Press Nil.

Apologies Nil.

Leave of Absence Previously Approved Nil.

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

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

- 3.1.1 Cr Sue Bilich declared an Interest Affecting Impartiality on Item 10.2.3 Kalamunda Road Functional Review and Upgrade Plan Draft Report. Cr Bilich has a financial interest in two properties that are on Kalamunda Road.

3.2. Disclosure of Interest Affecting Impartiality

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

- 3.2.1 Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.3.1 Proposed Road Reserve Re-alignment - Fern Road Piesse Brooke. Cr Stallard has family living along Fern Road.
- 3.2.2 Mr Andrew Fowler-Tutt declared an Interest Affecting Impartiality on Item 10.1.2 Change of Use to Use Not Listed (Holiday House) 332 (Lot 1) Calcite Place, High Wycombe. Mr Fowler-Tutt is an acquaintance of the owner of the property.

4. Announcements by the Member Presiding Without Discussion

- 4.1 Nil.

5. Public Question Time

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

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

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

5.1 Mr Dick Lovegrove, 41 Brentwood Road Wattle Grove

Q. Is the City trailing the use of steam treatment for the eradication of weeds?

A. No. The City is not doing any trials on this form of weed eradication.

6. Public Statement Time

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

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

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

6.1 Nil.

7. Public Submissions Received in Writing

7.1 Nil.

8. Petitions Received

8.1 Nil.

9. Confidential Items Announced But Not Discussed

9.1 Item 10.1.4 Kalamunda Activity Centre Plan - Consideration of Submissions and Modifications for Recommendation to the Western Australian Planning Commission for Final Approval – CONFIDENTIAL ATTACHMENT – Submitters Table

10. Reports to Council**10.1. Development Services Reports****10.1.1. City of Kalamunda - Draft Local Housing Strategy - Adoption for Advertising***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Director Development Services provided a presentation on this report.

Ms Kathleen Edmonds sought clarification on the Draft Local Housing Strategy actions and the relationship with draft State Planning Policy 3.6. The Director Development Services advised there were no specific actions around the investigation around community infrastructure at this stage. Other items of clarification were taken on notice and would be provided in writing.

Mr Kevin Bennett sought clarification on the Draft Local Housing Strategy in relation to the mention of areas affected by Airport Noise. The Director of Development Services provided clarification.

Ms Bev Dornan requested Draft Local Housing Strategy be withdrawn from consideration. Ms Dornan provided clarification as to the reason for the request. The Director Development Services provided clarification on matters raised by Ms Dornan.

Previous Items	Nil.
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-032
Applicant	City of Kalamunda
Owner	N/A

Attachments 1. Draft Local Housing Strategy [10.1.1.1 - 129 pages]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input checked="" type="checkbox"/> | Executive | When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets) |
| <input type="checkbox"/> | 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 2027

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adoption of a new draft Local Housing Strategy (LHS) for public advertising.
2. The draft LHS, which will replace the existing adopted LHS (approved in 2014), will form a key component of the City of Kalamunda (City) Local Planning Strategy to be prepared in 2020. The LHS is prepared in accordance with the WAPC Local Planning Manual 2010 and identifies actions to be undertaken over the next five years.
3. It is recommended that Council adopt the LHS for the purposes of public advertising.

BACKGROUND

4. The LHS considers all land Urban and Rural under the Metropolitan Region Scheme (MRS). Under the City's Local Planning Scheme No. 3 (LPS3), the LHS considers urban land zoned Residential, Mixed Use, Urban Development and rural land zoned Special Rural, Residential Bushland, Rural Conservation, Rural Landscape Interest, Rural Agriculture and Rural Composite.
5. The LHS is one of six sub-strategies which will inform the Local Planning Strategy. The Local Planning Strategy will require referral and endorsement by the WAPC in accordance with Part 3, Regulation 14 and 15 of the *Planning and Development (Local Planning Schemes)*

Regulations 2015 (WA). Current progress of the Local Planning Strategy and sub-strategies is shown below:



6. The LHS identifies the current status of housing in the City and influencing factors such as population, demographic profile, existing housing stock and infrastructure, and makes recommendations for improvement through strategies and actions set out therein.

DETAILS AND ANALYSIS

7. The most recent LHS was adopted by the WAPC in 2014. The LHS is periodically reviewed and updated approximately every five years.
8. The 2014 LHS recommended the following key strategies and actions which have subsequently been addressed or incorporated into the 2020 LHS review:

Local Housing Strategy Actions 2014	Description	Status	Recommendations for Local Housing Strategy 2020
Walkable Neighbourhoods	Applying a density code of R20/60 to properties within a radius of 400m of the Forrestfield District Centre. Applying dual density codes of up to R40 in and	Incorporated as part of the City's Local Planning Scheme No. 3 Amendment No. 82 – Dual Density Codes and gazetted in February of 2018.	No further action required.

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	around the Kalamunda District Centre and surrounding neighbourhood centres.		
Increased Density Abutting Major Transport Corridors/High Frequency Bus Routes	Increased density introduced to properties within 200m to 800m from major public transport routes and transport nodes, with the exception of Tonkin and Roe Highways.	Incorporated into development of the Forrestfield North District Structure Plan area adjacent to the future Forrestfield North Train Station and Dual Density Areas around Activity Centres.	No further action required.
Increased Density for Lots Directly Adjacent to District Open Space	Applying a dual density code of R20/30 or R20/40 to lots which abut or surround district open space.	Incorporated as part of the City's Scheme Amendment No. 82 – Dual Density Codes and gazetted in February of 2018.	Incorporated into the draft Local Housing Strategy for further investigation.
Housing Opportunity Precincts	<p>Identification of four 'Housing Opportunity Precincts' for the introduction of greater housing diversity.</p> <p>2. Locations identified in portions of Kalamunda, Forrestfield, High Wycombe and Maida Vale.</p>	Incorporated as part of the City's Scheme Amendment No. 82 – Dual Density Codes and gazetted in February of 2018.	Incorporated action to review any areas that were not included and determine if additional inclusions should occur.

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Multi-Unit Housing Code	a) Investigation of new provisions of the Residential Design Codes.	Noted as 'Accepted' by the City.	No further action required.
Developer Contributions for Community Infrastructure	<p>b) Proposal to implement a new Developer Contribution Plan (DCP) in accordance with State Planning Policy 3.6.</p> <p>c) The DCP would apply to all land within the City that would be subdivided or developed for residential purposes.</p> <p>d) The DCP would ensure that necessary community infrastructure is provided.</p>	<p>The City currently contains three DCP areas:</p> <ol style="list-style-type: none"> 1. Cell 9 Wattle Grove 2. Forrestfield/ High Wycombe Industrial Area Stage 1 3. Maddington Kenwick Strategic Employment Areas (MKSEA), Wattle Grove <p>Community Development Services are in the process of investigating a City-wide DCP.</p> <p>Preparation of a DCP local planning policy recommended as part of the Industrial Development Strategy and currently underway.</p>	Incorporated in actions for further investigation.
Reduction in the Required Minimum Number of Aged Persons Dwellings for	Include provisions in the City's Local Planning Scheme to allow consideration of single developments	Incorporated as part of the City's Scheme Amendment No. 74, gazetted in December of 2016.	No further action required.

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Single Developments	that propose less than five Aged and Dependent Persons Dwellings.		
Identification of Large Sites Suitable for the Development of Aged Accommodation Complexes	List of sites considered to be appropriate for the development of Aged Accommodation Complexes.	Included in the previous Local Housing Strategy	No further action required.
Prepare a Streetscape Enhancement Strategy	<p>The purpose of the strategy would commit the City to upgrading streetscapes in the noted housing opportunity precincts.</p> <p>Intended to cover street tree preservation and planting, verge maintenance, crossover construction and location, new street furniture and footpaths.</p>	Included in the Environmental Land Use Planning Strategy Street Tree Masterplan.	Incorporated in actions for further development as part of the Street Tree Masterplan.
Carry out Detailed Investigations of the Likely Implications of Greater Residential Infill and the Development of New Urban Areas	To be undertaken to determine the capacity of existing service infrastructure and the potential future upgrades required.	To be addressed by the current Infrastructure Servicing Strategy that incorporates this information.	No further action required.
Identify Superfluous City Owned Land for Development.	Prepare a program that would bring this additional land onto the market	The Hester Report 2011 identified City land assets and provided	Incorporated as an action to prepare an updated Land Asset report.

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	for purchase by developers.	recommendations for future disposal or management.	
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9. There are a number of key actions recommended as part of the LHS 2020-2025. Full details of the actions can be found in Section 4 – Summary of Strategies and Actions 2020 of the LHS document (Attachment 1)
10. One of the key strategies set out in the LHS, is to review the LPS3 and prepare a new Local Planning Scheme No. 4.
11. LPS3 is required to be updated because, since its preparation, the *Planning and Development (Local Planning Schemes) Regulation 2015* (WA) has been introduced which identifies deemed provisions for all local governments and should be read as part of any local planning scheme.
12. As some LPS3 provisions may be inconsistent with, or not include, key provisions of the deemed provisions, it is considered to be an appropriate time update the LPS3 to remain current and aligned with best planning practices.
13. Another key strategy is to 'normalise' the City's existing local structure plans and outline development plans. The City currently has 13 active structure plans, many of which are nearing full development.
14. Normalising is the process by which a structure plan is removed from the local planning framework and the land the subject of the structure plan is zoned into the relevant Local Planning Scheme in accordance with its designation on the structure plan. For example, a site zoned Urban Development and identified on a structure plan as Residential – R20 would be rezoned within the Local Planning Scheme from Urban Development to Residential – R20.
15. The LHS recommends, in consultation with the DPLH, that any historic structure plans be 'normalised' into the new Local Planning Scheme. This would reduce the number of planning instruments that need to be referred to in preparing and assessing an application for development and subdivision as well as providing certainty for development outcomes in the structure plan areas.

APPLICABLE LAW

16. *Planning and Development Act 2005 (WA)*
17. *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*

APPLICABLE POLICY

18. The LHS provides strategies and actions which guide policy development and strategic planning projects for the next five years.
19. The LHS gives due consideration to relevant State Planning Policies (SPP) and documents which may include:

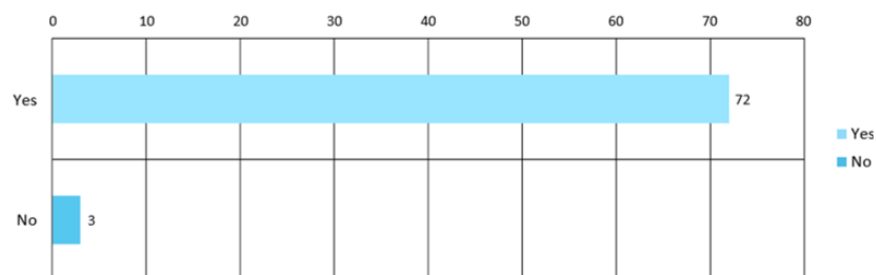
SPP 3: Urban Growth and Settlement	<p>This policy outlines the principles that apply for planning for growth and settlement in Western Australia. It outlines the importance of delivering social, economic and environmental objectives including choice in housing, accessibility and services in WA.</p> <p>This policy will help guide the objectives of the Local Housing Strategy including promoting sustainable development and improving the diversity and quality of the provision of housing.</p>
State Planning Policy 7.1: Residential Design Codes Volume 1	<p>Replaces the previous version State Planning Policy 3.1 Residential Design Codes. An integral document that provides controls and provisions for residential design and development. Also referred to as the R-Codes this document provides minimum built form standards to guide housing design and highlights ways to ensure residents achieve better outcomes during the residential development process.</p> <p>The R-codes relate to this strategy by providing a comprehensive basis for the control of residential development and housing throughout the City.</p>
Design WA	<p>Design WA is a State initiative to ensure that good design is at the centre of development in Western Australia.</p> <p>The Design WA suite of documents is designed to eventually replace the R-Codes and includes SPP 7 – Design of the Built Environment, and SPP 7.3 – Residential Design Codes Volume 2 Apartments which applies to residential apartments (multiple dwellings)</p>

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	<p>in areas coded R40 and above in mixed use development or activity centres.</p> <p>The document outlines design principles, processes and considerations that apply to the built environment to ensure that a high standard of living is provided in new developments.</p>
North-East Sub-Regional Structure Plan	The guiding planning framework for Local Government areas in the North-East metro area which includes the City and identified future urban growth areas. The plan considers where social infrastructure will be required and the protection of important environmental assets.
Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy	<p>Estimates expected population growth by Local Government area and highlights Greenfields development areas within the Metropolitan Region.</p> <p>Key focus points of this document are that Maida Vale is considered to be an area of future urban expansion and the estimate of potential dwelling supply in areas throughout the City of Kalamunda.</p>
Affordable Housing Strategy 2010 - 2020	Notes a lack of affordable housing stock within Western Australia and places emphasis on planning to allow greater density and choice within the housing market.
Policy No. SPP 3.6: Developer Contributions for Infrastructure	Sets out clear principles and considerations that apply to development contributions for the provision of infrastructure in new and established areas.
Policy No. SPP 3.7: Planning in Bushfire Prone Areas	Sets out guidelines for development controls, standards and permissibility within areas designated as bushfire prone.
Policy No. SPP 4.2: Activity Centres for Perth and Peel	Specifies broad requirements for the planning and development of new activity centres.
Policy No. SPP 5.1: Land Use Planning in the Vicinity of Perth Airport	Applies to land that is situated in the vicinity of Perth Airport which currently is, or may be, affected by aircraft noise.
Policy No. SPP 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning	Promotes a system of development in which sustainable land use and transport are mutually compatible. Seeks to minimise traffic noise impacts while ensuring adequate infrastructure provision.

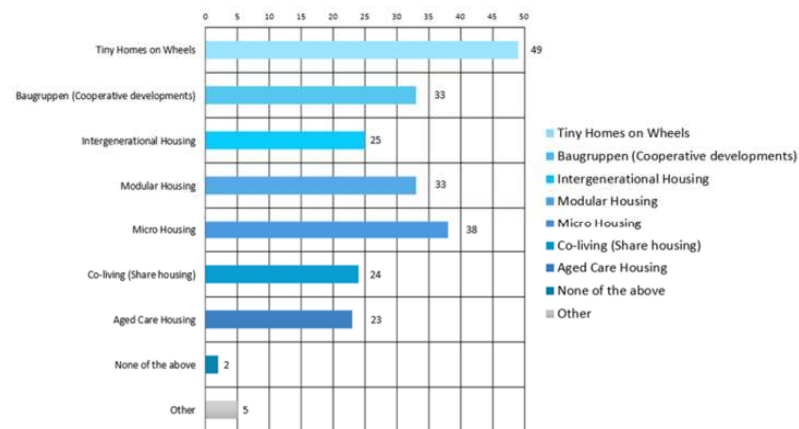
STAKEHOLDER ENGAGEMENT

20. Subject to Council's resolution to proceed, the City will advertise the LHS for a period of no less than 28 days, noting that the minimum advertising period for such strategies pursuant to section 13 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA), is 21 days.
21. A communications and engagement strategy will be developed to assist with guiding the public advertising process in accordance with Local Planning Policy 11 – Public Notification of Planning Proposals. Consultation will target the City's key stakeholders impacted by the recommendations of the LHS.
22. As part of the advertising process, the Kalamunda Environmental Advisory Committee, Kalamunda Aged Care Advisory Committee, and Design Advisory Committee will have an opportunity to comment on the LHS.
23. As part of preliminary engagement, in December 2018, the City hosted an Innovative Housing Expo which showcased alternative housing types and provided a forum for the community to submit comments about the housing they would like to see going forward. The results of the consultation with the community as part of the Expo are detailed below.
24. Graph 1 below shows 96% of respondents would consider living in alternative housing and that they would like to see alternative housing types established in their community:

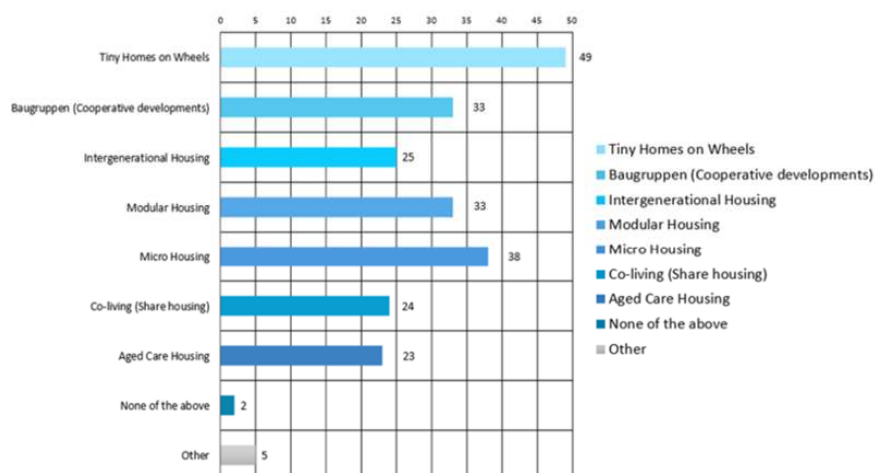


25. Graph 2 below shows out of all respondents, 60% said they would consider living in a tiny home on wheels, 33% said they would consider living in baugruppen cooperative housing or micro housing respectively, and 32% said they would live in modular housing.

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26. Out of all the types of alternative housing on the list, participants were requested to pick which three housing types they would like to see more of. Graph 3 below shows 21% of respondents wanted to see more tiny homes on wheels, 16.3% wanted to see more micro housing, and 14.2% wanted to see more baugruppen and modular housing respectively.



Further detail about the different types of innovative housing can be found under Part 15 - Innovative Housing in the draft LHS (Attachment 1).

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY**Social Implications**

29. Improved access to affordable housing through provision of a diverse range of housing options.

Economic Implications

30. Increasing housing value due to improved streetscape and activity centre planning.
31. New growth in Dual Density areas and investigation areas.

Environmental Implications

32. Improved built form, design and streetscape outcomes which respond better to local environmental factors.

RISK MANAGEMENT

- 33.
- | | | |
|---|--------------------|---------------|
| Risk: LHS is not adopted for advertising, thereby halting the process of implementing the same, or a variation of the same, subject to submissions received. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Major | Medium |
| Action/Strategy | | |
| Council to consider a recommendation to adopt the LHS for public advertising. | | |
- 34.
- | | | |
|--|--------------------|---------------|
| Risk: Without proper, or adequate community consultation, the Council will be unaware of the community and stakeholders views. | | |
| Likelihood | Consequence | Rating |
| Likely | Moderate | Medium |
| Action/Strategy | | |
| Council to consider a recommendation to adopt the LHS for public advertising. Comments from all interested stakeholders are to be collated, reviewed and responded to with modifications made prior to any Council determination to adopt the LHS. | | |

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CONCLUSION

35. The LHS provides an opportunity for the City to review the current local planning framework and identify opportunities for improvement. By reviewing the LHS every five years, the local government can remain at the forefront of planning trends and techniques, and the changing demands and needs of its community.
36. The aim of the LHS is to improve the quality and diversity of housing types, support more sustainable features, promote active transport and provide attractive safe streets for residents through the strategies and actions recommended.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT the draft City of Kalamunda Local Housing Strategy (Attachment 1) for the purposes of public advertising.
2. AUTHORISE the Chief Executive Officer to undertake public advertising for the draft Local Housing Strategy in accordance with the City's Local Planning Policy 11 – Public Notification of Planning Proposals for a period of not less than 28 days

10.1.2. Change of Use to Use Not Listed (Holiday House) - #32 (Lot 1) Calcite Place, Forrestfield*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Principal Statutory Planner provided a presentation on this report.

Cr Ritchie sought clarification as to the process of the City approving Airbnb properties. The Director Development Services provided clarification and advised the City is preparing a policy in relation to approvals.

Cr O'Connor sought clarification as to data around complaints in relation to Airbnb properties. The Director Development Services advised this would be investigated and the information provided.

Cr Thomas sought clarification as to the extent of the consultation. The Principal Statutory Planner provided this information.

Cr Sewell sought clarification on the "valid planning concerns" mentioned within the report and how these would be managed and mitigated. The Director Development Services provided clarification and information.

Cr O'Connor sought clarification as to with whom the approval runs. The Principal Statutory Planner provided this information.

Ms Bev Dornan sought clarification of Council as to how the property would be rated in the event of approval of this application. Ms Dornan also sought clarification in relation to the extent of consultation. As these queries were posed to Council no officer response was provided.

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA19/0479
Applicant	Angad Singh - Sadhana Constructions
Owner	Mango Kalfi Pty Ltd
Attachments	<ol style="list-style-type: none"> 1. Management Plan & Guest Book [10.1.2.1 - 23 pages] 2. Submission Table [10.1.2.2 - 3 pages] 3. Submission Map [10.1.2.3 - 1 page] 4. Planning Assessment [10.1.2.4 - 4 pages] 5. Site & Floor Plan [10.1.2.5 - 2 pages]

6. Legislative Assembly Response to Inquiry into Short Term Accommodation [10.1.2.6 - 13 pages]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input type="checkbox"/> | Executive | When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets |
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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider an application for a Change of Use from 'Single House' to 'Use Not Listed (Holiday House)' at Lot 1 (32) Calcite Place, Forrestfield (Subject Site).
2. Under Clause 4.4.2 (b) of the Local Planning Scheme No.3 (the Scheme) the application may be considered consistent with the objectives of the zone and has been advertised in accordance with Local Planning Policy 11 – Public Notification of Planning Proposals. The application was

advertised to nine surrounding landowners/occupiers and three objections were received.

3. It is recommended Council approve the application, subject to conditions.

BACKGROUND

4. **Land Details:**

Land Area:	260m ²
Local Planning Scheme Zone:	Residential R20/30
Metropolitan Regional Scheme Zone:	Urban

5. The applicant is seeking approval for a change of use from 'Single House' to 'Use Not Listed (Holiday House)' at the subject site.
6. The applicant proposes that the Holiday House will be managed in accordance with the Management Plan (see Attachment One) which includes:
- a) A two-night minimum stay requirement;
 - b) No last-minute bookings after 7:00pm;
 - c) A Maximum of two vehicles to be parked on site;
 - d) Guest screening procedures;
 - e) Complaint management;
 - f) House Rules; and
 - g) A Guest Handbook.
7. The guest handbook includes emergency information, check in/out procedure, a list of local amenities (shops, cafes and entertainment) and a list of 'House Rules'. Dependant on the severity of the breach, if a house rule is broken, the booking may be terminated, and the occupant of the Holiday House evicted. Ensuring compliance with 'House Rules' would remain the responsibility of the landowner.
8. As a Holiday House is not subject to the same stringent rules of the *Residential Tenancy Act 1987*, the landowner has the ability to evict guests for anti-social behaviour.

9. Locality Plan:



10. Local Planning Scheme Map:



DETAILS AND ANALYSIS

11. The Scheme does not have a land use definition that appropriately defines the proposed Short-Term Accommodation. Rather, the land use is appropriately defined as a 'Holiday House' by Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).
12. While the use is defined, it is not listed in Table 1 of the Scheme and is required to be progressed as a Use Not Listed in accordance with Clause 4.4.2 of the Scheme. Uses which are not listed in the Scheme, are subject to a planning assessment based on the relevant '*matters to be considered*' listed in Clause 67 of the LPS Regulations.
13. Following a planning assessment of the relevant matters to be considered (see Attachment Four) and a review of submissions received from adjoining landowners (Attachment Two), the key matters for consideration were identified. Concerns related primarily to amenity, anti-social behaviour, noise and parking/traffic. The proposal does have some potential benefits for tourism within the City.
14. **Amenity**

The aims of the Scheme (Clause 1.6), the objectives of the Residential Zone (Clause 4.2.1) and the matters to be considered when determining development applications (Clause 67 of the LPS Regulations) all consider the impact of a development or proposed use on the amenity of the locality.
15. Amenity as defined in the LPS Regulations means '*all those factors which combine to form the character of an area and include the present and likely future amenity*'. The existing residential amenity afforded to the affected landowners is characterised as typical low – medium density residential development with lot sizes ranging from 260sqm to 650sqm.
16. Similar applications for a Holiday House within a residential context have been challenged through the State Administrative Tribunal (SAT) when the Local Government has refused an application based on amenity and noise impacts. In the most recent case SAT determined that a Holiday House is considered a commercial land use which would have adverse amenity impacts due to the movement/changeover of occupants and noise (2019 WASAT75).

17. This was determined, as it was considered *'reasonable to expect that visitors and short term occupants of the site would use the outdoor entertaining area more intensively and at more unpredictable hours than if the property were being resided in on a permanent basis, thus resulting in more noise and disturbance to neighbours'* (2019 WASAT75).
18. It was also determined that the transitory nature of the land use would mean that *'each time a booking began and ended people would be entering and leaving the premises. The regular movement of people into and out of the premise will have consequential amenity impacts on the surrounding locality'*.
19. In response to the above, the applicant has submitted a detailed Management Plan for the property which includes the following relevant elements:
- a) No Parties or Events;
 - b) No outside visitors, no overnight guests without previous approval from the host;
 - c) Quiet time after 10:00pm and be respectful of the neighbours;
 - d) Parking in allocated parking spots (double garage);
 - e) Minimum 2-night stay; and
 - f) No last-minute bookings after 7:00pm.
20. In addition to the above, the City of Kalamunda has recommended a number of conditions to mitigate the potential amenity impacts. These conditions include all vehicles to be contained on site, compliance with the Management Plan and for the landowner/property manager to respond to a compliance request from the City of Kalamunda within 24 hours. All of which will go a significant way in managing any amenity impacts that may arise from the premises being used as a Holiday House.
21. **Anti-Social Behaviour**
- Within the submissions received, a concern was raised that the property would be used for anti-social behaviour (i.e. parties). To reduce the likelihood of antisocial behaviour, the applicant has enforced a minimum of two night stays, quiet time after 10pm and no last minute bookings after 7:00pm on the evening of the booking.

22. In addition to the proposed measures of control, the City of Kalamunda has recommended a condition of development approval which requires the landowner to respond to an authorised officer of the City within 24 hours of a complaint being received by the City. As Holiday Houses are not subject to the rules of the *Residential Tenancy Act 1987*, if a significant breach of the management plan occurs, the landowner can terminate the booking and the occupant of the Holiday House can be evicted.
23. **Noise**
- Objections were received regarding the potential for noise impacts. Officers acknowledge that it is reasonable to expect that Holiday House occupants are likely to use outdoor entertaining areas more intensively than the occupants of the Single House, a principle which has been upheld in a recent decision at the State Administrative Tribunal (2019 WASAT75). The existing outdoor living area is located adjacent to the Calcite Place street setback area and does not abut any adjoining properties. The rooms in the existing house that adjoin both 38 & 30 Calcite Place are bedrooms, bathrooms and a storeroom (See Attachment Five).
24. The orientation of the existing outdoor living area in conjunction with the proposed house rules (quiet time after 10pm and parties or events) is considered to mitigate the impacts of any increase in noise on the property. It should be noted that any increase in noise will be subject to the *Environmental Protection (Noise) Regulations 1997*, which sets a prescribed limit on noise emissions.
25. **Parking/Traffic**
- Objections were received regarding the potential for parking not being appropriately contained on site. During the construction of the existing dwelling, the surrounding landowners experienced vehicles being parked on the road pavement and verge causing sightline and traffic issues.
26. The City of Kalamunda is able to restrict the parking of vehicles within the boundaries of the site and not on the verge or road pavement through the application of a condition of approval. This would facilitate the City's ability to initiate compliance action against the landowner in the event of vehicles parking outside the boundaries of the site.

27. Potential benefits to Tourism

The City of Kalamunda Tourism Development Strategy 2019 – 2025 (Tourism Strategy) has a vision as follows:

'To establish the City of Kalamunda as a major tourist destination with a sustainable and vibrant future'.

28. The Strategy states in section 7.4 that Forrestfield is one of the fastest growing communities within the City of Kalamunda and is located just 10 minutes from Perth Airport, which makes it an area where demand for Holiday Accommodation is likely to grow.
29. The proposed Holiday House is located 400 metres from the Hartfield Park Recreation Centre; 260m from a bus stop on Hale Road; 10 minutes from the Perth Airport Domestic Terminal and 9 minutes from the Perth Airport International Terminal.
30. The sites proximity to the airport and other services is a relevant consideration for tourism visitors to the City.

APPLICABLE LAW**31. Planning and Development (Local Planning Schemes) Regulations 2015**

Under clause 37 of the LPS Regulations 2015 a Holiday House is defined as:

'a single dwelling on one lot used to provide short-term accommodation but does not include a bed & breakfast'

In considering this application for development approval, Local Government is to have due regard to the following relevant matters listed in Clause 67 of the LPS Regulations 2015:

- a) *The aims and provisions of this scheme and any other local planning scheme operating within the scheme area;*
- (d) *Any environmental protection policy approved under the Environmental Protection Act 1986 section 31 (d);*
- a) *The compatibility of the development within its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- b) *The amenity of the locality including the following –*
 - a) *Environmental impacts of the development;*

- b) *The character of the locality;*
- c) *Social impacts of the development;*
- (s) *The adequacy of –*
 - a) *the proposed means of access to and egress from the site; and*
 - b) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- a) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
The availability and adequacy for the development of the following –
 - a) *Public transport services;*
 - b) *Public utility services;*
 - c) *Storage, management and collection of waste;*
 - d) *Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - e) *Access by older people and people with disability;*
- (v) *The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (x) *The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals*
- (y) *Any submissions received on the application.*

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

'Holiday House' is a land use which is not listed within the Zoning Table of the Scheme. The land use must be considered under clause 4.4.2 the Scheme:

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

33. The proposed Holiday House is considered consistent with clause 4.4.2 (b) of the Scheme; as the amenity impacts of the Holiday House have the potential to be mitigated through conditions of development approval. Accordingly, the application was advertised to the adjoining property owners and occupiers.
34. In considering this application for development approval, Local Government is to have due regard under clause 67 (a) of the LPS Regulations to the aims of the Scheme. Clause 1.6 sets out the aims of the scheme, and the following aims are relevant to the consideration of this development application.
- a) *To zone the scheme area for the purposes described in the Scheme so as to strategically promote the orderly and proper development of land by making suitable provisions for the use of land within the scheme area;*
 - b) *To secure the amenity, health and convenience of the Scheme area and the residents thereof;*
 - c) *To make provision for other matters related to town planning and land use.*
35. Furthermore, the Local Government is to have due regard under clause 67 (a) of the *Local Planning Schemes Regulations 2015* to the provisions of the Scheme. Clause 4.2.1 of the Scheme sets out the objectives of the Residential Zone as follows:
- To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.*
 - To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.*
 - To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.*
 - To encourage the retention of remnant vegetation.*

36. **Response of the Western Australian Government to the Western Australian Legislative Assembly Economics and Industry Standing Committee – In relation to the inquiry into the regulation of short-stay accommodation in Western Australia**

On 26 September 2019 an inquiry into the regulation of short-stay accommodation in Western Australia was laid on the Table of the Legislative Assembly. This inquiry differentiated between traditional accommodation and short-term rentals, and raised the interests and issues traditional accommodation providers, short-term rental owners, neighbours and holiday makers have with the current largely unregulated state of the short-term rentals in Western Australia.

37. The key recommendations from the inquiry relevant to this development application are as follows:

Recommendation 2

That by June 2020 the Minister for Planning update the model provisions in the Planning and Development (Local Planning Schemes) Regulations 2015 to amend:

- a) Land use definitions to differentiate between hosted and unhosted short-term rentals;*
- b) Land use definitions to include the size and capacity of short-term rentals; and*
- c) The definition of bed and breakfast accommodation.*

Recommendation 3

That by June 2020 the Minister for Planning direct the Western Australian Planning Commission (WAPC) to update planning guidance so that it aligns with the amended land use definitions in the Planning and Development (Local Planning Schemes) Regulations 2015 and provides greater guidance to local governments about ways to appropriately regulate Short-Term Rentals.

38. In response to this inquiry, the Western Australian Government has issued a formal response which acknowledges the complexity of the issues raised and has confirmed an intention to address the recommendations of the inquiry with modification (See Attachment Six).

39. The recommended modification of the land use definitions in the LPS Regulations (Recommendation 2), will be actioned by the Department of Planning Land and Heritage (DPLH) on behalf of the Minister and will be at the earliest of November 2020. As an interim measure, DPLH will include modified definitions into the draft Tourism Position Statement to be advertised mid-2020.
40. DPLH will continue with the preparation of the draft Tourism Position Statement consistent with recommendation 3. Once advertised the document becomes seriously entertained and becomes applicable when considering planning applications.
41. It is important to note that the proposed modified land use definitions and the proposed draft Tourism Position Statement are not a statutory consideration at the time of determining this development approval. However, the recommendations of the Legislative Assembly's response do provide context that the current definitions and framework surrounding short-term accommodation will likely be modified in the next 12 months.

APPLICABLE POLICY

42. **Local Planning Policy 11 – Public Notification of Planning Proposals**

Consistent with Local Planning Policy 11 – Public Notification of Planning Proposals (LPP 11), the development application was advertised to surrounding landowners/occupiers for a period of 14 days.
43. Advertising consisted of a letter to adjoining landowners and occupiers as annotated in the attached Consultation Map (See Attachment Three).

STAKEHOLDER ENGAGEMENT

44. Consistent with clause 7.3 and Table 1 of LPP 11, this development application was advertised to the 9 landowners/occupiers which surround the subject site for a period of 14 days. At the closure of the advertising period, a total of 3 objections had been received (See Attachment Two).
45. Key concerns raised through submissions include:
 - a) Transitory nature of the land use;
 - b) Potential Anti-Social Behaviour;
 - c) Parking;
 - d) Noise; and
 - e) That a Holiday Village exists in proximity.

FINANCIAL CONSIDERATIONS

46. Nil

SUSTAINABILITY**Social Implications**

47. Should this application for a Holiday House be conditionally approved, the opportunity for anti-social behaviour may increase in the locality.

Economic Implications

48. The development application provides an opportunity to consider increased local spending, encouraging local businesses and supporting economic growth, consistent with strategy 5 of the City's Tourism Strategy.

If tourists and visitors are able to stay in close proximity to the tourism or infrastructure that has attracted them to the City, there may be flow-on commercial impacts for local businesses.

Environmental Implications

49. Nil.

RISK MANAGEMENT

- 50.
- | | | |
|---|-------------------|---------------|
| Risk: The application is conditionally approved and the locality experiences an increase in antisocial behavior. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| Ensure conditions of approval requiring management measures are applied, and thereafter being enforced by the landowner. If not, compliance action can be taken to ensure ongoing compliance. | | |
- 51.
- | | | |
|---|-------------------|---------------|
| Risk: This application is refused and relevant objectives of the Tourism Strategy are not achieved. | | |
| Consequence | Likelihood | Rating |
| Significant | Likely | High |
| Action/Strategy | | |
| Approve this application subject to conditions which ensure amenity impacts are reduced to a reasonable level | | |

CONCLUSION

52. The City's assessment has identified valid planning concerns in the areas of amenity, noise, anti-social behaviour, and parking/traffic. However, through application of planning conditions, the planning concerns are able to be managed and mitigated to a reasonable level which is capable of being supported.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

APPROVE the application received from the applicant for a change of use to Use Not Listed (Holiday House) at Lot 1 (32) Calcite Place, Forrestfield, subject to the following conditions:

1. The Holiday House must be maintained and managed in accordance with the stamped approved Management Plan and Guest Book prepared by 'Let Go BnB Management' to the satisfaction of the City of Kalamunda, for the duration of the development.
2. All parking associated with the Holiday House must be contained on-site at all times. Parking is not permitted on the road or verge adjoining the site.
3. The maximum number of Holiday House occupants is six (6) people.
4. Prior to the occupation of the Holiday House, a Complaint Management Plan must be submitted to the satisfaction of the City of Kalamunda. The Complaint Management Plan must include:
 - a) The landowner's responsibility to respond to any compliance request from the City of Kalamunda within 24 hours;
 - b) The landowner must maintain a log of complaints from surrounding residents which includes:
 - i. Contact details of complainant;
 - ii. Date and time of complaint;
 - iii. Issue raised in complaint; and
 - iv. Action taken to resolve complaint.
 - c) The landowner's responsibility to provide a copy of the log of complaints to the City of Kalamunda upon request.

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In addition to the conditions, the applicant is to have regard to the following;

- (a) All development must comply with the provisions of Council's Local Planning Scheme No.3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.

10.1.3. Development Services - Regulatory Services Update: July - December 2019*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Approval Services and Manager Environmental Health and Community Safety presented the presentation on this report.

Cr Thomas sought clarification on aspects of the report. The Manager Approval Services and Manager Environmental Health and Community Safety provided clarification.

Cr Stallard sought clarification on aspects of the report. The Manager Environmental Health and Community Safety provided clarification.

Cr Sewell sought clarification on aspects of the report. The Director Development Services sought clarification from Cr Sewell as to the query, follow clarification the query was taken on notice.

Mr Peter Forrest enquired as to the requirements for compliance under the Food Act for Food vehicles. The Manager Environmental Health and Community Safety provided information in relation to this query.

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services, Environmental Health and Community Safety
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	1. Development Services Graphs and Figures [10.1.3.1 - 17 pages]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input type="checkbox"/> | Executive | When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets) |
| <input checked="" type="checkbox"/> | Information | For Council to note |
| <input type="checkbox"/> | 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 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide a half yearly update on the regulatory services provided by the City of Kalamunda (the City) with respect to the Approval Services, Environmental Health and Community Safety for the period July 2019 to December 2019.
2. Reporting on the regulatory services of Development Services promotes transparency and accountability in the function and operation of Approval Services, Environmental Health and Community Safety.
3. Through the reporting process, the City is able to benchmark its statistics against other local governments as part of the Western Australian Local Government Association (WALGA) Local Government Performance Monitoring annual report.

DETAILS AND ANALYSIS

4. Approval Services – Statutory Planning

The statutory timeframes for the processing of development planning applications are as follows:

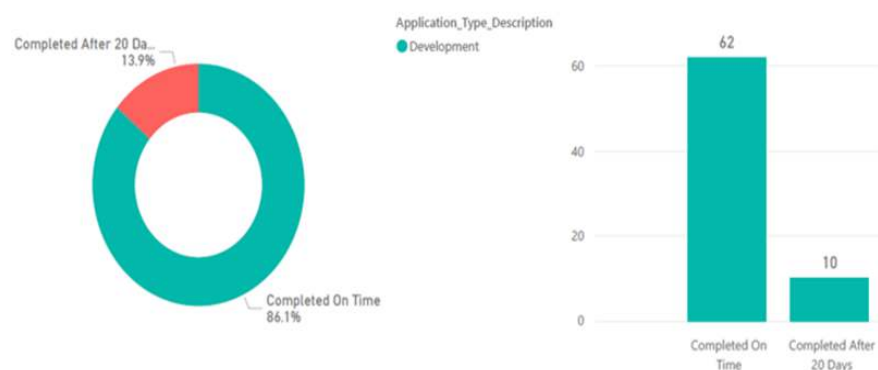
1. 60 days to determine applications where no consultation is required.
2. 90 days where consultation is required.

5. Notwithstanding the statutory timeframes, Approval Services has introduced three categories of development applications with the following internal target timeframes:

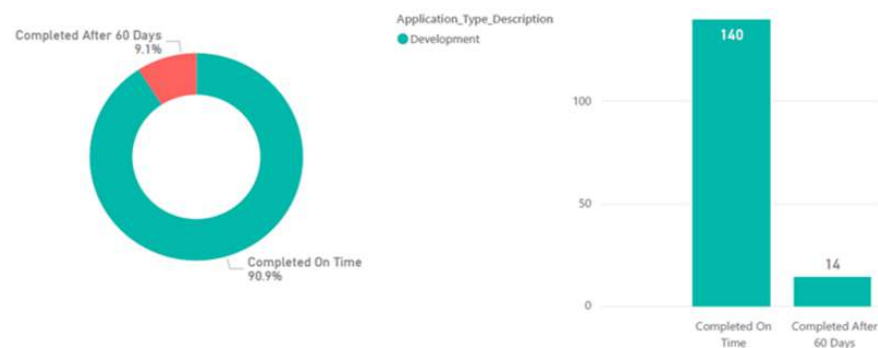
- f) Basic Development Applications - where no advertising is required and a minimal level of assessment – 20 days.
- g) Standard Development Applications – where no advertising is required and a standard level of assessment – 60 days.
- h) Complex Development Applications – where advertising is required and comprehensive level of assessment – 90 days.

Results for the July – December period are as follows:

Basic Development Applications – 20 days



Standard Development Applications – 60 days

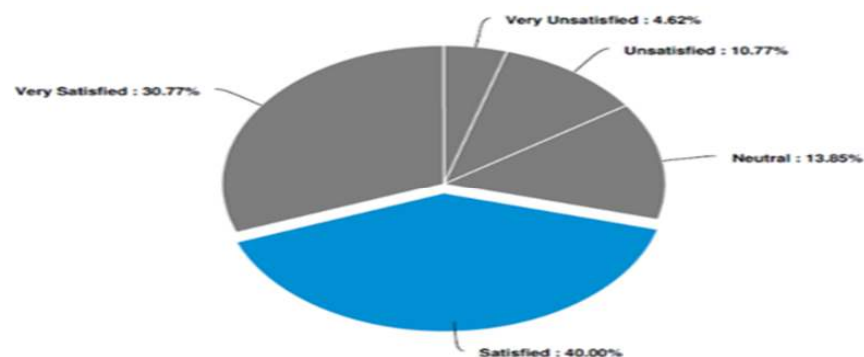


Complex Development Applications – 90 days



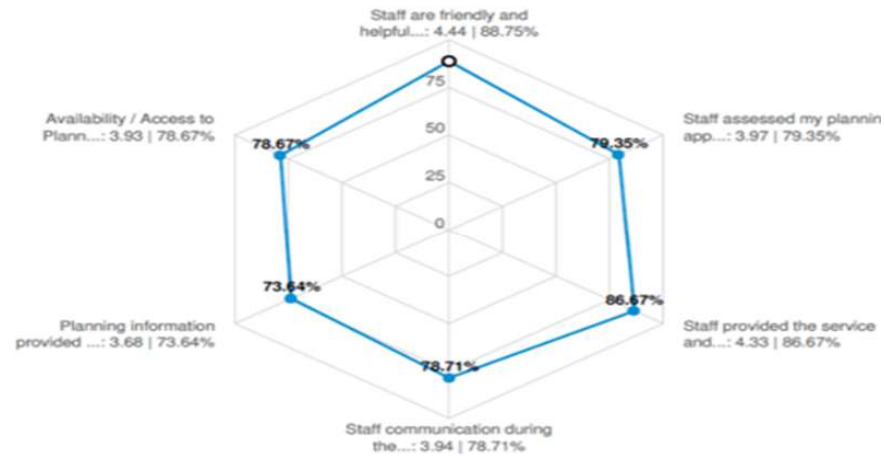
6. From the above information, it is evident that the City is achieving a high level of performance with 90% of its development planning applications meeting the agreed regulatory timeframes.
7. Importantly, the introduction of the 'Basic' category of planning applications has meant the City is pro-actively looking to fast track applications which normally would be processed within a 60 day timeframe in accordance with the current planning legislation.
8. In July 2018, the City commenced including a customer survey form for all development planning applications processed by the City. The responses provide valuable feedback particularly in relation to where the City can improve its customer service in the processing of planning applications.
9. For the period July – December 2019, the City received a total of 65 responses, with 85% of respondents stating that they were either satisfied, very satisfied, or neutral, with 15% or 10 applications indicating they were unsatisfied or very unsatisfied.
10. The following details the responses received to questions asked in the customer survey:

How satisfied were you with the level of service provided?



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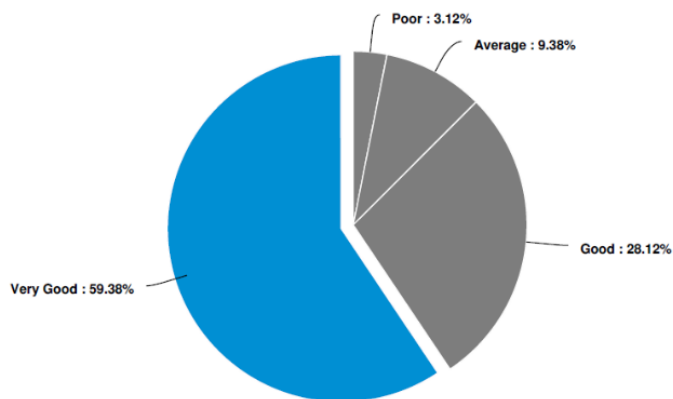
Please indicate the level of service received for the following services during your application process.



Question	Count	Score	Very Poor	Poor	Average	Good	Very Good
Staff are friendly and helpful	32	4.44					
Staff assessed my planning application within a reasonable Timeframe	31	3.97					
Staff provided the service and information required for my application/query	30	4.33					
Staff communication during the process	31	3.94					
Planning information provided via the City communication channels including Social Media (e.g. Facebook)	22	3.68					
Availability / Access to Planning Officer - either through a meeting, email or telephone	30	3.93					
Average		4.07					

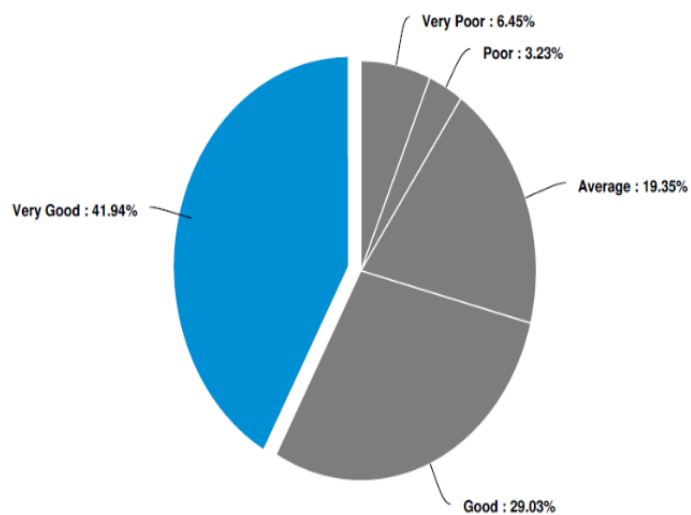
Staff are friendly and helpful

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Answer	Count	Percent	20%	40%	60%	80%	100%
Very Poor	0	0%					
Poor	1	3.12%					
Average	3	9.38%					
Good	9	28.12%					
Very Good	19	59.38%					
Total	32	100 %					

Staff assessed my planning application within a reasonable timeframe



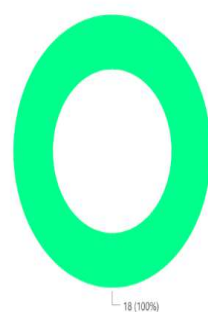
11. The 15% or 10 responses received that were unsatisfied or very unsatisfied provides valuable feedback and an opportunity for the City to identify areas for improvement. On reviewing the negative feedback received, it was evident that all but one of the applications were processed within the statutory time frame of 60 days. That said, the comments have provided useful feedback in areas where we can improve our internal processes. Approval Services are currently mapping processes to improve the issues raised.

12. **Approval Services – Building**

Application Type	Number Received	Number Approved	Statutory Approval Time Days	Statutory Approval Time Achieved %
Building Approval Certificates	18	18	10	100%
Certified Building Applications	241	243	10	95.8%
Uncertified Building Applications	237	221	25	98.2%
Occupancy Permits	11	12	10	100%

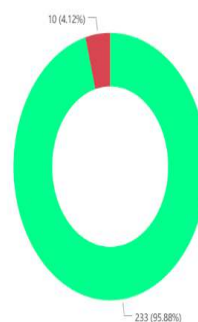
13.

Building Approval Certificates



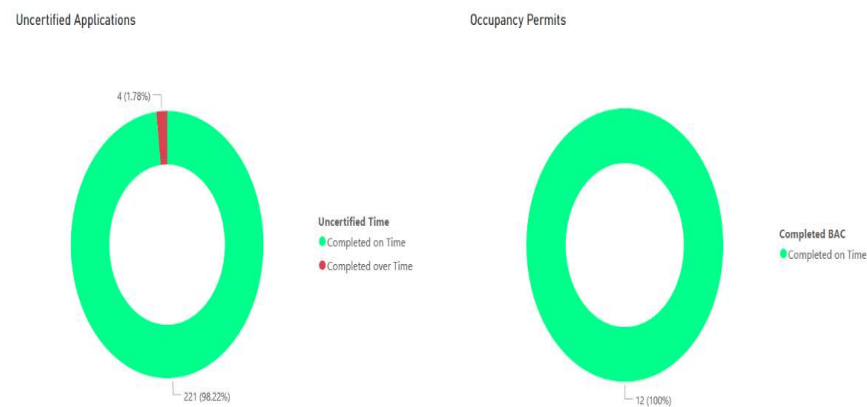
Completed BAC
 ● Completed on Time

Certified Building Applications



Completed BAC
 ● Completed on Time
 ● Completed over Time

14.



15. From the above table and charts, it is evident that the City is meeting its statutory obligations with respect to the processing of building permits.

16. Environmental Health and Community Safety

Environmental Health

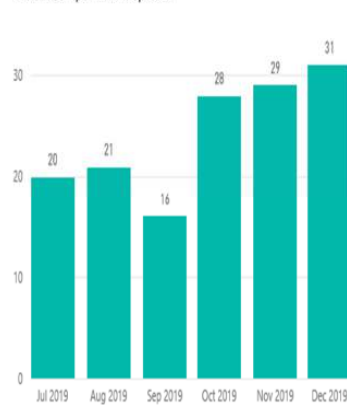
The City's Environmental Health team are responsible for administering a variety of legislation such as the *Food Act 2008*, *Health (Miscellaneous Provisions) Act 1911*, *Public Health Act 2016*, *Environmental Protection Act 1986* etc.

17. Environmental Health Officers undertake surveillance of food businesses, and other premises such as public buildings, lodging houses, caravan parks, tattoo parlours etc. to ensure hygiene standards are being maintained.
18. They also assess applications for on-site wastewater treatment systems, noise and dust management plans, new food businesses and provide technical health advice on planning, building and event referrals as well as investigating community service requests to ensure any potential public health risks are minimised.
19. For the July 2019 to December 2019 period, the Environmental Health team responded to 145 health service requests (complaints). Due to the complexity with some service requests, it is not possible to resolve all matters within 10 days however complainants are communicated to regularly.

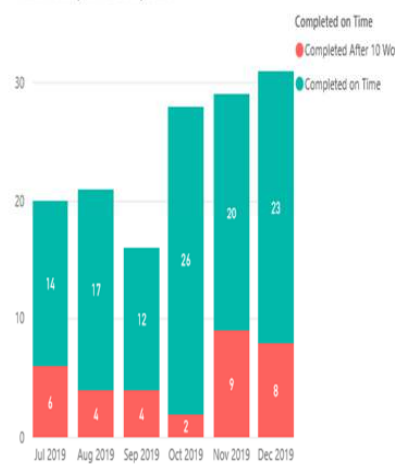
No. of Health Service Requests (Complaints) received:

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Health Complaints Completed



Health Complaints Completed

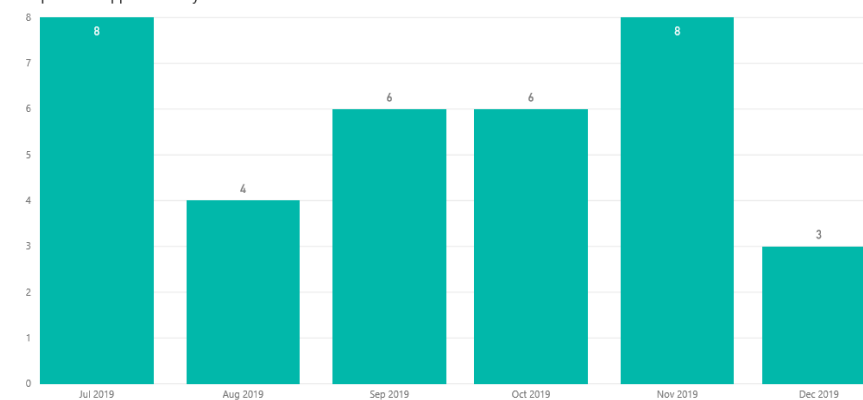


20.

In this period, the team has also processed 35 on-site wastewater applications. These applications can vary in complexity from relatively simple domestic septic tank and leach drains to large scale commercial developments with highly complex and technical wastewater treatment systems.

No. of On-site wastewater treatment systems approved:

Septic Tank Applications by Month

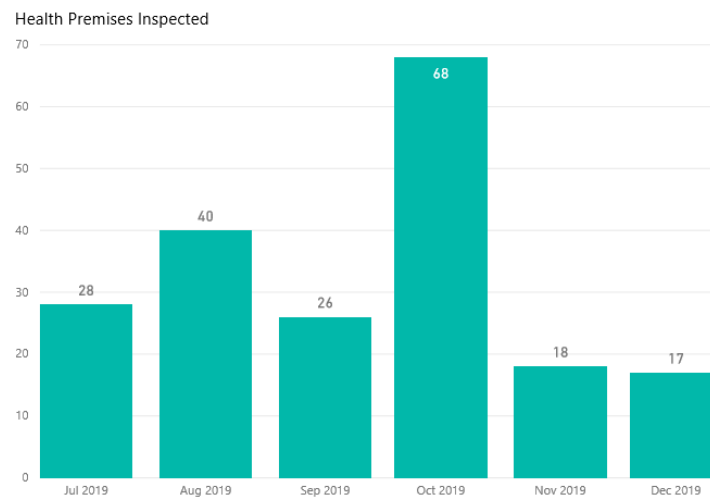


21.

For the period, the team have undertaken 197 food safety risk assessments of food businesses within the City. This includes assessing food businesses against the *Food Standards Code* and promoting a food safety culture. To support food businesses in meeting their obligations, the City offers all food business the Foodsafe Online food safety course free of charge.

No. of Food Businesses assessed:

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22. In addition to the more traditional statutory responsibilities, the Environmental Health team also manage several contaminated sites across the City which are predominantly historic landfills. These sites need to be managed in accordance with the *Contaminated Sites Act 2003*.

The City has recently been undertaking detailed site investigations for the old Brand Road landfill in High Wycombe and will commence more detailed site investigations at the old Dawson Road landfill in Forrestfield.

Preliminary investigations at Maida Vale Reserve in Maida Vale are also underway. Ledger Road Reserve in Gooseberry Hill and Alan Anderson reserve in Walliston are both remediated but require ongoing site management which the team ensures is actioned and implemented.

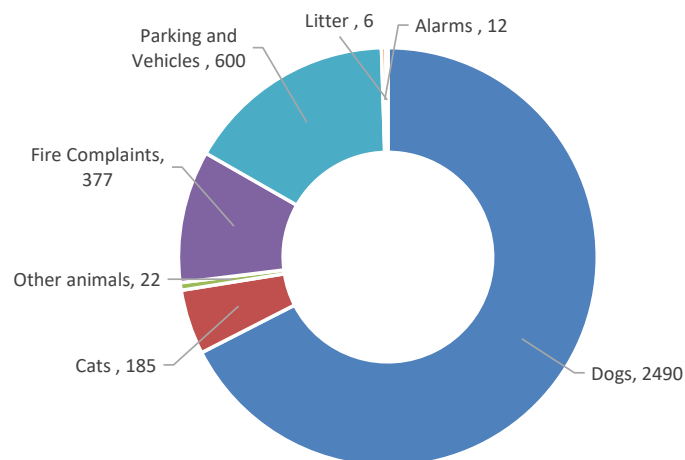
23. An area that the Environmental Health are also participating in is Health Promotion and looking at mechanisms to reduce emerging public health risks such as obesity and mental health.

The new *Public Health Act 2016* will statutorily require Local Governments to have local Public Health Plans and the City, is one of the Local Governments leading the way in this regard and has already endorsed and is currently implementing the City of Kalamunda Community Health and Wellbeing Plan.

Community Safety

24. The Community Safety team consists of Rangers and Fire Control and Emergency Management Officers. The duties of the team are diverse and they are responsible for administering a variety of legislation including but not limited to City of Kalamunda Local Laws, *Dog Act 1976*, *Cat Act 2011*, *Control of Vehicles (Off- Emergency Management Act 2005 etc.*

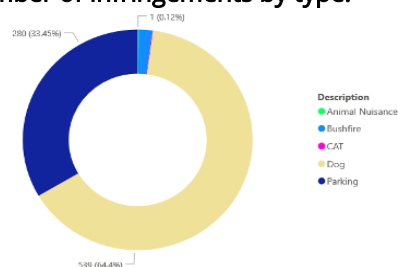
25. Below is a summary of the number and nature of matters dealt with by the City's Rangers.



26. The Rangers continue to deal with a variety of animal related requests with these primarily being dog related. Within the last six months, most dog related requests have been in relation to dog exercise areas and dogs wandering. Parking and vehicle related matters continue to be a priority with car parking on footpaths and verges being the main issue.

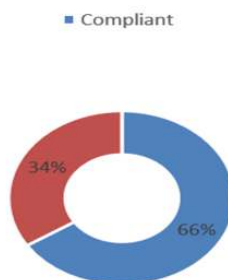
27. Below is a summary of the number of infringements issued so far this year with approximately 65% attributed to dog related matters and 33% for parking offences.

Number of Infringements by type:



28. The City's approach to Fire Hazard Reduction has become more sophisticated over recent years with the introduction of a Fire Hazard Assessment Plan which outlines the City's fire hazard reduction processes. With the implementation of the Plan, the City has seen a significant increase in the number of properties assessed.

Fire Hazard Reduction Assessments
No of properties assessed (3329)



29. At the date of drafting this report, the Fire Control Officers have assessed 3329 properties since the 1 November 2019. Of these, at the first inspection, approximately 65% are compliant and 35% non-compliant.
30. Along with the traditional Rangers and Fire Control tasks, the Community Safety team has embraced new initiatives such as Closed-Circuit Television (CCTV) which are located in strategic locations throughout the City. Since we have started gather statistics during 2019, the City has had 11 requests from Western Australia Police for footage downloads.

APPLICABLE LAW

31. *Planning and Development (Local Planning Schemes) Regulations 2015*
Clause 75 – Time for deciding applications for development approval.
32. *Building Act 2011*
Sec 59 - Certified Building Permits
Sec 23(1) – Uncertified Building Permits
33. *Health (Miscellaneous Provisions) Act 1911*
Public Health Act 2016
Food Act 2008
Contaminated Sites 2003

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34. *Dog Act 1976*
Cat Act 2011
Bush Fires Act 1954
City of Kalamunda Parking and Parking Facilities Local Law 2019

APPLICABLE POLICY

29. Nil

STAKEHOLDER ENGAGEMENT

30. N/A

FINANCIAL CONSIDERATIONS

31. N/A

SUSTAINABILITY**Social Implications**

32. Nil.

Economic Implications

33. Nil.

Environmental Implications

34. Nil.

RISK MANAGEMENT

- 35.
- | | | |
|---|-------------------|---------------|
| Risk: Statutory timeframes are not met. | | |
| Consequence | Likelihood | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Undertake monthly regulatory performance reviews to ensure statutory timeframes are being met by service areas. | | |

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CONCLUSION

36. The introduction of half yearly performance-based reporting provides Council and the local community with transparency and accountability regarding the City's regulatory functions and customer service standards.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the Development Services - Regulatory Services Update for the period July – December 2019

10.1.4. Kalamunda Activity Centre Plan - Consideration of Submissions and Modifications for Recommendation to the Western Australian Planning Commission for Final Approval

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

The Senior Strategic Planner provided a presentation on this Report.

Mr Eryc Matusic made a statement in relation to the Report. Mr Matusic is in support of the recommendations of the report.

Mr Peter Forrest made a statement in relation to the Report. Mr Forrest is not in support of the recommendations of the report.

Mr Tim Comber sought clarification as to the omission of the Kalamunda Agricultural Hall precinct. The Director Development Services provided clarification.

Previous Items	OCM 112/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-039 PG-STU-041
Applicant Owner	City of Kalamunda Various
Attachments	<ol style="list-style-type: none"> 1. Advertised Kalamunda Activity Centre Plan Map [10.1.4.1 - 1 page] 2. Kalamunda Activity Centre Plan Report - Parts 1 and 2 [10.1.4.2 - 116 pages] 3. Schedule of Recommended Modifications [10.1.4.3 - 6 pages] 4. KACP Submission Table [10.1.4.4 - 40 pages] 5. Summary of Survey Responses [10.1.4.5 - 16 pages]
Confidential Attachments	<ol style="list-style-type: none"> 1. Submitters List

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input checked="" type="checkbox"/> | Executive | When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets). |
| <input type="checkbox"/> | 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 2027

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide the Council the opportunity to:
 - i) Consider a report and recommendations to the Western Australian Planning Commission (WAPC) on the proposed draft Kalamunda Activity Centre Plan (KACP) (Attachments 1 and 2), including a schedule of modifications (Attachment 3);
 - j) Consider submissions received during advertising of the draft KACP (refer to Attachment 4);

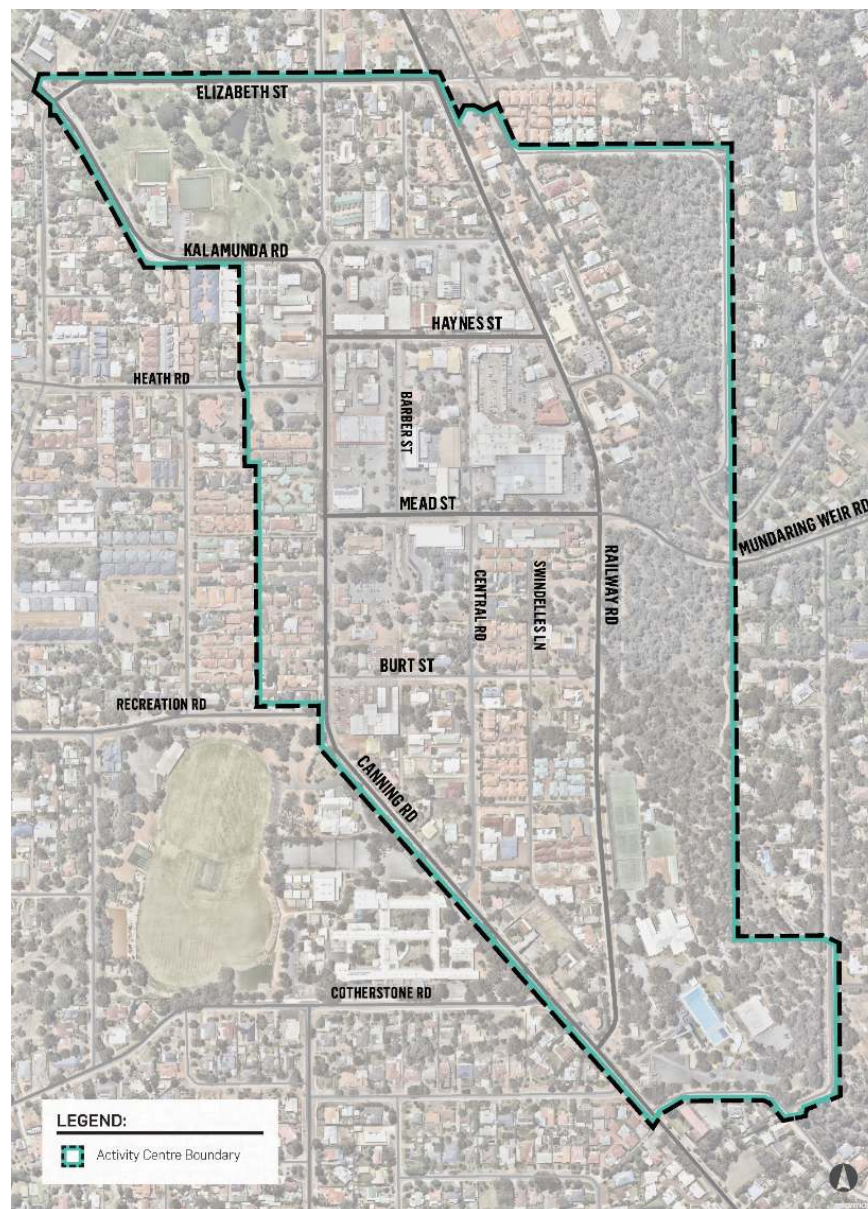
2. The KACP was advertised from June – August 2019. The City of Kalamunda (City) received 36 written submissions, of which 25 were from members of the community and 11 from the public or servicing authorities. The City also received 54 survey responses. All submissions and the City's responses are included in Attachment 4.
3. Several modifications have been recommended to the KACP following advertising and the consideration of submissions. A list of these modification is provided in Attachment 3. The modifications to the advertised plan will be undertaken following the WAPC's consideration of the KACP, to ensure modifications are undertaken efficiently and consistent with the approved version of the KACP.
4. It is recommended that the Council authorises the Chief Executive Officer to forward the Kalamunda Activity Centre Plan and the associated schedule of submissions to the Western Australian Planning Commission for a decision pursuant to Schedule 2, Part 4, Clause 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

5. **Land Details:**

Land Area:	Total: 70.72ha Excluding Roads: 52.82ha
Local Planning Scheme Zone:	District Centre Commercial Mixed Use Residential Private Clubs and Institutions Local Open Space Reserve Public Purpose Reserve Special Uses Other Regional Road Reserve
Metropolitan Regional Scheme Zone:	Urban

6. Locality Plan:



7. The KACP area incorporates a total area of 70.72 hectares, comprising 185 lots, 172 of which are privately owned and 13 publicly owned. The area includes the central core of the Kalamunda Town Centre and its peripheral mixed use, residential and public purpose areas. The KACP is generally bounded by Elizabeth Street and Stirk Park to the north, Dixon Road and the Railway Heritage Trail to the east, the Kalamunda Water Park and Canning Road to the south, and half of a block in the residential areas and Kalamunda Road to the west.

8. The KACP area contains a mixture of vibrant, energised spaces and streetscapes, while other areas in the town centre lack a sense of identity and commercial investment, resulting in a fragmented pattern of development and character.
9. Kalamunda is identified as a 'District Centre' under State Planning Policy 4.2 – Activity Centres for Perth and Peel, which typically have the following characteristics:
 7. Servicing the daily and weekly needs of residents with a local community focus;
 8. Provide services, facilities and job opportunities that reflect the local community needs;
 9. Focal point for the bus network;
 10. Service a population of approximately 20,000 to 50,000 persons;
 11. Incorporate increased density within 400 metres of the activity centre; and
 12. Incorporate supermarkets, discount department stores, convenience goods, small scale shops, personal services and specialty stores.
10. The town centre has a mixture of lot sizes, building scales and dispersed commercial and retail uses. The pattern of development throughout the 20th century has been predominantly car-oriented, which has resulted in a number of developments failing to contribute to the streetscapes with dominant parking areas, a lack of pedestrian focus, large or irregular setbacks and minimal street interaction.
11. The KACP area has unique topographical features sloping downhill from east to west, which creates visual interest and opportunities for views to surrounding areas, but also poses a constraint for pedestrian movement, access, streetscape, and built form design.
12. **Existing Planning Framework:**
The existing planning framework for Kalamunda town centre incorporates the following relevant planning instruments/reports:
 - a) Special Control Area (SCA) – Kalamunda Town Centre Design Control Area Statutory controls under the LPS 3 to link to the Kalamunda Town Centre Planning and Urban Design Guidelines.
 - b) Kalamunda Town Centre Planning and Urban Design Guidelines (2011) Establishes a series of design principles and objectives for the town centre.

- c) Townscape Improvement Plans Opportunities and constraints for future development in the Kalamunda town centre for both private and public land.
 - d) Kalamunda Car Parking Study (2011) Assessed the parking demand and supply within the town centre.
- 13. In early 2018, the City engaged a planning consultant and their sub-consultant team to prepare the KACP and supporting technical documentation. Preliminary community and stakeholder engagement was undertaken in early to mid 2018. On 28 May 2019, the Council adopted the KACP for the purposes of public advertising.
- 14. **Issues Identified from Public Advertising:**
During advertising of the KACP, the following issues were identified through submissions received:
 - a) The KACP area is spatially too broad and the proposed actions are not feasible.
 - b) Too much focus is placed on the Town Square and not enough on key existing spaces in the town centre such as Central Mall and Haynes Street.
 - c) Concern that markets and events will be moved from Central Mall to the area referred to within KACP as the 'Town Square' (to be renamed to "Future Potential Shared Street and Civic Space").
 - a) Concern regarding the concept of introducing vehicles into Central Mall and adopting a 'shared street' streetscape model (low vehicle speed and pedestrian priority).
 - d) Maximum building height of four storeys in the town centre.
 - e) Concern that the plan does not appropriately address or provide development requirements that protect and reinforce the unique character of Kalamunda.
 - f) Confusion regarding the intent behind the Precinct Vision Statements in Part 1 of the KACP.
- 15. Further detail and analysis regarding the above matters are discussed in the following sections of this report.

DETAILS AND ANALYSIS

- 16. **Spatial Extent of the Kalamunda Activity Centre Plan**
A number of written submissions have highlighted that the spatial extent of the KACP area is too broad and that the focus should be on the core of the town centre.
- 17. It is acknowledged that the commercial and 'built up' areas of the town centre are generally confined by Canning Road, Mead Street, Railway

Road and Stirk Street. Furthermore, the Landscape Master Plan generally addresses public realm improvements in this core area. However, the KACP is required to consider and manage peripheral land uses that support the town centre, such as the mixed-use area to the south, the higher density residential areas, and community facilities and open spaces scattered around the town centre.

18. The extent of the KACP boundary is required to be determined having regard to the principles set out in the sub-regional frameworks as well as SPP 4.2 – Activity Centres for Perth and Peel. Key aspects of this include intensification of development within the centre, managing the interface between centre-scaled development and adjacent land, coordination of essential infrastructure, and connections with community facilities.
19. The City's officers have liaised with officers from the Department of Planning, Lands and Heritage (DPLH) regarding the appropriateness of the KACP boundary and it was agreed in principle that the area should not be reduced. The boundary of the KACP should contain sufficient land and a mix of land uses to deliver the density and diversity of land uses required for a District Centre. In this regard, the proposed KACP boundary includes the commercial 'core', the broader mixed use and residential areas which are generally within a walkable catchment of the core, a range of community uses and public open spaces generally provided in a District Centre. Accordingly, no modifications are proposed to the boundaries of the KACP.
20. **Town Square**
The Town Square is identified within the KACP as a "focal point of the town centre" that can be used as scaleable and defined spaces that co-locates heritage, tourism and community facilities and the opportunity to provide a civic focus for the town centre.
21. A number of submissions have raised concern that the proposed Town Square is presented within KACP in a way that emphasises its importance over other spaces.
22. It is acknowledged that the language used to describe the Town Square and the order that it is presented in the KACP report does emphasise the importance of the space. However, it is noted that the KACP intended to identify future opportunities to leverage on the congregation of civic land uses and the elevated and flat position of the space in the town centre, rather than reflect current functionality of the space.

23. It is agreed that the existing spaces such as Central Mall and Haynes Street are currently functioning as the 'heart' of the town centre and that it would be more appropriately reflected as such in the KACP reports.
24. The following modifications are proposed in this regard:
- a) Central Mall and Town Square Gardens will be identified on the KACP map;
 - b) The Town Square is proposed to be renamed to "Future Potential Shared Street and Civic Space";
 - c) Language regarding the Town Square being the "focal point of the town centre" will be removed.
 - d) The order in which the Key Spaces and Features are presented in the KACP will be modified to place Main Street (Haynes Street), Central Mall, Barber Street and Town Square Gardens before the Town Square in the document.
25. **The Location of Markets and Community Events**
Concern has been raised that the markets will be moved from Central Mall to the location identified for the Town Square (to be renamed to "Future Potential Shared Street and Civic Space").
26. This concern appears to be related to the way in which the Town Centre is presented in the KACP (as discussed above). However, there is no intention for the KACP to be used as a mechanism to move the markets from Central Mall and Town Square Gardens to the Town Square area. Rather, the KACP includes language that supports opportunities for community events such as market days and fairs to activate this space. While the KACP will provide a vision for public realm improvements, it is not the appropriate instrument to foreshadow future event space locations.
27. To further clarify the intent behind KACP, modifications have been proposed to:
- a) Make reference to the existing function of Central Mall as a gathering place for community events and its importance to accommodate events and markets; and
 - b) Include language to "strengthen and support existing events, festivals, markets and activities in Central Mall and Town Square Gardens".

28. Central Mall 'Shared Street' Concept

The KACP identifies an opportunity to reconfigure Central Mall to allow one-way traffic through the lane in a 'shared street' environment. The design elements of a shared street would be as follows:

- a) Contrasting pavements which reinforces that it is not a typical road with threshold treatments at vehicle entry and exit points;
- b) Flush levels between pedestrian spaces and shared spaces;
- c) Bollards, paving and other streetscape furniture delineating exclusive pedestrian spaces from shared vehicle/pedestrian spaces.
- d) Limited shared space width to reinforce low traffic speeds; and
- e) Provision of parking and service loading areas, including parking for aged persons and persons with a disability.

29. Several submissions received commented on the concept of opening Central Mall to vehicular traffic as a 'shared street' (very slow speed, pedestrian friendly environment). It is noted that a significant landowner of buildings fronting Central Mall and the Rotary Club of Kalamunda provided support for the concept, while a number of other submissions, including from the Chamber of Commerce raised objection to the proposal.

30. The 'recipe' for a successful pedestrian mall includes a high workforce and resident population, a diverse range of land uses that generate high volumes of pedestrians throughout the day and night, mixed with attributes that make the space safe, comfortable and attractive to encourage people to stay. While Central Mall may have some of these attributes, it does not have a critical mass of workforce and resident population that will sustain activity in a sustainable way.

31. The City's officers are of the opinion that the concept of a shared street on Central Mall should be further investigated with a view to activating and facilitating access to businesses in the area.

32. Accordingly, the concept is recommended be retained within the proposed KACP. It is important to ensure the concept maintains the principle of a 'pedestrian friendly' environment through the shared street model and enables the closure of the space for events whenever required. This will facilitate access to the street during non-event times, and enable closure of the space during events, with a view of maintaining activity within the Mall.

33. In regard to the direction of traffic for a shared street, the KACP will not define the likely direction of traffic. A modification is proposed to insert text into the KACP to note that further design and transport analysis, and business and community consultation will be required prior to a decision being made on the direction of traffic and the ultimate design of Central Mall.

34. In terms of the priority of streetscape improvements envisaged under the Landscape Master Plan, the advertised version identified the following:

Short Term	Short-Medium Term	Long Term
Haynes Street	Central Mall Green Park Upgrades Barber Street Mead Street Stirk Street Railway Road	Town Square Corner Park Activation

35. Given a number of submissions that identified Central Mall as an important space within the town centre in need of improvement, a modification is proposed to move Central Mall to the Short-Term column with Haynes Street. This is considered to appropriately reflect the Haynes Street and Central Mall as the most significant public spaces in need of improvements.

36.

Short Term	Short-Medium Term	Long Term
Haynes Street Central Mall	Green Park Upgrades Barber Street Mead Street Stirk Street Railway Road	Town Square Corner Park Activation

Note: The vertical order in which the above public realm improvements are presented should not be interpreted as the order of priority. The priority of improvements will be determined by the Council in the context of future budget deliberations.

37.

Building Height

The KACP proposes a maximum building height of 4 storeys in the central part of the town centre generally bounded by Canning Road, Mead Street, Railway Road and Stirk Street. Opportunities also exist for applicants for development on 'prominent sites' to seek a building height bonus, where the development demonstrates to the decision maker's satisfaction (on the advice of the City's Design Advisory Committee) an outstanding contextual design outcome.

38. It is noted that a small number of submissions received raise concern regarding the building height limits proposed in the KACP.
39. In this regard, the visioning workshops prior to the release of the draft KACP canvassed the potential for buildings up to 4 storeys in the area depicted on the KACP map as 'R-AC3' area.
40. The imagery examples of buildings designed to a height of 4 storeys were provided during visioning and were well received. It was highlighted through the visioning process that building height of up to 4 storeys was not in itself the primary concern in a Kalamunda context, but rather the need for high-quality building design for multi-storey buildings. The draft KACP and Built Form Design Guidelines provide a framework to ensure good quality design outcomes.
41. It is acknowledged that, in the advertised version of the KACP, Table 5 – Built Form Development Requirements (p.14) refers to the R-Codes (Volume 1 or 2) for Frontage 3, which contains a maximum height of 6 storeys.
42. This issue was identified when the R-Codes were finalised shortly before the draft Kalamunda Activity Centre Plan was advertised. However, the intent for R-AC3 coded areas within KACP are for a maximum height of 4 storeys.
43. A modification will ensure this detail will be rectified in the final version of the plan. Given this modification is less than the R-Codes requirements, this will require further consideration by the WAPC prior to the modification being finalised.
44. **Character**
Several submissions raised concern that the plan does not appropriately address or provide development requirements that protect and reinforce the unique character of Kalamunda.
45. It is acknowledged that there are a number of development requirements within the KACP which could apply in other activity centres. The development requirements, as outlined in the Built Form Design Guidelines (BFDG) utilises the State Government's Design WA initiative, which aims to create a built environment that reflects the distinctive characteristics of a local area.
46. The design guidance outlined in the BFDGs will encourage a performance-based assessment process for developments, encouraging each case to be assessed on its merits.

47. Importantly, development within the KACP area will be required to be considered by the City's DAC, who will make recommendations on development applications and take into consideration the character of surrounding buildings.
48. Design WA has been used as the performance-based assessment tool for new development in the town centre. BFDGs focus only on the site-specific elements and/or elements that would need to be modified in response to local considerations. The following key design consideration form the structure of the KACP and associated Built Form Design Guidelines:
- a) Site Planning and building massing – addressing frontage requirements, plot ratio, building height, ground floor requirements, corner buildings, transitions between differing standards, and topography considerations;
 - b) Building character – considers architectural character, compatibility with surrounding buildings, prominent site locations, and the envisaged town square;
 - c) Access, Parking and Services;
 - d) Landscaping; and
 - e) Other considerations - solar, accessibility, heritage, privacy, security and development incentives.
49. Kalamunda has an active and engaged community. The preliminary engagement to establish a vision for KACP has shown that there great diversity of public opinion regarding the character and identity of the town centre.
50. Notions of the 'character' of Kalamunda are beyond the built form, often this is also influenced by nostalgic memories and observations of streetscape, community activity and facilities, land uses and movement links across the town centre. The KACP framework is built upon themes and associated objectives that respond to these key elements.
51. While the KACP does not propose a design element that is distinctly unique to a characteristic of Kalamunda, that differentiates the design guidelines from other examples, it does promote development that will be sympathetic and complimentary to existing development which will be assessed on a case by case basis.
52. **Precinct Vision Statements**
Precinct Vision Statements (PVS) were included in Part 1 of the KACP to outline the overarching objectives of various identified precincts within the town centre. These precincts included Main Street, Anchor, Tourism, Mixed Use, Residential and Food and Beverage Focus.

53. While having some merit in identifying land use opportunities in various locations around the town centre, these PVS do not align with the land uses identified in the KACP map and associated built form controls. Furthermore, these PVS duplicate existing objectives in Part 1 of the KACP and creates confusion.
54. Precinct Vision Statements are ambiguous and potentially confusing with regard to implementation of land use controls within the KACP. Given that PVS are vision statements, these should not be included in Part 1 of the KACP report, in other words these should not directly control the way in which development is occurs. These PVS should be included to support the Vision and Overview section in Part 2 of the KACP. A modification has been included in this regard.
55. **Other Modifications**
The advertising process has resulted in a number of modifications proposed for the KACP, as contained in Attachment 3 and generally summarised as follows:
- a) Several administrative modifications to improve the useability of the KACP report;
 - b) Moving the 'Precinct Vision Statements' to the Vision and Overview section of Part 2 of the KACP;
 - c) Amend the Built Form Controls Map to incorporate all R-Codes Volume 1 and Volume 2 requirements.
 - d) Map modifications:
 - i. Identifying the community uses on the KACP map to reflect current and established uses.
 - ii. Remove Precinct/Focus Areas.
 - iii. Lot 37 Railway Road, Kalamunda changed from Centre to Mixed Use.
 - iv. Rename "Town Square" to "Future Potential Shared Street and Civic Space".
 - v. Identified Town Square Gardens on the map similar to the former Town Square.
 - e) Introduce a new LDP site for Central Mall and Town Square Gardens to consider built for, pedestrian access, optimising alfresco dining and events and support the concept of a shared street.
 - f) Incorporate the maximum building height requirements on the Built Form Controls Map;
 - g) With regard to the public realm improvements, rename the key spaces and features as follows:
 - i. Town Square renamed to "Future Potential Shared Street and Civic Space".
 - ii. Green Park renamed to "Town Square Gardens".
 - iii. Central Lane renamed to "Central Mall".

- h) Re-order the key spaces and features as follows:
 - i. Main Street
 - ii. Central Lane (renamed to "Central Mall")
 - iii. Barber Street Piazza
 - iv. Town Square (renamed to "Future Potential Shared Street and Civic Space").
 - v. Journey
- i) Included text that confirms that the final direction of traffic for Central Mall should be further considered at the detailed design phase and in consultation with the community and businesses. Divided the Implementation section of the KACP into 'Quick Wins' and 'Further Plans and Studies'.

APPLICABLE LAW

- 56. **Planning and Development (Local Planning Schemes) Regulations 2015**
The KACP has been set out in accordance with format and information required under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Western Australian Planning Commission (WAPC) Structure Plan Framework.
- 57. The key areas covered include natural environment, landform and topography, statutory and strategic planning context of the area, land uses, zoning or reserves, estimated dwelling and retail development potential, population impacts, transport and infrastructure, staging (where relevant), development standards, servicing infrastructure, and vehicle access requirements.
- 58. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, an Activity Centre Plan is defined as follows:

"Activity centre plan ... means a plan for the coordination of the future subdivision, zoning and development of an activity centre."
- 59. The City is required to take the following actions regarding the Draft KACP:
 - a) Determine the level of information required to be provided within the KACP;
 - b) Assess the KACP against appropriate planning principles;
 - c) Advertise the KACP;
 - d) Consider and respond to submissions received during advertising; and
 - e) Prepare a report and recommendation on the proposed KACP, and provide it to the WAPC for its decision.

60. The Council's consideration is required to progress with item c) above, to commence advertising on the proposed KACP.
61. In a similar process to that of a structure plan, the KACP is ultimately required to be determined by the WAPC.
62. **Local Planning Scheme No. 3**
The KACP area is currently divided into a number of zones and reserves under LPS 3 with additional provisions relating to the Kalamunda Town Centre Design Special Control Area, additional uses, special uses and restricted uses. In order to update LPS 3 to remove outdated provisions and align the LPS No. 3 to the KACP, a scheme amendment will need to be progressed.
63. The City's officers and Urbis have met with the Department of Planning, Lands and Heritage officers to ensure that the structure of any future scheme amendment is supported. The recommended approach for a scheme amendment is to:
- a) Rezone the land to 'Centre' with a 'C1 – Kalamunda' subcategory for the core of the activity centre, with the exception of the Local Open Space reserves. The proposed land use permissibility for 'Centre C1 – Kalamunda' in Table 1 - Zoning table of LSP 3 relates to the land identified as 'C1 – Kalamunda' on LPS 3 Zoning Map and 'Centre' on the Kalamunda Activity Centre Plan Map.
 - b) All other areas outside of the C1 – Kalamunda designation shall be in accordance with the corresponding zone in LPS 3 as identified on the activity centre plan map as follows:
 - i. Land uses in areas designated Mixed Use are to be in accordance with the Mixed-Use zone listed in the Zoning Table in LPS 3.
 - ii. Land uses in areas designated Residential are to be in accordance with the Residential zone listed in the Zoning Table in LPS 3.
 - iii. Land uses in the areas designated Public Purpose and Local Open Space are to be in accordance with the provisions of Part 3 – Reserves of LPS 3.
64. The Scheme amendment is expected to be treated as a 'complex amendment', which requires greater consultation than standard amendments. However, noting that consultation has been undertaken for the KACP, it is anticipated that the issues identified through consultation will not be dissimilar. The City is in the process of preparing scheme

amendment documentation, it is anticipated that the Scheme amendment will be presented to the Council in the first half of 2020.

APPLICABLE POLICY

65. **Perth and Peel @ 3.5million**
Providing a spatial and policy framework for Perth reaching a population of 3.5 million, this document seeks to provide for a more compact Perth, including better planned outer area. The suburb of Kalamunda is identified with an urban infill dwelling target of 11,452 dwellings and an estimated population of 25,190 people.
66. The KACP is considered to be consistent with the strategies contemplated by Perth and Peel @ 3.5 million in the following ways:
- a) The centre will encourage local employment opportunities aligning with its District Centre designation.
 - b) Consolidation of employment generating land uses including larger format commercial, retail and civil uses.
 - c) Increasing density in appropriate locations to support a mix of uses in the centre.
 - d) A 'frame' to the town centre core that supports predominantly residential and mixed use development that contributes to the walkable catchment of the town centre.
 - e) Celebration of cultural features by create synergies between Stirk Park including Stirk Cottage, Zig Zag Cultural Centre and Bibbulmun Track.
 - f) Reinforcement of Haynes Street as the traditional 'main street' with highly active edges, a mix of uses, pleasant pedestrian environment and a built form outcome that reflects the character of Kalamunda.
 - g) Creation of a new 'town square' on Railway Road at the top end of Haynes Street creating a focal point for the community.
 - h) Consolidated parking areas in appropriate locations.
67. **State Planning Policy 4.2 – Activity Centres for Perth and Peel**
The purpose of the KACP is to facilitate the development of a district activity centre in Kalamunda, as contemplated and planned for in a variety of state and local planning instruments, namely State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2).
68. SPP 4.2 is the primary policy document guiding the hierarchy and distribution of activity centres in the Perth and Peel Regions. The hierarchy provides a strategic planning framework to guide public authorities in the preparation of long-term capital investment programs and to promote private investment in activity centres.

69. The KACP addresses a range of matters that are required to be included in an activity centre plan, including planning context, movement, activity, urban form and implementation.
70. **State Planning Policy 7.0: Design of the Built Environment (SPP 7.0)**
This policy elevates the importance of design quality across the whole built environment. It includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process. The KACP uses principles from SPP 7.0 through the Built Form Design Guidelines.
71. **State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments (SPP 7.3)**
The new SPP 7.3 will replace the content of Part 6 of the R-Codes, focusing on improved design outcomes for apartments (multiple dwellings). Content from SPP 7.3 has been used as the performance-based assessment tool for new development in the town centre.
72. **State Planning Policy 3.7: Planning and Bushfire Prone Areas (SPP 3.7)**
The entire suburb of Kalamunda is identified as bushfire prone according to the Department of Fire and Emergency Services mapping (published 31 May 2017). Development and subdivision will need to comply with the requirements of SPP 3.7, which may involve the preparation of a Bushfire Attack Level assessment and Bushfire Management Plan.

STAKEHOLDER ENGAGEMENT

73. **Preliminary Community and Stakeholder Engagement Prior to Advertising**
Preliminary community and stakeholder engagement were undertaken during February and March 2018. This engagement was specifically structured to ensure a range of stakeholders and user groups' inputs were received. The project team and City of Kalamunda staff undertook the following methods of engagement:
- a) One-on-one meetings with 14 local business owners (17 meetings in total) to hear their thoughts on improvements that could be made to the town centre to improve and attract new business;
 - b) Two pop-up workshops in a sea container at the Kalamunda markets, including 'Jane Jacobs' walking tours led by community members, and idea/emotional mapping;
 - c) A three-hour community visioning exercise, incorporating ideas and emotional mapping around the key themes of connectivity, land use, built form and public realm; and

- d) An online survey conducted over six weeks with 44 responses received.
- 74. The preliminary consultation provided a basis for establishing a vision and key themes to guide the drafting of the KACP. A summary of the engagement process is included in the Placemaking and Engagement Report.
- 75. **Public Advertising**
The draft KACP was advertised in accordance with the City's P-DEV 45 – Public Notification of Planning Proposals. The advertising methods included the following:
 - a) Letters to all landowners and occupiers located in, and within 500m of the KACP boundary;
 - b) Letters to relevant service agencies, public authorities and key stakeholders;
 - c) Letters to relevant community and business groups;
 - d) Drop-in information session;
 - e) Notice of the proposal on the City's website and social media pages;
 - f) Notice in the local newspaper;
 - g) An online and paper survey; and
 - h) One on one meetings with landowner and business operators.
- 76. During the advertising period a total of 36 written submissions were received, comprising of 25 submissions from the community and 11 submissions from servicing or public authorities which can be generally summarised as:
 - 1. 16 submissions objecting to the KACP with comments;
 - 2. 8 submissions indicating support with comments; and
 - 3. 12 submissions without indicating any objections or non-objection.
- 77. The City also received 54 survey responses, of which:
 - a) 50% rated the KACP overall as either above average or excellent with 37% rating it as below average or poor;
 - b) 80% of respondents agreed or strongly agreed with the vision statement;
 - c) Respondents were generally split, however tended to be more supportive than not of the land use, precinct vision statements, prominent sites, local development plans, frontage types, built form controls, and site and building design principles; and
 - d) Approximately twice as many respondents rated the Town Square, Main Street and Barber Street public realm improvement concepts as either above average or excellent. However, as discussed above

in the Details and Analysis section of this report, it is noted that the written submissions received, particularly those from community and business representative groups raised concern regarding the focus of the KACP and priority of the Town Square over other spaces in the town centre.

- 78. A summary of the survey response results is provided in Attachment 5.
- 79. The key comments raised in objections are discussed earlier in this report under Details and Analysis.

FINANCIAL CONSIDERATIONS

- 80. Costs associated with the preparation of the KACP documentation has been met through the Development Services annual budget over a number of financial years.
- 81. The City has obtained a high-level opinion of probable costs for the public realm improvements identified in the Landscape Master Plan, to inform future long-term financial planning and capital works programming. It is important to note that these costs have been prepared without detailed design and are subject to review and change.
- 82. The KACP is a planning instrument that provides a vision and guides subdivision and development over time.
- 83. The KACP document will not in itself result in the vision being realised. The success of the improvements envisaged in the KACP will depend on significant investment in capital works as outlined in the Landscape Master Plan. This will require long-term financial planning and consideration by Council as part of annual budgeting and setting the City's Long Term Financial Plan (LTFP).

SUSTAINABILITY

Social Implications

- 84. Kalamunda has an active and engaged community. The preliminary engagement to establish a vision for KACP has shown that there is great diversity of public opinion regarding the character and identity of the town centre.
- 85. Notions of the 'character' of Kalamunda are beyond the built form, often this is also influenced by streetscape, community activity and facilities, land uses and movement links across the town centre. The KACP

framework is built upon themes and associated objectives that respond to these key elements that contribute towards the character of Kalamunda.

86. A key long-term objective for the KACP is to create improved public realm and recreational opportunities and facilitate diverse land uses and housing to cater for all members of the community.

Economic Implications

87. Based on the scenarios provided within the Employment and Retail Analysis, it is anticipated that a potential additional 1,500m² – 3800m² of retail floor space demand is possible over the next 10 years (the expected life of the KACP), depending on the overall level of desirability anticipated for residents and visitors to visit and shop in the KACP area.
88. The KACP recommends a focus on measures that increase desirability of the KACP centre. In this regard, the implementation of the KACP requires both private and public investment to facilitate a contemporary, attractive and functional town centre for both residents and visitors.

Environmental Implications

89. The KACP has a distinct topography sloping downhill from east to west, creating opportunities for views to surrounding areas but also posing a constraint for pedestrian movement, access, streetscape and built form design.
90. Remnant vegetation is limited to the eastern portion of the project area, and occurs in relatively large and intact parcels, as well as fragmented plots within private landholdings. The majority of remnant vegetation within the KACP area is proposed to be retained as 'local open space'.
91. While the KACP is not anticipated to result in any significant undue environmental impacts, any potential environmental impacts resulting from implementation of the proposal will be addressed in accordance with standard State and Commonwealth legislative requirements under the *Environmental Protection Act 1986* and *Environmental Protection and Biodiversity Conservation Act 1999*, during future planning and development processes.
92. One submission recommended native planting and the assistance of environmental researchers or organisations to encourage bandicoots (Quendas) to populate the town centre. Quendas already inhabit the area with recorded sightings in the vicinity of the town centre.

93. The City can consider this proposal further in the context of future public realm improvements in the KACP area, particularly the idea of facilitating wildlife friendly landscaping and revegetation where appropriate.
94. Regarding bushfire risk, vegetation has been identified within the project area and surrounding local area which has the potential to have a significant bushfire impact on any future proposed development if unmanaged.
95. There is a considerable bushfire hazard associated with vegetation in the eastern portion of the project area within areas proposed to be retained as 'Local Open Space', as well as private landholdings to the east of the project area. Given the vast areas of national parks and State forest east of the project area, there is also significant landscape scale bushfire risk to the project area with the potential for extended fire runs through heavily vegetated forest.
96. Any future development applications within the designated bushfire prone (the entire KACP area with exception to lots bounded by Haynes Street, Central Mall, Barber Street and Town Square Gardens) will required appropriate bushfire attack levels assessments and management plans. Part of demonstrating compliance with relevant guidelines, is ensuring the siting of the development in bushfire prone areas is compliant vehicular access/egress requirements and that the bushfire fighting water supply is sufficient.

RISK MANAGEMENT

97.	Risk: If the KACP is not adopted, the City does not have a vision and contemporary planning framework for the Kalamunda town centre, resulting in development, subdivision and public improvements that are not appropriately coordinated.		
	Likelihood	Consequence	Rating
	Unlikely	Significant	Medium
	Action/Strategy		
	Ensure that the KACP is progressed to determination through the WAPC, and that the implementation of the KACP recommendations are undertaken in a timely manner.		

98.	Risk: That private investment in the KACP area is slow or not maximising the development potential envisaged.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Ensure the KACP is implemented, including the additional 'implementation mechanisms' and public realm improvements, to encourage private sector investment in development and subdivision as envisaged through the KACP.		

99.	Risk: The Council does not allocate funding for public realm improvements resulting in a lack of investment in the KACP area.		
	Likelihood	Consequence	Rating
	Possible	Significant	Medium
	Action/Strategy		
	Ensure the KACP public realm improvements are included as part of future budgets for consideration and included as part of the City's long-term financial plans. Undertake 'quick win' initiatives in the short term where funding is delayed or not available to test the ideas presented in the KACP.		

CONCLUSION

100. The proposed activity centre plan, as modified, will provide an opportunity deliver a contemporary robust planning framework that can facilitate the coordination and much needed activation to key areas of the Kalamunda town centre.
101. The existing local planning framework, comprising the Kalamunda Town Centre Design Special Control Area and design guidelines has served a purpose for a number of years, however it is evident that a consolidated plan, aligned with the State Government's planning framework, is required to coordinate both public and private development and guide investment into the future.
102. The submissions received during advertising have assisted with finalising modifications to the KACP report. The KACP is now considered to be in a position to be adopted by the Council subject to the modifications proposed.
103. Should Council resolve to endorse the KACP as modified, this report and its recommendations will be forwarded to the WAPC for final approval.

Public Agenda Briefing Forum - 10 March 2020

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during advertising of the draft Kalamunda Activity Centre Plan and responses contained in Attachment 4.
2. ENDORSE the Kalamunda Activity Centre Plan, in accordance with the modifications outlined in Attachments 1, 2 and 3.
3. AUTHORISE the Chief Executive Officer to forward the Kalamunda Activity Centre Plan and the associated schedule of submissions to the Western Australian Planning Commission for a decision pursuant to Schedule 2, Part 4, Clause 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.2. Asset Services Reports**10.2.1. City of Kalamunda: Climate Change Report***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Director Asset Services provided a presentation on this report.

Cr Sewell sought clarification as to what expertise would be applied in the preparation of the Climate Change Report. The Director Asset Services provided clarification.

Cr Sewell sought clarification on reference to a review of the WALGA Climate Change Policy. The Director Asset Services provided clarification

Mr Peter Forrest made a statement in relation to the Report. The Director Asset Services referred Mr Forrest to point 9 of the report which addressed the issue raised in the statement provided.

Mr Charles Dornan made a statement in relation to the Report. Mr Dornan provided information from the Minister of Local Government.

Previous Items	AGM 3/2020
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	OR-IGR-005-18
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. WALG A- Climate- Change- Policy- Statement- July- 2018 [10.2.1.1 - 15 pages] 2. Climate Change Declaration Wording Feb 2016 [10.2.1.2 - 2 pages] 3. Kalamunda Environmental Advisory Committee - Brief [10.2.1.3 - 1 page]

TYPE OF REPORT

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|-------------------------------------|-------------|---|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | Executive | When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets. |
| <input type="checkbox"/> | 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 2027

Priority 2: Kalamunda Clean and Green

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

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

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

Strategy 2.1.3 - Community engagement and education in environmental management.

Priority 2: Kalamunda Clean and Green

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

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

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

Priority 2: Kalamunda Clean and Green

Objective 2.3 - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

Strategy 2.3.1 - Identify and implement strategies to reduce waste.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement to a plan to consider and respond to a motion passed at the February 2020 Annual Meeting of Electors regarding Climate Change.
2. This plan proposes to primarily use the skills, expertise and capacity of the Kalamunda Environmental Advisory Committee (KEAC) to undertake investigations and provide a subsequent report for consideration by Council.

3. It is recommended that Council endorse this plan and the scope of works proposed that KEAC undertake.

BACKGROUND

4. The Annual Meeting of Electors was held on 4 February 2020. A motion was put forward from community members and debated. The motion was voted upon and determined as follows:

RESOLVED AGM 3/2020

That the Kalamunda City Council signs the July 2018 Western Australian Local Government Association Climate Change Policy Statement and thereby declares we are in a state of climate emergency that requires urgent action at all levels of government to develop locally appropriate mitigation and adaptation strategies.

5. Motions passed at the Annual Meeting of Electors require that Council consider a subsequent report on the matter if actions are required.

DETAILS AND ANALYSIS

6. The WALGA Climate Change Policy and Declaration by a Local Government are provided as Attachments 1 and 2 to this report. The core matter contained within each document is that the respective Local Government agrees that:
1. the science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause;
 2. climate change threatens human societies and the Earth's ecosystems;
 3. urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable; and
 4. a failure to adequately address this climate change emergency places an unacceptable burden on future generations.
7. It is considered that simply agreeing to this Policy and signing the declaration is not sufficient in itself as it does not bind the City of Kalamunda (the City) to any subsequent programs or plans.
8. Whilst the City does not specifically have Climate Change as a headline topic within its Strategic Community Plan and Corporate Business Plan, many strategies, actions and plans are specifically developed to address our impact upon the environment. Notable issues include:
- a) sustainable water and electricity usage through innovative programs;

- b) development of the Local Environment Strategy, Local Biodiversity Strategy and Environmental Land Use Planning Strategy;
 - c) street tree and urban forest strategies;
 - d) reducing carbon footprint of the City;
 - e) protection of high value local natural areas; and
 - f) preparation of a new waste management plan aimed at reducing waste and repurposing/recycling as much waste as possible.
- 9. To properly address this matter, it is believed that the community should be provided the opportunity to:
 - 1. understand a succinct and compelling impact statement of climate change upon the local area;
 - 2. review the positive steps that the City has already undertaken in managing the impacts of climate change;
 - 3. comment upon what further actions can be undertaken with City resources; and
 - 4. review the WALGA Climate Change Policy in terms of meeting their aspirations.
- 10. To this end, it is proposed that KEAC is tasked with undertaking investigations into this matter and reporting back to Council. This has been discussed with the Chairman of KEAC who is enthusiastic in his support of the project.
- 11. The proposed brief for the KEAC study is provided as Attachment 3. It is planned that KEAC would report back to Council by the end of June 2020 on this matter.
- 12. It would be envisaged that subsequent to the KEAC report, Council would endorse community consultation on the issues raised and proposals made.

APPLICABLE LAW

- 13. Nil.

APPLICABLE POLICY

- 14. Nil.

STAKEHOLDER ENGAGEMENT

15. Upon receipt of a subsequent report from KEAC and potential recommendations made, consultation on the report with the community is envisaged.

FINANCIAL CONSIDERATIONS

16. Nil – KEAC will undertake this work with no additional resource needs.

SUSTAINABILITY**Environmental Implications**

17. Consideration of these matters and subsequent actions will be aimed at improving the environmental sustainability of the City for current and future generations.

RISK MANAGEMENT

18.	Risk: Criticism is directed to the City regarding the Climate Change issues without the community understanding actions taken to date and potential actions that can be taken.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	The support of KEAC in addressing investigations and making recommendations which can then be presented to the community.		

CONCLUSION

19. The City is taking steps to address climate change. The actions proposed in this report will go further to demonstrate the importance that the City places on this matter.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the Brief provided as Attachment 3 to this report for the Kalamunda Environmental Advisory Committee to undertake investigations, make recommendations (including the signing of the Western Australian Local Government Association Climate Change Policy) and report back to Council.

Public Agenda Briefing Forum - 10 March 2020

10.2.2. Metropolitan Regional Roads Group Program 2021 2022*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Asset Planning provided a presentation on this Report.

Previous Items	OCM 92/2019
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	4.00009664
Applicant	N/A
Owner	N/A

Attachments	1. Metropolitan Regional Roads Group Program 2021 2022 Summary of Projects [10.2.2.1 - 1 page]
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TYPE OF REPORT

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| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input checked="" type="checkbox"/> | Executive | When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets) |
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STRATEGIC PLANNING ALIGNMENT*Kalamunda Advancing Strategic Community Plan to 2027***Priority 3: Kalamunda Develops****Objective 3.2** - To connect community to quality amenities.**Strategy 3.2.1** - Optimal management of all assets.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek endorsement of submissions for funding as part of the 2021/2022 Metropolitan Regional Roads Group (MRRG) Road Rehabilitation Projects Program.
2. The MRRG program provides the opportunity for local governments to seek a grant from the State Government of $\frac{2}{3}$ of the cost of specific projects (up to a total annual cap of \$750,000 per Local Government) for road rehabilitation projects. Specific projects are assessed for benefits against criteria set out by the State. Each project bid is ranked against all other bids from Local Governments, hence the competitive nature of the process.
3. Seven projects have been prepared for endorsement and submission by the City of Kalamunda (City) which, as assessment processes are completed, should result in an approved list of projects which would be close to the \$750,000 funding cap.

BACKGROUND

4. Each year, Main Roads WA (Main Roads) invites project submissions for funding consideration as part of the MRRG Program.
5. The project types are separated into two categories as outlined below:

Road Improvement Projects

Improvement projects are those which would involve the upgrading of an existing road to a higher standard than currently exists, i.e. dual carriage way construction, pavement widening, new overtaking lanes, traffic control measures, major intersection upgrades etc.

A multi-criteria analysis (taking into consideration road capacity, geometry, accidents, benefits and costs) is used to prioritise road improvement projects on urban arterial roads within the metropolitan area. This analysis is an integral part of the guidelines for the MRRG Program and must be followed for submissions to be considered for funding.

Road Rehabilitation Projects

Road Rehabilitation Projects are those proposed for existing roads where a failed road section is to be brought back to pre-existing physical condition, e.g. resealing, reconstruction, re-sheeting and reconditioning.

A number of conditions have to be met for a project to be considered in the program. Projects qualify only if the road has a classification of a local distributor road or higher and its Average Annual Daily Traffic (AADT) exceeds 2,000 vehicles per day or the design traffic exceeds 1×10^6 Equivalent Standard Axle (a measurement that is related to the commercial vehicle content). Another qualifying criterion requires the points scored for the criterion relating to road condition to be greater than 700 points.

6. Project submissions are forwarded to Main Roads and checked for omissions and errors in computations. The Main Roads Pavement Branch audits submissions relating to Road Rehabilitation Projects and an independent auditor appointed by Main Roads audits the Road Improvement Projects Submission.
7. Final audited projects are then collated by Main Roads and a priority listing based on the audited points score is developed and distributed to all local governments for review.
8. The sub-groups of the MRRG each have technical meetings to discuss and approve projects with recommendations from the Groups forwarded to the MRRG. The Cities of Kalamunda, Swan and Bayswater, Shire of Mundaring and Town of Bassendean form the Eastern Sub-Group.
9. The MRRG considers funding submissions in accordance with the guidelines and makes recommendations to the State Road Funds to the Local Government Advisory Committee. The Minister for Transport ultimately approves the funding for the projects.
10. Funding for specific projects is on the basis of $\frac{2}{3}$ from the State and $\frac{1}{3}$ from the City.

DETAILS AND ANALYSIS

11. Road Improvement Projects
Candidate road projects are currently being assessed against the criteria for submission as part of the 2021/2022 funding round.
12. Road Rehabilitation Projects
A list of the seven road rehabilitation projects which have been prepared for submission to Main Roads before the 24 April 2020 deadline, are shown in Attachment 1.

13. Council's endorsement of these proposed projects is required to support the submissions for funding consideration.
14. Main Roads advice to local governments is expected early in 2021 of the successful projects for the 2021/2022 financial year to enable inclusion in the annual Capital Works Budget.

APPLICABLE LAW

15. Nil.

APPLICABLE POLICY

16. Nil.

STAKEHOLDER ENGAGEMENT

17. Nil.

FINANCIAL CONSIDERATIONS

18. The list of Road Rehabilitation Projects for 2021/2022 outlined in Attachment 1 indicates a total estimated MRRG contribution of \$1,451,702 to undertake all projects. This exceeds the \$750,000 cap. However, the MRRG grant process requires further assessments and outcomes which result in the submissions being prioritised to fall within the \$750,000 cap.
19. Should the City be successful in achieving grant funding totalling in the order of \$750,000 as part of the 2021/2022 program, then it will need to contribute in the order of \$375,000 from municipal funding.
20. The 2021/2022 year of the City's Draft Long Term Financial Plan has an allocation which accommodates the maximum grant of \$750,000 and the City's contribution of \$375,000.

SUSTAINABILITY**Social Implications**

21. Nil.

Economic Implications

22. The receipt of State Government funds as part of the MRRG program will reduce the requirement for municipal funding to rehabilitate the City's road network. The works also stimulate the construction industry.

Environmental Implications

23. Nil.

RISK MANAGEMENT

24.	Risk: The City fails to maximise opportunities to secure grant funding to support road renewal and similar projects leading to additional rates funding needs		
	Consequence	Likelihood	Rating
	Major	Unlikely	Medium
	Action/Strategy		
	The City continues to plan in a timely fashion for submissions for grant funding under the MRRG program.		

CONCLUSION

25. Council endorsement of this request is a requirement of the MRRG program prior to the settling of funding grants for 2021/2022 however at this stage does not commit the City to any funding needs at this time.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the City of Kalamunda submission of Road Rehabilitation projects, as set out in Attachment 1 to Main Roads Western Australia for grant funding consideration as part of the 2021/2022 Metropolitan Regional Roads Group – Rehabilitation Projects Program.

10.2.3. Kalamunda Road Functional Review and Upgrade Plan Draft Report*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

Cr Sue Bilich declared an Interest Affecting Impartiality on Item 10.2.3 Kalamunda Road Functional Review and Upgrade Plan Draft Report. Cr Bilich has a financial interest in two properties that are on Kalamunda Road. Cr Bilich left the meeting at 8:00pm and returned at 8:07pm.

The Manager Asset Planning provided a presentation on this Report.

Previous Items	OCM 175/2019
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	4.00009360
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Kalamunda Road Abernethy to Roe Stage 2 Report [10.2.3.1 - 131 pages] 2. Kalamunda Road Section 1 Abernethy to Wittenoom Concept Plan [10.2.3.2 - 1 page] 3. Kalamunda Road Section 2 Wittenoom to Cyril Concept Plan [10.2.3.3 - 1 page] 4. Kalamunda Road Section 3 Cyril to Roe Concept Plan [10.2.3.4 - 1 page] 5. Kalamunda Road Abernethy to Roe Summary Report DRAFT [10.2.3.5 - 21 pages]

TYPE OF REPORT

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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 2027

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

EXECUTIVE SUMMARY

26. The purpose of this report is to seek Council endorsement of the draft Kalamunda Road Functional Review and Upgrade Plan (Plan). The Plan will then be used to inform future development activities, planning for and programming of capital works and preparation of grant submissions.
27. In July 2019, the Council adopted the results of a community consultation and endorsed the study to proceed on the basis of a "Lower Capacity Main Street". In technical terms, this is reflective of a Distributor B road as per the Main Roads WA road hierarchy which can accommodate up to 15,000 vehicles per day as is currently experienced near Range View Road.
28. Council is requested to endorse the draft plan for advertising to the community. The results of the community consultation and revised plan (where relevant and required) will then be resubmitted for Council approval later this calendar year.

BACKGROUND

29. Council adopted its Roads Asset Management Plan in October 2018. This plan identified that reviews should be conducted on the future needs for important roads within the City of Kalamunda (City). The Kalamunda Road Functional Review and Upgrade project was identified as the first of

an ongoing series of functional reviews of key routes within the City's road network.

30. The purpose of this project was to determine and plan for the optimum function of Kalamunda Road between Roe Highway and Abernethy Road into the future. The project needed to identify a preferred future vision of the functionality of the road and then to complete investigations and modelling to identify relevant costs, designs and works plans which will allow Council to make an informed judgement on the proposal.
31. The City appointed Cardno (WA) Pty Ltd in February 2019 to undertake this project in two stages.
32. Stage 1 of the project involved the preparation of concept plans and to undertake community consultation on these concepts. The community consultation element involved engagement with residents, business owners and other stakeholders via an online survey as well as direct engagement with the community and business owners through a series of workshops, and preliminary constraints mapping and preliminary technical analysis of low impact and high impact options.
33. Stage 1 was completed and reported to Council in July 2019 (OCM 175/2019). Following receipt of 224 survey responses and after considering the responses and comments, the Council adopted the recommendation to proceed with Stage 2 on the basis of a "Lower Capacity Main Street".
34. Stage 2 of the project, as reported here, involves identifying constraints, traffic modelling, access needs, confirmation of pedestrian and cycling infrastructure needs, stakeholder consultation and preparation of concept designs.
35. The anticipated benefits of this project include the following:
 - a) determine the most feasible and preferred function for Kalamunda Road taking into consideration community feedback as well as long-term traffic and movement network demands;
 - b) ensure that the role of Kalamunda Road within the broader movement network continues to function as an effective, efficient and safe road connection for the local community;
 - c) significantly improve road safety for non-motorised road users such as pedestrians, cyclists and other vulnerable users;
 - d) significantly increase active transport and public transport use through the provision of supporting infrastructure;

- e) provide clarity for the City of Kalamunda and landowners in the area with regard to future land ownership and urban development in the context of the future function and design of Kalamunda Road;
- f) secure support from Council and relevant State Government agencies including the Department of Transport, Main Roads Western Australia, Public Transport Authority and the Department of Planning, Lands and Heritage with regard to the future function and design of Kalamunda Road; and
- g) ensure that the preferred design aligns with Council and State Government policies and strategies including the City's draft Traffic and Transport Policy, the City's future Integrated Transport Strategy and general higher order road network planning in the area.

DETAILS AND ANALYSIS

36. Cardno (WA) Pty Ltd have completed the analyses and reporting, and the resulting Plan is provided as Attachment 1. A separate Attachment 5 provides a summary version of the same Plan. Of most interest to the community and the Council will be the concept designs for the future of Kalamunda Road (Abernethy Road to Roe Highway). The concept designs, in three separate attachments, reflect how Kalamunda Road can appear from now to 2041. Some work is identified as being prioritised for delivery over the short to medium-term (2-5 years), while other parts of the work will not be needed for 10 to 20 years. It should be noted that the outcomes of this reporting will also inform future planning for Kalamunda Road between Hawtin Road and Canning Road for which a strategic functional review and safety investigation will be commissioned in early 2020 and completed in the financial year 2020-21.
37. Key features of the concept designs include:
- a) a new roundabout at the intersection of Stirling Crescent and Kalamunda Road;
 - b) closure of Fernan Road access to Kalamunda Road;
 - c) a signalised pedestrian crossing at Fernan Road (subject to Main Roads WA approvals);
 - d) retention of the roundabout at Newburn Road and Kalamunda Road;
 - e) a new roundabout at the intersection of Cyril Road and Kalamunda Road;
 - f) a new roundabout at the intersection of Range Court and Kalamunda Road; and

- g) closure of the existing Range View Road access to Kalamunda Road with the opening of Range Court to align with Hawkevale Road at a new roundabout.
- 38. The draft Plan has separated the development of Kalamunda Road into three parts, being:
 - a) the western section (Section 1) between Abernethy Road and Wittenoom Road (Attachment 2);
 - b) the central section (Section 2) between Wittenoom Road and Cyril Road (Attachment 3); and
 - c) the eastern section (Section 3) from Cyril Road to adjoin the Roe-Kalamunda Interchange works (Attachment 4).
- 39. The sections which are recommended to be treated with a high priority in the next few years are, Section 2B, Section 2C and Section C:
 - a) Section 2B involves retaining the roundabout at Newburn Road and installing a new roundabout at Cyril Road, with streetscaping improvements in between including at Kenneth Road (\$1.78 Million);
 - b) Section 2C involves improvements at the High Wycombe Village Shopping Centre with the closure of Fernan Road and pedestrian crossing there (\$520,000); and
 - c) Section C involves a new roundabout at the intersection of Range Court and Kalamunda Road, and the closure of Range View Road (\$2.04 Million).
- 40. These road sections are strong candidates for State Government funding such as through the Metropolitan Regional Roads Group Improvement Fund which provides two-thirds funding for eligible projects.
- 41. In the western section, there are improvements to islands and geometry at Abernethy Road, the entrance to the Hillview Lifestyle Village, Chullwyne Mews and Wittenoom Road. Lot 200 (584) Kalamunda Road is currently being developed and although the final requirements for this lot are not confirmed, the concept design provides a right turning lane that provides more lane space for heavy vehicles (as-of-right) to turn from the west directly into the property access on Kalamunda Road.
- 42. The intersection with Stirling Crescent is proposed to be upgraded to a roundabout designed for heavy vehicle (as-of-right) capacity. This is on the basis of anticipated ongoing needs to service the light industrial area to the north and residential area to the north-east. There currently is uncertainty around how Stirling Crescent will connect to Adelaide Street in the future, due to the Great Eastern Highway and Abernethy Road

upgrades being planned by Main Roads WA. As this roundabout is not anticipated until 2029, there will be opportunity and lead time to manage the potential changes arising from these projects and other proposals.

43. In the central section, improvements to islands and geometry are proposed at Foxton Boulevard, the shopping centre entrances and Kenneth Road. A closer investigation of swept paths has identified possible small-scale improvements for the shopping centre driveways to Kalamunda Road. There are no changes proposed for the Newburn Road and Chipping Drive roundabout.
44. Fernan Road is proposed to be closed at Kalamunda Road in the short-term to reduce the number of intersections onto Kalamunda Road. This also provides the opportunity for a higher level of pedestrian crossing as described below.
45. In the eastern section, Cyril Road is proposed to intersect Kalamunda Road at a new roundabout. A significant change is proposed involving Hawkevale Road, Range Court and Range View Road. To improve safety and traffic operations, it is proposed to close Range View Road and create a roundabout at the Range Court–Hawkevale Road intersection. This change will also enhance the viability of the higher density changes in the northern part of High Wycombe and the Karingal Green development.
46. All of the work in the eastern section is needed within the next few years as this section of Kalamunda Road is already operating near or at its practical capacity of 15,000 vehicles per day.
47. The eastern section merges with the extent of works for the Roe Highway Kalamunda Road Interchange. The Maida Vale Shopping Centre (431 Kalamunda Road) will be receiving a modified entrance design as part of the interchange project, and hence is outside the scope of the Kalamunda Road study.
48. Cycling infrastructure is provided as on-road cycle lanes. Cyclists have the option of taking paths when navigating roundabouts. As per amendments to the Road Traffic Code, cyclists are also able to use footpaths.
49. Pedestrian paths are provided on both sides of the road along the entire length. A signalised crossing is proposed in the next two years adjacent to Fernan Road, in anticipation that the closure of this road and pedestrian desire lines would create the need for this type of higher-level crossing here. This crossing will be subject to satisfying the necessary Main Roads WA warrants, which will require further data collection and design.

50. In consultation with the Public Transport Authority (PTA), bus embayments are not desirable unless the bus needs to dwell for a period of time such as timed stop, or where there are a large number of patrons boarding or alighting. Most existing embayments are proposed to be removed with the upgrade of Kalamunda Road, which will lead to improved traffic and safety outcomes for drivers behind buses.
51. All properties will retain their existing driveway access to Kalamunda Road. The closures of Fernan Road and Range View Road (at Kalamunda Road) are proposed as described above.
52. Traffic modelling has been undertaken at a high level and based on the Main Roads WA Regional Operations Model (ROMS24). This model has developed long range forecasts for the road network within the Perth Metropolitan Area and particularly for higher order and priority roads such as Roe Highway, Kalamunda Road and Abernethy Road, and enables the modellers to identify what happens if Kalamunda Road traffic capacity was constrained to the desired 15,000 vehicles per day as per the preferred 'lower capacity' option. After analysing for the years 2031 and 2041, the model identified that (with Stirling Crescent closed to the north), 4,823 vehicles would be diverted around Roe Highway and Great Eastern Highway. These higher order roads have capacities of 100,000 vehicles per day and higher, so this redistribution of traffic is not considered to be significant and can be accommodated comfortably within the practical capacity of these other links. The reason that vehicles are expected to be diverted is by driver choice; the design and slower traffic of Kalamunda Road will not be conducive to through traffic.
53. Local roads such as Wittenoom Road and Newburn Road were modelled using simple annualised traffic growth rates.
54. The key intersections along Kalamunda Road were assessed using SIDRA modelling to identify triggers for when and if the intersections would need upgrading. Using the model, the volume of traffic during the peak hour is entered for the intersection, and the model analyses the time delays, queueing, and level of service which would arise for drivers. The intersection layout scenarios are:
- a) with no change in treatment (an "uncontrolled intersection");
 - b) with traffic signals; and
 - c) with a roundabout.
55. The outputs of the intersection modelling show that in the 2031 and 2041 forecast years, all intersections perform as a Level of Service of C or better for the proposed layouts. One exception is identified for Kenneth Road in 2041 which may experience minor additional queueing in 2041.

56. As the function of Kalamunda Road is intended to remain the same, there are no changes to speed limits proposed as a result of this work. A separate project is underway to consider the speed limits in the vicinity of the High Wycombe Village Shopping Centre.
57. As each area of the new road designs are rolled out, opportunities will be provided to significantly improve the streetscape of each area with combination of verge and median plantings, seating and lighting.

APPLICABLE LAW

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

APPLICABLE POLICY

59. Nil.

STAKEHOLDER ENGAGEMENT

60. The community was consulted as identified in a previous report OCM 175/2019.
61. Stakeholders were contacted directly in relation to the proposed changes, including the Department of Transport, Main Roads WA, Department of Planning Lands and Heritage, Public Transport Authority, Perth Airport, City of Swan and utility service providers.

FINANCIAL CONSIDERATIONS

62. The consultancy work was funded under the City's operating budget.
63. All works identified in the Plan will be further scoped and submitted when needed to the City's Capital Works Program. The works are likely to attract state government funding through the Metropolitan Regional Roads Group Improvement Program.

SUSTAINABILITY**Social Implications**

64. The planned upgrade of Kalamunda Road is expected to provide the following benefits:
- a) ensure that the role of Kalamunda Road within the broader movement network continues to function as an effective, efficient and safe road connection for the local community;
 - b) significantly improve road safety for non-motorised road users such as pedestrians, cyclists and other vulnerable users; and
 - c) significantly increase active transport and public transport use through the provision of supporting infrastructure.

Economic Implications

65. The planned upgrade of Kalamunda Road is expected to provide indirect economic benefits to the community through increase in amenity and quality of living.

Environmental Implications

66. The planned upgrade of Kalamunda Road is expected to provide environmental benefits by limiting emissions and noise growth from traffic and enhancing street environments.

RISK MANAGEMENT

- 67.
- | | | |
|---|-------------------|---------------|
| Risk: That the concepts are not accepted by the community and cause strong negative reaction. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| As this is a long-term plan, there will be ample time to scope and engage with the community on each section of work. | | |
-
- | | | |
|---|-------------------|---------------|
| Risk: That the modelling and assumptions are incorrect leading to poor outcomes. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| As this is a long-term plan, there will be ample time to review modelling and update over time with current data. | | |

Risk: Inability to source funding for the work that results in the City not able to realise the benefits.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
Continue to seek funding sources suited to the type of work.		

CONCLUSION

68. Following the public consultation with 224 respondents on the future function of Kalamunda Road between Abernethy Road and Roe Highway, the City proceeded with Cardno (WA) Pty Ltd to model and investigate future upgrade needs for the road.
69. The modelling has identified that the City will be able to provide this section of Kalamunda Road as a "Low Capacity Main Street", keeping to a target of 15,000 vehicles per day. The resulting draft Kalamunda Road Functional Review and Upgrade Plan includes both concept designs for upgrades to the road and intersections, as well as a long-range forecast of when the upgrades are needed.
70. This Plan puts the City in a strong position of being able to plan the future upgrade of the road and take advantage of funding opportunities as they arrive.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the draft Kalamunda Road Functional Review and Upgrade Plan as shown as Attachment 1 to this report for advertising to the community.

10.3. Corporate Services Reports**10.3.1. Proposed Road Reserve Realignment - Fern Road, Piesse Brook***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.3.1 Proposed Road Reserve Re-alignment - Fern Road Piesse Brooke. Cr Stallard has family living along Fern Road.

The Director Corporate Services provided a presentation on this Report.

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Commercial and Cultural Services
File Reference	FR-03/GEN
Applicant	City of Kalamunda
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> 1. Land Acquisition Plan - Fern Road, Piesse Brook [10.3.1.1 - 1 page] 2. Submission Table - Fern Road, Piesse Brook [10.3.1.2 - 1 page]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input type="checkbox"/> | Executive | When Council is undertaking it's substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets) |
| <input type="checkbox"/> | Information | For Council to note |
| <input checked="" type="checkbox"/> | 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 2027

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the proposed realignment of the road reserve for Fern Road, Piesse Brook.
2. A resolution of Council is required to proceed with the proposed road reserve realignment.
3. It is recommended that Council support the proposed road reserve realignment.

BACKGROUND

4. The City of Kalamunda (City) became aware of the misalignment of the road reserve for Fern Road when addressing the possible extension of Hummerston Road from the dead-end through to Fern Road (OCM 202/2018).

DETAILS AND ANALYSIS

5. In order to realign the road reserve for Fern Road, it is necessary to excise and dedicate the portions of land required as road reserve and to permanently close the portions of road reserve that are not required as road.
6. The above actions are undertaken in accordance with sections 56 and 58 of the *Land Administration Act 1997*.
7. The City has prepared a land acquisition plan showing the road closure and road dedication areas (Attachment 1).

APPLICABLE LAW

8. *Land Administration Act 1997* (WA)

APPLICABLE POLICY

9. *Council Policy: Service 4: Asset Management*

STAKEHOLDER ENGAGEMENT**Internal Referrals**

10. The City has assessed the proposal from an assets perspective and supports the proposed road reserve realignment.
11. The proposal is required from a corrective action perspective. The proposal will ensure that the road reserve matches the constructed road.

External Referrals

12. The proposal was advertised in the Echo Newspaper on 28 September 2019 and on the City's website. Comments closed on 4 November 2019.
13. No public submissions were received.
14. The proposal was referred to the service authorities for comment. The comments received from the service authorities are summarised in the Submission Table (Attachment 2).

FINANCIAL CONSIDERATIONS

15. The costs of the road reserve realignment proposal are as follows:
 - a) survey costs: estimated cost of \$6,765 including GST;
 - b) advertising by the City: \$330 including GST (advertising has been completed and paid for by the City);
 - c) advertising by the Department of Planning, Lands & Heritage: estimated cost of \$880 including GST;
 - d) service relocation and easements: nil, subject to confirmation from the service authorities;
 - e) Department of Planning, Lands & Heritage document preparation fees: nil; and
 - f) Landgate lodgement fees: nil.
16. An amount of \$10,000 has been allocated to this proposal in the City's 2019/2020 Budget.

SUSTAINABILITY**Social Implications**

17. The proposal will not have any social or lifestyle impacts on residents.

Economic Implications

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

Environmental Implications

19. The proposal will not have any environmental impacts as no construction works are required. The proposal merely seeks to amend the road reserve alignment to match the constructed road.

RISK MANAGEMENT

20.	Risk: The proposed road reserve realignment does not occur.		
	Consequence	Likelihood	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Demonstrate that a failure to realign the road reserve will mean that the road reserve will not match the constructed road.		

CONCLUSION

21. The road reserve for Fern Road is misaligned. It is best practice to address such misalignments.
22. The proposal will result in the road reserve matching the constructed road.
23. It is recommended that Council support the proposed road reserve realignment.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. REQUEST the Minister for Lands to permanently close that portion of the Fern Road, Piesse Brook road reserve shown delineated and marked as "Cadastral Boundary (Proposed Future – Divested)" on the plan attached to this report as Attachment 1, pursuant to section 58 of the *Land Administration Act 1997*(WA).
2. REQUEST the Minister for Lands to excise and dedicate that portion of Reserve 47880 shown delineated and marked as "Cadastral Boundary (Proposed Future – Acquired)" on the plan attached to this report as Attachment 1, pursuant to section 56 of the *Land Administration Act 1997*(WA).
3. CONFIRM the City of Kalamunda has complied with section 58(3) of the *Land Administration Act 1997*(WA).
4. UNDERTAKE to comply with sections 56(2) and 58(2) of the *Land Administration Act 1997*(WA).
5. CONFIRM the City of Kalamunda will be responsible for all costs of the proposed permanent road closure and dedication of land as road.
6. AGREE that the City of Kalamunda will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands & Heritage and the Minister for Lands (Indemnified Parties) against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Indemnified Parties in considering and granting the request to dedicate as road that portion of Reserve 47880 shown delineated and marked as "Cadastral Boundary (Proposed Future – Acquired)" on the plan attached to this report as Attachment 1 pursuant to section 56 of the *Land Administration Act 1997* (WA).
7. AGREE that the City of Kalamunda will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands & Heritage and the Minister for Lands (Indemnified Parties) and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the *Native Title Act 1993*(Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of that portion of Reserve 47880

shown delineated and marked as "Cadastral Boundary (Proposed Future – Acquired)" on the plan attached to this report as Attachment 1 pursuant to section 56 of the *Land Administration Act 1997*(WA).

8. CONSENT to the revocation of the City of Kalamunda's management order over the portion of Reserve 47880 shown delineated and marked as "Cadastral Boundary (Proposed Future – Acquired)" on the plan attached to this report as Attachment 1, pursuant to section 50 of the *Land Administration Act 1997*(WA).

Public Agenda Briefing Forum - 10 March 2020

11. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:20pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2020.