



# Ordinary Council Meeting

MINUTES

Tuesday 12 October 2021

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**1. Official Opening**

The Presiding Member opened the meeting at 6:37pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

The Presiding Member advised the 'Announcements by the Member Presiding Without Discussion' would be moved from point 7 on the agenda to prior to point 3 of the meeting.

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

**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

Dylan O'Connor

**North Ward**

Cameron Blair

Kathy Ritchie

Margaret Thomas JP (Mayor) Presiding Member

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

**Management Team**

Chris Lodge - Manager Strategic Planning

James Wickens - Manager Environmental Health & Community Safety

Mandy Skeates - Manager Economic & Cultural Services

Nicole O'Neill - Manager Customer & Public Relations

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

**Members of the Public 32**

**Members of the Press 1.**

**Apologies Nil.**

**Leave of Absence Previously Approved Nil.**

**3. Public Question Time**

**3.1. Questions Taken on Notice at Previous Meeting (28 September 2021)**

**3.1.1 Charles Dornan, Wattle Grove**

Q. Can you please clarify whether the client of Harley Dykstra was the City of Kalamunda or Saracen, a private developer?

A. The Director Development Services confirmed at the Ordinary Council Meeting 28 September 2021 in his response that the report contained in Attachment 10.1.3.1 of the Ordinary Council Meeting Agenda report / Minutes, was prepared by Harley Dykstra for the City of Kalamunda. The reference to Saracen Properties in the Disclaimer on the inside cover of the Local Structure Plan Amendment Report is a typographical error. Saracen Properties have no involvement or relationship to this matter.

Q. What Dollar amount will the proposed amendment generate for enhancement of other areas of POS in Cell 9 vis vis the likely profit of the developer should the conversion go ahead?

A. The proposed LSP amendment would enable an additional 10 lots to be created at the prevailing R20 residential density, while also reducing the area of open space (4,632m<sup>2</sup>) needing to be purchased by in the Cell 9 Infrastructure Cost Sharing Arrangement (Cell 9 ICSA). The current cost contribution per lot is \$22,275, meaning the full development of the site could result in a potential increase of \$222,750 in cost contributions to the Cell 9 ICSA. At the same time, the Cell 9 ICSA would not need to purchase approximately 4,632m<sup>2</sup> for open space. Assuming a land value of \$165 adopted at the 2020 Cell 9 ICSA review, this could result in a potential saving of \$764,280. Subject to the adoption and approval of the Western Australian Planning Commission of the LSP amendment, the adjustments to cell infrastructure costs and cost contributions will be addressed as part of future reviews to the Cell 9 ICSA.

### **3.2. Public Question Time**

*A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.*

#### **3.2.1 Nita Parker, Piesse Brook**

Q. Would the City consider opening Hummerston Road for the fire season to allow an additional exit point for residents?

A. Taken on Notice.

Q. Would the City consider including landowners as members of the Bushfire Advisory Committee?

#### **3.2.2 Bev Dornan, Wattle Grove**

Q. Does the CEO hold the view it is inappropriate for residents of the City of Kalamunda to sign a petition on behalf of other residents else where in the City if they are not directly impacted by City practices?

A The Chief Executive Officer advised she did not have a personal view and the report and recommendations outline the view of the City.

#### **3.2.3 Michael Ryan, High Wycombe**

Q1. Does Council believe the obligations in the following documents, have been complied with.

1. the Minutes of SCM 23 April 2012 Index No 6.0.03 P 13 - 15, which specifies land use definitions of "...no impact on the uses in the vicinity by reason of emission of noise.." from Stage 1 [Unanimous vote in favour] and / or
2. the Minutes of SCM 25 June 2012 Index No 6.1 Page 4 says the approval for the development of Stage 1 must " ...ensure that industrial development does not adversely impact on the amenity and safety of the adjoining land uses". [Unanimous vote in favour].

A. Taken on Notice.

Q2 If Council believes both Motions have been complied with, can they then publish the reasons which support that decision, as an Attachment to the Council Minutes?

A. Taken on Notice.

#### **4. Petitions/Deputations**

4.1 A deputation was received from Ray Hawes, Forrestfield, regarding 10.2.1 Petition Response - Bushfire Hazard Inspections. Mr Hawes was unable to attend the meeting in person and the deputation was read to the meeting by Cr Lesley Boyd. Mr Hawes disputed some aspects of the report presented and did not support the recommendation.

#### **5. Applications for Leave of Absence**

5.1 Nil.

#### **6. Confirmation of Minutes from Previous Meeting**

6.1 RESOLVED OCM 293/2021

That the Minutes of the Ordinary Council Meeting held on 28 September 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (12/0)**

#### **7. Announcements by the Member Presiding Without Discussion**

7.1 Cr Cameron Blair

I would like to acknowledge and thank Cr Cameron Blair for his work over the past 4 years. During his time on council Cr Blair was on the Crime and Prevention Advisory Group, the Kalamunda Tourism Advisory Committee, Parks of Darling Range Community Advisory Committee and the Eastern Metropolitan Regional Council. He also served as the Deputy of the Kalamunda Environmental Advisory Committee. Cameron has also been a

great North Ward Councillor, his work liaising with the community in relation to the Zig Zag Scenic Drive is of particular note.

7.2 Innovative Partnership Metropolitan Award 2021

The City has received this award, at the Local Government Professionals Community Development Conference, which recognises the City's commitment in helping build community reliance through innovative partnerships, working with Residents to prepare for emergencies and natural disasters. Congratulations to all the City staff who worked on the campaign. The team partnered with the local SES, bushfire brigades, bushfire ready groups, WALGA and several State government agencies. Key messaging focus on promoting year round property preparedness.

7.3 Presentation of Freeman of the City

Mrs Norma Walsh and Mr Max Walsh were presented with Freeman of the City recognition. Mrs Walsh, and the late Mr Walsh, have made a outstanding contributions for over 70 years to the community.

**8. Matters for Which the Meeting may be Closed**

8.1 Item 10.1.2 Petition Response - Bushfire Hazard Inspections – Confidential Attachment - **Petition**

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

8.2 Item 10.5.4 Cambridge Reserve - Consideration of Department of Planning, Lands and Heritage Offer to Purchase and Business Plan – Confidential Attachment - **Forrestfield Advancing and Cambridge Reserve**

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

8.3 Item 10.5.5 Consideration of Legal Agreement

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

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

## **9. Disclosure of Interest**

### **9.1. Disclosure of Financial and Proximity Interests**

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

9.1.1 Nil.

### **9.2. Disclosure of Interest Affecting Impartiality**

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

9.2.1 Cr Brooke O'Donnell declared an Interest Affecting Impartiality on Item 10.5.2 High Wycombe South Transit Oriented Development Precinct Activity Centre Structure Plan - Adoption for the Purposes of Forwarding to DevelopmentWA for Advertising. Cr O'Donnell is a recipient of a water Leaders Scholarship at WaterCorp and this relates to waterways and will be meeting with DevelopmentWA Aboriginal Consultants.

9.2.2 Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 11.1 Lesmurdie Primary School Proposed Tree Removal. Cr Stallard is a member of the Lesmurdie Primary School Board Member.



## 10. Reports to Council


### 10.1. Development Services Reports

#### 10.1.1. Fire Hazard Assessment Plan 2021/2022

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

Previous Items	OCM 197/ 2020
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	RA-BFC-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Fire Hazard Assessment Plan 2021/2022 [<b>10.1.1.1</b> - 56 pages]</li> <li>2. Communications Plan Activity Schedule - Bushfire Preparedness 2021/2022 [<b>10.1.1.2</b> - 13 pages]</li> <li>3. Fire Hazard Reduction Notice 2021/2022 [<b>10.1.1.3</b> - 2 pages]</li> <li>4. Post-Season Summary Report 2020/2021 [<b>10.1.1.4</b> - 54 pages]</li> <li>5. Highly Commended Recipient 2021 Resilient Australia State Local Government Award [<b>10.1.1.5</b> - 1 page]</li> </ol>

#### TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g., accepting tenders, adopting plans and budgets)
 Information Legislative	For Council to note 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 1: Kalamunda Cares and Interacts

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

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

### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

### Priority 4: Kalamunda Leads

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

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

## EXECUTIVE SUMMARY

1. The purpose of this item is to report to Council on the City of Kalamunda's (City) approach to fire hazard management and assessment through the implementation of the Fire Hazard Assessment Plan 2021-2022 (Assessment Plan) and the Communications and Engagement Activity Schedule - Bushfire Preparedness 2021/2022 (Activity Schedule) as outlined in Attachment 1 and 2.
2. The Plan aims to support the requirements of the City's Fire Hazard Reduction Notice 2021/2022 (Notice) (Attachment 3), gazetted on 1 June 2021 whilst providing a risk-based approach to fire hazard assessments, and increasing the City's engagement focus to build a more resilient community.
3. The item also provides Council with a summary of the City's Post-Season Summary Report (Summary Report) for 2020/2021 as outlined in Attachment 4.
4. Council is recommended note the implementation of the Notice, Plan, Plan and receive the Summary Report for 2020/2021.

## BACKGROUND

5. Bushfire prevention and preparedness planning is critical to the implementation of the City's strategic objectives regarding community safety and emergency management.

6. Pursuant to Section 33 of the Bush Fires Act 1954, the City issues a Fire Hazard Reduction Notice every year to put measures in place to prevent the outbreak, spread or extension of bush fire.
7. In support of the Notice, the City undertakes private property inspections to ensure compliance with the Notice.
8. To guide the City's private property inspections, the City prepares a Assessment Plan. The purpose of the Assessment Plan is to outline the manner in which the City will undertake private property inspections.
9. The Assessment Plan utilises findings from the Summary Report including previous non-compliance, complaints, and a comprehensive risk assessment to determine the priority of assessments throughout the City. The purpose of broader program is to reduce the overall risk profile of the City by ensuring all very high and extreme private properties are assessed before moving onto lower risk properties.
10. The Assessment Plan also utilises a combination of community engagement programs to support the assessments, which are focused on empowering residents to be fire ready before the 1 November 2021 assessment program. The focus of the community engagement programs is to increase fire safe practices, asset preparedness and community resilience, while giving residents information on how to comply with the Notice.

## **DETAILS AND ANALYSIS**

11. In recent years, following the conclusion of the bushfire season, a Summary Report has been prepared (Attachment 4). The purpose of this report is to provide the City with a comprehensive summary of the implementation of the Plan outcomes from the relevant season. The Summary Report was developed to expand on the City's prior documentation by including all elements of bushfire compliance and efforts working towards bushfire preparedness throughout the year. These elements provide a summary of comparable data which is utilised to inform the upcoming season Plan.
12. The findings from the Summary Report also help inform elements of the Activity Schedule and other consultation strategies such as pre-season walk-throughs and assessments.
13. One of the key findings from last season is the lower levels of compliance for the foothill's suburbs with bushfire risk compared to the escarpment and hinterland areas. As a result, the City has posted 1,800 letters to

properties in these areas offering pre-season property assessments and offering advice on meeting the requirements of the Notice.

14. The community engagement program guided by the Activity Schedule has also commenced with pre-season assessments, community workshops, social media infomercials, updated City website, static displays, variable message boards, letterbox drops of information booklets and the dissemination of the Notice.
15. The City also uses the Department of Fire and Emergency Service's (DFES) 'Bushfire Risk Management System' (BRMS), which is a digital database enabling DFES, in collaboration with local government, to log bushfire risks throughout Western Australia. The BRMS allows the City to capture data specific risk ratings for all assets within its district. The assets are divided into four categories, cultural, economic, environmental and human settlement. Although most assets will be one or the other, the BRMS provides the ability to rate multiple risks against the one asset. Once all the risk data has been logged into the BRMS, the BRMS automatically provides the rating category, which the assessment program is based around.
16. As part of the implementation of the Plan, the City's Fire Control Officers (FCOs) will drive all fire breaks on the properties they assess. The purpose of driving the fire breaks is to ensure they comply with the 3m wide by 4m high clearance. This is a critical safety requirement to ensure our Volunteer Bush Fire Brigade, State Emergency Service and Fire and Rescue Services can safely drive a fire appliance along a fire break in times of an emergency.
17. The City is encouraging those residents that consider the physical characteristics of their property make it impossible to comply with the Notice, to have applied for a variation (pursuant to the mechanism for this as set out in the Notice) before 1 October 2021. Late variation applications may incur an administration fee of \$150.
18. The City's commitment to fire compliance and property preparedness has evolved over recent years taking on lessons learnt from the previous seasons. This has recently been recognised with City being named a highly commended recipient for the 2021 Resilient Australia Local Government Awards (Attachment 5). The Resilient Australia Awards are managed by the Australian Institute for Disaster Resilience and sponsored by the Australian Government.

19. This award recognises the City's leadership in building whole of community resilience, especially during and in the lead up to high threat periods, such as the bushfire season. The City was further commended on its efforts by the Minister for Emergency Services.
20. Further to this the City has also been successful in taking out the Local Government Professionals Innovative Partnership category for the work the City has been doing in building community resilience for emergencies through implementation of the Assessment and Activity Schedule and establishing key partnerships with State Government agencies including DFES and the Department of Primary Industries and Regional Development.

#### **APPLICABLE LAW**

21. Section 33 and 39, Bush Fires Act 1954.

#### **APPLICABLE POLICY**

22. NIL

#### **STAKEHOLDER ENGAGEMENT**

23. The Assessment Plan has been prepared in consultation with the DFES and was presented at the 16 September 2021 Bush Fire Advisory Committee meeting.

#### **FINANCIAL CONSIDERATIONS**

19. Provision for the proposed Assessment and Activity Schedule was costed in the 2021/22 operational budget. No additional funding is being requested as part of this report.

#### **SUSTAINABILITY**

20. The Assessment and Activity Schedule empowers the City's residents, recognising their autonomy, to comply with the Notice thereby building a more resilient community. The Assessment Plan achieves this by providing residents with the information they need to not only comply with the Notice before 1 November, but to ensure they are bushfire ready.

## RISK MANAGEMENT

21.

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

22.

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

23.

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

24.

<b>Risk:</b> There is an environmental risk if the City is impacted by a large fire which damages the local environment and/or asbestos cement clad/roofed buildings or other like structures.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Unlikely	High
<b>Action/Strategy</b>		
The Notice was gazetted on 7 July 2020. The Plan will reduce this risk through increased education and a risk-based assessment program.		

## CONCLUSION

25. The City is using the Notice and Assessment Plan as an opportunity to engage with the community and educate residents on how to prepare and protect their properties. The implementation of the Assessment Plan is one of the City's largest face-to-face interactions with the community.
26. The City prepares a Summary Report each year which helps improve and inform the following years Assessment and Activity Schedule.
21. It is recommended that Council note the implementation of the Notice, Assessment and Activity Schedule and receives the Summary Report.

<b>Voting Requirements: Simple Majority</b>
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### RESOLVED OCM 294/2021

That Council:

1. NOTE the implementation of the City of Kalamunda: Fire Hazard Reduction Notice, Fire Hazard Assessment Plan and Communications and Engagement Activity Schedule - Bushfire Preparedness 2021/2022
2. RECEIVE the Post-Season Summary Report 2020/2021.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Cameron Blair**

Vote: <u>For</u> <b>Cr John Giardina</b> <b>Cr Janelle Sewell</b> <b>Cr Geoff Stallard</b> <b>Cr Mary Cannon</b> <b>Cr Brooke O'Donnell</b> <b>Cr Sue Bilich</b> <b>Cr Lisa Cooper</b> <b>Cr Dylan O'Connor</b> <b>Cr Cameron Blair</b> <b>Cr Kathy Ritchie</b> <b>Cr Margaret Thomas</b>	<u>Against</u> <b>Cr Lesley Boyd</b>
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**CARRIED (11/1)**

## 10.1.2. Petition Response - Bushfire Hazard Inspections

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

Previous Items	OCM44/2021
Directorate	Development Services
Business Unit	Community Safety
File Reference	
Applicant	Ray Hawes
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>2021/2022 Fire Hazard Reduction Notice [<b>10.1.2.1</b> - 2 pages]</li> <li>2021/2022 Fire Hazard Assessment Plan [<b>10.1.2.2</b> - 56 pages]</li> <li>Communications Plan Activity Schedule - Bushfire Preparedness 2021/2022 [<b>10.1.2.3</b> - 89 pages]</li> <li>Post-Season Summary Report 2020/2021 [<b>10.1.2.4</b> - 54 pages]</li> <li>Acknowledgement for Resilient Award [<b>10.1.2.5</b> - 1 page]</li> <li>Local Government Benchmarking [<b>10.1.2.6</b> - 1 page]</li> </ol>
Confidential Attachments	10.2.1.1 Petition
	<u>Reason for Confidentiality:</u> Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."

### TYPE OF REPORT

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



## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### **Priority 1: Kalamunda Cares and Interacts**

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

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

### **Priority 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

### **Priority 4: Kalamunda Leads**

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

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

## EXECUTIVE SUMMARY

1. At the 24 August 2021 Ordinary Council Meeting, the Council of the City of Kalamunda (City) received a petition of 100 signatures concerning the City's Bushfire Hazard Mitigation Program and requesting an audit be undertaken by an independent expert in bushfire mitigation programs within local government.
2. The City has considered the request of the petition, reflected on its fire hazard inspection program, reviewed statistics from previous years and had regard for the estimated cost of undertaking such an audit. On balance, and having regard for the information, it is not evident to the City that the information before it warrants the expenditure of unbudgeted municipal funds on such an audit.
3. It is recommended that Council:
  - a) Note the petition.
  - b) Not support the request to undertake an audit.

## BACKGROUND

4. At the 24 August 2021 Ordinary Council Meeting, the Council received a petition of 100 signatures concerning the City's Bushfire Hazard Mitigation Program. The petition requested an audit be undertaken by an independent expert in bushfire mitigation programs within local government.

5. Specifically, the petition states as follows:

*To the Mayor and Councillors of the City of Kalamunda We the undersigned ratepayers and residents of the City of Kalamunda (the City) formally request the Council to commission an audit of our City's Bushfire Hazard Mitigation Program. We request that the audit be done by an independent expert in bushfire mitigation programs within local government. For genuine independence, the auditor must not be connected with the current staff of the City or with any organisation that has an association with the City, including any financial links. Sufficient funds must be allocated by the City for a comprehensive independent audit which should be completed in time to implement any recommendations arising from it prior to the commencement of the 2021/22 bushfire season.*

*The terms of reference for the audit should include but not be limited to the following:*

- 1. Evaluation of current community education and engagement strategies*
- 2. Evaluation of the balance between education and engagement strategies and compliance and enforcement activities.*
- 3. Evaluation of the bushfire control program and its relationship with preserving our environment, with particular reference to preservation of trees and tree canopy*
- 4. Benchmarking the City's fire control program against best practice in other bushfire prone local government areas in Western Australia and in other jurisdictions*
- 5. Consultation with the community must be included*

6. In March 2021, the Council considered a similar request through a Notice of Motion requesting the Chief Executive Officer to seek quotes from external auditors to undertake an audit of the City's Fire Hazard Mitigation practices. The Notice of Motion was lost and is outlined below.

7.

RESOLVED OCM 44/2021

<b>Voting Requirements: Simple Majority</b>
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That Council REQUEST the Chief Executive Officer to:

1. seek quotes from external auditors to undertake an audit of the City's Fire Hazard Mitigation practices including but not limited to;
  - a) Current funding allocation.
  - b) Community engagement strategy/s.
  - c) Community education packages.
  - d) Staff training package.
  - e) Efficacy of timing and method of issuing Fire Hazard Reduction Notices and other communications to residents.
  - f) Benchmarking against the City's practices against other similar Local governments (ie Cities of Armadale, Wanneroo and Swan and Shires of Mundaring and Chittering).
2. include the quotations within the draft 2021/22 operating budget for consideration by Council.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Geoff Stallard**

Vote:	<u>For</u>	<u>Against</u>
	<b>Cr Lesley Boyd</b>	<b>Cr John Giardina</b>
	<b>Cr Geoff Stallard</b>	<b>Cr Janelle Sewell</b>
	<b>Cr Mary Cannon</b>	<b>Cr Brooke O'Donnell</b>
	<b>Cr Dylan O'Connor</b>	<b>Cr Sue Bilich</b>
		<b>Cr Lisa Cooper</b>
		<b>Cr Cameron Blair</b>
		<b>Cr Kathy Ritchie</b>
		<b>Cr Margaret Thomas</b>

**LOST (4/8)**

## **DETAILS AND ANALYSIS**

8. **Fire Hazard Reduction Notice and Fire Hazard Inspection Plan**  
Pursuant to Section 33 of the Bush Fires Act 1954, the City issues a Fire Hazard Reduction Notice (Notice) every year to ensure measures are put in place to prevent the outbreak, spread or extension of bushfire.
9. A copy of the 2021/22 Notice is available in Attachment 1.
10. In support of the Notice, the City undertakes private property inspections to ensure compliance with the requirements of the Notice. In an annual season, the City may undertake up to approx. 4000 property inspections. The property inspections are one of the City's largest face-to-face annual interactions with property owners/occupiers.

11. To guide the City's private property inspections, the City prepares an annual Fire Hazard Assessment Plan (the Assessment Plan). The purpose of the Assessment Plan is to outline the manner in which the City will undertake private property inspections. A copy of the City's Assessment Plan is outlined in Attachment 2.
12. The Assessment Plan utilises previous non-compliance, complaints, and a comprehensive risk assessment to determine the priority of assessments throughout the City.
13. Key aspects of the inspection process addressed in the Plan include, but are not limited to:
  - a) Objectives
  - b) Limitations and anticipated risks
  - c) Measures of success
  - d) Lessons learnt from the preceding season
  - e) Execution of the assessment process
14. The key intent of the Notice and Assessment Plan is to reduce the overall risk profile of the City by ensuring all private properties in very high and extreme fire risk locations are assessed for compliance with the Notice before moving onto lower risk properties.
15. The Assessment Plan also utilises a combination of community engagement programs to support the assessments, which are focused on empowering residents to be fire ready before the 1 November assessment program. The focus of the engagement programs is to increase fire safe practices, asset preparedness and community resilience, while giving residents information on how to comply with the Notice.
16. The Assessment Plan is presented to the Council every year prior to the commencement of the bushfire season.
17. Prior to the presentation of the Notice of Motion at the March 2021 Ordinary Council Meeting, a comprehensive presentation was provided to Councillors at the 2 March 2021 Strategy Session in relation to the Notice, Assessment Plan and inspection process.
18. **Response to Matters Outlined in the Petition**  
The petition requests an audit be undertaken in relation to the following areas:
  - a) Community engagement strategies / packages.
  - b) Balance between education and enforcement
  - c) Balance between preserving the environment and fire mitigation.
  - d) Local Government benchmarking.

19. Commentary around the City's current activities in relation to these matters is outlined below for Council's consideration.
20. *Community Engagement Strategies / Packages*  
Extensive community engagement programs are prepared prior to and during the fire season. A copy of the extensive Communications and Engagement Activity Schedule - Bushfire Preparedness 2021/2022 (Activity Schedule) for this coming fire season is contained in Attachment 3. The Activity Schedule includes a variety of different communications be it social media posts, street meets, bushfire information's sessions, shopping centre engagement booths just to name a few.
21. The Activity Schedule for the upcoming season is currently in the process of being finalised and will include additional measures in line with the latest DFES campaigns as they launch for the season.
22. The City will showcase new videos prepared in partnership with the Western Australian Local Government Association and the Department of Primary Industries and Regional Development as a part of emergency management for those with pets this season. The videos are available at the following URLs:  
  
Small: [https://www.youtube.com/watch?v=Wp7KueR\\_zB4](https://www.youtube.com/watch?v=Wp7KueR_zB4)  
Large: <https://www.youtube.com/watch?v=vAzrDcy2rew>
23. The City develops the Activity Schedule having regard to feedback that has been received from residents. The City also assimilates findings and improvements with information and feedback received from Councillors and the broader community at the end of every season with the aim of undertaking continual process improvements.
24. As part of this process, the City undertakes a review of the outcomes from each season with the aim of undertaking continual process improvements for the next season. A copy of the Post-Season Summary Report from 2020/2021 is outlined in Attachment 4.
25. *Balance Between Education and Enforcement*  
The City undertakes significant community education leading into the bush fire season. Community engagement runs throughout the year, with an intensive campaign including with community sessions, social media posts, online promotion, shopping centre pop up's mailouts and advertising. Engagement is undertaken in collaboration with local brigades, bushfire ready groups, DFES, local residents, visitors to the region and other special interest groups. We also encourage residents to

contact us with any questions at any point in the year in order to personally assist to explain requirements on their properties.

26. The City undertakes pre-season inspections with letters sent out to at risk areas and areas identified through the City's evaluation and Summary Report as requiring further engagement. These inspections are voluntary and provide an opportunity for landowners to engage with the City's Fire Control Officer's to ensure their properties are ready by the start of the season.
27. *Balance Between Preserving the Environment and Fire Mitigation*  
The City is home to a variety of native flora, fauna and tree species. Some of these are protected under certain environmental legislation and require additional permits and approvals should owners wish to remove them. The Notice does not require the removal of living flora with the exception of fire-breaks. The Notice only requires the removal of dead flammable material to reduce fuel loads. If rare or threatened flora is contained within a fire-break, than this would be a legitimate reason to seek a variation to the Notice.
28. *Local Government Benchmarking*  
Each local government area is different and requires a tailored approach to fire prevention. Feedback received from the Department of Fire and Emergency Services (DFES) indicates that the City has a comprehensive private property inspection process for ensuring compliance with the Notice. The City received high commendation at the 22nd Resilient Australia WA Awards 2021 for its work in community engagement and fire preparedness / mitigation. This was further acknowledged in a letter from the Minister Emergency Services to the City's Mayor, see Attachment 5.
29. The City has also been successful in taking out the Local Government Professionals Innovative Partnership category. The award was granted for the work the City has been doing in building community resilience for emergencies through implementation of its Activity Schedule enhancing key partnerships with State Government agencies including DFES and the Department of Primary Industries and Regional Development, Local Brigades, Community Groups and organisations.
30. Notwithstanding the acknowledgements and awards, there are always areas for continuous improvement, and the City, as part of this process, undertakes a post-season de-brief with key lessons learnt from the season feeding into the following season.

31. The City has also undertaken an analysis of the activities of other local governments along the escarpment. This analysis is contained in Attachment 6.

32. Based on a review of the activities of other local governments, it is apparent that the City is undertaking sufficient measures consistent with other local governments. The City has also been contacted by a number of other local governments within Western Australia seeking advice on how to prepare an Assessment Plan, and the comprehensive process undertaken for property inspections.

33. **Statistics from 2020/21 Fire Season**

As part of the City's review process, an analysis of the outcomes from the previous fire season is undertaken. Statistics from the 2020/2021 Fire Season are outlined below.

	<b>No. of Assessments</b>	<b>No. of Workorders</b>	<b>No. of Infringements</b>
34.	4077	1001 (24.5%)	83 (2%)

35. **General Information on the Petition Signees – Non-Property Specific**

To understand the concerns from those that signed the petition, the City has undertaken a review of general fire-related regulatory information associated with the signees. A summary of that review on a non-property specific basis is outlined below. Of the 100 signatories:

- a) 43 Signatures came from people who collectively reside at 20 properties.
- b) 64 signatures were from residents whose property are classified as urban/low risk and were not the subject of property inspections.
- c) 3 signatures were from residents with larger urban properties and were assessed, with 1 receiving an infringement.
- d) 28 signees previously received workorders from the City for non-compliance with the Notice last season.
- e) 1 signee previously received an infringement from the City for non-compliance with the Notice last season.
- f) 10 signees complied with the Notice.
- g) 4 Signees on the petition referred their fire compliance matters to Councillors during the fire season.
- h) 3 signees were given a second work order.

**APPLICABLE LAW**

36. *Bush Fires Act 1958*

## **APPLICABLE POLICY**

37. N/A

## **STAKEHOLDER ENGAGEMENT**

38. Extensive community engagement programs are prepared prior to and during the fire season. A copy of the Post Season Summary Report 2020/2021 is contained in Attachment 4.
39. The requested audit, and the very prescriptive terms, will impact the likely field of respondents (must not be connected with the current staff of the City, or any organisation that has an association with the City, including any financial links). Given the City's bushfire risk, this would result in a very narrow field of candidates, as many companies have clients that have, in one way or another, worked with or for the City. The City, on desktop review, deals with many bushfire planning consultants in some capacity.

## **FINANCIAL CONSIDERATIONS**

40. To undertake a detailed audit as recommended through the petition, it is estimated to cost a total of approx. \$20,000 - \$25,000. This estimate is based on approximately 60 – 80 hours of audit time by an independent professional with expertise in fire hazard mitigation and approximately \$5,000 worth of officer time to manage and oversee the audit including any reporting to Council. Community engagement costs would be additional.
41. There is no budget allocation for this work and approval of unbudgeted funds would be necessary.
42. Total estimated cost to undertake the audit and consultation would be \$30,000 - \$35,000.
43. The Notice for 21/22 has been issued. As such, any potential changes to the City's processes, as a result of an audit, may not occur until 2022/23.

## **SUSTAINABILITY**

44. **Social**  
The prevention measures undertaken by the City seek to protect the community and mitigate the risk of bushfire. Bushfire has the potential to significantly impact social cohesion, this has been seen in neighbouring local government areas.



45. **Economic & Environmental**

Bushfires can have devastating economic and environmental impacts. The prevention measures undertaken by the City seek to mitigate and avoid those impacts, wherever possible.

**RISK MANAGEMENT**

46.	<b>Risk:</b> The audit is not undertaken and results in a lesser standard of fire prevention measures leading to significant reputational damage.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Unlikely	Medium
	<b>Action/Strategy</b>		
	Ensure the City undertakes annual reviews of each fire season and works through a process of continual review and improvement.		

47.	<b>Risk:</b> That the City undertakes the audit and doesn't find any material issues and thus the merit of the expenditure is questioned.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Likely	High
	<b>Action/Strategy</b>		
	Council to take an informed view if the audit is worth the expense		

48.	<b>Risk:</b> By not undertaking the audit, the petitioners agitate further on the issue requiring the City to manage potential reputational issues.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	City responses to further questions on the matter reflect the reasoning for not undertaking the audit in clear and consistent manner		

**CONCLUSION**

49. The City provides comprehensive information and oversight to Council and the community through the following processes and measures:
- Presentations at Strategy Sessions prior to the fire season commencing and on an as needs basis throughout the season.
  - A weekly update on infringements and cautions issued through the Councillor Information Bulletin.

- c) Formal presentation of the Plan to Council prior to each season commencing, all this reporting and documentation is also available to the public.
- d) Providing Councillors detailed information on any specific issues that arise throughout the season.
- e) A comprehensive community engagement program is undertaken prior to and during the bushfire season.

50. Consistent with the recommendation provided to Council at the March 2021 Ordinary Council Meeting, the City is of the view that the statistics outlined above in conjunction with the comprehensive information and oversight provided to Council prior to, and during, the fire season does not warrant the cost of an independent audit of the City's fire mitigation practices. On this basis, the request in the petition is not supported.

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

That Council:

- 1. NOTE the petition.
- 2. NOT SUPPORT the request to undertake an audit.

Cr O'Donnell moved the recommendation and an amendment to include a point 3. The amendment received a seconder before being debated by council and put to a vote.

### RESOLVED OCM 295/2021

That Council:

- 1 NOTE the petition.
- 2 NOT SUPPORT the request to undertake an audit.
- 3 REQUEST the Chief Executive Officer to issue correspondence to all those that signed the petition requesting their written feedback and suggestions regarding the City of Kalamunda Fire Hazard Reduction Plan and inspection process.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Sue Bilich**

Vote:

For

**Cr John Giardina**  
**Cr Janelle Sewell**  
**Cr Brooke O'Donnell**  
**Cr Sue Bilich**  
**Cr Lisa Cooper**  
**Cr Cameron Blair**  
**Cr Kathy Ritchie**  
**Cr Margaret Thomas**

Against

**Cr Lesley Boyd**  
**Cr Mary Cannon**  
**Cr Dylan O'Connor**  
**Cr Geoff Stallard**

**CARRIED (8/4)**

**10.2. Asset Services Reports**

No reports presented.

**10.3. Corporate Services Reports**

No reports presented.

**10.4. Office of the CEO Reports**

**10.4.1. Kalamunda Aged Care Advisory Committee Recommendations 8 September 2021**

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

Previous Items	N/A
Directorate Business Unit	Office of the CEO
File Reference	
Applicant	
Owner	
Attachments	Nil

**TYPE OF REPORT**

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

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 1: Kalamunda Cares and Interacts

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

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

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

### Priority 3: Kalamunda Develops

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

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

### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

## EXECUTIVE SUMMARY

1. To consider the recommendations of the Kalamunda Aged Care Advisory Committee (KACAC).
2. The KACAC held an ordinary meeting on the 8 September 2021. At this meeting several motions were passed which are now presented for Council consideration.
3. This report recommends Council notes the Kalamunda Aged Care Advisory Committee recommendations.

## BACKGROUND

4. Council established the Kalamunda Aged Care Advisory Committee in 2015 in response to the critical shortage of aged care beds in the City.
5. The purpose of the Aged Care Advisory Committee, as set out in the Terms of Reference, is to advise and make recommendations to Council on a range of strategic issues which affect the quality of life of the ageing population, their families and carers living in and visiting the City of Kalamunda.

6. To objectives of the KACAC are to:
- 3.1 To promote and facilitate adequate access to Residential Aged Care accommodation in the City of Kalamunda.
  - 3.2 To monitor trends, issues and developments occurring at the local, state and national levels for the aged care sector.
  - 3.3 To undertake ongoing research and analysis of the aged care sector to ensure the City is at the forefront of any development opportunities that may emerge.
  - 3.4 To advocate and develop relationships with the aged care sector and identify opportunities for partnership ventures.
  - 3.4 To consider and advise upon greater access to community based aged care facilities and support services
  - 3.5 To investigate and promote regional approaches to aged care issues.

## **DETAILS AND ANALYSIS**

7. The Committee met on the 8 September 2021 and tabled a number of recommendations for Council consideration as follows.

8. **1. COMMITTEE RECOMMENDATION TO COUNCIL**

To form a randomised focus group of elderly residents to assess the City of Kalamunda Website by attempting to gain specific information, to check their ability to access and understand the system and the information gained.

Compare the result with the use of hard copy information and verbally delivered information. This would identify any information transfer issues, such as highlighted in the Royal Commission Report and, if significant issues are found, support a case for the provision of a Seniors/Aged Care Officer, readily available to provide guidance and assistance to Kalamunda senior citizens.

**Moved: Malcolm Roberts**

**Seconded: Bev Love**

**Vote: Carried**

9. **City's Response:**

The City advised the KACAC this request would require Council allocating resources to undertake this task. The City currently does not have funding or resources allocated to undertake such a task and the budget and business plans have been set for the 2021/22 financial year.

The City's website was reviewed two years ago, and the review involved targeted focus groups to provide input. The City's website is not due for further review.

Furthermore, it is not the City's role to provide guidance and support on Federal Government legislation. The *My Aged Care* website performs that task, and it would not be prudent for the City to attempt to interpret and give advice of this nature to seniors. Understanding the aged care system is not a role for local government, however the City does take on the role of referring its seniors to the appropriate agencies or relevant websites when calls for direction are made.

The City, therefore, acts as a connector for seniors wanting information about the aged care systems and will refer seniors to the appropriate services. This is a role that is considered beneficial and within the resourcing capacity of the City.

It should also be noted a review of Kalamunda website is an operational matter and outside the terms of reference of the Aged Care Advisory Committee.

10. **2. COMMITTEE RECOMMENDATION TO COUNCIL**

To recognise the Commonwealth Government Residential Aged Care Accommodation targets as the desired standard for The City, provide incentives to offset increased building costs in the Hills, and actively engage with governments and the aged care sector to promote and facilitate the development of appropriate residential aged care facilities in the City to assist in achieving these targets.

**Moved: Malcolm Roberts**

**Seconded: Bev Love**

**Vote: Carried**

11. **City of Kalamunda Response to this recommendation is as follows:**

The City would not support setting targets for a matter that is outside the control of the City.

Setting targets would raise expectations in the community that may not be achievable by a local government. The risk could potentially be community criticism if targets were not achieved, given aged provision is not a local government responsibility.

12. When setting a target, it is standard operating procedure for the target to be SMART:

- Specific
- Measurable
- Achievable
- Realistic
- Timely

It would be impossible to set a SMART target for aged care accommodation when the City is reliant on other agencies such as the State and Federal Government, as well as the private and not for profit sectors, who deliver aged care accommodation.

13. The City has already provided incentives through the creation of land at Cambridge Reserve and Heidelberg Park for aged care purposes. The City has vigorously assessed and pursued other aged care sites opportunities and it is conclusive that the only sites to date that are suitable are the Cambridge Reserve and Heidelberg sites.

14. The City was not able to gain State Government support for a development in Wilkins Road after spending in the order of \$250,000 to assess this site. The City is still working with the State Government to secure a site in the new High Wycombe South station precinct.

15. The City will continue to pursue and advocate where possible to attract aged care providers.

16. In 2016 the Council adopted the Aged Care Accommodation Strategy 2016 containing the following recommendations in relation to the role the city should pursue in aged care.

- a) should not directly undertake any retirement or aged care developments. The sector has become increasingly demanding in terms of regulation, cost efficiency pressures, operational requirements and market demands that both the retirement living



and aged care sectors have become more demanding of their owner/operators;

- b) encourage providers that will provide a 'hub and spoke' approach to aged care which means they will have one or more home bases within the Shire and be able to use these to provide home (community) care services and therefore encourage ageing in place; and
- c) use government assets (including State Government land) to encourage retirement living and aged care developments (similar to the Carine Rise and Ridgewood Seniors Affordable Housing development examples); and
- d) prioritise sites close to existing amenities (shops, public transport) which also helps to address the social isolation that some residents have with retirement villages that are suitable for a ground lease to a retirement/aged care operator.

17. The request from the KACAC is outside of the position adopted by Council and should not be supported.

18. **3. MOTION**

Seek KACAC advice on defining the role of a Seniors /Aged Care Officer, including in relation to aged care accommodation, and provide ongoing monitoring of local RACFs, provision of their services and Home Care Services in CoK, to ensure residents' needs are met at the prescribed standard.

**Moved**            **Malcolm Roberts**

**Seconded:**

**Vote:**            **LAPSED**

19. The CEO advised regarding this motion that the City has already defined its role for its community development officer – inclusive communities. The current role of the City is to connect seniors to the appropriate services that have expertise to assist seniors.

KACAC could provide a submission to the CEO for consideration and assessment of such a role, and if determine to have merit the CEO would place a proposal to the Council to fund such a position in future budget years. This motion again is operational in nature and outside the of the scope of the aged care committee.

20. The recommendation was not supported and lapsed.

## **APPLICABLE LAW**

21. Sections 5.8, 5.9 and 5.10 of the *Local Government Act 1995*.

## **APPLICABLE POLICY**

22. Nil.

## **STAKEHOLDER ENGAGEMENT**

23. Nil.

## **FINANCIAL CONSIDERATIONS**

24. The request from the KACAC would require additional funding for an officer and redevelopment the city's website.

A budget would be required in the order of \$100,000 to \$120,000.

## **SUSTAINABILITY**

25. Nil.

## **RISK MANAGEMENT**

- 26.
- |  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> Expanding the role of the city in operational matters regarding aged care provision will require additional resource with knowledge and expertise in the Federal Government aged care systems |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Moderate   | Possible          | Medium        |
| <b>Action/Strategy</b>   |                   |               |
| Council should not support the requests being made by the KACAC.   |                   |               |

## **CONCLUSION**

27. In bringing forward recommendations that do not align with the Terms of Reference, as well as operational recommendations, this indicates Kalamunda Aged Care Advisory Committee has moved away from its role.
28. It is therefore reasonable to conclude the Committee may have exhausted its usefulness regarding its key purpose.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 296/2021

That Council NOTE the recommendations from the Kalamunda Aged Care Advisory Committee and take no further action.

Moved: **Cr Sue Bilich**

Seconded: **Cr Margaret Thomas**

Vote: For

**Cr Lesley Boyd  
Cr Mary Cannon  
Cr Brooke O'Donnell  
Cr Sue Bilich  
Cr Lisa Cooper  
Cr Dylan O'Connor  
Cr Cameron Blair  
Cr Kathy Ritchie  
Cr Margaret Thomas**

Against

**Cr John Giardina  
Cr Janelle Sewell  
Cr Geoff Stallard**


**CARRIED (9/3)**

## 10.4.2. Committee Terms of Reference Review 2021/23

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

Previous Items	OCM August 2019
Directorate Business Unit	Chief Executive Officer Governance
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> <li>1. Bush Fire Advisory Committee [<b>10.4.2.1</b> - 6 pages]</li> <li>2. Community Safety &amp; Crime Prevention Advisory Committee [<b>10.4.2.2</b> - 5 pages]</li> <li>3. Disability &amp; Carers Advisory Committee [<b>10.4.2.3</b> - 5 pages]</li> <li>4. Kalamunda Arts Advisory Committee [<b>10.4.2.4</b> - 5 pages]</li> <li>5. Kalamunda Environmental and Sustainability Advisory Committee [<b>10.4.2.5</b> - 6 pages]</li> <li>6. Kalamunda Tourism Advisory Committee [<b>10.4.2.6</b> - 6 pages]</li> <li>7. Strategic Sport &amp; Recreation Committee [<b>10.4.2.7</b> - 5 pages]</li> </ol>

### TYPE OF REPORT

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

## STRATEGIC PLANNING ALIGNMENT

### *Kalamunda Advancing Strategic Community Plan to 2031*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to review the Terms of Reference of Advisory and Management Committees and to make recommendations about changes.
2. Council has the ability under the *Local Government Act 1995* to establish Advisory Committees to assist in the provision of advice on various matters. It is good practice to review the Terms of Reference to ensure advisory committees are relevant before Council is required to nominate members to the committees.
3. The City has undertaken a full review of all existing Advisory Committees and updated aspects no longer relevant, aligned all Terms of Reference under a standard template.
4. This report recommends Council adopt the revised Membership and Terms of Reference for Advisory and Management Committees for the period November 2021 to October 2023, note that the Kalamunda Economic Development Advisory Committee is to remain in place unchanged until 2023, abolish the Kalamunda Aged Care Advisory Committee and expand the function of the Kalamunda Environmental Advisory Committee to become the Kalamunda Environmental & Sustainability Advisory Committee.

## BACKGROUND

5. Every two years, in line with the local government election cycle, the City undertakes a review of all Advisory Committees.

This review ensures the Committees:

- a) remain relevant,
- b) are aligned with the direction and requirements of the Council,
- c) have current and applicable terms of reference
- d) enables a refreshing of Membership; and
- e) Reassesses the need for a committee to continue.

6. The purpose of biennial review of committees of Council is to ensure the committees are providing efficacy, are relevant and are operating efficiently. Over time advisory committees will exhaust their purpose or may no longer be aligned with Council's strategic objectives. The review provides an opportunity to refresh and reset direction where required to ensure alignment with new or emerging strategic objective is being derived from the committees.

## **DETAILS**

7. The review of all advisory committees was undertaken by the City of Kalamunda supporting each of the committees and a presentation provided to elected members at their strategic retreat in March 2021.
8. All Terms of Reference have been aligned to the Strategic Community Plan 2031 to ensure greater consistency across the operations of all advisory committees.
9. Key changes to Committees outlined in this report relate to the Kalamunda Aged Care Advisory Committee and the Kalamunda Environmental Advisory Committee.
10. All other committees have no significant changes to the objectives as they are still relevant to the objectives of the Council, other than refreshing the terms of reference to ensure greater alignment to City goals and to identify greater efficiencies in the operation of committees.
11. One area of improved efficiency relates to the membership of all committees. The City is recommending that all committees are supported by one Councillor and one deputy Councillor. This approach will alleviate the intense demand being placed upon Councillor's time, to not only undertake their councillor meeting role, but to effectively support all 9 advisory committees plus another 6 external committees.
12. **Key Changes Recommended to Advisory Committees**  
The following is a summary of key changes being made to each of Council's established advisory committees.
13. **Kalamunda Aged Care Advisory Committee (KACAC)**  
The KACAC was established in 2015 and its purpose was to support the City to promote and advocate for more land to facilitate the development of additional aged care facilities. Since that time City has made progress and finalised the examining of land assets across the City suitable for aged care for aged car development.

These included:

- Wilkins Road
- Gavor Road
- Valencia , Carmel
- Karingal Green
- Cambridge Reserve and
- Heidelberg Park.

Of these sites:

- Karingal Green has now been constructed offering 160 beds. Wilkins Road site has been abandoned due to lack of State Government support.
- Valencia, Carmel is currently at construction stage offering additional 80 beds.
- Gavor Road proposal is in early stages of planning and expected to yield around 100 beds.
- Cambridge Reserve and Heidelberg Park are in the land transfer stages both expected to yield 100 beds each.

The City is of the view the work in aged care development land identification is complete as no more suitable sites exist and that the KACAC no longer has a sustainable role. The City is recommending the KACAC be abolished so resources can be redirected to new initiatives being pursued.

14. **Kalamunda Environmental Advisory Committee (KEAC)**

The KEAC was established primarily to assist Council with improving environmental policy and practice. It has been effective in either development or review of key strategies namely:

- Local Environmental Strategy
- Urban Forest Strategy
- Local Biodiversity Strategy
- Environmental Land Use Planning Strategy

15. Council recently committed to address the issues of sustainability and climate change and its impact upon its Community through both declaring that there is a Climate Emergency and commitment to the WALGA Climate Change Policy Statement. There will be a significant amount of work to be undertaken in the coming years to develop comprehensive strategies, policies, plans, and actions addressing this issue. The matter is not solely confined to impacts upon the environment but moreover the issue of an agreed common understanding of "Sustainability".

16. It is proposed a new committee is formed – Kalamunda Environmental and Sustainability Advisory Committee (KESAC) which builds on the foundations set in KEAC but expands its to more closely align with the

strategies and goals of the Council regarding strengthening sustainability and addressing climate change.

17. It is foreseen expansion of the role will be of greater value and necessary in dealing with the climate change emergency priority as resolved by Council in May 2021.
18. It is also viewed the expanded role will attract members of the committee who have expertise in climate change and sustainability to give greater diversity to the committee.
19. This committee is proposed to have five community members, a potentially a professional subject expert on climate change who may or may not be a resident of the District.
20. **Bush Fire Advisory Committee**  
No changes are proposed to the Bushfire Advisory Committee.
21. **Community Safety & Crime Prevention Advisory Committee**  
A review of Councillor and community member attendance at the Community Safety and Crime Prevention Committee (CSCPAC) indicates that there is only a need for one Councillors and four community representatives to be appointed to CSCPAC. In this context, the Terms of Reference have been brought in line with other committees.
22. **Kalamunda Arts Advisory Committee**  
A review of Councillor and community member attendance at (KAAC) indicates that there is only a need for one Councillor, and four to six community representatives to be appointed to KAAC. In this context, the Terms of reference have been brought in line with other committees.
23. **Kalamunda Tourism Advisory Committee**  
A review of Councillor and community member attendance at (KTAC) indicates that there is only a need for one Councillor, three tourism operators within the City of Kalamunda, and three community members with experience within the Tourism field. The Terms of reference have been brought in line with other committees.
24. **Kalamunda Economic Development Advisory Committee (KEDAC)**  
It is proposed that the KEDAC is the only committee that is not advertised for new members. The reason being the KEDAC was only formed in late 2020, its members have served less than a year and this report recommends Council maintains the current membership base and the existing terms of reference for the next two years. No changes are required to its Terms of Reference.



25.           **Disability and Carers Advisory Committee**  
No changes are proposed to the Disability and Carers Advisory Committee.

26.           **Strategic Sport & Recreation Committee**  
No changes are proposed to the Strategic Sport & Recreation Committee.

#### **APPLICABLE LAW**

27.           Section 5.8 of the Local Government Act 1995 – Establishment of Committees.

Section 5.9 (2) (c) of the Local Government Act 1995 – Types of Committees.

Section 5.11 (2) (d) of the Local Government Act 1995 – Tenure of Committee Membership.

#### **APPLICABLE POLICY**

28.           The Council does not have a policy position for advisory committees.

#### **STAKEHOLDER ENGAGEMENT**

29.           Public consultation is not required for the review of the Management and Terms of Reference of Advisory Committees.

30.           Once Council has approved the establishment of the Committee and Terms of Reference, nominations from appropriate community representatives for appointment to the Committee will be sought through a public advertising process.

#### **FINANCIAL CONSIDERATIONS**

31.           The cost to administrate an advisory committee is in the order of \$5,000 to \$6,000 per annum based on four meetings a year. This can vary depending on requirement of the committee.

Meeting agenda preparation	4 hours/meeting	\$ 400.00
Briefing Papers prepared and research	16 hrs/meeting	\$ 1,600.00
Meeting attendance x 2-3 staff	2 hours/meeting	\$ 1,000.00
Minutes	3 hours/meeting	\$ 300.00
Senior Officers review and signoff	3 hours/meeting	\$ 600.00
Ongoing Liaison	4 hours/meeting	\$ 400.00
Reporting to Council	4 hours/meeting	\$ 800.00
	<b>Total estimate</b>	<b>\$ 5,100.00</b>

32. The City has 9 advisory committees and 6 external committees to resource. In total it costs the City a year of staff time to resource an advisory committee.

## SUSTAINABILITY

33. Advisory committees provide a focussed pathway for engaging community leaders on specific topics to provide greater transparency and broader community views.

## RISK MANAGEMENT

34.	<b>Risk:</b> Advisory Committees become irrelevant and become a cost to the City rather than a benefit.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	By regularly reviewing the terms of reference and the efficacy of advisory committees the City will not incur a cost without benefit.		

35.	<b>Risk:</b> Committee goals do not align with Council's objectives and strategies.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Provide guidance to the Chair and at the first meeting communicate the City's strategic plan and objectives to ensure the Committee /understands its role and works within its Terms of Reference.		

## CONCLUSION

36. Every two years in line with Council election the City undertakes a review of the efficacy of its advisory committees and the relevance of the terms of reference for each committee. It is important to do so to ensure the advisory committees are refreshed and are adding value to the Council in terms of the advice and support the Council requires.
37. Upon endorsement by Council of all the Terms of Reference and the establishment of all Committees, advertisements seeking nominations from the community for appointment to the various committees will be placed in the local newspapers and other medians. Following the

advertising process, a report will be brought to Council to formalise the appointments in November 2021.

<b>Voting Requirements: Simple Majority</b>
---

Cr Bilich proposed an amendment to part 1 of the recommendation. A motion was proposed to vote on this part of the recommendation separately. This received a seconder before being put to a vote.

RESOLVED OCM 297/2021

That Council consider point one of the recommendation as a separate motion.

Moved: **Cr Sue Bilich**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (12/0)**

<b>Voting Requirements: Absolute Majority</b>
---

**RECOMMENDATION 1**

That Council:

1. ABOLISH the Kalamunda Aged Care Advisory Committee.

Cr Bilich proposed an amendment to the recommendation. Cr Bilich provided rationale for the amendment. The amendment received a seconder before being put to the vote.

RESOLVED OCM 298/2021

That Council

1. REQUEST the Chief Executive Officer host a workshop in the first quarter of 2022 to review the terms of reference of the Kalamunda Aged Care Advisory Committee.
2. REQUEST the Chief Executive Officer invite members of the 2019/2021 Kalamunda Aged Care Advisory Committee to participate in the workshop.

Moved: **Cr Sue Bilich**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

RESOLVED OCM 299/2021

2. ABOLISH the Kalamunda Environmental Advisory Committee.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 300/2021

3. CREATE the Kalamunda Environmental and Sustainability Advisory Committee.

4. ADOPT the reviewed Terms of Reference for the following Committees as outlined in Attachment 1:

- Bushfire Advisory Committee
- Community Safety & Crime Prevention Advisory Committee
- Kalamunda Arts Advisory Committee
- Kalamunda Environmental & Sustainability Committee
- Kalamunda Tourism Advisory Committee
- Disability and Carers Advisory Committee
- Strategic Sport & Recreation Committee

5. NOTE there are no changes being proposed to the Kalamunda Economic Development Advisory Committee and the Terms of reference will be reviewed in 2023.

6. REQUEST the Chief Executive Officer to advertise all positions for all committees for 30 days with the exception of the Kalamunda Economic Development Advisory Committee.

7. PROVIDE a report to Council recommending new appointments to all advisory committees for the period November 2021 to October 2023.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**


The Presiding Member adjourned the meeting 8:19pm. The meeting recommenced at 8:25pm all councillors and members of staff returned to the meeting.

### 10.4.3. Jorgensen Park Overflow Car-park Community Consultation

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

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

#### TYPE OF REPORT

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

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

##### **Priority 1: Kalamunda Cares and Interacts**

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

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

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

##### **Priority 1: Kalamunda Cares and Interacts**

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

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

**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.

**Strategy 1.3.2** - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

## **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the results of community engagement in regards to the use of the overflow carpark in Jorgensen Park.
2. The overflow area was originally designed for special events use.
3. The recommendation is to approve use of the overflow car parking area for visitors of Jorgensen Park for a 12 month trial.

## **BACKGROUND**

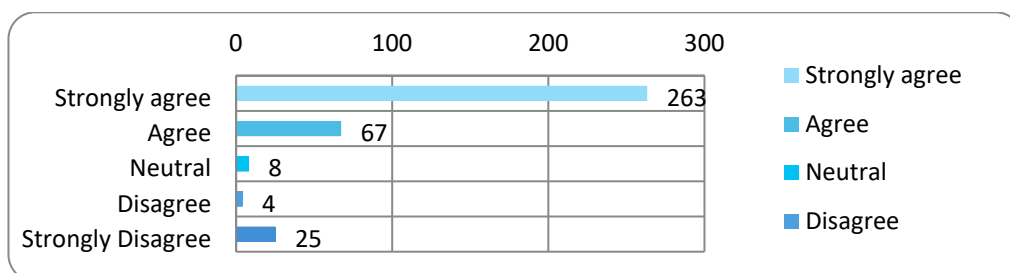
4. Historically the overflow area was unmarked and was a gate with access to the old fairway.
5. The area was clearly defined during construction of the new Kalamunda Community Centre.

## **DETAILS AND ANALYSIS**

6. The popularity of the park for bushwalking and dog exercise coupled with the new community centre's high visitation numbers has put the available car parking under pressure.
7. The previous overflow area allowed parking over the old fairway, the area has now been clearly gated and designated.
8. The overflow area of the site (near the fairway) has always been used for special events, and following a meeting with neighbours post opening of the new centre it was confirmed this will continue to be the case.

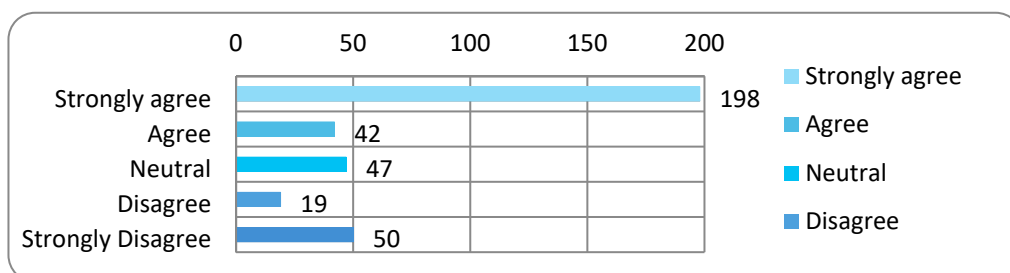
9. In recent months the City was alerted to the fact the asphalt car park was at capacity and received requests for it to be opened.
10. The City has completed consultation with neighbours, local residents, Kalamunda Community Centre patrons and visitors and Jorgensen Park users regarding the availability of parking and the possibility of opening the overflow car park 24/7 or at peak times.
11. 373 responses were received during the consultation period. The results are as follows:

In my opinion, the parking and traffic is a significant problem that needs addressing:	
Strongly agree	263
Agree	67
Neutral	8
Disagree	4
Strongly Disagree	25



12. 

I support the overflow carpark being always open:	
Strongly agree	198
Agree	42
Neutral	47
Disagree	19
Strongly Disagree	50

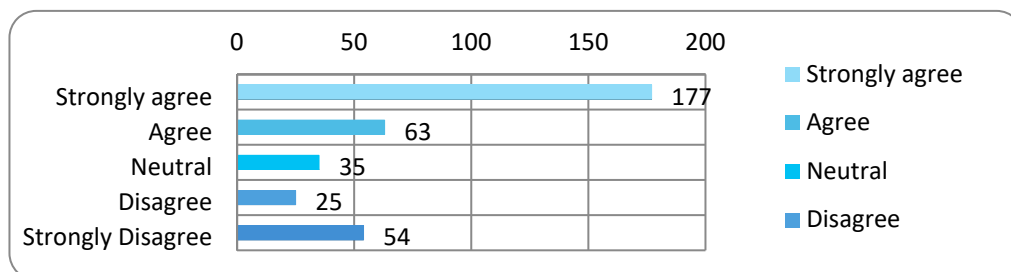


13. 

I support opening the overflow carpark daily from 7am and 4pm:	
--	--

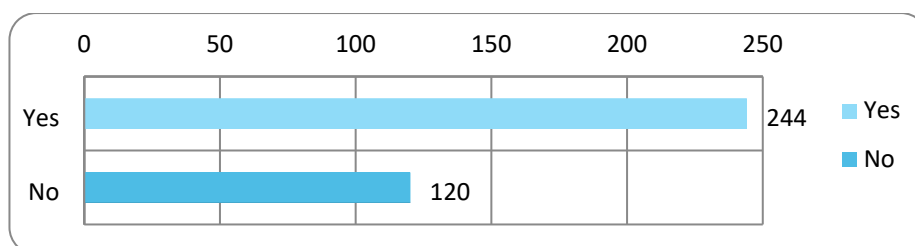


Strongly agree	177
Agree	63
Neutral	35
Disagree	25
Strongly Disagree	54



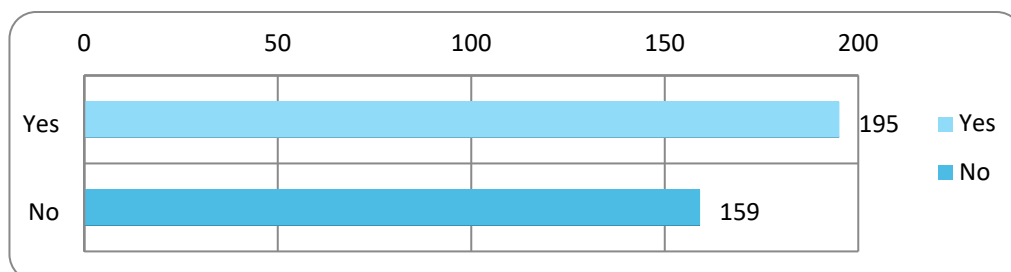
14.

Would you support Sealing of the overflow car park for all weather access	
Yes	244
No	120



15.

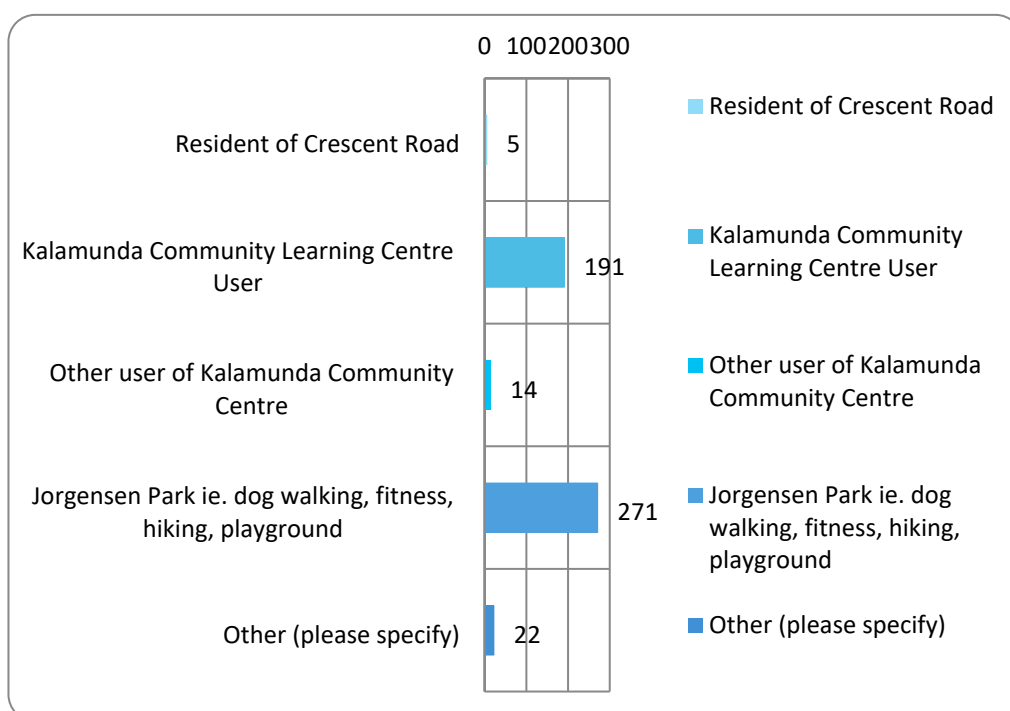
Would you support further expansion of car parking in to the cleared areas of Jorgensen Park	
Yes	195
No	159



16.

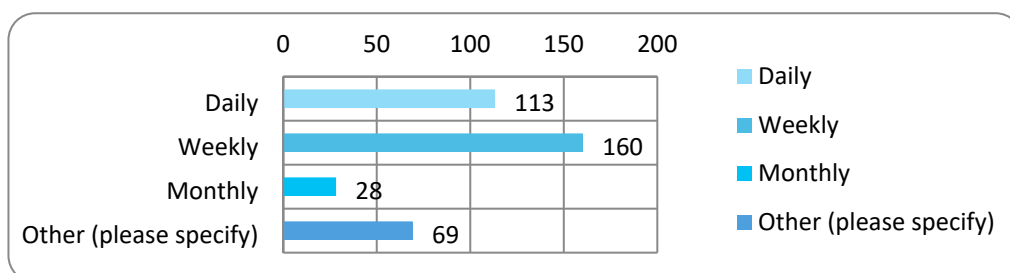
For what reasons do you currently use/access the area (tick all that apply):	
Resident of Crescent Road	5

Kalamunda Community Learning Centre User	191
Other user of Kalamunda Community Centre	14
Jorgensen Park ie. dog walking, fitness, hiking, playground	271
Other (please specify)	22



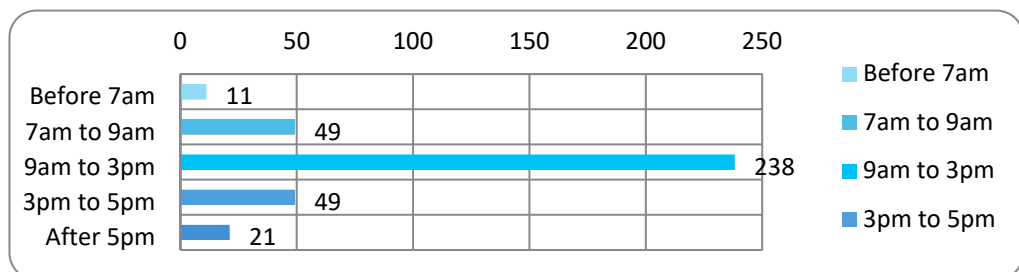
17.

How often do you visit:	
Daily	113
Weekly	160
Monthly	28
Other (please specify)	69



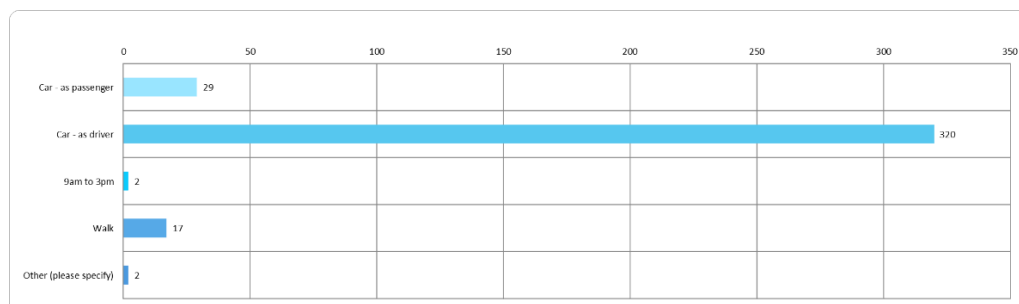
18.

When do you usually visit:	
Before 7am	11
7am to 9am	49
9am to 3pm	238
3pm to 5pm	49
After 5pm	21

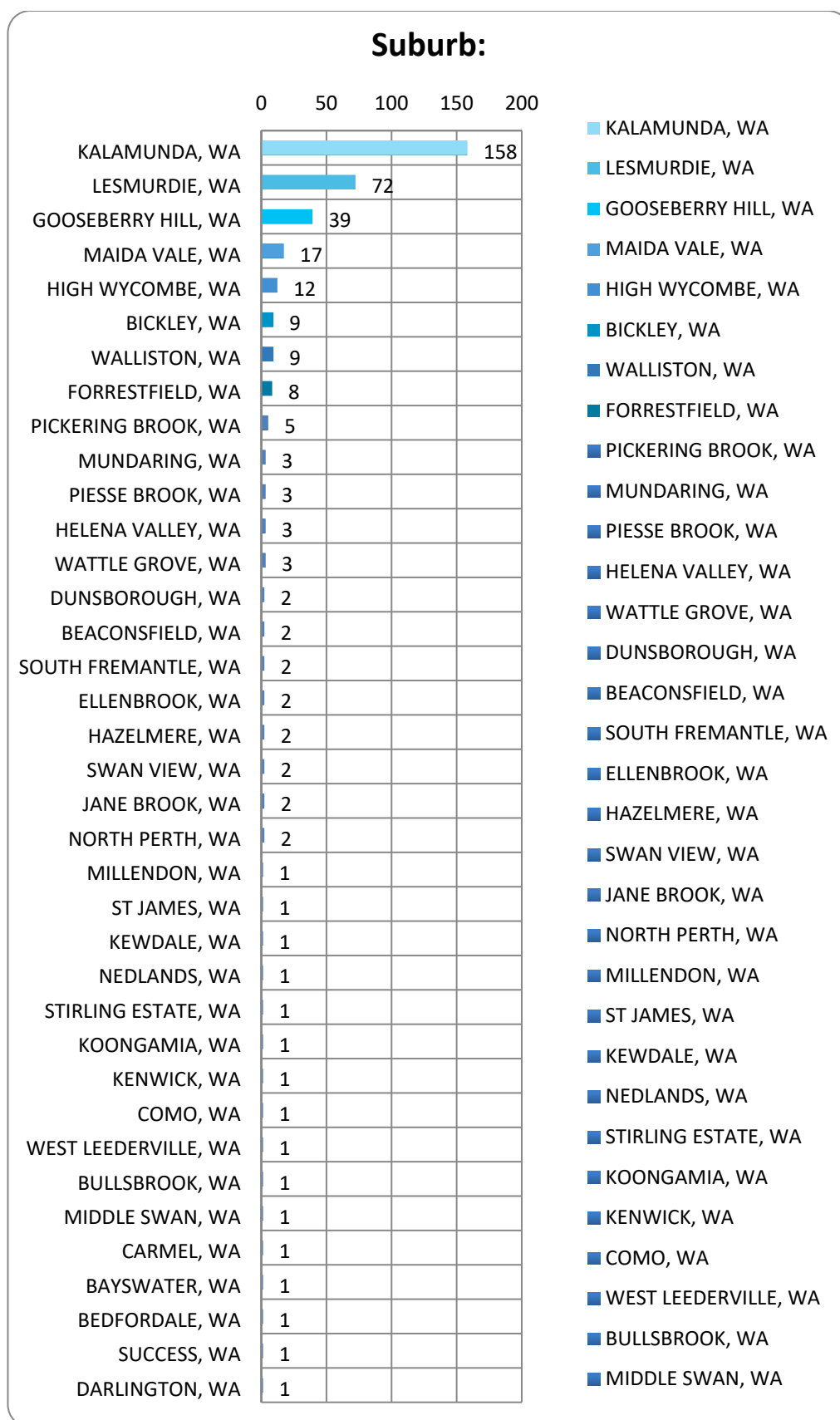


19.

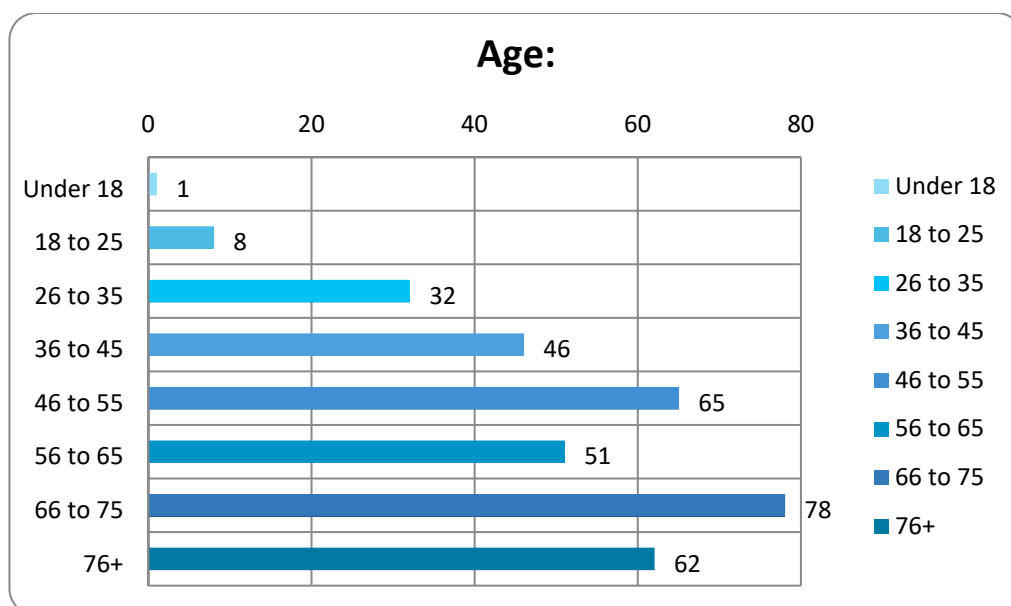
How do you access the area:	
Car - as passenger	29
Car - as driver	320
9am to 3pm	2
Walk	17
Other (please specify)	2



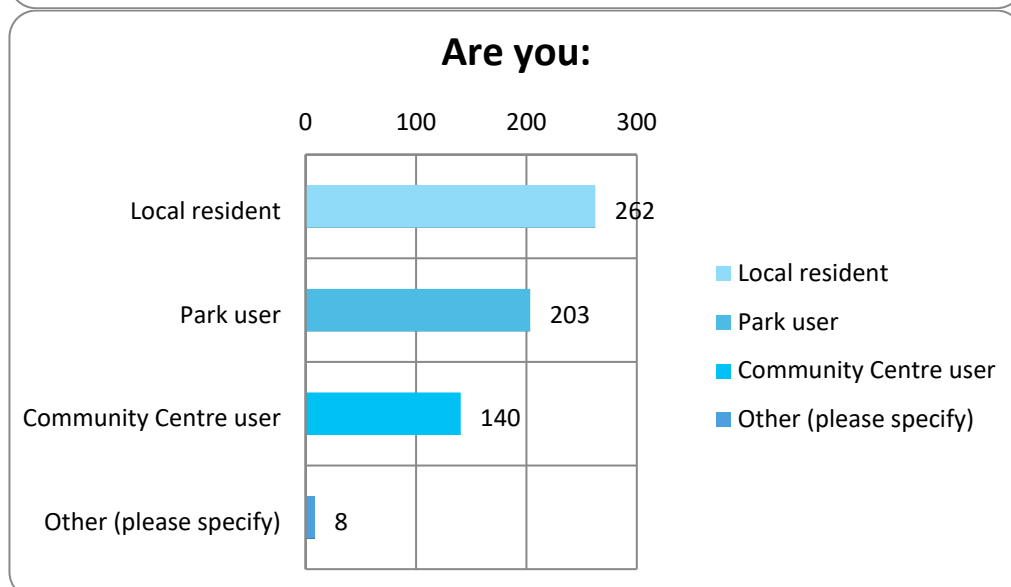
20.



21.

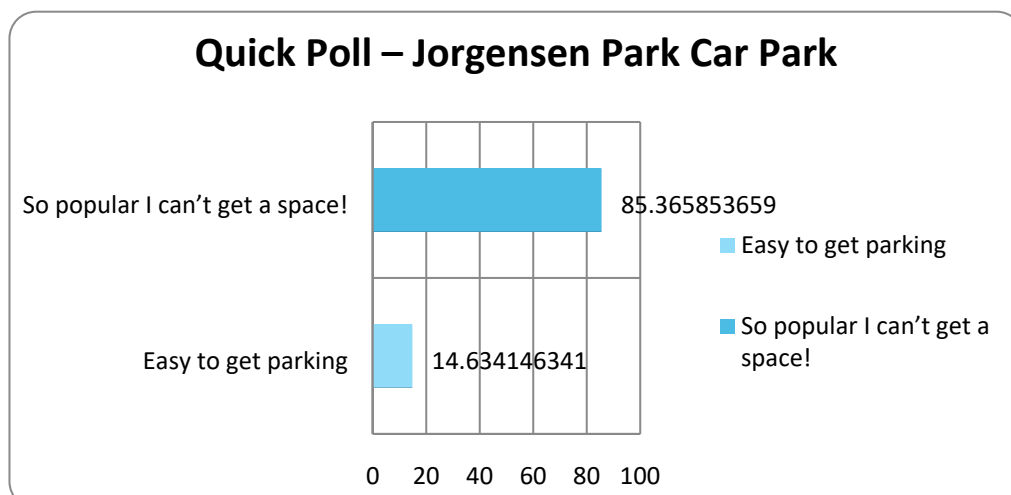


22.



23.

The City also undertook a poll asking people how they found parking at the site. Results are as follows:



24. The polarised views of the local residents and the broader community regarding the opening hours of this overflow are apparent to the City. It is believed that there is more overall benefit in having the overflow carpark open full time. A proposed 12 month trial will allow better understanding of the issues and feedback received.
25. Noting the support for sealing this overflow carpark, the City will prepare concept designs and costs for consideration in future capital works budgets.

#### **APPLICABLE LAW**

26. *Local Government Act 1995*

#### **APPLICABLE POLICY**

27. N/A

#### **STAKEHOLDER ENGAGEMENT**

- 28.
- Community consultation was promoted via:
  - Letter drop
  - Online Project Area – Engagement HQ
  - Survey
  - Online (Engagement HQ) and hard copies at City contact points
  - Meetings
  - Promotional materials at all local libraries, recreation centres etc.
  - Poster available for static displays/notice boards at sporting grounds.
  - Print / Newspaper Advertisement – Echo News
  - Social Media advertising/posts
  - Coverage in the City of Kalamunda E-Newsletters
  - Outcomes summary published on Engage HQ and final Strategy published on website and hardcopy on endorsement by Council
29. People invited to participate included representatives from the below groups, but is not limited to:
- » Neighbours and local residents
  - » Jorgensen Park users
  - » Community Centre Users

#### **FINANCIAL CONSIDERATIONS**

30. N/A

## SUSTAINABILITY

31. The area has been constructed with ability to be able to be utilised. Long term use will need to be further considered from a sustainability point of view.

## RISK MANAGEMENT

32.	<b>Risk:</b> Different stakeholder groups with different need/aspirations.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Likely	Medium
	<b>Action/Strategy</b>		
	Ensure process is open and transparent. Each stakeholder group will be invited to engage, with feedback analyzed to identify differing opinions within the community. Monitor the results of decision and review if required.		

## CONCLUSION

33. Overall results showcased community support for the overflow carparking to be open.
34. Some local neighbours have indicated a preference for the car park to be opened at certain times, with a number advising the City they understand it is at capacity, and don't have objection to it being used in the day. However they have raised concerns with the car park being open at night.
35. A large number of responses came from dog walkers who prefer the overflow car park area as the safest exit point and car park access to the Jorgensen Park.

### Voting Requirements: Simple Majority

## RECOMMENDATION

That Council:

1. APPROVE the overflow carpark to be opened for parking at all times for a trial of twelve months.
2. REQUEST the Chief Executive Officer monitor and review the impact of the overflow car parking area being utilised and report back to Council at the completion of the trial period.

Cr Giardina proposed an additional point to the recommendation. This received a seconder before being debated and put to a vote.

RESOLVED OCM 301/2021

That Council:

1. APPROVE the overflow carpark to be opened for parking at all times for a trial of twelve months.
2. REQUEST the Chief Executive Officer monitor and review the impact of the overflow car parking area being utilised and report back to Council at the completion of the trial period.
3. That Council REQUEST the Chief Executive Officer provide a report to Council outlining a process and costings that would be required to investigate:
  - a) car parking options to expand access and reduce impact upon local residents; inclusive of environmental impacts and technical considerations.
  - b) undertake further community engagement on car parking options explored, including the potential formation of a Community Working Group to assess community impact on ideas and make recommendations.

Moved: **Cr John Giardina**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY (12/0)**



## 10.5. Chief Executive Officer Reports

### 10.5.1. Policy Review 2021

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

Previous  
Items


Directorate Office of the CEO  
Business Unit Governance

File Reference

Applicant  
Owner

- Attachments
1. Governance and Policy Framework 2021 [**10.5.1.1** - 71 pages]
  2. City of Kalamunda Policy Register October 2021 [**10.5.1.2** - 136 pages]
  3. Public Agenda Briefing Forum Procedure [**10.5.1.3** - 4 pages]

#### TYPE OF REPORT

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

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

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

## **EXECUTIVE SUMMARY**

1. To seek Council endorsement of the City of Kalamunda Combined Council Policies Review 2021.
2. The City has undertaken a complete review and modernisation of all its policies over the past 12 months in line with the Governance and Policy Framework adopted by Council in 2019.
3. This report recommends Council
  1. ENDORSES the review of the Governance and Policy Framework and Council Policy Register
  2. WITHDRAW Council Policies
    - (a) Governance 6 – Self-Supporting Loans
    - (b) Governance 10 – Cash in Lieu Assessment Criteria
    - (c) Governance 14 – Fraud and Corruption Control
  3. ADOPT the Governance and Policy Framework 2021 (Attachment 1) and Council Policy Register (Attachment 2) and Agenda Briefing Forum Procedures (Attachment 3)

## **BACKGROUND**

4. One of the most important roles of Elected Members is to participate in making policy decisions on behalf of the community. An essential element of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing needs, and allocating appropriate resources. A Policy is a decision of the Council and sets out agreed views and decisions concerning a particular area of responsibility.
5. The City has in place a Policy Framework to provide context for establishing Council, CEO and Planning Policies and clarifying the relationship between the different governance instruments. The Policy Framework governs the development, implementation and review of all Council, CEO and Planning Policies and supporting documents to ensure they are relevant, authoritative, and consistent with internal and external legislation and regulations.
6. The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management practices and work processes.

The policies of the Council provide the direction for the ongoing management of Council activities.

7. Council undertakes a review of its Policies every two years. The previous comprehensive review was undertaken in August 2019. That review resulted in an updated Council Policy Manual whereby several obsolete policies were deleted, and new policies adopted.
8. Previously Council had a Policy Manual that exceeded 570 pages and included 21 Council Policies, 26 Council Procedures, 22 City Policies and 25 City Procedures. All City Policies and Procedures have been removed from the Council Policy manual as they are operationally focused. There has also been several Policies that were no longer applicable to the business of the City or Council and were revoked
9. The 2019 Policy review modernised and condensed the Council policy manual to approximately 90 pages and Council adopted 14 Governance and 13 Service Delivery Policies.

## **DETAILS AND ANALYSIS**

10. The following section outlines any major changes of intent being proposed to any Council Policies, as well as foreshadows new policies being developed during the next 12 months and the deletion of any policies no longer required.
11. Attachment 1 contains a reviewed Governance and Policy Framework which set the structure for Policy development. No major changes are intended other than where legislative changes have occurred and are highlighted within the Attachment.

### **12. Council Policies are classified into two categories:**

#### **1.1 Service Policies**

Service Policies reflect strategic imperatives that have direct impact on community outcomes.

#### **1.2 Governance Policies**

Governance Policies guide good governance processes of the Council and are generally more internally focussed upon matters that Elected Members need to enshrine in Policy.

13. **Service Policies**  
**Service policies 1-13** (except for Service Policy 8) are all existing Policies adopted in 2019 which have been reviewed with minor amendments and they are highlighted within the Attachment 2.
14. **Service Policy 14** is newly adopted policy on provision of solar panels to community buildings no changes are being proposed.
15. **Replacement of Service Policy 8 – City Tree Management**  
This report recommends Council replacing one Service Policy namely: Policy Service 8 - Street Tree and Streetscape Management. It is proposed that Policy Service 8 'Street Tree and Streetscape Management is withdrawn and replaced with Policy Service 8- 'City Tree Management.
16. The issue of tree management in City managed areas has been consistently vexatious with polarised community requests to remove or retain trees, primarily in verges. It is intended therefore to create a policy dealing solely with tree management in City managed areas (i.e., not on private property or State agency managed lands).
17. The policy sets out key considerations that the City will consider regarding a request to remove a City managed tree.
18. The policy also sets out where Council may be called upon to determine if a tree should be removed based on expected community concerns or requests to remove trees that are deemed worthy to retain.
19. The City is separately working on developing new streetscape guidelines to assist Council and the community in being able to have verges developed that are pleasant, environmentally sound and increase the amenity for the community. This matter will be brought to Council in the next 12 months.
20. **Governance Policies**  
Governance Policies 1 to 14 are all existing Policies adopted in 2019 which have been reviewed with minor amendments identified during briefings with councillors.
21. Governance Policies 15-20 are newly created Policies adopted in the past 2 years which similarly have minor amendments identified during councillor briefings.

22. **Withdrawal of Governance Policies**

This report recommends Council withdraw three Governance policies namely:

1. Governance 6 – Self-Supporting loans;
2. Governance 10 – Cash in Lieu Assessment Criteria; and
3. Governance 14 – Fraud and Corruption Control.

23. **Governance 6 – Self Supporting Loans**

The City is recommending Council withdraw Governance 6 – Self Supporting Loans given several limiting factors as follows:

- The City has not had any such request for over a decade indicating this type of support is no longer warranted.
- The City has had difficulty with clubs with existing loans in maintaining their repayment schedules due to financial stress that community groups and clubs tend to experience over time.
- The City has shifted its strategy toward master planning all our major community facilities and are focusing on advocacy and grant to fund improvements.
- The City is accepting financial risk on behalf of its ratepayers which is not likely an acceptable use of ratepayer's funds.

Should a community group approach the city seeking this type of financial assistance the city can deal with this on a case-by-case basis and provide Council with a recommendation without the need for a Policy that commits the City to this type of arrangement.

24. **Governance 10 Cash in lieu Assessment Criteria**

The City proposes to withdraw Governance 10 Cash in lieu Assessment Criteria as cash-in-lieu assessments and imposition is comprehensively guided through existing State Planning Policies, regulations, and legislation. Specific details in relation to the guidance of cash-in-lieu expenditure is or will be guided by higher order specific strategies, policies and plans including but not limited to Local Planning Scheme No,3, the Public Art Local Planning Policy / Master Plan, Public Open Space Strategy and Policy and future Planning Plans.

25. **Governance 14 – Fraud and Corruption Control**

The City proposes that this policy be converted to a CEO Direction as it should not include elected members and therefore is administrative in nature. It is recommended that the Policy be withdrawn.

26. **Public Agenda Briefing Procedures**

The procedures have been reviewed and modified to align with current practices in the conduct of Agenda Briefing Forums.

## **APPLICABLE LAW**

27. *Local Government Act 1995.*  
Section 2.7 (2)(b) of the Act states that the Council is to “determine the local government’s policies”.

## **APPLICABLE POLICY**

28. Council has an adopted Governance and Policy Framework which states: Policies provide the Council and staff with the ability and direction to make decisions that are consistent and unbiased. A policy can also provide detail on the way the City undertakes, or requires others to undertake, certain works or activities.

The Council has established the following level of Policy:

1. Council Policies  
These are strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision, and strategic direction of the City.
2. CEO Direction  
These are developed for administrative and operational requirements. They have an internal focus and are developed and approved by the CEO.
3. Procedures and Guidelines  
Council Policies and CEO Directions may be supported by a Procedure or CEO Directive that outlines how the Council Policy or CEO Direction will be implemented.

## **STAKEHOLDER ENGAGEMENT**

29. A draft of these policies, along with a summary of administrative suggested key changes, was workshopped with Elected members at its September 2021 strategy session. All feedback and further refinements have been completed and inputted into the review process.

## **FINANCIAL CONSIDERATIONS**

30. Any financial implications arising from Council Policy making will be listed for consideration in the annual budget processes for approval. A Policy does not give rise to automatic funding unless Council chooses to allocate funding when a Policy is adopted.

## SUSTAINABILITY

31. Council policy making is a key role of the council and provide for good governance and sustainability of the city in general sense.

## RISK MANAGEMENT

32.	<b>Risk:</b> A lack of Policies will result in poor governance outcomes for the City.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b>		
	Ensure Policies are created, reviewed, and adopted by Council on a regular basis.		

<b>Risk:</b> Council's role under the LG Act is not fulfilled without policies.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
Ensure Policies are created, reviewed, and audited on a regular basis		

## CONCLUSION

33. In summary the Council is now requested to endorse the 2021 review of its Policy Register for the purpose of maintaining good governance.

### Voting Requirements: Simple Majority

Cr Bilich advised of an error in Governance Policy 1. This will be corrected and updated prior to publication on the City's website.

### RESOLVED OCM 302/2021

That Council:

1. ENDORSE the review of the Governance and Policy Framework and Council Policy Register.

2. WITHDRAW Council Policies
  - (a) Governance 6 – Self-Supporting Loans
  - (b) Governance 10 – Cash in Lieu Assessment Criteria
  - (c) Governance 14 – Fraud and Corruption Control
3. ADOPT the Governance and Policy Framework 2021 (Attachment 1) and Council Policy Register (Attachment 2) and Agenda Briefing Forum Procedures (Attachment 3).

Moved: **Cr Sue Bilich**

Seconded: **Cr Janelle Sewell**

Vote:	<u>For</u> <b>Cr John Giardina</b> <b>Cr Janelle Sewell</b> <b>Cr Geoff Stallard</b> <b>Cr Lesley Boyd</b> <b>Cr Mary Cannon</b> <b>Cr Brooke O'Donnell</b> <b>Cr Sue Bilich</b> <b>Cr Lisa Cooper</b> <b>Cr Cameron Blair</b> <b>Cr Kathy Ritchie</b> <b>Cr Margaret Thomas</b>	<u>Against</u> <b>Cr Dylan O'Connor</b>
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**CARRIED (11/1)**




## 10.5.2. High Wycombe South Transit Oriented Development Precinct Activity Centre Structure Plan - Adoption for the Purposes of Forwarding to DevelopmentWA for Advertising

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

Cr Brooke O'Donnell declared an Interest Affecting Impartiality on Item 10.5.2 High Wycombe South Transit Oriented Development Precinct Activity Centre Structure Plan - Adoption for the Purposes of Forwarding to DevelopmentWA for Advertising. Cr O'Donnell is a recipient of a water Leaders Scholarship at WaterCorp and this relates to waterways and will be meeting with DevelopmentWA Aboriginal Consultants.

Previous Items	OCM 14/2015, SCM 05/2015, OCM 15/2017, SCM 67/2018, SCM 231/2018, OCM 243/2019 and OCM 185/2020.
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035
Applicant Owner	City of Kalamunda N/A
Attachments	<ol style="list-style-type: none"> <li>1. High Wycombe South TOD Precinct Activity Centre Structure Plan - Map [<b>10.5.2.1</b> - 1 page]</li> <li>2. High Wycombe South TOD Activity Centre Structure Plan - Volume 1 [<b>10.5.2.2</b> - 77 pages]</li> <li>3. High Wycombe South TOD Activity Centre Structure Plan - Volume 2 [<b>10.5.2.3</b> - 1233 pages]</li> <li>4. High Wycombe South Residential Precinct - Structure Plan - Modifications [<b>10.5.2.4</b> - 1 page]</li> <li>5. High Wycombe South Population and Yields Review [<b>10.5.2.5</b> - 22 pages]</li> </ol>

### TYPE OF REPORT

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

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

## 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 2.1.4** - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

### **Priority 3: Kalamunda Develops**

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

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

### **Priority 3: Kalamunda Develops**

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

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

**Strategy 3.2.3** - 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 3.3.2** - Attract and enable new investment opportunities.

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

### **Priority 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 with the opportunity to consider adoption of the High Wycombe South (formerly known as Forrestfield North) Transit Oriented Development Precinct Activity Centre Structure Plan (the TOD ACSP) for the purpose of referral to DevelopmentWA for assessment, community and stakeholder consultation, and determination by the Metropolitan Redevelopment Authority (MRA).
2. The TOD ACSP provides a considered spatial layout that responds to the outcomes of all technical studies undertaken for the TOD Precinct as well as the opportunities and constraints of the TOD Precinct. This layout provides the base required for DevelopmentWA to further establish the planning framework for the area, including the preparation of a Redevelopment Strategy (the Strategy) and associated Design Guidelines (Guidelines) for the Precinct.
3. As the responsible planning authority for the METRONET East High Wycombe Project Area, DevelopmentWA is the responsible for coordinating public advertising of the TOD ACSP. In accordance with the METRONET East Redevelopment Scheme (Redevelopment Scheme), DevelopmentWA will assess the TOD ACSP before inviting public comment from key stakeholders and the local community.
4. It is recommended that the Council adopt the TOD ACSP for referral to DevelopmentWA.

## BACKGROUND

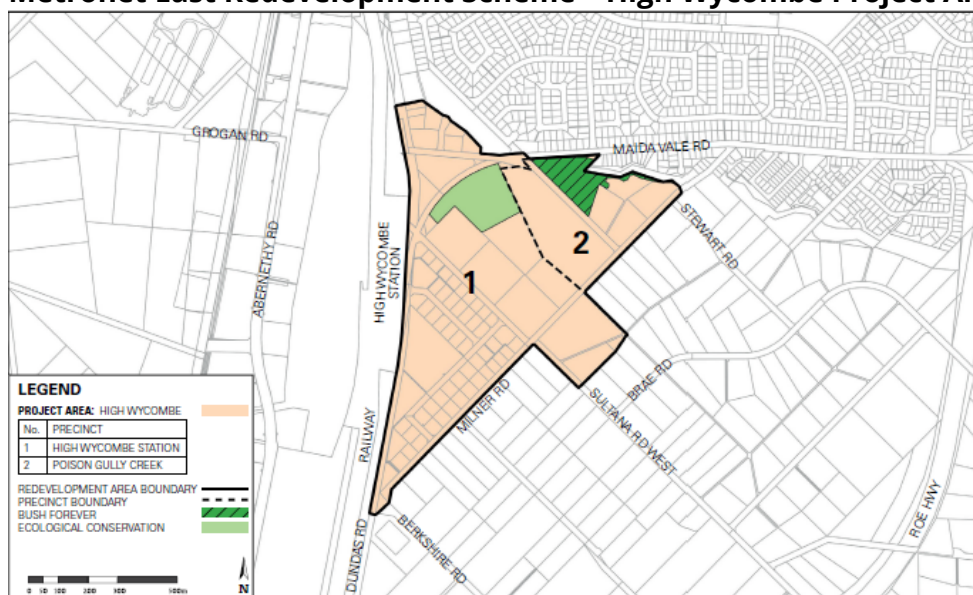
### 5. Land Details:

Land Area:	61.8ha (617,958m <sup>2</sup> )
Local Planning Scheme Zone:	N/A
Metropolitan Regional Scheme Zone:	N/A
Metronet East Redevelopment Scheme	High Wycombe Project Area

6. **Locality Plan:**



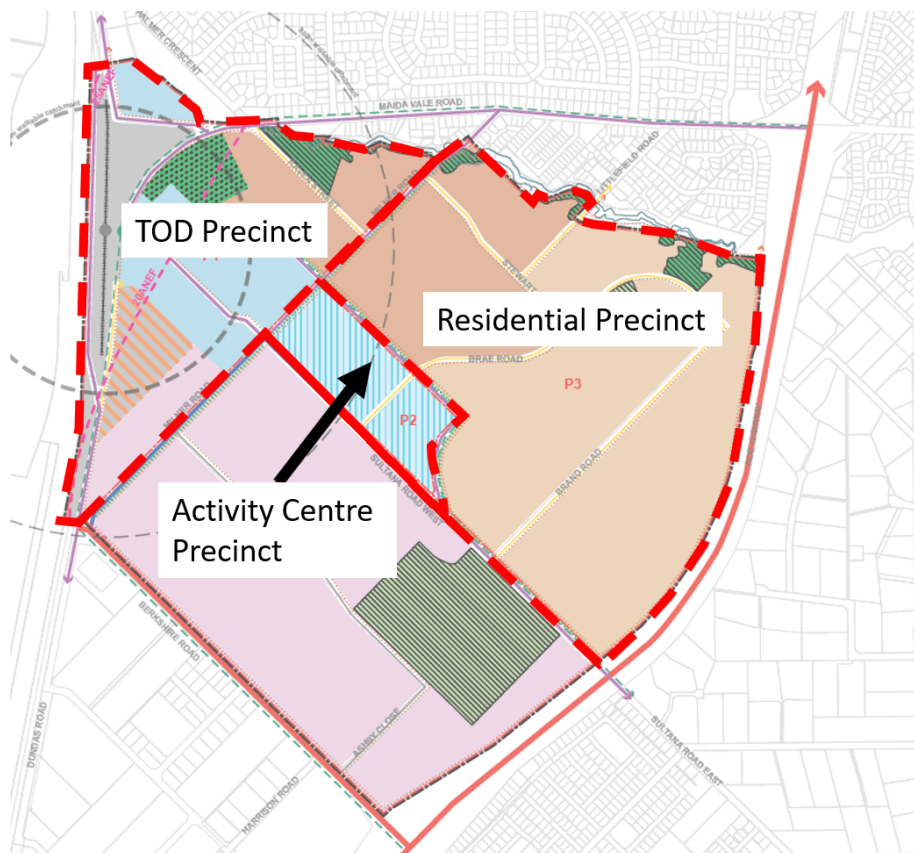
7. **Metronet East Redevelopment Scheme – High Wycombe Project Area:**



8. The High Wycombe South TOD Precinct is located in the suburb of High Wycombe to the west of the High Wycombe South (previously named Forrestfield North) Residential Precinct and is generally bound by Milner Road, Poison Gully Creek and Dundas Road. The new High Wycombe Train Station is within the western portion of the Precinct.
9. In June 2014, the State Government announced its decision to proceed with the Forrestfield-Airport Link (FAL) project and subsequently requested the City of Kalamunda (the City) investigate land use opportunities, including the preparation of a District Structure Plan (DSP) around the future High Wycombe train station.



10. In late 2014 the City commissioned the preparation of a DSP in order to identify new land use opportunities, guide the urban structure, vision and objectives of future urban development for the area, arising from the FAL project and High Wycombe Station.
11. In September 2016, the Forrestfield North DSP was approved by the WAPC. The DSP required further detailed investigations to be undertaken to articulate the vision and objectives during the detailed planning phase and through the preparation of Local Structure Plans (LSP).
12. In February 2017, the City commenced the preparation of detailed planning for the three precincts outlined in the DSP:
  - a) TOD Precinct,
  - b) Activity Centre Precinct,
  - c) Residential Precinct.
13. The three precincts (illustrated in the figure below) were subsequently reduced to two, with the Activity Centre Precinct being divided and amalgamated into the TOD Precinct and Residential Precinct. This would result in a more efficient and coordinated approach to planning for the area.



14. In September 2018, Amendment 75 to Local Planning Scheme No. 3 was gazetted, which rezoned the High Wycombe South project area from Special Rural to Urban Development. This established the zone for which LSPs would be prepared to designate land use, coordinate development and infrastructure, and establish the overall design principles for the area.
15. On 31 May 2019, the Minister for Transport and Planning announced the commencement of an amendment to *Metropolitan Redevelopment Authority Regulations 2011* to incorporate the High Wycombe South project area into the existing Midland Redevelopment Area (renamed to Metronet East Redevelopment Area – High Wycombe).
16. On 27 July 2020, the WAPC approved the Residential Precinct LSP. This had been endorsed by Council for the purpose of referral to the WAPC for determination at the 3 December 2018 Special Council Meeting.
17. In August 2020, the City received a letter from DevelopmentWA advising the City of the commencement of public comment on the draft Metronet East Redevelopment Scheme Amendment. The City subsequently prepared a submission which was endorsed by Council at the 22 September 2020 Ordinary Council Meeting.
18. On 25 May 2021, the Metronet East Redevelopment Area was gazetted over the TOD Precinct. This transferred planning authority of the High Wycombe South TOD Precinct from the City to DevelopmentWA.
19. Following the gazettal of the Metronet East Redevelopment Area over the TOD Precinct, DevelopmentWA became the responsible authority for:
  - a) Preparing a project vision to inform the intended outcomes for the area;
  - b) Preparing a planning framework to guide future development; and
  - c) The determination of Development Applications in the TOD Precinct.
20. In consultation with DevelopmentWA, it was determined that the work the City had undertaken toward a TOD ACSP was to be finalised in a manner which designated at a high level:
  - a) The scope of the project area;
  - b) Land use designation for road reservations, public open space (POS), drainage areas, public purposes, environmental conservation, bush forever and railway;
  - c) High level intersection functions and road hierarchy informed by traffic modelling; and
  - d) Any key strategic sites.

21. In addition, it was determined that to guide development, the TOD ACSP should be defined as two (2) precincts, and five (5) sub precincts, as outlined on the TOD ACSP Map (See Attachment 1).
22. The development of each precinct will be facilitated by detailed planning by DevelopmentWA. DevelopmentWA will prepare design guidelines to control land use, density and built form outcomes in each precinct. The design guidelines will be prepared in consultation with the City and further community engagement will be undertaken by DevelopmentWA.

## **DETAILS AND ANALYSIS**

23. The proposed High Wycombe South TOD ACSP seeks to create a planning framework to coordinate the future subdivision and development of 84 existing individual lots within the TOD Precinct.
24. The proposed TOD ACSP is a considered response to the opportunities and constraints within the High Wycombe South project area and includes:
  - a) A defined project area designated RAC-0\*;
  - b) The preservation of an Ecological Conservation Resource Enhancement Wetland as a feature of the precinct;
  - c) The protection and enhancement of Poison Gully Creek;
  - d) A central park which retains existing mature vegetation;
  - e) A repurposed existing road network;
  - f) A new TOD connector boulevard to connect the TOD and Residential precincts;
  - g) A co-located public open space with drainage areas; and
  - h) The designation of land for a community purpose facility.

\* The RAC-0 density code designation is in accordance with Table 2.1 of State Planning Policy 7.3 – Residential Design Codes Volume 2. This density code enables built form parameters (e.g. setback requirements) to be defined by the Metronet East Redevelopment Scheme and the future planning framework prepared by the planning authority for the TOD Precinct, DevelopmentWA.

25. To coordinate fragmented landownership, the TOD ACSP has been delineated into the following 5 sub-precincts:
  - a) 1A – Eureka Sub-Precinct
  - b) 1B – Core Sub-Precinct
  - c) 1C – Conservation Sub-Precinct
  - d) 1D – Station Sub-Precinct
  - e) 1E – Maida Vale Sub-Precinct

26. The final staging of the above 5 sub-precincts will be dependant on a number of factors including early activation of land uses, access to servicing, existing road access, and prevailing market conditions.
27. Land Uses  
Table 1 of the TOD ACSP Report (See Attachment 2) outlines the total area covered by the ACSP and the total area of land proposed to be designated to each land use in the ACSP. In addition, Table 1 outlines the estimated yields of the ACSP which have been informed by a yield's analysis undertaken for the City (See Attachment 5)
28. Land use permissibility in the TOD ACSP area will be controlled by DevelopmentWA with broad statutory guidance provided by the Redevelopment Scheme. Built form outcomes for all land designated as 'Project Area RAC- 0' will be determined by the Redevelopment Scheme and future Design Guidelines. This aspect of the planning framework will be prepared by DevelopmentWA in accordance with *Metropolitan Redevelopment Authority Act 2011* (MRA Act).
29. Community Purpose  
The TOD ACSP includes a site designated as 'Public Purposes: Community Purpose'. This site provides an opportunity to provide a range of civic and community-based services and activities to support the wider community and users accessing the precinct from the High Wycombe Station.
30. This site has been set aside to ensure that sufficient land is maintained to enable future development to meet the future needs of the existing and growing community in High Wycombe and the City more broadly.
31. Public Open Space  
The TOD ACSP provides for approximately 11ha (7.1%) of Public Open Space (POS). POS is provided in the form of land designated as Local Open Space on the ACSP map, and the TOD ACSP POS Schedule (breakdown of land proposed for POS) can be found in Table 9 of the TOD ACSP Planning Report (See Attachment 2).
32. Under Liveable Neighbourhoods (LN), a greenfield structure plan is required to provide for 10% POS. However, having regard to:
- a) The provision of POS in the High Wycombe South Residential Precinct,
  - b) The strategic position of the Town Park (Residential Precinct POS 1) on the western boundary of the Residential Precinct being easily accessed and used by the residents of the TOD Precinct,
  - c) The proposed 7.1% TOD ACSP POS and the POS provided for in the Town Park (Residential Precinct POS 1), totals 11.3%, and
  - d) The significant amount of land in the TOD Precinct required for Environmental Conservation and water management within the



precinct, any further quantum of POS would unduly undermine the quantum of future development within the TOD Precinct.

33. It is considered that the proposed 7.1% POS provided (11.3% inclusive of the Town Park located in the Residential Precinct) will meet the recreational needs of the future High Wycombe South TOD Precinct community. Consideration has also been given to the TOD Precinct's proximity to Poison Gully Creek, the Environmental Conservations/Green Link areas within the Residential Precinct, proposed district level sports space at Brand Road and future recreation-oriented activities in the planning phase for the proposed Community Hub.
34. Environment  
The TOD ACSP includes a number of environmental features such as mature vegetation, Cockatoo habitat, Quenda habitat, a Resource Enhancement Wetland (REW), a watercourse (Poison Gully), and significant vegetation typologies (Threatened Ecological Species (TEC)). Environmental assets in the TOD Precinct will be managed in accordance with the Environmental Assessment and Management Strategy (EAMS) prepared by Strategen JBS&G (See Appendix A of Attachment 3).
35. The EAMS includes a number of management actions for the TOD Precinct to achieve environmental objectives around landforms, hydrology, biodiversity, natural assets, bushfire risk, heritage and culture. These actions are outlined with associated timing and who is responsible for each action.
36. The TOD ACSP designates two key environmental features; Environmental Conservation, and Bush Forever, discussed below.
37. Environmental Conservation  
Approximately 3.7ha of land in the TOD Precinct (sub-precinct 1C) has been designated 'Environmental Conservation' on the TOD ACSP Plan. This designation has been proposed around an existing Ecological Conservation REW as a feature of the TOD Precinct. The existing REW is likely to be reclassified as a Conservation Category Wetland (CCW) due to the high ecological value of the wetland. Accordingly, a 50m buffer of Local Open Space has been proposed around the REW, consistent with advice from State Government environmental agencies and the requirements of a CCW.
38. Bush Forever  
In addition to land designated for Environmental Conservation, approximately 6ha of land in the north/east of the TOD ACSP is designated as 'Bush Forever'. Bush Forever is a classification of land to

protect and manage regionally significant bushland on both private and public land. Bush Forever is an overlay to alert landowners, the community, stakeholders, and decision makers that the land is of regional significance and that there is a general presumption against clearing. Any clearing of Bush Forever land requires approval under the *Environmental Protection Act 1986* (EPA Act).

39. Water Management

In 2015, a District Water Management Strategy (DWMS) was prepared by Strategen JBS&G for the Forrestfield North DSP which was approved by the Department of Water (now Department of Water and Environmental Regulation (DWER)) and the City. The DWMS provides guidance on groundwater management, water sources for POS, and the size of stormwater systems.

40. A Local Water Management Strategy (LWMS) was subsequently prepared by Urbaqua in 2021 for the TOD ACSP. The LWMS is consistent with the DWMS prepared by Strategen JBS&G in 2015 and has informed the designation of drainage areas in the TOD ACSP.

41. A copy of the LWMS prepared by Urbaqua to inform the TOD ACSP and can be found in Appendix D of Attachment 3.

42. Existing surface water in the TOD ACSP is located within Poison Gully Creek which is a watercourse that runs for a short time during the winter months. The Poison Gully Creek moves along the northern boundary of the TOD ACSP and is both an ecological and Aboriginal heritage site in the TOD Precinct.

43. Bushfire

Portions of the TOD ACSP are located within a 'Bushfire Prone Area' in accordance with the Department of Fire and Emergency Services (DFES) mapping. Accordingly, a Bushfire Management Plan (BMP) has been prepared by Strategen JBS&G to inform the TOD ACSP.

44. The BMP outlines that subject to hazard separation in future planning stages, no residential land is affected by a BAL rating of 40 or Flame Zone (FZ). In addition, the BMP concludes that the bushfire risks to the TOD ACSP are manageable through standard management as outlined in *the Guidelines for Planning Bushfire Prone Areas*, and *Australian Standard 3959*.

45. A copy of the BMP prepared by Strategen JBS&G to inform the TOD ACSP, can be found in Appendix B of Attachment 3.

46. Noise and Vibration

A detailed Transport Noise Assessment (TNA) was prepared for the TOD ACSP, which assesses potential noise impacts that may affect the TOD Precinct against all relevant legislative/policy standards.

47. Examples of potential noise sources that may affect the TOD Precinct and have been assessed by the TNA are:

- a) Aircraft Noise;
- b) Freight and Passenger Rail Noise;
- c) Road Noise; and
- d) Other (e.g. Light Industrial, Community Purpose and Mixed Use Developments).

48. The TOD Precinct is located adjacent to the High Wycombe Station, Forrestfield freight line, and the northwest portion is located within the ANEF contour. Therefore, to ensure the requirements of State Planning Policy 5.1 – Planning in the Vicinity of Perth Airport (SPP 5.1) and State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4) are met, the TOD ACSP incorporates measures to ensure that future subdivision and development will be compliant with SPP 5.1 and SPP 5.4. These measures include noise sensitive design, quiet house construction methods and notifications on title.

49. Within and on the boundary of the TOD Precinct are a number of land uses that may generate higher than normal noise levels. Accordingly, the TNA recommends a notification on title for the first row of residential development adjoining the Community Purpose designated site, existing Light Industrial uses, and existing/proposed Mixed Uses.

50. A copy of the TNA prepared by Lloyd George Acoustics to inform the TOD ACSP, can be found in Appendix C of Attachment 3.

51. Movement Network

A detailed Transport Impact Assessment (TIA) has been prepared to inform the movement network and design of the TOD ACSP. The TIA was prepared by KCTT and anticipates that the additional traffic generated by the proposed TOD ACSP is likely to be 17,185 vehicular trips per day, 2,696 trips in the AM Peak and 2,955 trips in the PM peak.

52. The most notable changes to the movement network in the TOD precinct identified by the TIA include:

- a) Realignment of Dundas Road to construct the High Wycombe Train Station;
- b) Construction of the TOD Connector Boulevard which will connect through to the Residential Precinct; and

- c) Modification of Sultana Road West to become a cul-de-sac west of Milner Road and the TOD Connector.
53. The TIA includes conceptual road cross sections for key roads in the ACSP movement network. These conceptual cross sections have been prepared consistent with the requirements of LN, and varied only where it can be justified that:
- a) Traffic modelling supports the variation,
  - b) The variation is necessary to achieve an environmental outcome(s),
  - c) There is no potential to expand the existing road reservation due to infrastructure constraints,
  - d) That liveable neighbourhood principles are not compromised, and
  - e) A high level of urban amenity is achieved.
54. In addition to road cross sections, the TIA outlines proposed intersection controls for key intersections in the TOD Precinct. Notably the TOD Connector/Milner intersection is proposed to be signalised to facilitate urban design outcomes and create a 'pedestrian and cyclist friendly' connection between the Residential Precinct and TOD Precinct.
55. All other significant intersections are generally proposed to be roundabouts (Milner Road/Stewart Road, Milner Road / Raven Street, Maida Vale Road / Old Dundas Road, and Dundas Road/Berkshire Road/Milner Road). Of note, once the Milner Road carriageway is upgraded to a divided carriageway, Nardine Close will become left-in left-out (LILO) and Right-in (RI) with Right-out (RO) prohibited for heavy vehicles.
56. A copy of the TIA prepared by KCTT to inform the TOD ACSP (including conceptual cross sections and intersection treatments) can be found in Appendix E of Attachment 3.
57. Infrastructure and Servicing  
A detailed infrastructure servicing report (ISR) has been prepared by KCTT to inform the TOD ACSP. The conclusions of the ISR are that:
- a) There are no impediments to servicing the TOD precinct with water as it is a pressurised system;
  - b) The Water Corporation envisages that existing water services are capable of servicing initial developments;
  - c) Detailed discussions with Water Corporation have been undertaken and the interim plan to service the precinct with sewer involves an extension along Dundas Road, Milner Road and Raven Street for the TOD Precinct;
  - d) Not all properties will be able to be directly serviced off these sewer extensions, however the extensions will accelerate the development

potential of a greater number of landholdings than those currently provided for with sewer;

- e) Water Corporation will detail the ultimate sewer design, and have confirmed that the construction of sewerage infrastructure to suit the ultimate system will not be required to be funded by the future developers of High Wycombe South;
- f) A key infrastructure requirement will be the undergrounding of existing high voltage (HV) and low voltage (LV) assets in the existing road reservations;
- g) The relocation of HV and LV assets in road reservations which require widening or closed reservations; and
- h) Gas and Telecommunications are readily available for immediate development. Future upgrade and relocation of any Gas or Telecommunications infrastructure will be managed by the relevant authority in coordination with developers.

58. A copy of the ISR prepared by KCTT to inform the TOD ACSP can be found in Appendix F of Attachment 3.

59. Heritage

A registered Aboriginal Heritage Site intersects the TOD ACSP, Poison Gully Creek Site ID 25023. Consultation with Traditional Owners has confirmed the cultural significance of Poison Gully Creek, and its importance to Noongar women as a 'birthing place'. Poison Gully Creek is also still seen as a place for teaching and learning about traditional cultural knowledge.

60. Consistent with DevelopmentWA's vision for aboriginal heritage in the *Metronet East Redevelopment Scheme* (the Redevelopment Scheme) area, the Redevelopment Scheme seeks to link the High Wycombe area to the Aboriginal history and stories of the area, to design inclusively for Aboriginal people and when appropriate seek specialist Aboriginal heritage or interpretation advice on planning and development.

61. No European heritage sites have been identified within the TOD Precinct.

## **APPLICABLE LAW**

62. Metropolitan Redevelopment Authority Act 2011

The MRA Act establishes a State agency (DevelopmentWA) with planning and development control over designated land (High Wycombe South) within the Metropolitan Region. In addition, the MRA Act provides authority for the acquisition, sale, subdivision, and redevelopment of designated land (High Wycombe South) within the Metropolitan Region.

63. In accordance with section 51 of the MRA Act once a Redevelopment Scheme is gazetted, the City's Local Planning Scheme 3 (LPS3) and the Metropolitan Region Scheme (MRS) do not apply to the Scheme Area.
64. METRONET East Redevelopment Scheme  
The METRONET East Redevelopment Scheme (the Redevelopment Scheme) sits under the MRA Act and is a legislative document which sets out the provision for the development and use of land within the Scheme Area. The Redevelopment Scheme:
- a) Sets out the expectations and vision for development in the Scheme Area.
  - b) Establishes powers and procedures to guide planning functions.
  - c) Enables the preparation of statutory planning tools such as Policy, Design Guidelines, Development Contribution Plans, Structure Plans, and Local Development Plans.
65. The vision of the Redevelopment Scheme is to '*continue to promote the proud history of each Metronet East project area and realise its exciting future*'. It is proposed that this vision is achieved through the following:
- a) Promoting urban efficiency,
  - b) Increasing housing diversity,
  - c) Supporting greater economic opportunities,
  - d) Supporting greater wellbeing,
  - e) Forging a connection with the past and existing characteristics of the area,
  - f) Linking to the area's Aboriginal history, and
  - g) Celebrating local ecology.
66. To review the extensive list of legislation that applies to the TOD ACSP, and how the proposed TOD ACSP meets the requirements of that legislation, see section 1.3 of the TOD ACSP Planning Report (See Attachment 2).

## **APPLICABLE POLICY**

67. Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans  
The Policy guides Council, the City's officers, and external stakeholders identifying the City's responsibilities for the preparation of structure plans in order to achieve the implementation of the Framework and the information required to be submitted with a planning proposal.

68. State Planning Policy 4.2 – Activity Centres of Perth and Peel  
The TOD ACSP reflects the aims of SPP 4.2, as it proposes medium to high density residential, commercial, mixed use and community purpose development in immediate proximity to the High Wycombe train station.
69. State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport  
The TOD ACSP is located 2.5km west of Perth Airport, and the north western portion of the TOD ACSP is located in the 20–25 Australian Noise Exposure Forecast (ANEF) contour. Accordingly, the TOD ACSP recommends as a minimum that all developments within the contour incorporate 6mm thick glass in external facades.
70. In addition, all properties affected by the ANEF contour will be required to have a notification on title through development or subdivision approval which advises that the property is in the vicinity of Perth Airport and is currently, or may be, affected in the future by aircraft noise.
71. State Planning Policy 5.4 – Road and Rail Noise  
The TOD ACSP is adjacent to the Forrestfield-Airport Link, High Wycombe South train station, and the Forrestfield freight railway. In areas within the TOD ACSP that the noise target outlined by SPP 5.4 is exceeded, customised noise mitigation measures will be implemented consistent with the noise exposure level.
72. Where a noise sensitive development is located in exposure levels A to C+ the Quiet House Packages of SPP 5.4 Guidelines can be adopted or an individual assessment can be undertaken by a suitably qualified acoustic consultant which outlines compliance with SPP 5.4. Noise sensitive developments in exposure level D must be assessed by an acoustic consultant to ensure compliance with SPP 5.4.
73. Operational Policy - Liveable Neighbourhoods 2009  
LN is the WAPC operational policy to guide the design and approval of structure plans for green field sites. The TOD ACSP meets the principle aims/objectives of LN by proposing to deliver a high-quality living, working and recreational environment.
74. A full list of Local and State Planning Policies that apply to the TOD ACSP, and how these have influenced the proposed TOD ACSP, are available in section 1.3.3 of the TOD ACSP Planning Report (See Attachment 2).

## **STAKEHOLDER ENGAGEMENT**

75. Development WA is the responsible planning authority for the TOD Precinct and therefore will coordinate public advertising of the TOD ACSP.

76. Following the Council's consideration of the TOD ACSP and referral to DevelopmentWA, DevelopmentWA, in its capacity as the regulator of the Precinct, will undertake its assessment and invite public comment from key stakeholders and the local community. Letters will be to be sent to relevant key stakeholders, and all landowners within the project area. This letter will confirm where to view the plan and associated documents, and how to submit comment. At the end of the public advertising period, all submissions will be considered prior to final determination of the TOD ACSP.
77. The City will be requesting the length of time for advertising be not less than 42 days consistent with the advertising requirements of the Local Planning Scheme Regulations.

### **FINANCIAL CONSIDERATIONS**

78. Costs associated with the preparation of the document were met through the Development Services annual budget.
79. The funding arrangements of infrastructure items associated with the TOD ACSP are the subject of infrastructure investigations and analysis associated with the .

### **SUSTAINABILITY**

80. Social  
The LSP will facilitate the development of a greater diversity of lot sizes and housing typologies which in turn will provide greater housing choice, affordability and a potentially broader demographic for the City.
81. Economic  
In liaison with Development WA, it is understood that it is likely that retail and non-retail commercial will be a permissible land use within sections of the TOD Precinct. This has been informed by a yields and population analysis undertaken for the High Wycombe South project area (See Attachment 5). In conjunction with the increased levels of construction during the development of the TOD ACSP, this will create an increase of jobs in the City of Kalamunda in the construction, retail and commercial industries.
82. Environment  
The TOD ACSP includes a significant number of environmental features including mature vegetation, Cockatoo habitat, Quenda habitat, a REW, a watercourse (Poison Gully), and significant vegetation typologies including



TEC. Environmental assets in the TOD Precinct will be both celebrated and managed in accordance with the EAMS (See Appendix A of Attachment 3).

## RISK MANAGEMENT

83.	<b>Risk:</b> Landowners object to the identification of public infrastructure (i.e. Road Reservation, Environmental Conservation and Public Open Space) over their land.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Ensure technical reporting appropriately justifies the designation of infrastructure as proposed for consideration by DevelopmentWA prior to advertising. Progress investigations into equitable and appropriate infrastructure sharing arrangements.		

84.	<b>Risk:</b> Landowners experience delays associated with the finalisation of the planning framework for the TOD Precinct and are not provided with conclusive information regarding land use permissibility and density in the TOD Precinct.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Likely	Medium
	<b>Action/Strategy</b>		
	Ensure the City continues to support DevelopmentWA in finalising the planning framework for the TOD Precinct (Redevelopment Strategy, and Design Guidelines).		

## CONCLUSION

85. The proposed High Wycombe South TOD ACSP is a considered response to the opportunities and constraints within the High Wycombe South TOD Precinct.
86. The TOD ACSP has been informed by a range of technical inputs and assessed against all relevant legislation and policy. These aspects have been documented with design and management recommendations for the life of the ACSP.
87. The TOD ACSP provides a spatial layout that responds the outcomes of a range of technical studies. This layout provides the foundation for DevelopmentWA to prepare the next phase of planning for the Precinct; a Redevelopment Strategy and Design Guidelines. Both the Strategy and Guidelines will bring further clarity to the envisioned streetscape and built form of the TOD Precinct.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 303/2021

That Council ADOPT the High Wycombe South Transit Oriented Development Precinct Activity Centre Structure Plan for the purposes of FORWARDING to DevelopmentWA for assessment, community and stakeholder consultation, and determination in accordance with Chapter 9 of the METRONET East Redevelopment Scheme.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**


Vote: **CARRIED UNANIMOUSLY (12/0)**

### 10.5.3. High Wycombe South Residential Precinct Local Structure Plan Amendment - Adoption for Advertising

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

Previous Items	OCM14/2015, SCM 05/2015, OCM 15/2017, OCM 280/2019, SCM 67/2018, SCM 231/2018, SCM 232/2018, OCM 280/2019 and OCM 243/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035
Applicant	City of Kalamunda
Owner	Various
Attachments	<ol style="list-style-type: none"> <li>1. High Wycombe South Residential Precinct - Volume 1 - Marked up changes [<b>10.5.3.1</b> - 257 pages]</li> <li>2. High Wycombe South Local Structure Plan - Volume 2 - Marked up changes [<b>10.5.3.2</b> - 850 pages]</li> <li>3. High Wycombe South Residential Precinct - Structure Plan [<b>10.5.3.3</b> - 1 page]</li> <li>4. High Wycombe South Residential Precinct - Structure Plan - Modifications Proposed [<b>10.5.3.4</b> - 1 page]</li> <li>5. High Wycombe South Residential Precinct - Development Plan [<b>10.5.3.5</b> - 1 page]</li> <li>6. High Wycombe South Residential Precinct - Development Plan - Modifications Proposed [<b>10.5.3.6</b> - 1 page]</li> <li>7. High Wycombe South Residential Precinct - Summary of Modifications [<b>10.5.3.7</b> - 3 pages]</li> <li>8. Approved Residential Precinct Local Structure Plan [<b>10.5.3.8</b> - 1 page]</li> <li>9. TOD Precinct Activity Centre Structure Plan Map [<b>10.5.3.9</b> - 1 page]</li> </ol>

#### TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
 Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly

impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

## 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 2.1.4** - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

#### **Priority 3: Kalamunda Develops**

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

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

#### **Priority 3: Kalamunda Develops**

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

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

**Strategy 3.2.3** - 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 3.3.2** - Attract and enable new investment opportunities.

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

#### **Priority 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

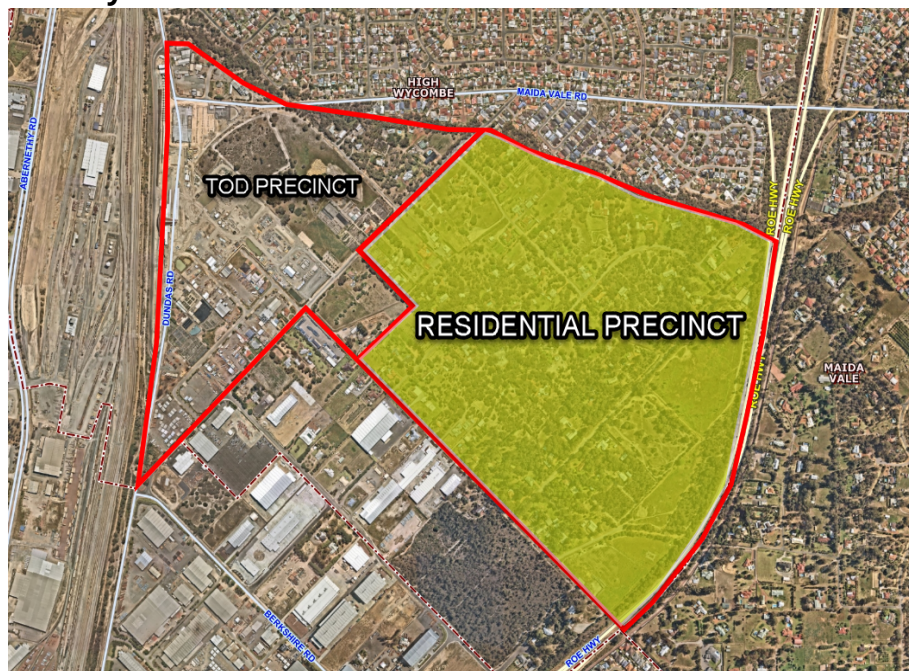
1. The purpose of this report is for Council to consider the High Wycombe South (formerly known as Forrestfield North) Residential Precinct Local Structure Plan (the LSP) Amendment for the purpose of public advertising.
2. The proposed LSP Amendment has been prepared to align the LSP with the spatial layout of the Transit Orientated Development Activity Centre Structure Plan (TOD ACSP) and have regard for projected residential and commercial yields and traffic investigations undertaken since adoption of the LSP by the Western Australian Planning Commission (WAPC) in June 2020.
3. Subject to the Council adopting the LSP amendment for the purpose of public advertising, the LSP Amendment will be advertised in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. The advertising process will provide landowners and stakeholders a formal opportunity to comment on the proposed LSP Amendment and for the City of Kalamunda (the City) to provide a response and consider possible modifications.
4. It is recommended that Council adopt the LSP Amendment for the purposes of public advertising.

## BACKGROUND

5. **Land Details:**

Land Area:	117.8ha (1,178,000m <sup>2</sup> )
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban Parks and Recreation

6. **Locality Plan:**



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

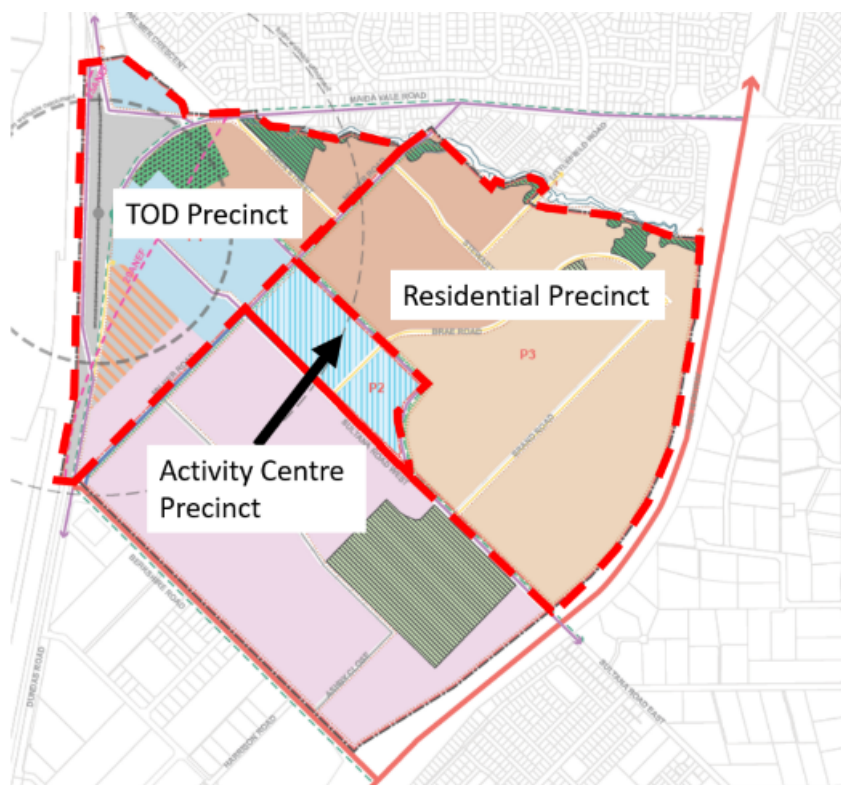
8. **Relevant Key Decisions and Planning Processes relating to the Residential Precinct**

In June 2014, the State Government announced its decision to proceed with the Forrestfield-Airport Link (FAL) project and subsequently requested the City investigate land use opportunities, including the preparation of a District Structure Plan (DSP) around the future High Wycombe train station.

9. In late 2014, the City commissioned the preparation of a DSP in order to identify new land use opportunities, guide the urban structure, vision and objectives of future urban development for the area, arising from the FAL project and High Wycombe Station.
10. In September 2016, the Forrestfield North DSP was approved by the WAPC. The DSP required further detailed investigations to be undertaken to articulate the vision and objectives during the detailed planning phase and through the preparation of LSPs.
11. In February 2017, the City commenced the preparation of detailed planning for the three precincts outlined in the DSP:
- a) TOD Precinct,
  - b) Activity Centre Precinct,

c) Residential Precinct.

The three precincts (illustrated in the figure below) were subsequently reduced to two to enable efficiencies in the preparation of the planning framework. The Activity Centre Precinct was divided and amalgamated into the TOD Precinct and Residential Precinct.



12. In September 2018, Amendment 75 to Local Planning Scheme No. 3 was gazetted, which rezoned the High Wycombe South project area from Special Rural to Urban Development. This established the zone for which LSP's would be prepared to designate land use, coordinate development and infrastructure, and establish the overall design principles for the area.
13. In April 2018, the Council resolved to adopt the draft Residential Precinct LSP for the purpose of public advertising.
14. In December 2018, the Council endorsed the draft LSP subject to modifications. At the same Special Council Meeting, Council endorsed the initiation of a Metropolitan Region Scheme (MRS) amendment to rezone the properties noted for Environmental Conservation on the LSP from Urban to Parks and Recreation.
15. The LSP was initially considered by the Statutory Planning Committee (SPC) of the WAPC in May 2019 and the determination on the matter was



deferred until October 2019 to address and secure the statutory protection of environmental values in the precinct.

16. In May 2019, the Council resolved to consider the SPC deferral as a 'deemed refusal' and resolved to seek a review (appeal) of the decision through the State Administrative Tribunal (SAT).
17. In May 2019, the Minister for Transport and Planning commenced an amendment to *Metropolitan Redevelopment Authority Regulations 2011* to incorporate the High Wycombe South project area into the existing Midland Redevelopment Area (renamed to Metronet East Redevelopment Area – High Wycombe).
18. In November 2019, the Council reconsidered a list of modifications requested by the WAPC to the LSP. The majority of these modifications were adopted by Council in its previous decision in December 2018, and all varied or additional modifications were as a result of the outcomes negotiated through the mediation and SAT process, or through updated latest and best information received. The Council resolved to endorse the negotiated schedule of modifications.
19. Following Council's reconsideration of the schedule of modifications, SAT issued orders for the WAPC to reconsider its decision to defer the LSP application. In December 2019, the SPC of the WAPC resolved to request the City undertake modifications and resubmit the LSP for final approval.
20. The modifications to the LSP were finalised and resubmitted to the WAPC for assessment in June 2020.
21. On 27 July 2020 the WAPC approved the Residential Precinct LSP.
22. On 6 August 2020, DevelopmentWA commenced public advertising on the draft Metronet East Redevelopment Scheme Amendment (the Redevelopment Scheme). The Redevelopment Scheme was gazetted on 25 May 2021.
23. Following the gazettal of the Metronet East Redevelopment Scheme over the TOD Precinct, DevelopmentWA assumed planning authority, with the following broad responsibilities:
  - a) Preparing a project vision to inform the intended outcomes for the area;
  - b) Preparing a planning framework to guide future development; and
  - c) The determination of Development Applications in the TOD Precinct.

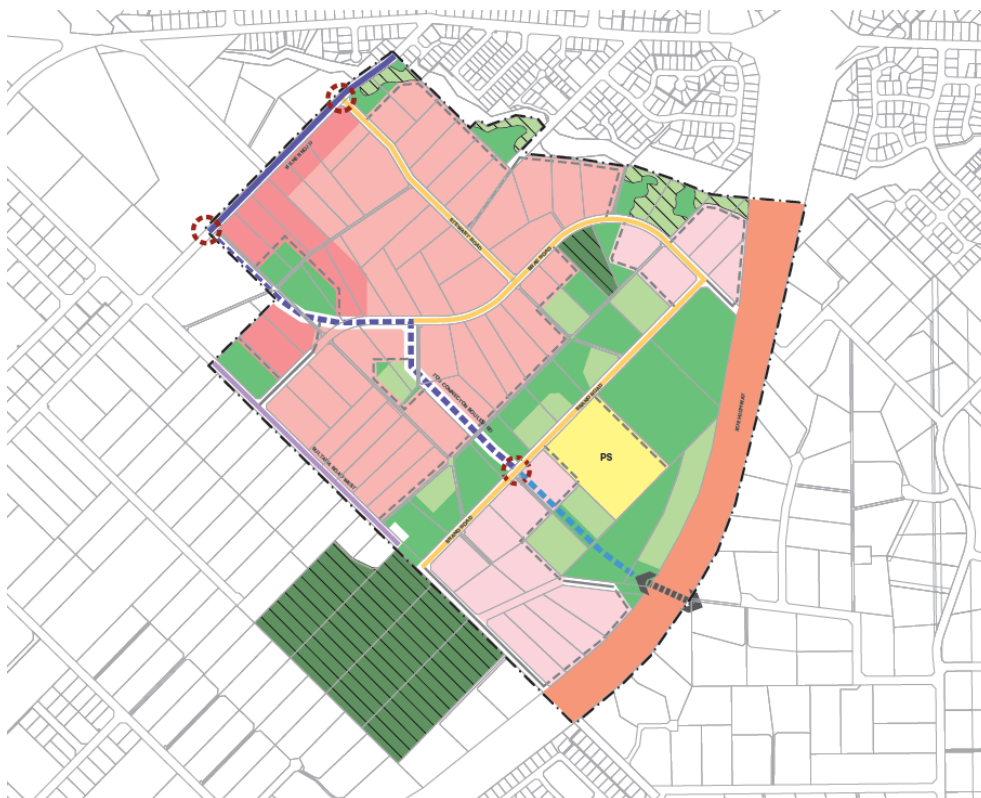


24. The City has been in regular liaison with DevelopmentWA regarding the preparation of the planning framework for the TOD Precinct. This collaborative planning approach resulted in a need to modify the Residential Precinct LSP to reflect the settled spatial layout of the TOD Precinct Activity Centre Structure Plan (ACSP) and the additional technical analysis undertaken to prepare the TOD ACSP following the approval of the LSP.

## DETAILS AND ANALYSIS

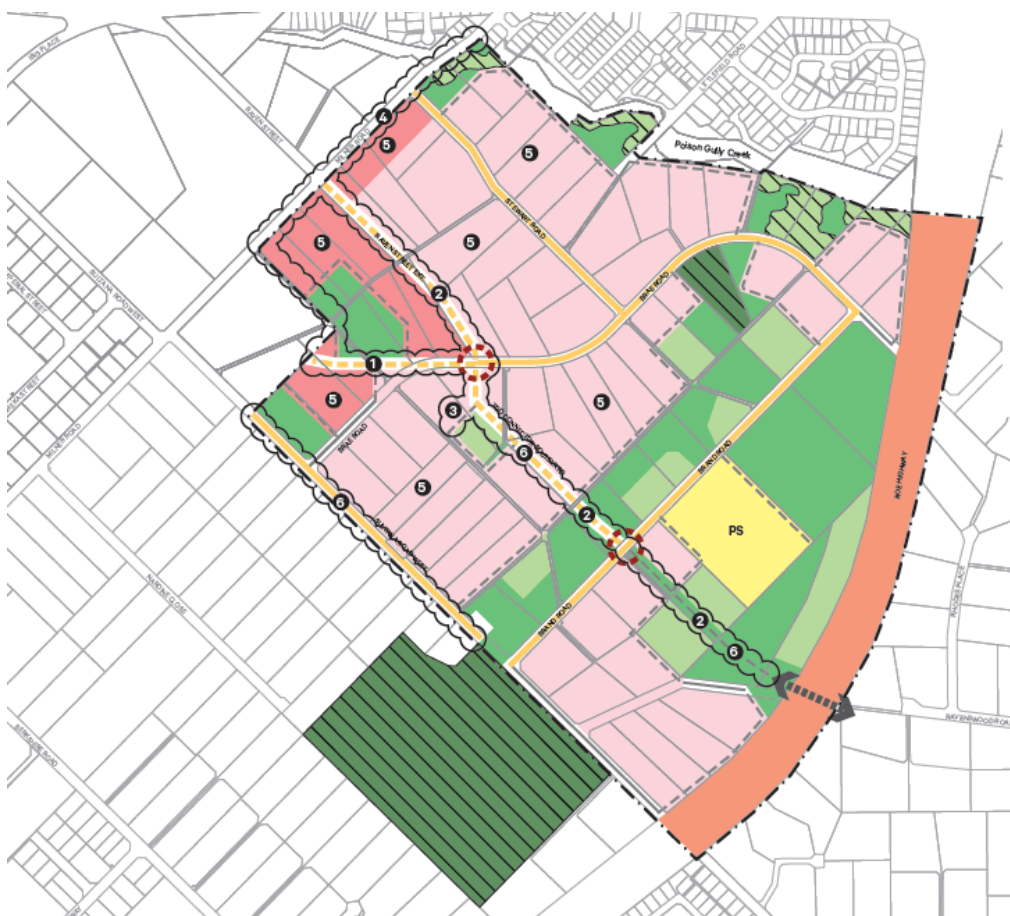
25. With the exception of the modifications detailed within this report, the Residential Precinct LSP remains unchanged, and as approved by the WAPC on 27 July 2020.

26. **Approved Residential Precinct Local Structure Plan:**



(See Attachment 8 for the approved LSP map with legend)

27. **Proposed Residential Precinct Local Structure Plan:**



(See Attachment 3 for the proposed LSP map and Attachment 4 for the map of the modifications proposed)

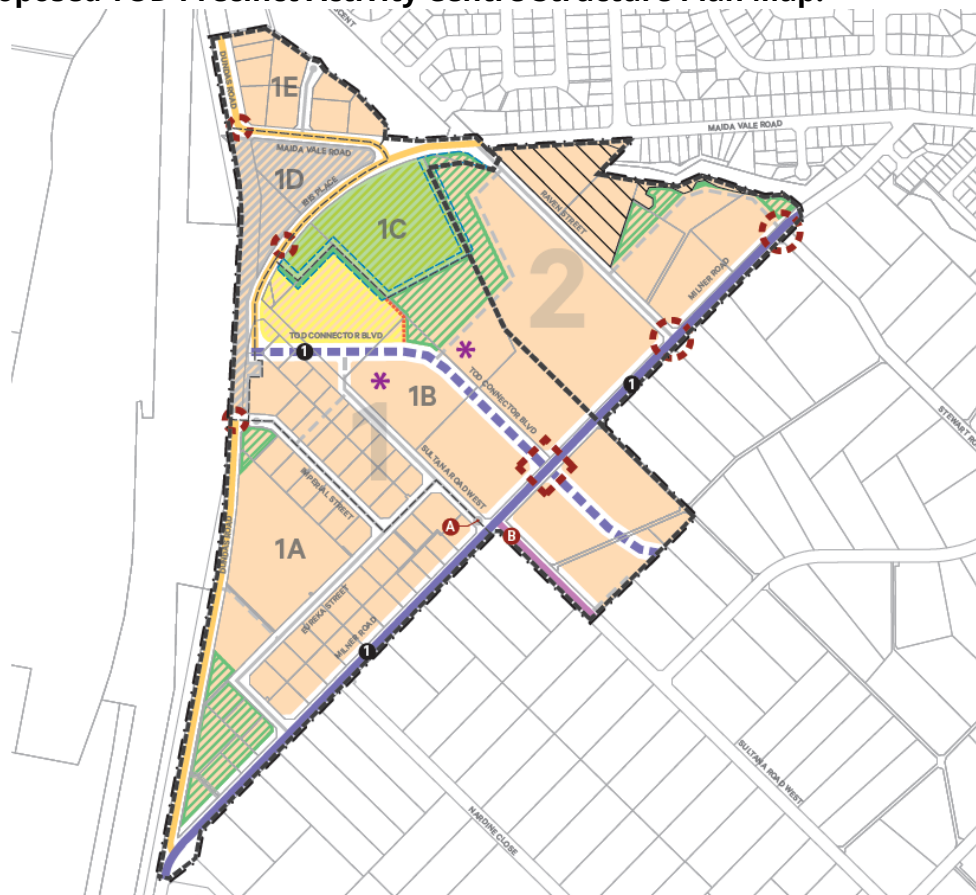
28. The approved LSP is proposed to be modified as follows:

- a) The name of the LSP has been modified to 'High Wycombe South'.
- b) Amendment to the LSP boundary to reflect the extent of the Metronet East Redevelopment Scheme boundary.
- c) Amendment to the LSP Map to align with the proposed spatial layout of the TOD ACSP, which includes modifications to the TOD Connector alignment and Town Park.
- d) Modifications to the residential density bands.
- e) Updates to technical reports.
- f) Amendments to the road network.
- g) Reconfiguration of drainage areas and basins.
- h) Reference to the 'Potential Future Flyover' has been amended to 'Future Roe Highway Overpass'.

See Attachment 7 for a detailed summary of the modifications proposed and Attachment 4 for the proposed LSP map annotated with the modifications proposed.

29. These modifications to the approved LSP are required to reflect both the draft layout of the TOD Precinct ACSP, and the updated technical analysis that has been completed since the approval of the LSP. The reasons for these amendments are outlined below.
30. “High Wycombe South” as the Name of Local Structure Plan  
The name “High Wycombe South” will recognise that the precinct is wholly located within the suburb of High Wycombe. In addition, following the approval of the LSP, the State Government released a community survey for the naming of the train station located to the west of the TOD ACSP. On 26 June 2020, it was announced that the station was named ‘High Wycombe Station’. The structure planning in this locality has been renamed to reflect that announcement.
31. Boundary Modification  
Following the approval of the LSP, the Metronet Redevelopment Scheme Amendment was gazetted on 25 May 2021. The LSP boundary has been modified to reflect the extent of the Redevelopment Scheme boundary, which included Milner Road within the Redevelopment Scheme Area (TOD Precinct).
32. Impacts from the TOD ACSP Layout  
Officer level workshops between the City and DevelopmentWA have resulted in an in-principle agreed TOD ACSP layout (see below and Attachment 9). This layout includes the TOD connector boulevard road reservation (TOD connector) running in a different alignment to the TOD connector alignment in the approved LSP. The TOD connector has been realigned in the proposed LSP to ensure a direct connection from the High Wycombe Station and TOD Precinct through to the Residential Precinct.
33. The realigned TOD connector proposes a different road reservation geometry. The modified geometry necessitates minor modifications to the layout of the Town Park, which includes an extension of the Town Park in the southwest corner.

34. **Proposed TOD Precinct Activity Centre Structure Plan Map:**



(See Attachment 9 for a map of the proposed TOD ACSP with a legend)

35. Modification of Density Bands

To inform the preparation of the TOD ACSP, and future contribution arrangements for the funding of infrastructure in the High Wycombe South precinct, dwelling and population yields analysis was undertaken to inform key inputs into the planning process (See section 2.7.1.2 of in Part 2 and Appendix 7 of Attachment 1).

36. The yields analysis calculated a development yield and population forecast in a low, medium and high scenario. In addition, the analysis calculated the anticipated build out timeframe in each scenario.

37. In collaboration with DevelopmentWA and their consultant team, it was determined the 'medium' yield scenario should be adopted which included some key assumptions on the level of government investment in High Wycombe South, including development of community facilities, train station, multi-deck carpark and lots being connected to reticulated sewer. The scenario adopted for the purposes of infrastructure planning is projected to result in a full build-out of 2,417 dwellings by 2050.

38. This timeframe was considered appropriate as the planning framework for the precinct is well progressed, with an approved DSP and supporting reports such as a Local Water Management Strategy (LWMS) in place. The planning for this area has been in progress for the past decade and it is understood there is interest from the development industry to assemble land to resolve issues around fragmented land ownership. In addition, by way of comparison, a similar sized development area in the City (Cell 9 – Wattle Grove) has taken approximately 20 years to develop to 70% build out.

39. There is an inherent degree of uncertainty with the projections adopted given the long-range nature of the forecasting and the various economic and market factors and variables that can significantly affect dwelling take up rates over an extended period of time. Notwithstanding, it is important to outline predicted development outcomes and timing while ensuring the land use planning framework is robust enough to adjust over time and as required in response to changing market factors and conditions.

40. Following the consensus between the organisations on the medium yield scenario, it became apparent that the approved LSP density bands were visionary, and that the intention to facilitate a higher density apartment product was unlikely to be commercially viable until the medium to long term. If the density bands were retained as approved by the WAPC in July 2020, the LSP will not communicate the most likely density and type of residential development to the market/development industry, and the density bands would not reflect the yields assumptions that underpin infrastructure analysis for the precinct.

41. In response to the above findings of the yields analysis, the approved three density bands of:

- a) Medium Density (R40 – R60)
- b) Medium/High Density (R60 – R80)
- c) High Density (R80-R100)

Are proposed to be broadened into the following two density bands:

- a) Medium Density (R30 – R60)\*
- b) High Density (R60 – R100)\*

With the following notation incorporated within the map legend

*“\* applications for subdivision or development at the higher end of the density band shall be assessed against a range of criteria. Refer to Part One, Section 4.2 of the Local Structure Plan”*

42. The modifications will reduce the number of bands from three to two, expand the range of density in each band and reduce the upper density of the Medium Density band from R80 to R60. These changes reflect the technical yields analysis undertaken for the Residential Precinct (See Appendix 7 of Attachment 1 and Part 2 of Attachment 1), and ensure that development in the Residential Precinct does not compromise the ability of the TOD Precinct to function in line with the vision established under the Redevelopment Scheme to establish an appropriately form of urban neighbourhood focused around the train station, and ensures development in the Residential Precinct is able to meet anticipated/forecast market demand in the short to medium term.
43. To enable flexibility for developments that may benefit from a higher density coding, and to encourage a high standard of built form, the LSP includes the following criteria to be met when seeking to develop/subdivide at the higher density code (See section 4.2 of Attachment 1):
- a) The intent and purpose of the local structure plan.*
  - b) The orderly and proper planning of the locality.*
  - c) Consistency with the objectives and requirements of any applicable design guidelines.*
  - d) The size and suitability of the parent land parcel.*
  - e) The potential use of alternative land titling mechanisms (i.e. community title and survey strata schemes).*
  - f) Demonstrated protection of existing significant on-site vegetation.*
  - g) Improvements to waste disposal and water management.*
  - h) Transitional arrangements and interface management for built form between lower and high densities.*
  - i) Market demand for higher density housing typologies.*
  - j) Provision of a demonstratable community benefit. This may include public amenities, cultural facilities, recreational facilities, affordable and/or accessible housing.*
44. Updated Technical Reporting  
The results of the yields analysis included a significant reduction in estimated population and dwelling numbers. Accordingly, the following technical studies and reports have been updated to reflect the changes and associated infrastructure requirements:
- a) Traffic Modelling;
  - b) Transport Impact Assessment (TIA);
  - c) Infrastructure Servicing Report (ISR);
  - d) Transportation Noise Assessment (TNA);
  - e) Local Water Management Strategy (LWMS);
  - f) Community Infrastructure Strategy (CIS));
  - g) Environmental Assessment and Management Strategy (EAMS); and

h) Bushfire Management Plan (BMP).

45. Road Network

Following the yields analysis, the traffic modelling developed was revised having regard to the new yields and forecast development information. The updated modelling concluded that:

- a) The widths of the road hierarchy should be reduced to reflect the revised traffic volumes. Notably, the following road reservations have reduced in width from the previously approved LSP, TOD connector, Milner Road and Maida Vale Road.
- b) Dundas Road realignment is required between Berkshire Road and Maida Vale Road.
- c) A new neighbourhood link from Brae Road to Milner Road is required which links with the existing alignment of Raven Street. This link will allow for movement of vehicles and cyclists through the Residential Precinct, to the TOD Precinct and will provide direct access to the High Wycombe Station Multi-storey Carpark.
- d) The TOD connector has been realigned to be consistent with the geometry proposed in the TOD ACSP; and
- e) The TOD connector is proposed to be extended between Brand Road and the future Roe Highway overpass. The land required for this extension has been designated as 'Local Open Space' (LOS) to the width of the future road reserve (24.4m).

46. Reconfiguration of Drainage Areas and Basins

Based on the updated EAMS, the LSP has been amended to reflect the reconfiguration of the drainage area/basin within the Public Open Space (POS) located adjacent to Poison Gully Creek. This reconfiguration necessitates the need to re-number drainage areas in the LSP to reflect this change.

47. Amended Reference to the 'Potential Future Flyover'

To reflect the findings of the updated traffic modelling which concludes that the Roe Highway overpass will not be required until post 2050. The reference to the 'potential future flyover' has been amended to 'future Roe Highway overpass'.

48. As the future flyover will not be required until beyond 2050, transitional provisions have been included on the LSP Map to ensure the land required for the extension of the TOD connector southeast to the flyover is not compromised by future residential development.

49. The revised arrangements include designation of the future spatial requirements as Local Open Space, with a local road delineated along the future TOD Connector alignment to service the residential development in the interim. The balance between the local road reservation and the

ultimate TOD connector road reservation width will be turfed with a dual use path, until the ultimate reservation width is required beyond 2050.

### **APPLICABLE LAW**

- 50. Planning and Development (Local Planning Schemes) Regulations 2015  
The amendment of a LSP is to be undertaken in accordance with clause 29 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*.
- 51. Following Council adoption for the purposes of the public advertising, the proposed LSP must be advertised in accordance with clause 18, and 87 of the Regulations.
- 52. The proposed structure plan provides detailed planning for the City of Kalamunda *Local Planning Scheme No.3* (LPS3) Urban Development zoning for the project area.

### **APPLICABLE POLICY**

- 53. Directions 2031 and Beyond  
Directions 2031 and Beyond is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years.
- 54. Perth and Peel @ 3.5million - North-East Sub-Regional Planning Framework  
In March 2018, the WAPC released the Perth and Peel @ 3.5 million suite of documents, including the Sub-Regional Frameworks for comment. These documents aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.
- 55. The North-East Sub-Regional Framework (Framework) is a spatial plan of the north-east region, which will provide guidance on strategic planning for the next 35 to 40 years. This Framework encourages a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form and places a greater emphasis on urban infill and increased residential density of existing urban areas. Under this Framework, the subject site is identified as urban.
- 56. Liveable Neighbourhoods  
Liveable Neighbourhoods (LN) is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.
- 57. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters.



58. State Planning Policy 7.3 – Residential Design Codes  
The Residential Design Codes (R-Codes) apply to any Residential zoned land that has a coding number superimposed on the Scheme Map. The core objective of the R-Codes is to ensure appropriate residential design and density in line with the Scheme.
59. The core application of the R-Codes, as it relates to the proposed LSP, is the reference to residential density and associated development requirements, including lot size. In this regard the proposed densities must achieve the following minimum and average lot sizes in accordance with Table 1 and section 5.1.1 of SPP 7.3. All future development must adhere to the general site and design requirements of SPP 7.3 Volume 1 and Volume 2 (Apartments).
60. State Planning Policy 3.7 – Planning in Bushfire Prone Areas  
State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals take into account bushfire protection requirements. SPP 3.7 contains objectives and policy measures relating to strategic planning proposals (such as the proposed LSP) in designated bushfire prone areas, as well as reference to the Guidelines for Planning in Bushfire Prone Areas.
61. Given the subject site is located within a bushfire prone area, a Bushfire Management Plan (BMP) has been prepared. The BMP notes that bushfire risks are readily manageable through standard management responses.
62. Future subdivision and/or development applications will require a Bushfire Attack Level (BAL) Assessment to be lodged.
63. WAPC Development Control Policy 2.3 Public Open Space in Residential Areas  
Development Control Policy 2.3 (DC 2.3) establishes the requirement that 10 percent of gross subdivisible area shall be given up free of cost by a subdivider for public open space. More than the required 10 percent POS is proposed as part of the LSP.
64. Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans  
The Policy guides Council, the City's officers and external stakeholders identifying the City's responsibilities for the preparation of structure plans in order to achieve the implementation of the Framework and the information required to be submitted with a planning proposal.

## **STAKEHOLDER ENGAGEMENT**

65. Subject to Council adopting the proposed LSP Amendment for the purpose of public advertising, the amendment will be advertised for no less than 42 days via the following methods:
- a) Issuing letters to landowners and occupiers impacted by the proposed amendment;
  - b) A notice on the City's website and community engagement platform;
  - c) A notice in the local newspaper;
  - d) Documents available at the Administrative Centre during normal business hours; and
  - e) Letters to relevant public agencies and service authorities.
66. Landowners will also be provided the opportunity to meet with the City on a one-on-one basis to discuss the proposed amendment and ask queries and questions as to how the amendment impacts their land to assist with informing submissions on the proposal.
67. Following the conclusions of the advertising period, all submissions will be considered and possible amendments undertaken prior to the amendment being considered by Council for consideration and referral to the WAPC for determination.

## **FINANCIAL CONSIDERATIONS**

68. Costs associated with the preparation of the document were met through the Development Services annual budget.
69. Infrastructure upgrades required to support the development of the LSP will be met through a future infrastructure cost contribution arrangement currently under detailed consideration.

## **SUSTAINABILITY**

70. Social  
The LSP will facilitate the development of a greater diversity of lot sizes and housing typologies which in turn will provide greater housing choice, affordability and a potential broader demographic for the City.
71. Economic  
The LSP represents a significant development within the City. Increased levels of development as a consequence of the LSP will result in more jobs for within the building and construction industry.

72. Environmental

The LSP includes a significant number of environmental features including an approved ecological link, cockatoo habitat, quenda habitat, significant vegetation typologies (Threatened Ecological Species (TEC)) and a watercourse (Poison Gully). Accordingly, the City has commenced discussion with DevelopmentWA to consider opportunities for future environmental accreditation. The accreditation would recognise the significant environmental conservation within the LSP and the LSPs vision for green leady streetscapes and sustainable development outcomes.

## RISK MANAGEMENT

73.

**Risk:** Landowners/Occupiers are not supportive of the proposed Amendment with respect to the amended density bands, and additional land requirements for infrastructure.

Consequence	Likelihood	Rating
Possible	Moderate	High

**Action/Strategy**

Advertise to Landowners/Occupiers for their views and consider all submissions before finalising the LSP Amendment.

74.

**Risk:** Assessment and finalisation of the LSP, causes delay to the preparation and completion the Development Contribution Plan (DCP).

Consequence	Likelihood	Rating
Significant	Unlikely	Medium

**Action/Strategy**

Ensure any modifications made to the LSP following advertising are considered as part of the finalisation of the DCP. Ensure that both processes progress concurrently.

75.

**Risk:** Residential Precinct does not align with the vision and intent of State Government for the TOD Precinct.

Consequence	Likelihood	Rating
Significant	Unlikely	Medium

**Action/Strategy**

Continue to liaise with Metronet and DevelopmentWA and continue an open and transparent sharing of information between agencies.

## CONCLUSION

76. The proposed amendments to the LSP are required to appropriately integrate planning between the TOD and Residential Precincts. In this regard the LSP is an important step to establishing the overall planning framework for the progression of subdivision and development in the area.
77. With the exception of the modifications detailed within this report and attachments, the Residential Precinct LSP remains unchanged, and as approved by the WAPC on 27 July 2020.
78. It is recommended that Council adopt the LSP Amendment for the purposes of public advertising.

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

That Council:

1. ADOPT the Forrestfield North Residential Precinct Local Structure Plan - Amendment for the purpose of public advertising.
2. AUTHORISE advertising in accordance with the requirements stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Cr O'Connor proposed an additional point to the recommendation. The additional point received support and the recommendation received a seconder before being put to a vote.

### RESOLVED OCM 304/2021

That Council:

- 1 ADOPT the Forrestfield North Residential Precinct Local Structure Plan - Amendment for the purpose of public advertising.
- 2 AUTHORISE advertising in accordance with the requirements stipulated by the Planning and Development (Local Planning Schemes) Regulations 2015.
- 3 REQUEST the Chief Executive Officer include a Community "Drop in Session" within the Community Consultation Period.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**


Vote: **CARRIED UNANIMOUSLY (12/0)**

#### 10.5.4. Cambridge Reserve - Consideration of Department of Planning, Lands and Heritage Offer to Purchase and Business Plan

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

Previous Items	OCM240/2017 OCM21/2019 OCM153/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	CM-01/012
Applicant	City of Kalamunda
Owner	State Government - Crown Land
Attachments	1. Business Plan Report [ <b>10.5.4.1</b> - 17 pages]
Confidential Attachments	10.5.4.1 Forrestfield Advancing and Cambridge Reserve  <u>Reason for Confidentiality:</u> Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"

#### TYPE OF REPORT

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

Kalamunda Advancing Strategic Community Plan to 2031

### Priority 1: Kalamunda Cares and Interacts

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

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

### Priority 1: Kalamunda Cares and Interacts

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

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

### Priority 2: Kalamunda Clean and Green

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

**Strategy 2.1.4** - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

### Priority 3: Kalamunda Develops

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

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

### Priority 3: Kalamunda Develops

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

**Strategy 3.3.2** - Attract and enable new investment opportunities.

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to:
  - a) Consider an offer to purchase a 32,786m<sup>2</sup> (3.28ha) portion of Cambridge Reserve from the State Government.
  - b) Adopt a Business Plan (Attachment 1) for the purposes of public advertising.
2. For several years, the City of Kalamunda (City) has been investigating the development of Cambridge Reserve for the purposes of aged care, residential development and improved public open space. The

Department of Planning, Lands and Heritage (DPLH) have now offered the City to purchase a portion of the site in freehold for a discounted land value of \$536,500 (excluding GST).

3. It is recommended that Council:
  - a) Note the offer to purchase a portion of Cambridge Reserve from the State Government for a discounted land value of \$536,500.
  - b) Adopt the Business Plan for the purposes of public advertising.

## BACKGROUND

4. Land Details:

Land Area:	89,815m <sup>2</sup> (8.98ha)
Local Planning Scheme Zone:	Local Open Space Reservation
Metropolitan Regional Scheme Zone:	Urban

5. Locality Plan:



6. Cambridge Road Reserve is approximately 8.98ha (89,815m<sup>2</sup>) in size located approximately 500m south-east of the Forrestfield District Centre. The site comprises seven lots owned by the Crown and managed by the City of Kalamunda. The site is zoned Urban under the Metropolitan Region Scheme (MRS) and Local Scheme Reserve – Local Open Space under LPS 3.



7. After the identification of Cambridge Reserve in 2011, through a lands study undertaken by the City, as being suitable for a portion to be transferred to facilitate improvements, the City undertook preliminary technical studies in 2012 and 2013 which found that some portions of the site are suitable for development. On this basis, the City progressed with preliminary community consultation and developed concepts. The preliminary consultation process indicated the community were not receptive to the proposal and the process was discontinued at the time.
8. Since the initial investigations and consultation in 2012 and 2013, the City has undertaken several strategic investigations including the development of an Aged Accommodation Strategy 2016.
9. The City's Aged Accommodation Strategy 2016 included the following key recommendations:
  - a) The City should not directly undertake Aged Care developments;
  - b) The City should utilise government assets to encourage retirement living and aged care developments;
  - c) Encourage the expansion of existing providers and shared facilities; and
  - d) Prioritise sites close to existing services and amenities.
10. In 2017 and 2018, the City revisited the project and engaged planning and design consultants Urbis to revise the concept with the intent of providing an aged care component to the project and revise the concepts for landscape improvements which are less maintenance intensive and more sympathetic to the natural environment.
11. In February and March 2018, the City undertook preliminary community consultation to determine the key values that Cambridge Reserve holds for the community and the key themes of enhancement that the community desires. Preliminary consultation included an onsite workshop, a survey, an information stall at Forrestfield Shopping Centre, and a call for written submissions.
12. The outcomes from the preliminary consultation informed the preparation of a draft concept plan; which included an aged care site, retained bushland, landscaping upgrades, playground, over 55's accommodation and residential lots.
13. Public advertising was undertaken for the draft concept plan between July and August 2018 and included a community workshop, survey, information stalls at the Forrestfield Shopping Centre and Forrestfield Library and a request for submissions. A draft concept plan was also workshopped with the City's technical staff.

14. The concept plan was endorsed by Council at the Ordinary Council Meeting held on 26 February 2019 and it was resolved to progress further technical studies and initiate the land transfer process with DPLH. A core consideration of this project is that the land in question reverts to City freehold ownership to facilitate development given the constraints that exist under the existing Management Orders.
15. In February 2019, the City requested comment from the DPLH on the adopted concept plan. The DPLH and the DBCA responded in March 2019 with some concerns relating to the methodology and results of the flora surveys prepared during previous investigations 2012 and 2017.
16. In response, the City engaged an independent consultant to undertake a third flora and fauna survey in Spring 2019. At the same time, consultants were engaged to undertake the following technical studies:
  - a) Environmental Management Plan including the flora/fauna survey and Floristic Community Type (FCT) Analysis;
  - b) Water Modelling Report and Local Water Management Strategy;
  - c) Geotechnical Report;
  - d) Bushfire Management Plan;
  - e) Infrastructure and Servicing Report;
  - f) Landscaping Cost Estimates; and
  - g) A revised concept plan to address the findings of the additional technical studies.
17. In summary, the results of the technical studies found two main constraints:
  - a) The capacity of the existing seasonal drainage sump is insufficient and needs to be increased to account for a 1 in 100 year flood level to service the development envisaged through the revised concept plan; and
  - b) The three areas of TEC were present onsite; two were identified as 3c – Forrestfield Complex and one was identified as 20a – Banksia Woodland.
18. The concept plan that was first adopted by the Council in February 2019 was subsequently re-designed, to account for the new information, to respond to the additional technical studies. Key aspects of the revised concept plan include:
  - a) Aged Care Site with an option of 1ha or 1.5ha.
  - b) Retention, protection, and enhancement of the TEC.
  - c) Implementation of buffers which extend the TEC protection zone and act as low fuel load managed parkland for bushfire setbacks.
  - d) Drainage sump reconfigured into a constructed wetland utilising Water Sensitive Design Principles.

- e) Playground relocated and increased in size. Half basketball court added to cater for a wider variety of age groups.
  - f) Comprehensive path network featuring nature-play, exercise equipment, sensory experiences, signage, and seating areas.
  - g) Development area reconfigured to avoid the TEC resulting in less impact on existing residents to Mallow Way and York Street/Cambridge Reserve.
  - h) Development area includes reclaimed land because of drainage reconfiguration to utilise land already cleared.
  - i) A proposed northern drainage basin and road extension located under the power easement located north-east of the site.
  - j) Residential lots ranging between (225m<sup>2</sup> - 642m<sup>2</sup>) overlooking the local open space.
19. The revised concept plan and associated Scheme Amendment 104 to rezone the developable portion of the site from Local Open Space to Urban Development was adopted by Council at the August 2020 Ordinary Council Meeting.

## **DETAILS AND ANALYSIS**

20. Since mid-2020, the City has been in negotiations with the DPLH on the purchase of the developable portion of Cambridge Reserve. Negotiations with DPLH have been occurring at an officer level with DPLH being advised through Landgate's Valuation Services and the City by independent land valuers. A copy of DPLH and the City's land valuations are contained within Appendix 8 of Confidential Attachment 1.
21. Through conferral of the City and DPLH valuers, a final discounted value for the developable portions of Cambridge Reserve has been offered at \$536,500 (excluding GST). This offer is based on the land and prospective development areas assumed by the land valuers and will form the total purchase price for the subject land.
22. In addition to negotiations on land value, the City has been in detailed discussion and exchanges of information with DPLH on the future development of Cambridge Reserve. A Strategic Business Case was developed and presented to DPLH as part of this process. A copy of the Strategic Business Case is provided in Confidential Attachment 1.
23. In order to progress with the purchase and future development of Cambridge Reserve, as envisaged by Council's adopted concept plan, the City is required to fulfill the requirements of its obligations under the *Local Government Act 1995*. These obligations include the relevant provisions of Section 3.59 – Commercial enterprises by local governments.

24. Section 3.59 requires the City to prepare and advertise a Business Plan, prior to entering into a land transaction that is preparatory to entry into a major land transaction.
25. In this instance, the purchase of the developable portion of Cambridge Reserve from the State would be the preparatory land transaction whereas the development of the site would be a major land transaction.
26. The Business Plan required by Section 3.59 is to include an overall assessment of the major land transaction and is to include details of:
- a) Its expected effect on the provision of facilities and services by the local government.
  - b) Its expected effect on other persons providing facilities and services in the district.
  - c) Its expected financial effect on the local government.
  - d) Its expected effect on matters referred to in the local government's Strategic Community Plan.
  - e) The ability of the local government to manage the undertaking or the performance of the transaction.
27. The City has prepared a Business Plan fulfilling those requirements for Council to consider adopting for the purposes of public advertising.

#### **APPLICABLE LAW**

28. *Local Government Act 1995* – Section 3.59 – Commercial enterprises by local governments.
29. *Land Administration Act 1997*.

#### **APPLICABLE POLICY**

30. N/A

#### **STAKEHOLDER ENGAGEMENT**

31. Should Council resolve to adopt the Business Plan, the City is required to give State-wide public notice advising that:
- a) The City proposes to commence entering into a land transaction that is preparatory to that major land transaction.
  - b) A copy of the Business Plan may be inspected or obtained.
  - c) Submissions about the proposed undertaking or transaction may be made to the City before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
  - d) Make a copy of the Business Plan available for public inspection.

- e) Publish a copy of the Business Plan on the City's official website.

## **FINANCIAL CONSIDERATIONS**

- 32. Funding for the purchase of Cambridge Reserve has been set aside through previous budgets as part of the City's allocation of funds to the Land and Property Enhancement and Maintenance Reserve.
- 33. Accounting for contingencies and changing market factors, the future development of Cambridge Reserve is estimated at a cost of approx. \$10 million (excluding GST). Funding for the development is proposed to be sourced from a combination of reserves, budgeted funds, and borrowings.
- 34. The future revenue estimated through the sale of land at Cambridge Reserve is estimated at approx. \$14.5 million (excluding GST).

## **SUSTAINABILITY**

- 35. **Social Implications**  
The proposed development will enable an increase in the range of land uses which could be located within the site including aged care and residential development. Such a development could support ageing in place, so residents remain close to existing social and family networks, and intergenerational mingling through shared use of the local open space.
- 36. The proposed development will enable the City to sell a portion of the land which will be used to directly fund local open space improvements onsite (or on nearby community infrastructure within Forrestfield), plus encouraging local residents to enjoy the upgraded playground, trails, bushland and parkland.
- 37. **Economic Implications**  
Facilitating the development will enable the sale of a portion of the land to the market thereby generating the resources required for upgrades to the public open space. Benefits of this process are anticipated to include delivery of improved public open space facilities, revegetation and ongoing maintenance of remnant bushland, jobs generated through construction and preparation of the site, as well as ongoing healthcare jobs within the aged care sector.
- 38. **Environmental Implications**  
The proposed design results in the retention of all TEC identified onsite and areas of vegetation of good quality or better. It is acknowledged that should development of the site proceed then it would likely result in the removal of vegetation within the developable area to facilitate

construction of the aged care site, residential accommodation and supporting services and infrastructure.

39. Development of the site will provide opportunities for areas of high-quality vegetation to be managed and enhanced as well as enabling the establishment of street trees as part of the proposed new road network.
40. Proposed Scheme Amendment 104 was assessed by the Environmental Protection Authority (EPA) in September 2020. The amendment was examined, with preliminary investigations and inquiries conducted. The EPA advised that the amendment does not require further environmental assessment under the relevant provisions of the *Environmental Protection Act 1986*.

## RISK MANAGEMENT

- 41.
- |   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> The City embarks on the development and an aged care provider is unable to be sourced.   |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Major   | Possible          | High          |
| <b>Action/Strategy</b>  |                   |               |
| The City is aware of significant aged care shortages and, should the development proceed, ensure a robust Expressions of Interest process is pursued. |                   |               |
- 42.
- |   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> Complications arise throughout the development increasing development costs.                       |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Major   | Possible          | High          |
| <b>Action/Strategy</b>  |                   |               |
| Ensure thorough detailed designs and robust tendering processes are undertaken for the development of the site. |                   |               |
- 43.
- |  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> Objections are received to the Business Plan.   |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Moderate   | Likely            | Medium        |
| <b>Action/Strategy</b>   |                   |               |
| Ensure the broader community benefits of the project are explained and communicated to the public. |                   |               |



## CONCLUSION

44. The consideration of land value for the site has been through a robust consideration process by both the City and DPLH with each organisation being informed by independent land valuers.
45. The proposed development of Cambridge Reserve is a long-standing strategic initiative of the City. It proposes to fulfill much needed aged care shortages and provides for improved public open space for the broader community. Funding realised from Cambridge Reserve will also provide funding for improved community facilities throughout the Forrestfield locality.
46. On balance, and having regard for the detailed information contained and attached to this report, it is recommended that Council:
- a) Note the offer to purchase a portion of Cambridge Reserve from the State Government for a discounted land value of \$536,500 (excluding GST).
  - b) Adopt the Business Plan for the purposes of public advertising.

<b>Voting Requirements: Simple Majority</b>
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### RESOLVED OCM 305/2021

That Council:

1. NOTE the offer to purchase a portion of Cambridge Reserve from the State Government for a discounted land value of \$536,500 (excluding GST).
2. ADOPT the Business Plan (Attachment 1), pursuant to Section 3.59 of the *Local Government Act 1995*, for the purposes of public advertising.

Moved: **Cr John Giardina**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (12/0)**



### 10.5.5. Consideration of Legal Agreement

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

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

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

Previous Items	Nil
Directorate	Office of the Chief Executive Officer
Business Unit	N/A
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	Nil

#### TYPE OF REPORT

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

#### RESOLVED OCM 308/2021

That Council NOTE the information outlined in the confidential report and AUTHORISE the Chief Executive Officer to enter into the legal agreement accordingly.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**11. Motions of Which Previous Notice has been Given**

**11.1. Lesmurdie Primary School - Proposed Tree Removal**

Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 11.1 Lesmurdie Primary School Proposed Tree Removal. Cr Stallard is a member of the Lesmurdie Primary School Board Member.

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 306/2021

That Council REQUEST the Chief Executive Officer to write to the Director General of the Department of Education and the Department of Finance (Building Management and Works) to:

1. Appeal to them to retain the character and natural amenity of Lesmurdie Primary School as part of the redevelopment of the school.
2. Outline the various approaches made by the City to mitigate against clearing.
3. Highlight that the redevelopment of the school is welcomed and the unique environmental features of the site should be considered and trees retained wherever possible.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**Rationale**

1. Lesmurdie Primary School site is unique in its natural features and number of native trees.
2. The Education Department have an opportunity to showcase their regard for the environment as a part of the Lesmurdie Primary Development.
3. It is important that the Department of Education take a sympathetic approach to the retention of native vegetation on the site where possible.

### **Officer Comments**

1. The Joint Development Assessment Panel (JDAP) on Thursday 24 June 2021 approved approx. \$13m worth of upgrades to Lesmurdie Primary School.
2. A full copy of the Department of Finance Responsible Authority Report including development plans are available from the JDAP website at the following URL:  
<https://www.dplh.wa.gov.au/departmentofplanninglandsheritage/media/daps/metro%20outer%20jdap/agenda/2021/june/20210624%20-%20agenda%20-%20no%2098%20-%20city%20of%20armadale%20-%20city%20of%20kalamunda.pdf>
3. The City of Kalamunda was not the responsible planning authority for the development assessment or drafting of the Responsible Authority Report. The Western Australian Planning Commission, some years ago, delegated the planning authority for the upgrade of school sites to the Department of Finance.
4. Notwithstanding, the City provided referral advice to the Department of Finance and advertised the proposal within 200m of the development with 2 submissions being received with no objections.
5. The City in its referral advice noted that the proposal would result in trees requiring removal, noting bushfire planning requirements and the need for environmental approvals for this to occur and that efforts should be made to retain native vegetation.
6. The City has reviewed the Department of Education's Communications Plan for the project, with positive feedback from the school. In recognition of the community sentiment towards tree retention, the Communications Plan highlights the need to ensure the community are made aware of the measures the Department of Education has taken to protect trees and the extent of re-vegetation and landscaping plans that are proposed. The City also provided examples of where its undertaken consultation and worked with the community on development sites to ensure the maximum numbers of trees are retained.

**12. Questions by Members Without Notice**

12.1 High Wycombe Train Station - Cr Ritchie

Q. Would it be possible for all Councillors to do a tour of the High Wycombe Train Station before the opening next year.

A. The CEO advised the City will try and organise this for the weekend of the council strategic retreat in February.

12.2 Cell 9 Questionnaire - Cr O'Donnell

Q. What is the timing of the release of the questionnaire.

A. The Director Asset Services advised this was being finalised and would shortly be presented to Councillors

12.3 Round about Maida Vale off ramp - Cr O'Connor

Q. Concerns have been raised around the gradient of the round about when heading west.

A. The Director Asset Services advised the design is compliant. Staff would investigate.

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

13.1 Item 10.1.1 Development Services Update – Cr Sewell ( 28 September 2021)

Q. Of the 4% that didn't meet the compliance rate did the City of Kalamunda receive any formal complaints from those particular applications?

A. The City advises no formal complaints were received.

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

14.1 Nil.

**15. Meeting Closed to the Public**

15.1 RESOLVED OCM 307/2021

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

Moved: **Cr Cameron Blair**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The Meeting closed to the public at 9:17pm. All members of the public gallery left the Meeting and all elected and staff remained.

15.2 RESOLVED OCM 309/2021

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

Moved: **Cr Cameron Blair**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The Meeting reopened to the public at 9:19pm. All members of the public gallery returned to the Meeting. The Presiding Member read the resolutions to the Meeting.

**16. Tabled Documents**

Kalamunda Environmental Advisory Committee – Draft Minutes – 30 September 2021  
Public Agenda Briefing Forum Notes 5 October 2021

**17. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 9:20pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2021.