

Public Agenda Briefing Forum

Draft Agenda

Tuesday 12 February 2019



**city of
kalamunda**

Our Vision

**Connected Communities, Valuing Nature
and Creating our Future Together**

Core Values

- Service:** We deliver excellent service by actively engaging and listening to each other.
- Respect:** We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.
- Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.
- Ethics:** We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

Aspirational Values

- Creativity:** We create and Innovate to Improve all we do.
- Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future.
- Prosperity:** We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises
- Harmony:** We will retain our natural assets in balance with our built environment

Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable.



www.kalamunda.wa.gov.au

**city of
kalamunda**

INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

The Briefing Session will be held in the Function Room of the City of Kalamunda on Tuesday 12 February 2019 commencing at 6.30pm.

Agenda Briefing Forums will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums that are conducted by the City of Kalamunda:

- a) Public Agenda Briefing Forums will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b) Dates and times for Public Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c) The Chief Executive Officer will ensure timely written notice and an agenda for each Public Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d) Ordinarily, the Mayor is to be the Presiding Member at Public Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Public Agenda Briefing Forum from amongst themselves to preside at that Public Agenda Briefing Forum.
- e) Relevant employees of the City of Kalamunda will be available to make a presentation or respond to questions on matters listed on the agenda for the Public Agenda Briefing Forum.
- f) All Elected Members will be given a fair and equal opportunity to participate in the Public Agenda Briefing Forum.
- g) The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- h) Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Public Agenda Briefing Forum. When disclosing an interest the following is required:
 - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
 - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
 - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i) Minutes shall be kept of all Public Agenda Briefing Forums. As no decisions are made at a Public Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council to review and confirm as being a true and accurate summary of the preceding forum.
- j) At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k) Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015* (**City's Standing Orders**)

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

Members of the public are invited to ask questions at Public Agenda Briefing Forums.

- a) Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c) Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d) Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e) Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- f) Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g) The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h) Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i) The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
 - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j) Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k) Questions and any responses will be summarised and included in the minutes of the meeting.
- l) It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- m) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

- a) Members of the public are invited to make statements at Briefing Forums.
- b) Statements made at a Briefing Forum must relate to a matter contained in the agenda.
- c) A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d) Public Statement Time will be limited to two (2) minutes per member of the public.
- e) Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f) Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time Is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g) Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City of Kalamunda employee.
- h) Where an Elected Member is of the opinion that a member of the public is make a statement at a Briefing Forum that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- i) A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j) Statements will be summarising and included in the notes of the Briefing Forum.

Questions in Writing

- a) Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b) The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c) Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d) The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e) The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f) Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g) A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h) Questions and any response will be summarised and included in the minutes of the meeting.

- i) It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

Members of the public may ask questions of clarification at Public Agenda Briefing Forums.

- a) Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c) The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d) Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e) The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f) Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by City Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

2.1 Cr Margaret Thomas (Leave of Absence)

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

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

3.2. 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.

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

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

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

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

6. Public Statement Time

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

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

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

7. Public Submissions Received in Writing

- 7.1 Item 10.3.1. Proposed Dedication of Unallocated Crown Land – Lot 4378 on Deposited Plan 22.6.08 – Quicke Road, Paulls Valley
Liz Bushby – Town Planning Innovations – provide a PowerPoint presentation/deputation.

8. Petitions Received

9. Confidential Items Announced But Not Discussed

- 9.1 Item 10.1.2 Cambridge Reserve Community Enhancement Project – Consideration of Submissions and Modification for Final Adoption – **CONFIDENTIAL ATTACHMENT – Submitters List** – Reason for Confidentiality: - *Local Government Act 1995 (CW) Section 5.23 (2)(b) – "the personal affairs of any person."*
- 9.2 Item 15.1.1 Proposed Outbuilding (Shed) – Lot 16 (28) Davies Crescent, Gooseberry Hill - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"*

10. Reports to Council

10.1. Development Services Reports

10.1.1. Proposed Local Planning Policy P-DEV 62: Design Guidelines - Maddington Kenwick Strategic Employment Area

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

Previous Items	Nil.
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	Taylor Burrell Barnett c/- Linc Property Pty Ltd ABN 33 096 272 043
Owner	Nil.
Attachments	<ol style="list-style-type: none">1. Draft Local Planning Policy P-DEV 62: Design Guidelines - Maddington Kenwick Strategic Employment Area -1 [10.1.1.1]2. Landscaping Sections [10.1.1.2]3. Submitters Table [10.1.1.3]4. City of Kalamunda Design Advisory Committee - February 2018 - Meeting Minutes [10.1.1.4]5. City of Kalamunda Design Advisory Committee - November 2018 - Meeting Minutes [10.1.1.5]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider submissions and final adoption of Local Planning Policy P-DEV 62 – Design Guidelines: Kalamunda Wedge Industrial Area – Precinct 3A (Policy).
2. The Policy has been written with the intent of protecting the amenity of the locality and that of the surrounding landowners as well as providing guidance for the design and consideration of development within the Kalamunda Wedge Industrial Area – Precinct 3A (Precinct 3A).
3. It is recommended Council adopt the Policy as outlined in Attachment 1.

BACKGROUND

4. The area subject to the Policy forms part of the Maddington Kenwick Strategic Employment Area (MKSEA) which was identified in the Economic and Employment Lands Strategy (2012) and the City of Kalamunda's (City) Local Planning Strategy as a future industrial precinct.
5. The MKSEA sits mostly within the City of Gosnells, and partly in the City's boundary at the southern end of Wattle Grove, south of Welshpool Road East. The area of land within the City's boundary is approximately 20.4 hectares.

6. To progress the strategic intent as identified above, the area was rezoned as follows:
 - a) Metropolitan Regional Scheme Zone from Rural to Industry (1300/57); and
 - b) Local Planning Scheme Zone from Special Rural to General Industry and Light Industry (PG-LPS-003/089).
7. No structure plan was prepared for the Kalamunda portion around Courtney Place due to the relatively small size of the amendment area. The planning issues that would usually be addressed in a structure plan were considered as requirements of Scheme Amendment 89 (Amendment), and detailed as Scheme provisions, one of which was the requirement for Design Guidelines to be prepared.
8. The Amendment introduced a Special Control Area (Kalamunda Wedge Precinct 3A) which introduced the following provisions to land contained within the Kalamunda Wedge (Precinct 3A):

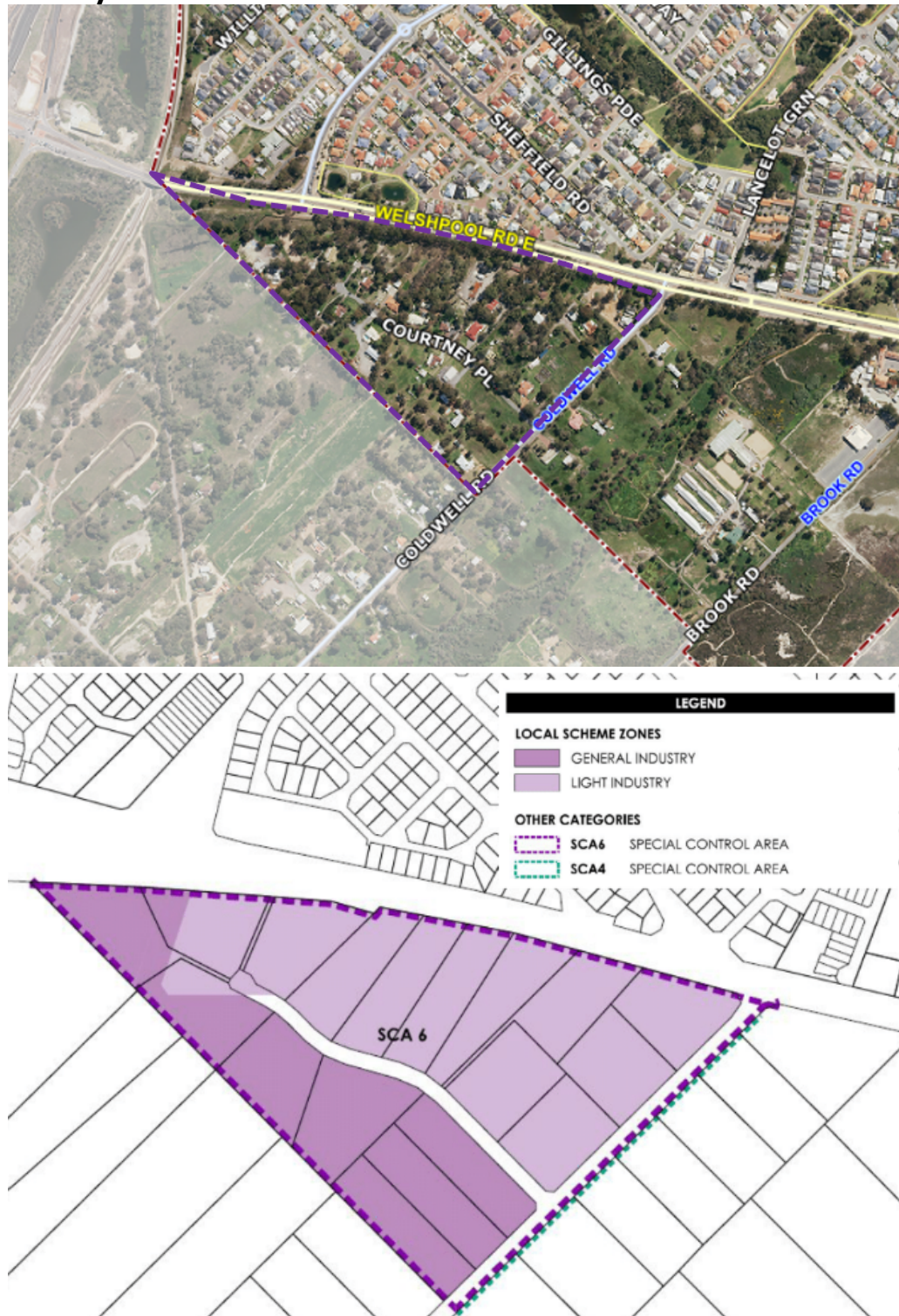
'6.8 KALAMUNDA WEDGE PRECINCT 3A

6.8.1 Subdivision and/or development proposals within the Special Control Area shall be supported by:

 - a) A BAL assessment or Contour Map, prepared in accordance with the Guidelines of Planning in Bushfire Prone Areas (as amended), demonstrating how any bushfire hazards identified can be appropriately managed within the context of the proposal to the satisfaction of the Shire of Kalamunda.*
 - b) A Local Water Management Strategy, prepared in accordance with Better Urban Water Management on the advice of the Shire of Kalamunda, to be [sic] satisfaction of the Department of Water.*
 - c) Investigations to determine if any significant vegetation, flora or fauna habitat occurs within the proposed area. Where relevant to a subdivision area or development application, detailed management plans shall be prepared and implemented to the satisfaction of the Shire of Kalamunda.*
 - d) Design guidelines adopted by the local government under Part 2 of the deemed provisions for development of land on Lots directly fronting Welshpool Road East.'*
9. This Policy is required in order to satisfy Clause 6.8.1(d) Local Planning Scheme No. 3 (Scheme).
10. At the September 2018 Ordinary Meeting of Council, Council considered the Policy for the purposes of public advertising (OCM 160/2018). Pursuant with Clause 4 (3) of the Regulations, the City is now required to review the proposed Policy in light of any submissions received (Attachment 5) and resolve to:
 1. *Proceed with the policy without modification; or*
 2. *Proceed with the policy with modifications; or*
 3. *Not proceed with the policy.*

11.

Locality Plan:



DETAILS

12. The primary objectives of the Policy are to:
- a) specify provisions which supplement the requirements of the Scheme;
 - b) encourage attractive developments that are well designed, with functional and efficient buildings and site layouts;
 - c) ensure that industries are environmentally compatible with surrounding zones and activities;
 - d) promote the development of high quality, attractive and sustainable landscaped areas and streetscapes;
 - e) achieve water conservation through sustainable on-site stormwater management, water-wise landscaping and water efficient reticulation;
 - f) avoid unsightly and poorly planned developments; and
 - g) ensure proposals on the lots abutting Welshpool Road East incorporate an appropriate interface with existing residential development.
13. The Policy outlines the requirements of the Scheme and acceptable standards determined by the City within an assessment matrix that includes the following areas:
- a) Development Precincts (Service Commercial, Light Industrial, General Industrial);
 - b) Subdivision and Amalgamation;
 - c) Built form (including building design and quality, building orientation, building setback, end of trip facilities, parking and access, loading areas, signage, external lighting, crossovers, fencing, stormwater management and waste management);
 - d) Welshpool Road East Interface; and
 - e) Landscaping.

STATUTORY AND LEGAL CONSIDERATIONS

14. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
15. Under Clause 3 (5) of the Regulations, in making a determination under the Scheme, the local government must have regard to each relevant Local Planning Policy to the extent the policy is consistent with the Scheme.
16. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard in accordance with Clause 67 (g) of the Regulations. If a Local Planning Policy is inconsistent with the Regulations and the Scheme provisions, then the Regulations and the Scheme prevail.
17. Should Council resolve to proceed with the Policy, it will have effect from the date of publication of a notice in a newspaper circulating the scheme area. (Clause 5 (5) of the *Planning and Development (Local Planning Schemes) Regulations 2015*)

POLICY CONSIDERATIONS

18. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. A preliminary assessment was undertaken by the City from an Assets and Parks and Environment perspective. The Policy was reviewed to include elements addressing stormwater management, landscaping and vehicular access.

External Referrals

20. **Public Notification**

The Policy was advertised for a minimum of 21 days in accordance with Clause 4 of the Regulations and Local Planning Policy P-DEV-45 (Public Notification of Planning Proposals) via the following methods:

- a) notice on the City's website;
- b) local newspaper advertisement in a newspaper circulating the Scheme area; and
- c) display of documents at the Administration Centre.

21. In addition to the mandatory advertising requirements the City, at its discretion, undertook additional advertising measures. In this regard, letters were sent to affected landowners within the Kalamunda Wedge Precinct 3A area and a Community Information Session was held on 31 October 2018.

22. The City also gave notice of the draft Policy to the Western Australian Planning Commission (WAPC) and the City of Gosnells.

23. A total of five submissions were received during the submission period, four of which were objections with the balance providing comment.

24. Key concerns raised during the advertising period were:

- a) measures to mitigate any impacts on the Greater Brixton Street Wetlands (GBRW) and the Yule Brook should be better addressed.
- b) provisions should be included to ensure the retention of vegetation.
- c) sustainability should be better considered (i.e. limiting the 'Heat Island' effect).
- d) provisions should be included to ensure no further changes to the natural ground level can be approved; and
- e) extent of landscaping buffers and loss of developable land.

25. A response to the submissions has been provided in the Submitters Table (Attachment 5). Responses to the key concerns have been included in the Officer Comment section of this report.

26. **Design Advisory Committee**

The Policy was considered at the Kalamunda Design Advisory Committee (DAC) Meeting in February 2018 and then again in November 2018. Refer to Attachment 3 and 4 for the Meeting Minutes.

27. In response to the issues raised through the DAC meeting in February 2018, the proponent engaged urban design consultants to ensure the Policy was amended to address the concerns of the City and DAC. The Policy was considerably revised generally in accordance with the DAC comments.
28. Due to the substantial changes made, the Policy was reconsidered by the DAC, with an overall consensus the Policy was a commendable improvement on the first draft.

FINANCIAL CONSIDERATIONS

29. All costs associated with the advertising and preparation of the Design Guidelines was borne by the Applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

30. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

31. If the Policy is adopted, developers will have more certainty as to the standard of the built form and landscaping required for the industrial area.
32. The community will have more clarity and transparency in how the City and the Council makes decisions, leading to improved outcomes and reduced timeframes.

Economic Implications

33. Development of the industrial area in an attractive, sustainable and functional manner will encourage ongoing development to a high standard. A high standard of design will attract desirable operators, thus creating an economic stimulus through investment and job creation.

Environmental Implications

34. Landscaping requirements are stipulated within the Policy which will facilitate the establishment of landscaping areas to assist with improving visual amenity and addressing the interface with existing residential development.

RISK MANAGEMENT CONSIDERATIONS

35.	Risk: The Policy does not achieve the desired built form outcomes.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Ensure the Policy is appropriately applied through the assessment of future development applications.		

OFFICER COMMENT

36. In response to the concerns raised during advertising of the Policy, the following is noted:
37. **Impacts on the Greater Brixton Street Wetlands (GBRW) and the Yule Brook**
Two of the submissions noted the Policy needs to include provisions to mitigate any impacts on the GBRW and the Yule Brook. It is acknowledged irrigated grass treatments appear in conflict with sound objectives for protection and enhancement of local biodiversity. However, the approved MKSEA Precinct 3A District Water Management Strategy (DWMS) and Local Water Management Strategy (LWMS) models groundwater flow for Precinct 3A and confirms the area subject to the Policy guidelines flows in a south westerly direction and away from the Brixton Street Wetlands.
38. The DWMS and LWMS also models the pre-development surface water flow, which is also in a south westerly direction (as would be expected as the land also generally slopes in this direction), before discharging to the Yule Brook close to the Roe Highway culverts. This drainage pattern has been maintained in the post-development scenario, as is evidenced by the overland drainage swales which discharge to a large drainage treatment basin at the south west of the development (within the City of Gosnells). Nonetheless, landscaping treatments will be appropriately assessed at the Development Approval phase of development in respect to the approved LWMS and DWMS.
39. **Retention of Vegetation**
One submission noted the Policy needs to include provisions to ensure the retention of vegetation on site. Retention of vegetation will be dependent upon any fill required in response to the DWMS and LWMS. Due to a high-water table and the need to mitigate any impact on the Great Brixton Street Wetlands, the DWMS and LWMS may require fill greater than 600mm, which would limit the retention of vegetation.
40. The City does not currently have any statutory mechanism to require the retention of vegetation on private properties, unless the vegetation is protected by State or Federal legislation. Nonetheless, the City will encourage the retention of vegetation where practicable at the Development Application stage of development (Clause 5.18 of Local Planning Scheme No. 3).

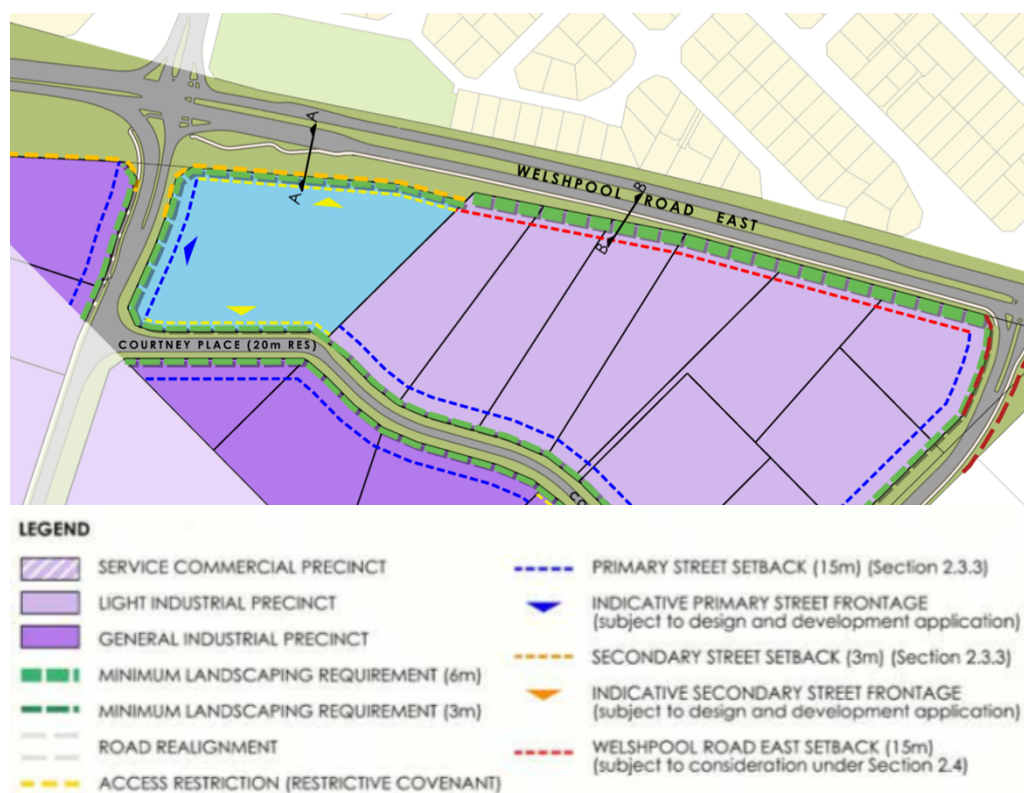
41. **Landscaping Buffer**

Three of the submissions did not support a landscape buffer and noted compensation should be provided for the loss of developable land. The provision of landscaping to be provided as part of the development approval process represents a well-established statutory requirement with the aim of improving the level of amenity associated with the provision of high quality landscaped areas. In this instance, the intent of the landscaping strip along Welshpool Road East is to mitigate the bulk and scale of development and provide a suitable interface to existing residential development, which is common place throughout the Perth Metropolitan Area. For example, the Forrestfield/High Wycombe Industrial Area imposes a 6-8 metre wide landscaping strip.

42. **Equity of Landscaping Buffers**

One of the submissions raised concerns regarding the equitable application of landscape buffers. It is acknowledged while all properties abutting Welshpool Road East are zoned Light Industry, there are different landscaping buffer requirements; with the advertised Design Guidelines requiring the majority of properties to provide a landscaping buffer of a minimum of six metres fronting Welshpool Road East, with the exception of the 'Commercial Precinct' which is required to provide a minimum of three metres.

43.



44. The corresponding verge widths along Welshpool Road East also vary considerably as illustrated in the Verge Sections as at Attachment 2 and the below image.

45. The corresponding verge width adjacent to Welshpool Road East is highlighted in red in the below figure.



46. As illustrated above, the verge widths along Welshpool Road East vary considerably from 28 metres (approximately) at its greatest extent adjacent to the Service Commercial Precinct to four metres (approximately) at its narrowest extent adjacent to Lot 17 (581) Welshpool Road East, Wattle Grove.

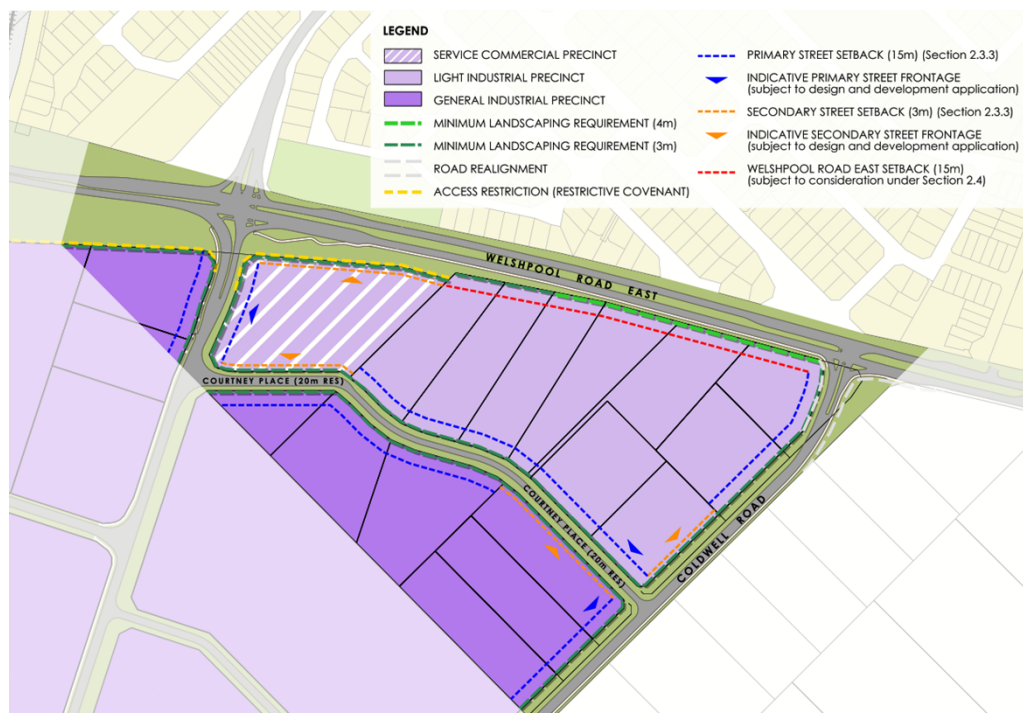
More specifically as illustrated in Attachment 2:

- a) Cross section A (adjacent to the Service Commercial Precinct) has a verge width of approximately 22 metres and a minimum landscaping buffer of three metres in width which equates to a 25-metre landscaping buffer to Welshpool Road East;
 - b) Cross section B (representative of the balance of land fronting Welshpool Road East) has a verge width of six metres and a minimum landscaping buffer of six metres which equates to a 12-metre landscaping buffer to Welshpool Road East.
47. The three-metre landscaping strip for the 'Commercial Precinct' is therefore a response to the corresponding verge widths, with the varying landscaping requirements intended to ensure a visually consistent vegetation buffer when viewed from Welshpool Road East.

48. Revised landscaping requirements

In light of the submissions received, the landscaping requirements have been revised from a minimum of six metres to a minimum of three to four metres as illustrated in the below figure. This revised landscaping requirement has been proposed in the context of the extent of existing vegetation in the existing road reservation and the median along Welshpool Road East. Additionally, houses along this stretch of Welshpool Road East back onto the road and do not overlook the MKSEA area.

49.



50.

Natural Ground Levels

One submission noted provisions should be included to ensure no further changes to the natural ground level can be approved. Any modifications to ground levels will be determined by the requirements of the Local Water Management Strategy and will be assessed at the Development Application and/or subdivision stage.

51.

The proposed Policy has been drafted with the intent of protecting the amenity of surrounding landowners and providing comprehensive guidance for the design and approval of development within the Precinct 3A and to ensure consistency and transparency in decision-making. Additionally, the Policy will assist with providing quality built-form and landscaping outcomes which will protect the investment of companies locating in the industrial area.

52.

The Policy is intended to preserve the amenity of nearby residents through providing guidance, consistency and transparency in decision making throughout Precinct 3A of MKSEA. Part 2.4 (Welshpool Road East) of the Policy ensures high quality-built form and landscaping treatments for lots fronting Welshpool Road East which have an interface with the existing residential area in Wattle Grove Cell 9.

53.

The Policy is consistent with the applicable strategic and statutory planning framework and is consistent with the principles of orderly and proper planning.

54.

The Policy has been reviewed by the City's DAC, with a number of resulting improvements included to the provisions of the Policy. These included particular emphasis being placed on the built form, setbacks and landscaping treatments to Welshpool Road East.

55.

Having regard to the above, it is recommended Council resolves to proceed with adopting the Policy.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPTS Local Planning Policy P-DEV 62 – Design Guidelines: Kalamunda Wedge Industrial Area – Precinct 3A at Attachment 1 pursuant to Clause 4(3)(b)(i) and Clause 4(4) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.2. Cambridge Reserve Community Enhancement Project - Consideration of Submissions and Modifications for Final Adoption

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

Previous Items	OCM 240/2017
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	CM-01/012
Applicant	N/A
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> 1. Final Concept Plan [10.1.2.1] 2. Technical Note [10.1.2.2] 3. Cambridge Reserve Community Enhancement Project Summary Report [10.1.2.3] 4. Submission Table [10.1.2.4] 5. Community Engagement Outcomes Report [10.1.2.5] 6. Previous Technical Studies and Reports [10.1.2.6] 7. Draft Concept Plan for Public Advertising [10.1.2.7] 8. Pre-Consultation Engagement Outcomes Report [10.1.2.8]
Confidential Attachment	<ol style="list-style-type: none"> 1. Confidential - Submitters List

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to endorse the Cambridge Reserve Community Enhancement Concept Plan and support the transfer process of Cambridge Reserve for improved open space, residential development and aged care purposes.
2. The Concept Plan proposes to:
 - a) enhance a portion of Cambridge Reserve by:
 - i. fencing managed and good quality bushland;
 - ii. re-vegetating sections of bushland;
 - iii. incorporating managed parkland;
 - iv. enhancing the stormwater system; and
 - v. providing an activity hub (playground, half-court basketball, leisure areas); and
 - b) transferring a portion of the Cambridge Reserve for aged care, over 55's and residential development.
3. It is recommended that Council:
 1. Endorses the Cambridge Reserve Community Enhancement Concept Plan, Technical Note and Summary.
 2. Notes the outcomes of community engagement.

3. Supports progressing further technical investigations for the Cambridge Reserve Community Enhancement Project in accordance with the adopted Concept Plan.
4. Supports the initiation of the transfer process by referring all the required documentation to the Department of Planning, Lands and Heritage and the Minister for Lands for endorsement.
5. Supports the initiation of an amendment to the Shire [City] of Kalamunda Local Planning Scheme No. 3 to rezone a portion of the Reserve from Local Open Space to Residential.

BACKGROUND

4. Land Details:

Land Area:	Approx. 11ha (including portion of Power Easement)
Local Planning Scheme Zone:	Local Open Space
Metropolitan Regional Scheme Zone:	Urban

5. Locality Plan:



6. Local government may, with the approval of the Minister for Lands (Minister) and Department of Planning, Lands and Heritage (DPLH) transfer certain recreation reserves for development purposes and apply the proceeds from rezoning and development to capital improvements in the general locality.
7. The administrative process of the DPLH allows local governments to transfer the reservations to alternative land uses and purchase the land from the Crown in free hold for 5% of the value of the site.

8. In undertaking the transfer process, the City of Kalamunda (City) must satisfy a set of criteria detailed by the Department of Lands Administrative Policy. The criteria are broadly outlined below:
 - a) proposal does not reduce the overall allocation of local open space for the locality below 10%.
 - b) clear benefit to the community, outside of any direct financial contribution, is to be established.
 - c) maintenance of a reserve is not a relevant matter in assessing whether the proposed transfer would have a benefit to the community.
 - d) if the proposed excision portion of the public open space reserve provides a benefit for the community, the disposal will be advertised for a minimum period of 30 days as follows:
 - i. A sign is to be erected on the site.
 - ii. A notice is to be placed in a local newspaper.
 - iii. Letters are to be sent to nearby landowners.
 - iv. Liaison is to occur with identified local community and interest groups.
 - v. Referral is to be made to the Department of Lands, Department of Planning and other relevant servicing authorities for comment.
 - vi. A notice is to be placed on the City's notice boards and the City's website.
 - e) Apply the proceeds to capital improvements to other recreation reserves in the general locality.
9. In 2012/2013 the City undertook a series of technical investigations to explore the requirements of developing a portion of Cambridge Reserve for the purposes of residential development and improved open space (Attachment 6).
10. The technical investigations undertaken included the following key studies:
 - a) preliminary Site Analysis Report,
 - b) environmental Assessment Report (including flora and fauna studies),
 - c) water Monitoring Report,
 - d) preliminary Engineering Services Report,
 - e) detailed / Revised Concept Plan and Landscape Design (including cost estimate).
11. The findings of the various technical reports indicated portions of the Reserve are suitable for urban development. On this basis, the City initiated community consultation processes and progressed the development concepts for the Reserve.
12. The preliminary community consultation undertaken indicated the community was not receptive to the proposal and the process was discontinued.
13. Since the initial investigations and consultation, the City has undertaken several strategic investigations including the development of an Aged Accommodation Strategy (2016).

14. The Aged Accommodation Strategy has a series of key recommendations which include:
 - a) not directly undertaking any retirement or aged care developments.
 - b) utilise government assets to encourage retirement living and aged care developments in the City near amenities and public transport.
15. During Council's consideration of the Aged Accommodation Strategy the document was referred to the City's Aged Care Advisory Committee (Committee) and the following comments were provided for Council's consideration:
 - a) The City should provide land at minimal cost to appropriate developers to encourage retirement and aged care developments.
 - b) The City has a role in monitoring and stimulating service providers to develop in the City. The City should look to remove barriers to entry and eliminate red tape wherever possible.
16. In response to this strategic direction and comments received from the Committee, the City has reviewed the objectives of the Cambridge Reserve development project. In doing this, the City has identified an opportunity to action some of the recommendations of the Aged Accommodation Strategy and deliver broader community outcomes by delivering a mixture of residential, aged accommodation and improved POS areas on the site.
17. In 2017/18, the City decided to revisit 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.
18. In February and March 2018, the City undertook pre-consultation with the community to determine the key values that Cambridge Reserve holds for the community and the key themes of enhancement that the community desires.
19. The pre-consultation included a workshop on site at Cambridge Reserve, a survey, an information stall at Forrestfield Shopping Centre and a call for written submissions.
20. No Concept Plan was presented as part of the preliminary engagement. The outcomes from the pre-consultation informed the revised draft Concept Plan; which included an activity hub, retained bushland and aged care / over 55's component. View Pre-Consultation Engagement Outcomes Report in Attachment 8.
21. Public advertising was undertaken for the draft Plan between July 2018 and August 2018 and included a community workshop, survey, information stalls at Forrestfield Shopping Centre and Forrestfield Library and a request for submissions. View Community Engagement Outcomes Report in (Attachment 5).
22. The draft Concept Plan (Attachment 7) was also workshopped internally with City staff from various service areas.

23. The final Concept Plan (Attachment 1) has been modified to respond to the feedback from the community and internal City staff. (.

DETAILS

24. In developing the Concept Plan, the City followed the following process:

- a) Preliminary Consultation (February 2018 – March 2018)
- b) Draft Concept Plan prepared (March 2018 – June 2018)
- c) Public Advertising (July 2018 – August 2018)
- d) Concept Plan modified (September 2018 – December 2018)
- e) Concept Plan finalised and presented to Council (January 2019 – February 2019).

25. **Pre-Consultation**

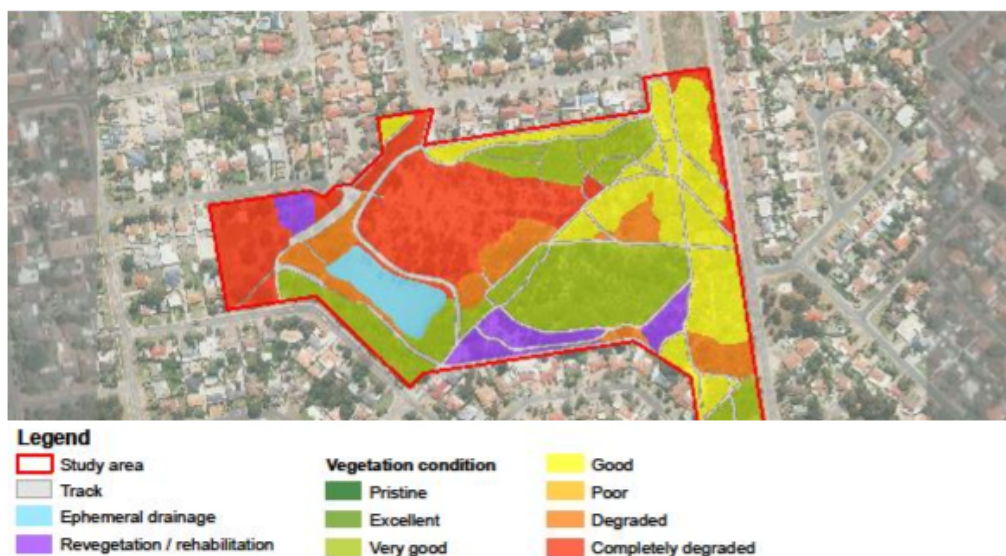
During the pre-consultation period the City received 23 surveys, four submissions and had approximately 40 participants at the workshop. View Pre-Consultation Outcomes Report in (Attachment 8).

26. The key themes from the consultation period included:

- a) Most common ideas were as follows:
 - i. walking trails and improved footpaths;
 - ii. pet friendly;
 - iii. basketball half-court;
 - iv. improved lighting;
 - v. open space lawns;
 - vi. shade and seating; and
 - vii. soccer mini-pitch
- b) Top Ten Likes:
 - i. bushland / natural feel;
 - ii. walking / trails;
 - iii. nothing;
 - iv. waterbody / lake;
 - v. quietness;
 - vi. proximity to home;
 - vii. size;
 - viii. dog walking;
 - ix. family oriented; and
 - x. playground
- c) Most Wanted Improvements:
 - i. seating;
 - ii. play equipment;
 - iii. shade / shelter;
 - iv. BBQs; and
 - v. toilets

27. The results from the surveys and submissions also expressed a desire for aged care on the site.

28. The draft Concept Plan (Attachment 7) responded to the feedback from the community and included the following key features:
- activity hub – including half-court basketball, seating areas and playground;
 - retained bushland;
 - fenced dog park;
 - improved landscape around the drainage sump;
 - formalised walking trails;
 - aged care development site; and
 - residential development
29. Although the idea of residential development did not come through strongly in the pre-consultation, it is important to note for the improvements to be funded, the sale of a portion of Cambridge Reserve for development purposes is required. This is outlined in the Financial Section of the Report. Feedback from aged care developers indicated for aged care / development to be financially viable, a development component is required to subsidise the costs of developing the aged care.
30. **Environment**
An Environmental Assessment Report (including flora and fauna studies) from 2017 was utilised to develop the Concept Plan.
31. Both the 2012 Environmental Study and the 2017 Environmental Study had similar results regarding vegetation condition on site. There are three areas on site identified as very good; one to the north of the site, one to south east and the other along the south-west boundary. There are two areas classified as completely degraded; one generally central area and the other to the west of the site.



32. No Threatened or Priority flora species were recorded. Two conservation listed fauna species were recorded: *Calyptorhynchus banksii naso* (Forest Red-tailed Black Cockatoo; listed as Vulnerable) and *Isoodon obesulus fusciventer* (Quenda; listed as Priority 4).

33. Black Cockatoo foraging and potential breeding / night roosting habitat was recorded across the study area.
34. The 2012 Site Analysis found existing public open space provision in the immediate vicinity (comprising the area bound by Berkshire Road/Wandoo Road to the north and east, Lewis Road/Hartfield Road/Hale Road to the south, and Tonkin Highway/Dawson Avenue to the west) to be 12.6%, 2.6% above the minimum requirement.
35. **Public Open Space Strategy**
The Public Open Space Strategy 2018 (POS Strategy) states Forrestfield has a total POS provision of 11.12%. The POS Strategy states a 4ha transfer of a portion of Cambridge Reserve will reduce Forrestfield's POS provision to approximately 10.42%. This is in accordance with Liveable Neighbourhoods and Development Control Policy 2.3: Public Open Space in Residential Areas which requires a minimum of 10% of residential areas to be set aside for POS.
36. A key recommendation of the POS Strategy 2018 is the transferring of low-grade POS to enhance the quality, functionality and usability of other POS reserves that will provide for community needs.
37. **Aged Accommodation Strategy 2016**
The findings of the Aged Accommodation Strategy found in 2016, the City had 4,950 residents aged in the 65-84-year bracket and another 390 residents 85 and older. Over ten years this would increase to 5,580 and 570 residents respectively demonstrating an increased demand for aged care within the City.
38. The Aged Accommodation Strategy recommends utilising government assets to encourage retirement living and aged care developments in the City near amenities and public transport.
39. **Water**
Development of this site will require the preparation of a Local Water Management Strategy (LWMS) to support the proposal. Department of Water and Environmental Regulation (DWER) generally requires groundwater and surface water monitoring over an 18-month period including two winter peaks (September/October) to be undertaken to support the LWMS. The LWMS will be prepared during the Scheme Amendment and detailed planning process.
40. Groundwater monitoring was undertaken between May 2012 and November 2013. Groundwater bores on the site remained dry throughout the 18-month monitoring period. Groundwater did not occur within 4.25m of the surface at a bore to the north east of the site or within 6m of the surface at the other bores during the monitoring period. Groundwater was not encountered during the program and is consequently not considered a constraint to development of the site.
41. The site falls from east to west with the site at approximately RL 50m on the eastern side and RL 41m on the western side. The water table sits at RL 17m (based on May 2003, Groundwater Contours). This level is likely to fluctuate by 3 metres due to seasonal variations but will be in the vicinity of 21 to 30 metres below natural surface level.

42. The sump is usually dry, except after rainfall events when rainfall and stormwater from the surrounding catchment will enter the sump. Stormwater collecting in the sump will be removed by evaporation and possibly some infiltration. Development of the site would require modelling of the response of the sump to rainfall events to ensure that roads and houses are not installed in potentially flooded areas. This can occur at subsequent phases of the planning process, likely before subdivision or as a condition of subdivision.

43. **Servicing**

There is existing sewer along Mallow Way and Cambridge Road. It is anticipated sewer along Cambridge Road will be extended to service the proposed development.

44. Water mains are located on Mallow Way and Cambridge Road. It is anticipated water will be provided to the proposed development via the interconnection of the existing Cambridge Road and Mallow Way mains.

45. Gas reticulation is located along Cambridge Reserve and Mallow Way. The gas main has sufficient capacity to service the proposed development.

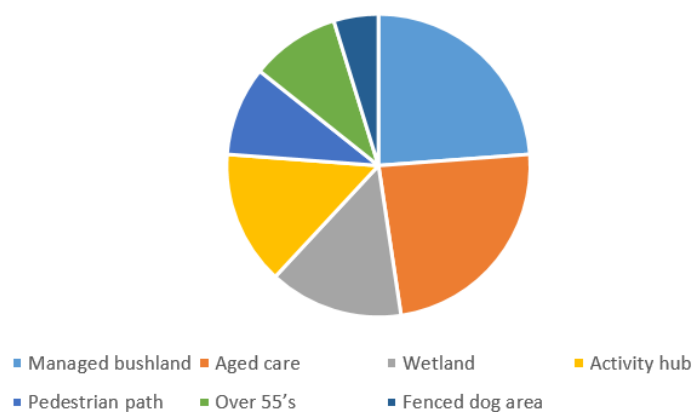
46. Existing developments in the area are served by connections into overhead power lines. Western Power's Network Capacity Mapping indicates there is capacity available in the area. It is anticipated as part of the development additional switchgears and transformers will be required to reinforce the network to allow for the development.

47. **Public Advertising**

Public advertising was undertaken for the draft Concept Plan between July and August 2018. The public advertising period included a community workshop, survey, information stalls at Forrestfield Shopping Centre and Forrestfield Library and submissions. View Community Engagement Outcomes Report in Attachment 5.

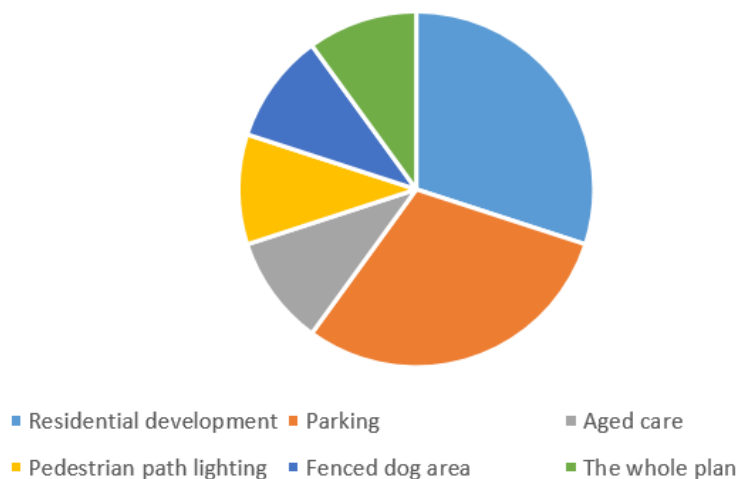
48. The most valued features of the draft Concept Plan from the community workshop was the managed bushland and aged care.

Most Valued Features



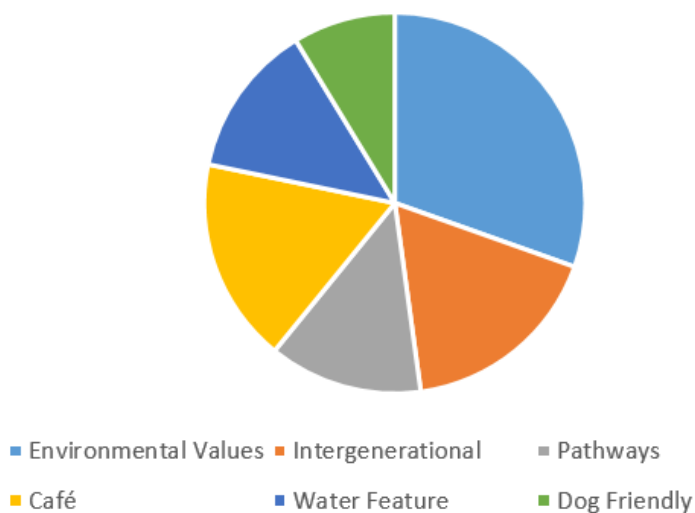
49. The feature the attendees would most like to change was a tie between the parking and the residential development.

Features Attendees Would Change

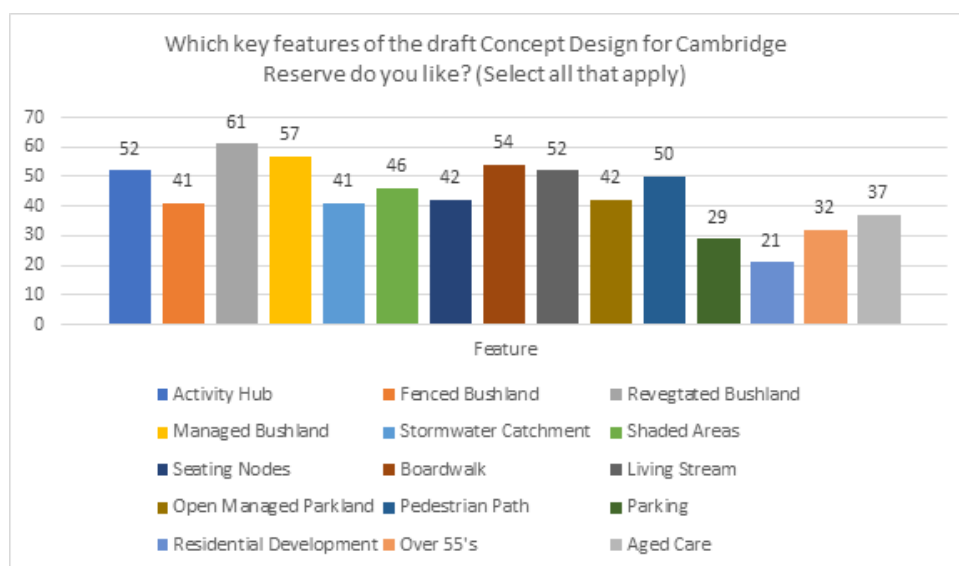


50. Identifying what the attendees believed were good examples of POS and why revealed some trends in features. The reason why attendees rated their spaces as a "good example" was most likely due to the space being intergenerational, holding environmental values, a water feature, pathways, café or being dog-friendly.

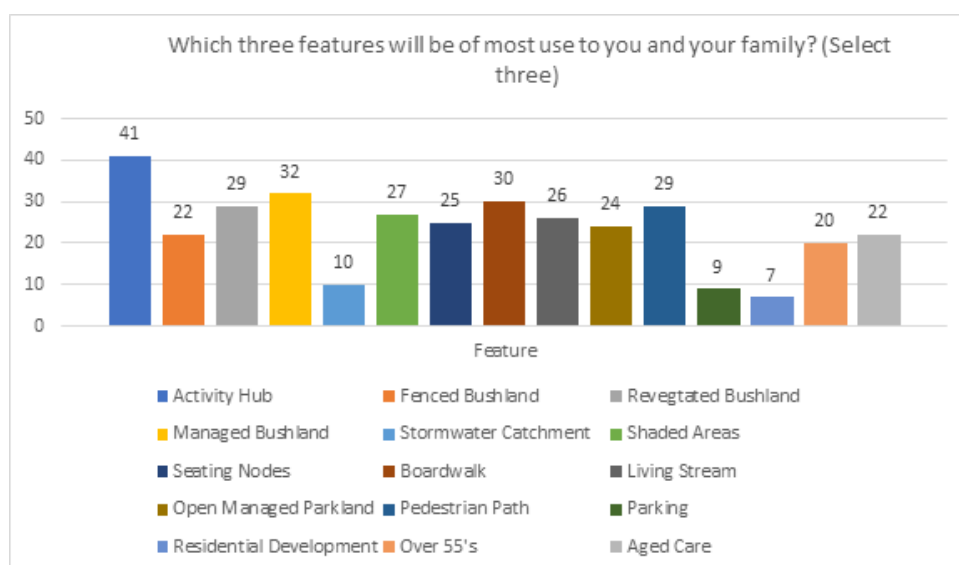
Popular Features of Other Open Spaces



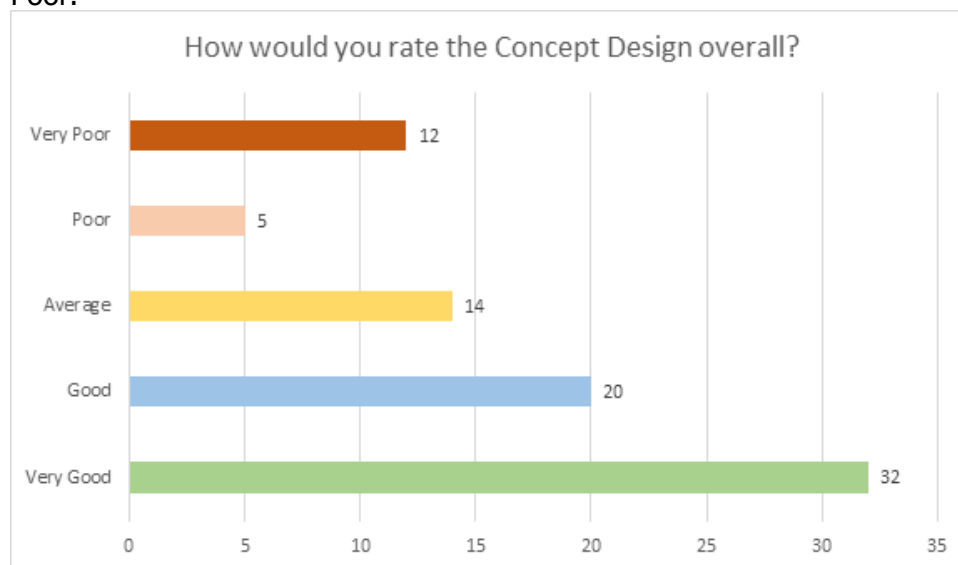
51. Activity 4 highlighted a clear divide in opinion between workshop attendees (i.e. supports the concept design vs. does not support the concept design). Those who supported the concept design were eager to see more aged care facilities in the City and a more family friendly/intergenerational and usable space, whilst enhancing the existing bushland features. Those who did not support the concept design appeared to be concerned about the impact the enhancement would have on them (i.e. increased traffic in their neighbourhood, loss of their view of the park, loss of property value, anti-social behaviour in their neighbourhood) or the impact on the park's environmental values (i.e. removal of vegetation/bushland for the purpose of development).
52. The key features of the draft Concept Plan survey respondents liked included the revegetated bushland, managed bushland, boardwalk and activity hub.



53. The key features survey respondents selected as being of most use to themselves and their family were the Activity Hub, Managed Bushland and Boardwalk.



54. The reception of the draft Concept Plan by survey respondents was mostly positive, 52 respondents rated the draft Concept Plan as Very Good or Good compared to 17 respondents who rated the draft Concept Plan as Poor or Very Poor.



55. A total of 64 submissions were received (Attachment 4), either formal written submissions or comments received via the survey. A total of 16 submissions expressed support of the Project, 18 submissions expressed objection to the Project and 30 submissions were either neutral or included general comments regarding the draft Concept Plan.
56. Submissions in support generally commented on the provision of aged care, retaining of managed bushland, activity hub and fenced dog park.
57. Submissions objecting generally commented on the removal of natural vegetation to make way for development and the fenced dog park and the impact on existing properties.
58. **Final Concept Plan**
The City engaged Urbis to review the Concept Plan (Attachment 1) based on the feedback received during the public advertising process.
59. The key changes made to the final Concept Plan include:
- Residential lots to the west of the Concept Plan changed from rear loaded lots to front loaded lots to allow for on-street parking and to address the objectives of Liveable Neighbourhoods where perimeter roads are encouraged around POS. The intention is for these lots to be two-storey only for better urban design and surveillance outcomes. This will be regulated through future design guidelines.
 - The aged care and over 55's sites have been combined to provide greater flexibility for aged care operators on how the site may be developed.
 - Path network around fenced managed bushland modified so that pathways do not dissect the managed bushland and only go around valuable areas of vegetation.

- d) Fenced Dog Park removed and replaced with bushland and re-vegetation. This change was made due to concerns raised from community and internal feedback that too much significant vegetation was being removed. The intention of this area is to be revegetated with the soil, seedlings and existing vegetation from the areas of bushland that are proposed to be removed for development purposes. The City is also in the process of investigating opportunities for a fenced dog park in other locations in the City.
- e) Storm water drains retained on the existing alignment to reduce impact on removing vegetation. Rather than a living stream the stormwater drain is to be piped in areas and open in other parts. This will reduce impact on having to remove vegetation and provides greater opportunity for revegetation in close proximity to the drain.

60. The Concept Plan proposes to:

- a) retain approximately 7.1ha of POS (including a portion of the power easement) or 5.1ha (not including portion of power easement reserve);
- b) develop approximately 1.3ha for aged care and over 55s; and
- c) develop approximately 2.6ha for residential (including roads)
 - i. 200-299m² = 9 lots
 - ii. 300-399m² Residential = 34 lots
 - iii. 400m² Residential = 7 lots

61. **Process Moving Forward**

Should Council decide to endorse the Concept Plan, the City will initiate the transfer process by referring all the required documentation to the DPLH and the Minister for endorsement.

62. Should DPLH and the Minister endorse the proposed transfer, the City will commence the Local Scheme Amendment process.

63. The Scheme Amendment will propose to retain the portion of the reserve identified for POS as indicated on the Concept Plan as Local Open Space under the Local Planning Scheme, and rezone the portion identified for residential, aged care / over 55's and road reserve to Residential. Details on ensuring aged care and over 55 outcomes will be prescribed through the Scheme Amendment process.

64. The Project Summary (Attachment 3) outlines there are two potential approaches to the rezoning and transfer of a portion of the reserve:

- a) Rezone the entirety of Cambridge Reserve to Development Zone subject to a future Structure Plan Rezone; or
- b) Rezone only those initially identified portions of Cambridge Reserve required for development purposes.

65. It is recommended the second approach is undertaken as it is a clearer process for the community and stakeholders to understand in relation to the amount of POS being retained.

66. The City will be required to undertake detailed technical studies and reports such as environmental, water and servicing to support the Scheme Amendment and to assist with the anticipated referrals to Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions, Water Corporation, Department of Fire and Emergency Services and Western Power.
67. Should the Western Australian Planning Commission approve the Local Planning Scheme Amendment, the City will initiate the subdivision process, which will include developing a subdivision and/or Local Development Plan which will excise the proposed development portion of the reserve from the POS portion and undertaking any associated subdivision works.
68. The City will be required to purchase the development portion of the reserve from the Crown for 5% of the agreed land value in accordance with the Department of Lands Section 20A transfer procedure.
69. At the conclusion of the subdivision process, the City will outsource the development and sale of the residential properties and the aged care / over 55's portion. The City will utilise the profits to enhance Cambridge Reserve as per the endorsed Concept Plan and any additional funds will be spent on community enhancement projects in the general locality.
70. The City will be required to undertake detailed designs of the enhanced POS for Cambridge Reserve, utilising existing technical studies and reports and undertaking any additional technical studies required to assist with the detailed design phase.
71. The City will commence works on the POS enhancement at the conclusion of the detailed design phase and as part of the broader development of the site.

STATUTORY AND LEGAL CONSIDERATIONS

72. The subject site is currently zoned Local Open Space under the City's Local Planning Scheme No.3 (LPS3). To facilitate development, the City will be required to progress a Scheme Amendment to rezone the property for development purposes. This will allow the preparation of a Structure Plan to coordinate the location of roads, land uses and other infrastructure requirements for the site.
73. Concurrently with this Scheme Amendment, the City could consider including the proposed aged care site within a Special Use zone and permit only the use classes of an Aged/Dependant Dwelling or Aged Residential Care for the site. This would secure the future land use of the site for an aged care development through the statutory planning framework.

POLICY CONSIDERATIONS

74. In undertaking the transfer process, the City must satisfy a set of criteria detailed by the Department of Lands administrative policy. The criteria are not publicly available but are broadly outlined below:
- a. Proposal does not reduce the overall allocation of local open space for the locality below 10%.
 - b. Clear benefit to the community, outside of any direct financial contribution, is to be established.
 - c. Maintenance of a reserve is not a relevant matter in assessing whether the proposed transfer would have a benefit to the community.
 - d. If the proposed excision portion of the public open space reserve provides a benefit for the community, the disposal will be advertised for a minimum period of 30 days as follows:
 - i. A sign is to be erected on the site.
 - ii. A notice is to be placed in a local newspaper.
 - iii. Letters are to be sent to nearby landowners.
 - iv. Liaison is to occur with identified local community and interest groups.
 - v. Referral is to be made to the Department of Lands, Department of Planning and other relevant servicing authorities for comment.
 - vi. A notice is to be placed on the City's notice boards and the City's website.
 - e. Apply the proceeds to capital improvements to other recreation reserves in the general locality.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

75. The Concept Plan was assessed by the City from all built environment and development related disciplines. At the pre-consultation, public advertising and post advertising phases. Various modifications have resulted from these consultations and resulted in the final Concept Plan.

External Referrals

76. During February 2018 and March 2018 the City undertook pre-consultation with the community to determine the key values Cambridge Reserve holds for the community and the key themes of enhancement the community desires. The pre-consultation included a workshop on site at Cambridge Reserve, a survey, an information stall at Forrestfield Shopping Centre and submissions.
77. Public advertising was undertaken for the draft Plan between July 2018 and August 2018. The public advertising period included a community workshop, a survey, information stalls at Forrestfield Shopping Centre and Forrestfield Library and submissions.
78. Should Council decide to endorse the Concept Plan, the City will initiate the transfer process by referring all the required documentation to DPLH and the Minister for endorsement.

79. Should the City commence the Local Planning Scheme Amendment process, the Concept Plan and Scheme Amendment associated documents will be forwarded to DPLH who will then forward to relevant state agencies such as Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions, Water Corporation, Department of Fires and Emergency Services and Western Power.

FINANCIAL CONSIDERATIONS

80. Funding to pursue detailed designs, community consultation, Local Planning Scheme amendments and engagement with the DPLH was included in the 2017/18 and 2018/19 budgets.
81. Funding arrangements for the development of Cambridge Reserve will be contingent upon the preparation of a comprehensive business case outlining the financial benefits to the City.
82. The most likely funding strategy would be to enter into a borrowing arrangement with WA Treasury Corporation (WATC) which on current rates would attract an interest rate of approximately 3.9% based on a twenty-year term.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

83. *Kalamunda Advancing Strategic Community Plan to 2027*

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 - Facilitates the inclusion of the ageing population and people with disability to have access to information, facilities and services.

Strategy 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse 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 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more physically active.

Priority 2: Kalamunda Clean and Green

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

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

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

- 84. The project provides the City an opportunity to improve POS on the site and in the locality more broadly. It is well documented POS provides significant community and social benefits by improving public health and providing residents natural breakaway areas from the harsher elements of the urban environment.
- 85. As a result of the enhancement the potential increased use of the reserve, , increased population in the area and households facing the reserve will help reduce anti-social behaviour through Crime Prevention Through Environmental Design Principles and passive surveillance.
- 86. The City has an ageing population, with an existing and future demand for aged care accommodation. The execution of this project will help alleviate the pressure for aged care accommodation within the City.
- 87. The execution of the Concept Plan will have an impact on existing residents, with residents having to adapt to a changing built environment, potential impact on existing views of the park and potential lifestyle change as the park evolves from being utilised for low recreation activity to a higher recreational space. Due to the increased activity there will likely be an increase in car, cycle and pedestrian traffic and there will be likely disruptions during construction phases (noise, dust, road closures, park closures etc.).

Economic Implications

- 88. The project provides the City a significant funding source to improve POS on the site and in the locality more broadly. Council will be provided an opportunity to consider detailed landscape improvements and other site improvements as the project progresses. It is well documented that POS improvements have the potential to lift the profile of a locality.

Environmental Implications

- 89. As part of previous investigations detailed water monitoring and analysis was conducted over the site. The investigation concluded that ground water levels would not be an impediment to the site's development.
- 90. Both the 2012 and 2017 Environmental Study had similar results regarding vegetation condition on site. There are three areas on site identified as very good; one to the north of the site, one to south east and the other along the south-west boundary. There are two areas classified as completely degraded; one generally central area and the other to the west of the site.

91. No Threatened or Priority flora species were recorded. Two conservation listed fauna species were recorded: *Calyptrorhynchus banksii* naso (Forest Red-tailed Black Cockatoo; listed as Vulnerable) and *Isoodon obesulus fusciventer* (Quenda; listed as Priority 4).
92. Black Cockatoo foraging and potential breeding/ night roosting habitat was recorded across the study area.
93. The final Concept Plan proposes fenced bushland over a large portion of the site which is classed as good or very good vegetation condition. Other areas of the site are proposed for bushland revegetation to improve the condition of the bushland. One portion of the site which is classified as 'very good' condition has been proposed for development. The intention is to utilise soil, seeds and the vegetation from this area to revegetate the bushland which is adjacent along the power easement. The draft Concept Plan proposed a fenced dog park for this portion of the site. During the finalisation of the Concept Plan the fenced dog park was replaced with bushland revegetation to respond to the feedback received from the community and internal environment and parks team.
94. Development of this site will require the preparation of a Local Water Management Strategy (LWMS) to support the proposal. Department of Water and Environmental Regulation (DWER) generally requires groundwater and surface water monitoring over an 18-month period including two winter peaks (September/October) to be undertaken to support the LWMS. The LWMS will be prepared during the Scheme Amendment and detailed planning process.
95. Additional environmental and water technical studies may be required to be undertaken during the Scheme Amendment process to satisfy the requirements of the Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions and Water Corporation.

RISK MANAGEMENT CONSIDERATIONS

96.	Risk: Aged Care is not provided, and the reserve is not enhanced because the Concept Plan is not endorsed resulting in reputational impacts.		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/Strategy		
	Endorse the Concept Plan and initiate the transfer and Scheme Amendment process.		

- 97.
- | | | |
|--|--------------------|---------------|
| Risk: Development costs exceed initial estimates resulting in lower returns and financial impacts. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Major | High |
| Action/Strategy | | |
| Undertake detailed site survey and investigations.
Ensure development investigation are revised prior to investment decision. | | |
- 98.
- | | | |
|---|--------------------|---------------|
| Risk: The City does not receive funding for the development of the project resulting in cancellation of project. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Critical | Extreme |
| Action/Strategy | | |
| Discuss funding options with financiers to secure funding source. | | |
- 99.
- | | | |
|--|--------------------|---------------|
| Risk: The DPLH and Minister does not support the transfer of a portion of the reserve resulting in cancellation of the project. | | |
| Likelihood | Consequence | Rating |
| Possible | Critical | Extreme |
| Action/Strategy | | |
| Provide all necessary documentation that the DPLH and Minister requires in order to support the proposal. | | |
- 100.
- | | | |
|---|--------------------|---------------|
| Risk: The WAPC and other state agencies do not support the Local Planning Scheme Amendment. | | |
| Likelihood | Consequence | Rating |
| Possible | Critical | Extreme |
| Action/Strategy | | |
| Provide all necessary documentation and undertake any addition technical studies and reports required to support the Local Planning Scheme Amendment. | | |

OFFICER COMMENT

101. The Concept Plan proposes to:
- a) enhance a portion of the reserve by:
 - i. fencing managed good quality bushland;
 - ii. re-vegetating bushland;
 - iii. incorporating managed parkland;
 - iv. enhancing the stormwater catchment; and
 - v. providing an activity hub (playground, half-court basketball, leisure areas)
 - b) transferring a portion of the reserve for aged care, over 55's and residential development.

102. The City will satisfy the criteria detailed by the Department of Lands administrative policy of providing a clear benefit to the community by achieving key actions of the Aged Accommodation Strategy 2016, the Public Open Space Strategy 2018 and demonstrated community support for the project.
103. By delivering the outcomes of the Concept Plan, the City will help provide for the much-needed aged care demand identified by the Aged Accommodation Strategy 2016.
104. The outcomes of the Concept Plan will reduce Forrestfield's public open space provision from 11.12% to approximately 10.42%. This is in accordance with Liveable Neighbourhoods and Development Control Policy 2.3: Public Open Space in Residential Areas which requires a minimum of 10% of residential areas to be public open space.
105. The outcomes of the Concept Plan will help achieve the Strategies and Directions of the POS Strategy which includes the transfer of low-grade reserves to improve the quality, functionality and usability of other reserves which can provide for the recreational, conservation and leisure needs of the community.
106. The outcomes of the Concept Plan will provide enhanced POS and through greater usage of the reserve and passive surveillance from the proposed development will assist reduce anti-social behaviour at the reserve.
107. All proceeds from the transfer of a portion of the reserve will be used to enhance the reserve and other community facilities / POS areas within the locality.
108. There was a significant majority of the community in support of the Concept Plan based from the survey; 52 respondents rated the draft Concept Plan as Very Good or Good compared to 17 respondents that rated the draft Concept Plan as Poor or Very Poor, and 14 respondents that rated the draft Concept Plan as Average. This equates to 63% positive rating.
109. There was a variety of opinions on the project from the community workshop. The most popular features were the retained bushland, aged care and activity hub. The features having the most support for being changed were the residential area and car parking in favour of more retained bushland.
110. A total of 16 submissions expressed support of the Project, 18 submissions expressed objection to the Project and 30 submissions were either neutral or included general comments regarding the draft Concept Plan. This equates to 28% of submissions against the project, 25% actively supporting the project and the remaining 47% providing general comments.
111. Given the above results from the community engagement process, it is considered that there is sufficient community support to move the project forward to the next phase.

- 112. Additional technical studies and reports will be prepared to support the Local Planning Scheme Amendment process and detailed design phase.
- 113. It is recommended that Council adopts the Cambridge Reserve Community Enhancement Concept Plan.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. ENDORSES the Cambridge Reserve Community Enhancement Concept Plan (Attachment 1), Technical Note (Attachment 2) and Summary Report (Attachment 3).
- 2. NOTES the outcomes of community engagement as outlined in Attachment 4 and 5.
- 3. SUPPORTS progressing further technical investigations for the Cambridge Reserve Community Enhancement Project in accordance with the adopted Concept Plan.
- 4. SUPPORTS the initiation of the transfer process by referring all the required documentation to the Department of Planning, Lands and Heritage and the Minister of Lands for consideration.
- 5. SUPPORTS the preparation of a Scheme Amendment to rezone a portion of Cambridge Reserve from Local Open Space to Residential.

10.2. Asset Services Reports

10.2.1. Ray Owen Reserve - Proposed Carpark Concept Plan

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

Previous Items	OCM 09/2015
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	PR-PLN-001
Applicant	N/A
Owner	N/A

Attachments	1. Attch 1 Ray Owen Master Plan Feb 2015 [10.2.1.1]
	2. Attch 2 Carpark Concept Plan [10.2.1.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider endorsement of a Concept Plan for public consultation for staged improvements to car parking and drainage at Lot 581 (96) Gladys Rd Lesmurdie and Lot 580 (49) Sanderson Rd Lesmurdie collectively known as Ray Owen Reserve (the Reserve).
2. The proposed Ray Owen Reserve Carpark and Drainage Plan (Concept Plan) has been developed in response to the Ray Owen Reserve Master Plan (Master Plan). The Master Plan was adopted by Council in February 2015 (OCM 09/2015).
3. The Concept Plan reflects a staged approach to improvements in parking capacity in line with presumed stages of growth in formalised sporting activity at the Reserve. The Concept Plan has been endorsed by the main sporting groups who utilise the Reserve, the Friends of Ray Owen Group and the adjacent Lesmurdie Primary School.
4. It is recommended Council notes the acceptance of the Concept Plan by key stakeholders and endorses the Ray Owen Reserve Proposed Carpark and Drainage Concept Plan for public consultation.

BACKGROUND

5. The Master Plan and associated report was adopted by Council at its Ordinary Meeting of Council held on 23 February 2015 (OCM 09/2015 refers). Attachment 1 details the adopted Master Plan.
6. The Master Plan in itself, did not resolve the layout of the car parking areas but rather identified the need for improved and additional car parking. This aspect is part of the evolution of the improvements to the Reserve as greater certainty occurs regarding the timing, location and layout of elements such as buildings and sports fields.

7. Planning works are progressing on the first major development being the expansion of the indoor multipurpose courts for basketball and netball. It is prudent to commence planning for commensurate car parking works.

DETAILS

8. The Master Plan identified presently there are approximately 400 car parking spaces available (assuming efficient parking on the gravel areas south of the existing football oval). Presently, at peak sporting activity there is significant need for overflow parking which occurs in adjacent vegetated areas and adjacent roads which is problematic from an environmental and safety perspective.
9. It was deemed necessary to develop a Concept Plan for car parking that considered the potential development of the Reserve as well as addressing as best as possible the impacts of current parking..
10. The Concept Plan was developed with the following objectives:
- a) optimising parking capacity within the Reserve;
 - b) identifying opportunities to increase parking capacity within the Reserve;
 - c) providing internal road connections between areas of car parking to provide greater efficiency;
 - d) cognisant of planned expansion of buildings and sporting fields;
 - e) cognisant of safe and efficient access and egress to surrounding road network;
 - f) able to be delivered in discrete stages as funding permits; and
 - g) deal with the stormwater runoff from the carparking areas in an efficient and cost effective manner.
11. The Concept Plan in Stages 1 to 3 provides for approximately 550 parking spaces on the Reserve for cars, buses, disabled parking and longer bays for trailers.
12. It is important to note as planning progresses for the buildings and playing fields changes to the car parking layouts may be required.
13. The Concept Plan has been supported by the major sporting clubs utilising the Reserve including Hills BMX, Kalamunda District Basketball Association, Kalamunda District Netball Association, Kalamunda Districts Football Club, Lesmurdie Mazenod Cricket Club, Lesmurdie Mazenod Junior Cricket Club, Mazenod Junior Football Club, the adjacent Lesmurdie Primary School and the Friends of Ray Owen Group.
14. **Stage 1** of the Concept Plan Incorporates upgrades to the existing formalised parking to the east of the Ray Owen Sports Centre (ROSC) along with expansion into the adjacent vegetated area. This provides approximately 222 car bays plus seven disabled parking spaces. A turnaround area is also proposed and will include an emergency vehicle zone and a kiss-n-ride facility which can accommodate up to five cars for drop off/pick-up arrangements.

15. Entry/exit to the carpark will continue to be accommodated at Grove Road, albeit this will as part of future staged works be closed, with entry/exit relocated to Sanderson Road.
16. **Stage 2** incorporates upgrades to the existing formalised parking to the west of the ROSC, located to the north of the existing car park entry to the Reserve, along with expansion into the adjacent vegetated area and will provide approximately 129 car bays plus seven disabled parking spaces.
17. This stage will also result in the removal of the existing traffic blister island located on Gladys Road in close proximity of the entry, with this treatment to be replaced by a new roundabout entry/exit to the Reserve. The new entry/exit will also accommodate four bus bays as well as an internal turnaround area and will include an emergency vehicle zone, a kiss-n-ride facility that can accommodate five cars for drop off/pick-up arrangements and it will also control access to the northern and southern parking areas.
18. A link road between the parking areas either side of the ROSC will also be constructed as part of this stage of development to facilitate efficient use of car bays.
19. **Stage 3** incorporates upgrades to the existing formalised parking to the west of the ROSC, located to the south of the existing car park entry to the Reserve, along with expansion into the adjacent vegetated area will generate approximately 120 bays plus six disabled spaces and eight car/van plus trailer parking spaces.
20. The Grove Road entry/exit to the Stage 1 parking area will also be closed as part of this stage of development in favour of creating a new roundabout entry/exit at the Sanderson Road/Gilroy Way intersection. The internal connecting road with the Stage 1 parking area will be upgraded and will incorporate a further four bus bays as well as increasing parking spaces by approximately 34 bays given the closure of the Grove Road entry/exit.
21. **Stage 4** is shown as indicative at this time. The actual area of car parking expansion is subject to the outcome of proposed sports oval expansion plans which are still in the development stage.
22. Staging as proposed has been established to provide the least impact on continuing use of the Reserve with completion of each stage focused on increasing the number of parking spaces available within the Reserve and providing controlled and safe traffic movements into, within and out of the Reserve.
23. A stormwater management plan will be developed after completion of geotechnical studies; however, the design premise is to use underground storage/infiltration tanks where possible in order to optimise on ground car parking capacity.

24. Car park lighting will be designed to relevant standards while ensuring light spill is mitigated to the absolute minimum possible.

STATUTORY AND LEGAL CONSIDERATIONS

25. Prior to construction of any stage, the City will be required to receive approval to clear vegetation from the Department of Water and Environmental Regulation in accordance with the *Environmental Protection Act 1986*.

POLICY CONSIDERATIONS

26. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

27. As part of the proposed public consultation, comment will be sought from City Business Units.

External Referrals

28. The various stakeholders that utilise the Reserve have been consulted over a six month period in the development of the proposed staged upgrading and development of car parking facilities at the Reserve. The plans arising out of this process have received full support from various Stakeholders through endorsement received by the City in late November 2018.
29. The intent of this report is focused on seeking Council endorsement of the Concept Plans (Attachment 2) with the view to advertise for public comment. It is proposed this will be undertaken for a period of 30-days.

FINANCIAL CONSIDERATIONS

30. Currently budget cost estimates for detailed design and construction in the City's Long-Term Financial Plan (LTFP) are based on a three-staged project basis however, a funding source has not yet been locked in.
31. The progression of the Ray Owen Master Plan forms part of the City's advocacy program for Growth Areas Perth & Peel (GAPP) funding with the overall project cost of \$15.7m.
32. The 2018/2019 budget provided \$67,300 to undertake the first stage of detail design of car park renewals at the Reserve. The timing of this proposed consultation and any subsequent decision to adopt the Concept Plan suggests the detailed design could not commence until 2019/2020.

33. The budget within the LTFP for the carparking elements of the Ray Owen Master Plan was \$2.6m. A revised budget is \$3.157m with costs and indicative timing as follows:

	Stage 1	Stage 2	Stage 3	Stage 4	Total
2019/2020	\$ 86,000				\$ 86,000
2020/2021	\$860,000				\$860,000
2021/2022		\$ 71,000			\$ 71,000
2022/2023		\$710,000			\$710,000
2023/2024			\$ 80,000		\$ 80,000
2024/2025			\$800,000		\$800,000
2025/2026				\$ 50,000	\$ 50,000
2026/2027				\$500,000	\$500,000
Total	\$946,000	\$781,000	\$880,000	\$550,000	\$3.157m

34. The timing of each stage can be amended as necessary.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

35. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

36. Improved car parking facilities at Ray Owen Reserve will increase the amenity for the users and improve traffic conditions for local residents during peak sporting activities.

Economic Implications

37. Nil.

Environmental Implications

38. A loss of existing vegetation at the Reserve to accommodate the additional car parking areas is required. This will be minimised where possible.

RISK MANAGEMENT CONSIDERATIONS

39.	Risk: The Concept Plan, after community consultation requires significant rework and resultant delays in delivery of car parking improvements.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	Areas of major concerns will be assessed and if possible dealt with in design phases without impacting program.		

OFFICER COMMENT

40. In consideration of traffic impact on the surrounding road network as a result of the staged development of parking areas at the Reserve the following road improvements may need further investigation:
- a) construction of a single roundabout which accommodates both the Grove Road/Gladys Road and Grove Road/Chislehurst Road intersections. Both these intersections are currently "Stop" controlled on the Gladys Road and Chislehurst Road approaches respectively. A budget cost estimate of \$155,000 is noted for the proposed upgrade; and
 - b) construction of a roundabout at the Grove Road/Sanderson Road intersection. This intersection is currently "Give Way" controlled on the Sanderson Road approaches. A budget cost estimate of \$135,000 is noted for the proposed upgrade.
41. Should investigation, as the staged development of parking areas at the Reserve proceeds, suggest the need for improvements to either or both intersections then the budget cost estimate (as reviewed at the time) will need to be listed in the LTFP for future funding consideration by Council.

Voting Requirements: Simple Majority**RECOMMENDATION**

That Council:

1. NOTES the endorsement on the Ray Owen Reserve Proposed Carpark and Drainage Plan by the key sporting group users, Friends of Ray Owen Group and Lesmurdie Primary School.
2. ENDORSES the Ray Owen Reserve Proposed Carpark and Drainage Concept Plan for public consultation.

10.3. Corporate Services Reports

10.3.1. Proposed Dedication of Unallocated Crown Land - Lot 4378 on Deposited Plan 220608 - Quicke Road, Paulls Valley

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

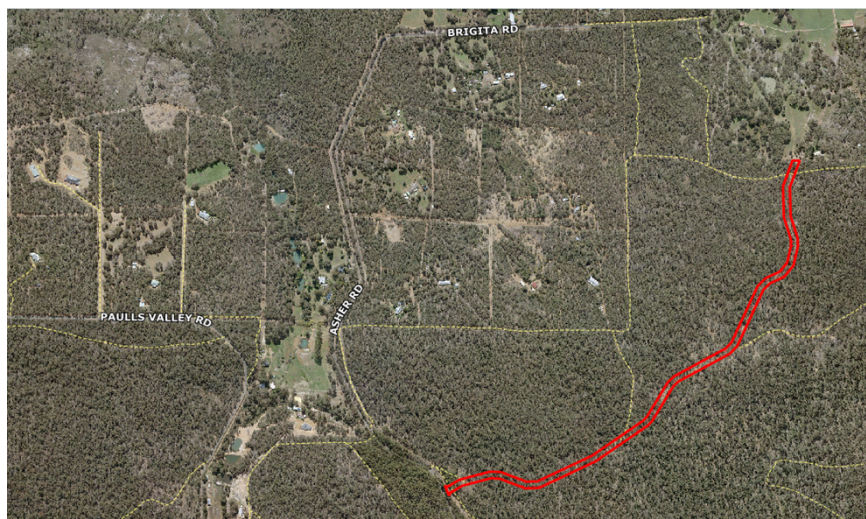
Previous Items	PS 78/99; Resolved EN BLOC - OCM 19/07/99
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	QC-01/GEN
Applicant	Town Planning Innovations
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none">1. July 1999 Council Report [10.3.1.1]2. Deposited Plan 220608 [10.3.1.2]3. Town Planning Innovations Letter Dated 5 September 2018 [10.3.1.3]4. Quicke Road Summary of Submissions Table [10.3.1.4]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the dedication of Lot 4378 on Deposited Plan 220608 (Lot 4378), more commonly known as Quicke Road, Paulls Valley, as road reserve. Lot 4378 is unallocated Crown land.
2. The proposed dedication is required to provide formal access to Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley.
3. It is recommended Council support the proposed dedication of Lot 4378 as road reserve, subject to conditions.

BACKGROUND

4. Locality Plan



Lot 4378 is outlined in red on the above plan.

5. The matter was previously considered at the Planning Services Committee on 12 July 1999 and the Ordinary Council Meeting on 19 July 1999.

6. On 19 July 1999, Council resolved as follows:

That Council resolve that:

- 1. The Minister for Lands be requested to approve the closure of Road Number 1839 extending from Asher Road through to Mundaring Weir as indicated in the attachment.*
 - 2. The Minister for Lands be requested to approve the dedication of the proposed road reserve from Asher Road to Location 619 as shown in the attachment.*
 - 3. Council indemnify the Department of Land Administration against any compensation and costs and expenses reasonably incurred as a result of closure of the existing road reserve and dedication of the proposed roads.*
 - 4. Funding approval is granted in the Council budget for approximately \$5,000 for survey costs; or*
 - 5. The applicant meets all associated survey costs.*
 - 6. Once the road reserve is surveyed and gazetted that the name Quicke be forwarded to the Geographic Names Committee for consideration.*
7. A copy of the July 1999 Council Report, including the plan referred to in the 19 July 1999 Council Resolution, is attached (Attachment 1).
8. The road name "Quicke Road" was approved by the Geographic Names Committee on 9 November 1999, prior to the road reserve being dedicated.
9. The excision from State Forest of the area proposed to be dedicated was completed by way of a revocation notice published in the Government Gazette on 9 February 2001.
10. On 15 February 2001, the then Department of Conservation and Land Management wrote to the then Department of Land Administration requesting the excised area as shown on Land Administration Act Plan 20608 (also referred to as Deposited Plan 220608) (Attachment 2) be dedicated as road.
11. The excision area was never dedicated as road reserve. The Department of Planning, Lands & Heritage (DPLH) has informed the City of Kalamunda (City) the proposal stalled due to native title concerns.

12. The DPLH has advised it is unable to progress the proposal further until it receives a formal request from the City to dedicate the subject land as road reserve, pursuant to section 56 of the *Land Administration Act 1997* (WA).
13. Since the previous Council Resolution was made in 1999, it is considered prudent to refer the matter to Council once again for consideration.

DETAILS

14. By way of a letter dated 5 September 2018, the Applicant requested the City to dedicate Lot 4378 (Attachment 3).
15. The Applicant is applying on behalf of the owner of Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley; all three lots are currently in the same ownership.

STATUTORY AND LEGAL CONSIDERATIONS

16. Lot 4378 is to be dedicated as road pursuant to section 56(1)(a) of the *Land Administration Act 1997* (WA).
17. Section 56(1)(a) of the *Land Administration Act 1997* (WA) states as follows:

56. Dedication of land as road

(1) *If in the district of a local government —*

(a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; ...*

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

POLICY CONSIDERATIONS

18. The purpose of the City's Asset Management Council Policy (C-AS-01) is "[t]o provide a framework for undertaking long term strategic asset management of the City's asset portfolio, incorporating corporate leadership and reflecting a sustainable approach to service delivery to meet the current and future needs of the community."
19. The Policy states "As part of a continuous improvement process, the City of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council."
20. A review of the land proposed to be dedicated indicates it is required to provide formal access to Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley; in fact, the land is already used informally for access purposes.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

21. The proposal has been assessed from an Asset Maintenance perspective. The City notes the Applicant is not seeking any upgrading or bitumen construction of the proposed road now or in the future.
22. The proposal has been assessed from an Asset Management and Statutory Planning perspective. Access via Quicke Road needs to be retained and formalised, if necessary, for emergency bushfire access. The City supports the proposal, subject to the following conditions:
 - a) the owners of Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley (Owners) are jointly and severally responsible for all costs of and incidental to the proposal;
 - b) the Applicant and Owners acknowledge no further development or improvement to the proposed road reserve will be undertaken by the City, except for speed zoning and Asher Road intersection signage and line-marking, if required; and
 - c) an access easement being granted which burdens Lot 619 (No. 50) Asher Road, Paulls Valley and provides Lots 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley with access to the proposed road.

External Referrals

23. The proposal was advertised in the Southern Gazette on 23 October 2018 and in the Echo Newspaper on 27 October 2018. Comments closed at 5:00pm on 30 November 2018.
24. The proposal was also referred to the service authorities for comment.
25. The submissions received by the City are summarised in the Summary of Submissions Table (Attachment 4).

FINANCIAL CONSIDERATIONS

26. The costs of the proposal are as follows:
 - a) Department of Planning, Lands & Heritage document preparation fees;
 - b) Landgate fees; and
 - c) easement costs.
27. The DPLH has advised a new survey will not be required.

28. The proposal benefits the owner of Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley, since it provides the owner with access to their property. It is proposed the owner be responsible for all costs of and incidental to the proposal.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

29. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

30. The proposal will benefit the owner of Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley, as it will provide formal access to these lots. The proposal does not have any social or lifestyle implications for other residents.

Economic Implications

31. The proposal does not impact on the economic lives of residents.

Environmental Implications

32. The proposal does not have any environmental implications. The land proposed to be dedicated is currently a gravel track used for access purposes. The proposal is required to formalise this access and will not involve any clearing works.

RISK MANAGEMENT CONSIDERATIONS

- 33.
- | | | |
|---|--------------------|---------------|
| Risk: The proposal is not approved by Council or the Minister for Lands. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Demonstrate if the proposal does not proceed, Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley will not have any legal access. | | |

34. **Risk:** The landowner does not have the resources to fund the dedication process.
- | Likelihood | Consequence | Rating |
|-------------------|--------------------|---------------|
| Possible | Insignificant | Low |
- Action/Strategy**
- The City's support to the proposed dedication to be conditional on the landowner paying all costs of and incidental to the proposal. The costs of the proposal are not significant as the survey has previously been completed.
35. **Risk:** The landowner or a future landowner requests the construction of Quicke Road, Paulls Valley.
- | Likelihood | Consequence | Rating |
|-------------------|--------------------|---------------|
| Possible | Significant | High |
- Action/Strategy**
- The City will reject the request referring to this Council resolution.

OFFICER COMMENT

36. The previous Council Resolution (PS 78/99) required the unconstructed road reserve providing access to Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley be closed, and a new road (following the alignment of the existing gravel track) be dedicated.
37. The road closure was completed. The gravel track was excised from State Forest but was never dedicated. The dedication process stalled due to native title issues.
38. It would not be fair to the owner of Lots 619 (No. 50), 1722 (No. 52) and 982 (No. 54) Asher Road, Paulls Valley, if the request for the dedication of Lot 4378 is rejected.
39. The historical road access to Lots 619, 1722 and 982 was closed on the basis that Lot 4378 would be dedicated.
40. If Council does not support the dedication of Lot 4378, the landowner would be left in the unfair position of its previous access having been closed without new access being provided.
41. It is recommended Council support the dedication of Lot 4378, subject to conditions.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. REQUESTS the Minister for Lands to dedicate as road reserve Lot 4378 on Deposited Plan 220608, being Quicke Road, Paulls Valley, pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to the following conditions:
 - a. the owners of Lot 619 (No. 50), Lot 1722 (No. 52) and Lot 982 (No. 54) Asher Road, Paulls Valley (Owners) are jointly and severally responsible for all costs of and incidental to the proposal. The costs of the proposal include, but are not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
 - b. the Applicant and Owners acknowledge no further development or improvement to the proposed road reserve will be undertaken by the City of Kalamunda, except for speed zoning and Asher Road intersection signage and line-marking, if required; and
 - c. an access easement being granted which burdens Lot 619 (No. 50) Asher Road, Paulls Valley and which provides Lot 1722 (No. 52) and Lot 982 (No. 54) Asher Road, Paulls Valley with legal access to the proposed road reserve, to the satisfaction of the City of Kalamunda. The easement is to be drafted by the City of Kalamunda's solicitors. The Owners are jointly and severally responsible for the costs of the easement, including, but not limited to, survey costs and the legal costs of the preparation, negotiation, execution, stamping and lodgement of the easement document.
2. UNDERTAKES to comply with section 56(2) of the *Land Administration Act 1997* (WA).
3. INDEMNIFIES the Minister for Lands and the Department of Planning, Lands & Heritage against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate as road reserve Lot 4378 on Deposited Plan 220608, pursuant to section 56(4) of the *Land Administration Act 1997* (WA).
4. RESOLVES not to undertake the formation or construction of a permanent road in the immediate future.

10.4. Office of the CEO Reports

10.4.1. City of Kalamunda - Repeal of Local Law relating to Model By-law (Old Refrigerators and Cabinets) No. 8

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

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Repeal Local Law - Old Refrigerators and Cabinets [10.4.1.1]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the repeal of an obsolete local law.
2. This local law was adopted in 1963 and has remained unchanged since. Its provisions are now out of date and are covered in other legislation.
3. It is recommended Council gives State-wide and local public notification it proposes to make a new local law, the *City of Kalamunda Repeal of Local Law relating to Model By Law (Old Refrigerators and Cabinets) No. 8* (Attachment 1).

BACKGROUND

4. Section 3.16 (1) of the *Local Government Act 1995* (the Act) requires a local government to review a local law within a period of eight years. The last formal review was undertaken in 2004, however the proposed minor amendments were not proceeded with.

DETAILS

5. As the existing local law was adopted 55 years ago and has not been updated, it is considered it is now obsolete and should be repealed.
6. In addition, its provisions are now covered in other legislation such as the *Local Government Act 1995* and the *Litter Act 1979*.
7. In order to repeal a local law, a Repeal Local Law following the standard local law making process is required.

STATUTORY AND LEGAL CONSIDERATIONS

8. Section 3.12 of the Act provides for the statutory procedure that the City must follow in the creation of a new local law, with the initial steps being:-
- (a) to give State-wide notice that the City proposes to make a new local law and seeking submissions on the proposed local law within 42 days.
 - (b) provision of a copy of the proposed local law to the Minister for Local Government; Heritage; Culture and The Arts.
9. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* provides that:-
- for the purpose of section 3.12 of the LG Act, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that—
- a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. The Directorate responsible for the local law supports the repeal of the obsolete local law.

External Referrals

12. Community consultation will occur through the statutory 42 day submission period required in making a local law should Council support the recommendation in this report.

FINANCIAL CONSIDERATIONS

13. Advertising costs will be met from the current budget allocation.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *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.

SUSTAINABILITY**Social Implications**

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk: The community does not support the repeal of the local law.		
	Likelihood	Consequence	Rating
	Unlikely	Low	Moderate
	Action/Strategy		
	Assure the community other legislative provisions provide coverage for the repealed provisions.		

OFFICER COMMENT

19. Nil.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. GIVES State-wide and local public notification that Council proposes to make a new local law, the *City of Kalamunda Repeal of Local Law relating to Model By Law (Old Refrigerators and Cabinets) No. 8* (Attachment 1).
2. NOTES that:
 - a) the purpose of the proposed local law is to repeal an obsolete local law; and
 - b) the effect of the proposed local law is that the obsolete local law will be revoked and abrogated.

10.4.2. Reconciliation Action Plan

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

Previous Items	OCM 34/2017 OCM 15/2017
Directorate	Office of the CEO
Business Unit	Community Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Draft Reconciliation Action Plan 2019 [10.4.2.1]

EXECUTIVE SUMMARY

1. This purpose of this report is to seek the endorsement of the draft Reconciliation Action Plan (RAP) 2019 (Attachment 1) for the purpose of public advertising.
2. A RAP is a business plan that outlines what will be done by an organisation to contribute to reconciliation in Australia.
3. The RAP is recognised as a significant commitment towards building better awareness, understanding and relationships between the City of Kalamunda and Aboriginal and Torres Strait Islander people and recognises Aboriginal culture within the City.
4. It is recommended that Council adopts the draft Reconciliation Action Plan for the purpose of advertising for public comment pursuant to the City of Kalamunda Engagement Strategy.

BACKGROUND

5. Council recognised the importance of a RAP at the March 2017 Ordinary Council Meeting where the following resolution (OCM 34/2017) was carried:

10.2.6 C&C 23 Reconciliation Action Planning

RESOLVED OCM 34/2017

That Council: Considers a resource allocation as part of the 2017-2018 budget deliberations to enable an external consultant to be contracted to:

- a) Develop a draft Reconciliation Action Plan (RAP) for Shire of Kalamunda for Council's approval.*
 - b) Engage relevant stakeholders, including Aboriginal and Torres Strait Islander local community leaders in the consultation and development process of the Reconciliation Action Plan.*
6. Council supported a resource allocation of \$20,000 in the 2018/19 budget toward the engagement of a suitability skilled consultant.
 7. Tim Muirhead from CSD Network along with local Whadjuk Noongar man, Danny Ford from Kambarang Consultants were engaged to develop the RAP. As a

partnership they have extensive experience in working with Aboriginal communities and have experience in developing RAPs for Local Governments.

DETAILS

8. Reconciliation Australia is the lead not-for profit body for reconciliation in Australia. Reconciliation Australia's RAP Framework provides organisations with a structured approach to advance reconciliation.
9. There are four different types of RAP's that an organisation can develop: Reflect, Innovate, Stretch and Elevate. Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey. The City of Kalamunda is at the beginning of the reconciliation journey and is subsequently preparing a draft Reflect RAP.
10. A Reflect RAP is about scoping reconciliation. Committing to a Reflect RAP will allow the City to spend time developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on our vision for reconciliation and exploring the sphere of influence.
11. There are formal reporting requirements to a RAP as set by Reconciliation Australia including endorsement, an official launch and regular reporting.
12. The City's draft RAP includes four key outcome areas with actions, deliverables and timelines identified under each of these categories:
 - a) Respect;
 - b) Relationship;
 - c) Opportunities; and
 - d) Governance and Reporting.
13. The draft RAP has been developed from the information gathered as a result of the initial community engagement process including various stakeholder meetings and workshops. Attendees included local aboriginal Elders, City residents and non-residents that have a significant connection to the area.
14. If the proposed draft RAP is endorsed by Council, it is recommended that it be made public for a 30-day public comment period.
15. At the end of the public comment period, community feedback will be collated and incorporated into a final draft RAP to be presented to Council for final consideration.
16. A fundamental component of the City's draft RAP is to consider the establishment of a Reconciliation Reference Group. The focus of the group would be to ensure a greater understanding of the aspirations and vision of the ways the City can build respect and relationships with the Aboriginal and Torres Strait Islander community, progress aspects of the RAP and act as a point of reference for the City on Aboriginal issues and topics. Should the draft RAP be adopted by Council, a process for selecting suitable participants to the group will be developed.

STATUTORY AND LEGAL CONSIDERATIONS

17. There are currently no legal requirements or legislation for a Local Government Authority to have a Reconciliation Action Plan.

POLICY CONSIDERATIONS

18. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. The Consultant held a workshop with administration from various service areas within the City to obtain input that has been used to develop the draft RAP.
20. An internal strategic reconciliation training session was delivered by the consultants on 4 July 2018 to key administration personnel within the City to help raise awareness and educate them as to how they can contribute to the reconciliation process.
21. The same training was provided at a Councillor workshop held on 6 November 2018.

External Referrals

22. The following engagement sessions were undertaken to develop the draft RAP including:
- a) discussions with stakeholders including residents, local Aboriginal Elders, other significant members of the community and non-residents who have a connection to the area; and
 - b) a community stakeholder meeting held on 7 September 2018 which was attended by 40 persons including staff, residents and interested community members.

FINANCIAL CONSIDERATIONS

23. An allocation of \$20,000 was approved by Council in the 2018/19 budget to engage a consultant to develop a RAP.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.1: To be a community that advocates, facilitates and provides quality lifestyle choices.

Strategy 1.1.2: Empower, Support and engage with young people, families and our culturally diverse community.

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.

SUSTAINABILITY

Social Implications

25. By providing an opportunity to connect with local Aboriginal and Torres Strait Islander people, the City will connect the wider community and create opportunities for greater participation in City initiatives, operations and employment as well as encouraging harmonious relationships between Aboriginal and Torres Strait Islander people and the wider community.
26. The development of a RAP will recognise the importance of meaningful engagement, mutual respect, creating trust and utilising culturally appropriate practices and protocols to fully understand the needs of local communities and to develop positive outcomes.

Economic Implications

27. Establishing relationships with the local Aboriginal and Torres Strait Islander community guided by a formal RAP will assist with consultation requirements for any major development projects and with Section 18 Aboriginal heritage approvals.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

29.

Risk: A RAP is not progressed, and the City does not have a strategic direction in relation to our Aboriginal and Torres Strait Islander community.		
Likelihood	Consequence	Rating
Almost Certain	Moderate	High
Action/Strategy		
Progress with advertising the Draft Reconciliation Action Plan seeking public comment as an ongoing step towards progressing a City of Kalamunda RAP.		

OFFICER COMMENT

30. Research indicates that RAPs are making a positive difference across Australian workplaces, universities, schools, governments and community organisations. The City of Kalamunda's first RAP is a significant milestone in the journey towards reconciliation.
31. The draft RAP allows time and opportunity to review current organisational practices, develop key relationships, determine our vision for reconciliation and explore possibilities.
32. To date, the City has taken steps towards reconciliation including:
- a) Introducing the acknowledgement of country at Council meetings;
 - b) Support towards events such as NAIDOC/Makaru;
 - c) A focus on culture, music and the arts through various events and the City's art gallery at the Zig Zag Cultural Centre.
33. Introducing a formal framework for reconciliation will ensure the City can continue to build relationships and turn good intentions into action.
34. In order to ensure that the draft RAP meets the needs of the community it is recommended that the following community engagement strategy is undertaken for a 30-day period:
- a) On the City's website and social media channels including Facebook;
 - b) Published on *Engage Kalamunda*;
 - c) Key stakeholders directly contacted;
 - d) A further community workshop with key stakeholders will be conducted by the consultant.
35. It is recommended that Council adopts the draft RAP and advertises it for a period of 30 days, with results included within a final draft plan to then be represented to Council for final consideration.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPTS the draft Reconciliation Action Plan for the purpose of advertising for public comment pursuant to the City of Kalamunda Engagement Strategy.

11. Closure