

# Public Agenda Briefing Forum

Minutes for 12 March 2019

## UNCONFIRMED



**city of  
kalamunda**

## INDEX

<b>1.</b>	<b>Official Opening</b> .....	3
<b>2.</b>	<b>Attendance, Apologies and Leave of Absence</b> .....	3
<b>3.</b>	<b>Declarations of Interest</b> .....	4
<b>4.</b>	<b>Announcements by the Member Presiding Without Discussion</b> .....	4
<b>5.</b>	<b>Public Question Time</b> .....	4
<b>6.</b>	<b>Public Statement Time</b> .....	7
<b>7.</b>	<b>Public Submissions Received in Writing</b> .....	7
<b>8.</b>	<b>Petitions Received</b> .....	7
<b>9.</b>	<b>Confidential Items Announced But Not Discussed</b> .....	7
<b>10.</b>	<b>Reports to Council</b> .....	8
	<b>10.1. Development Services Reports</b> .....	8
	10.1.1. Proposed Local Development Plan - Lot 500 (32) Gavour Road, Wattle Grove .....	8
	10.1.2. Cell 9 Wattle Grove Development Contribution Plan Review: Adoption for Public Advertising .....	25
	10.1.3. Proposed Amendment No.100 - Lot 500 (27) Wandoo Road, Forrestfield - 'No Zone' (Road Reserve) to Residential R20 .....	34
	10.1.4. Local Planning Policy P-DEV 43 - Residential Design: Adoption for Public Advertising.....	46
	<b>10.2. Asset Services Reports</b> .....	51
	10.2.1. Fox Trapping Program .....	51
	10.2.2. Reid Road Proposal for One Way and Parking .....	57
	10.2.3. Lewis Road Traffic Calming South of Donovan Village.....	62
	<b>10.3. Corporate Services Reports</b> .....	67
	10.3.1. Proposed Dedication of Land Required for Roe Highway/Kalamunda Road Interchange Project .....	67
	10.3.2. Proposed Dedication of Unallocated Crown Land - Lot 4378 on Deposited Plan 220608 - Quicke Road, Pulls Valley.....	81
<b>11.</b>	<b>Closure</b> .....	89

**1. Official Opening**

The Presiding Member opened the meeting at 6.35pm and welcomed Councillors, Staff and Members of the Public Gallery.

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

**Councillors**

**South East Ward**

John Giardina - (Mayor)  
Michael Fernie  
Geoff Stallard

**South West Ward**

Lesley Boyd  
Allan Morton (Presiding Member)

**North West Ward**

Sara Lohmeyer  
Dylan O'Connor

**North Ward**

Cameron Blair  
Kathy Ritchie  
Margaret Thomas

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services  
Brett Jackson - Director Asset Services  
Peter Varelis - Director Development Services  
Simon Di Rosso - General Counsel & Executive Advisor

**Management Team**

Andrew Fowler-Tutt - Manager Approval Services  
Douglas Bartlett - Manager Asset Planning & Management  
Nicole O'Neill - Manager Customer & Public Relations  
Virginia Miltrup - Manager People Services

**Administration Support**

Donna McPherson - Executive Research Officer to Chief Executive Officer

**Members of the Public** 42

**Members of the Press** Nil.

**Apologies -**

David Almond  
Brooke O'Donnell

**Leave of Absence Previously Approved**

Nil.

**3. Declarations of Interest**

**3.1. Disclosure of Financial and Proximity Interests**

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

3.1.1 Nil.

**3.2. Disclosure of Interest Affecting Impartiality**

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

3.2.1 Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.1 Proposed Local Development Plan Lot 500 Gavour Road Wattle Grove as he has an Uncle living in the super block between Crystal Brook and Welshpool Road East.

**4. Announcements by the Member Presiding Without Discussion**

4.1 Nil.

**5. Public Question Time**

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

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

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

Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.1 Proposed Local Development Plan Lot 500 Gavour Road Wattle Grove as he has an Uncle living in the super block between Crystal Brook and Welshpool Road East. Cr Giardina left the meeting prior to questions being asked by the public, at 6.39pm and returned at 7pm.

5.1 Mrs Bev Dornan, 28 Easterbrook Place Wattle Grove - 10.1.1 Proposed Local Development Plan – Lot 500 (32) Gavour Road, Wattle Grove

Q. Given that the Agenda Item refers to the concerning design quality and the incomplete nature of the proposed LDP, is it possible within the regulatory framework for Councillors to defer consideration of this LDP until such time as the Consultants appointed to come up with a quality concept design plan for all of foothills Wattle Grove, including the Gavour Road area, have had time to properly consider the matter within the context of his /her brief within the wider context of planning for Wattle Grove-South overall ?

A. Response from the Director of Development Services (DDS) - In relation to the information and question below, I advise as follows:

1. Local Planning Scheme No. 3 Amendment No.57 was approved by Council and the Minister for Planning and then gazetted on the 26 September 2017 over Lot 500 Gavour Road, Wattle Grove (Lot 500) for the proposed use of the land as an integrated aged care facility with a requirement to prepare a Local Development Plan (LDP).
2. The purpose of the LDP is to provide a guide as to how the site may develop at the time development applications are proposed.
3. Lot 500 is in effect 'ahead' of any concept or strategic level planning for the balance of the Wattle Grove South (WGS) area and consideration of the LDP is part of the proposed development working its way through the statutory planning approval process.
4. The LDP is required before any proposed development applications can be considered.
5. Any future concept and strategy level plans for WGS will have to have regard for this Special Use Zone and assimilate with it.
6. There are requirements of the LDP to show future roads and demonstrate how they will integrate with the surrounding area when it develops in the future.
7. The *Planning and Development (Local Planning Schemes Regulations 2015 (WA) (Regulations)* requires the local government to (in summary):
  - (a) approve the LDP;
  - (b) require the person who prepared the LDP to modify the plan as specified by the local government, and resubmit the modified plan for approval; or
  - (c) refuse to approve the plan.
8. The local government is to be taken to have refused the LDP "deemed refusal", if it has not made a decision within the agreed timeframe (scheduled for 28 March 2019).

9. Council could defer consideration of the LDP, however, it would be considered a "deemed refusal" in the context of there being no deferral option under the Regulations as outlined in Point 4 above.
10. Council would leave itself open to an appeals process if it deferred or refused the LDP on the basis of the future strategic concept level plans for WGS.
11. The statutory planning processes for Lot 500 are too far progressed to facilitate the outcome requested by Bev and Charles Dornan, unless a deferral or extension of time is agreed with the applicant to part take in the concept planning process.
12. Notwithstanding the above, Council are the decision makers and it is an option available for Council to defer or refuse the LDP. If any Councillors would like an alternative motion for deferral or refusal please advise prior to the March OCM.

*Cr O'Connor left the meeting at 6.48pm and returned at 7pm.*

- 5.2 Ms Kim Manson 45 Woodley Road Wattle Grove - 10.1.1 Proposed Local Development Plan – Lot 500 (32) Gavour Road, Wattle Grove
- Q1. In Version 3 of the LDP, there is a proposed future road from Gavour Road through my property.
- A1. The Director Development Services sought clarification as to the location of the property.
- Q2. Is this a first step on making a claim on our property if there is a future plan for a road?
- A2. The Director Development Services advised that the precise alignment and location of this road will be subject to further structure planning and detailed design when the potential urbanisation of your property is considered.
- Q3. The City was contacted by the Department of Water & Environment in relation to its bushfire risk hazard reduction notice notice and specifically the loop hole that allowed clearing. Has this loop hole been acted on and if not why not?
- A3. The Director Development Services advised that the City is in the process of preparing the bushfire risk hazard reduction notice for the next financial year. Any feedback will be taken on board.

**6. Public Statement Time**

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

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

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

- 6.1 Public Statements were made at the point in the agenda where the item was presented.

**7. Public Submissions Received in Writing**

- 7.1 Nil.

**8. Petitions Received**

- 8.1 Nil.

**9. Confidential Items Announced But Not Discussed**

- 9.1 Nil.

**10. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. Proposed Local Development Plan - Lot 500 (32) Gavour Road, Wattle Grove**

Mr Peter Forrest, 36 Panoramic Terrace Kalamunda, provided a public statement in relation to this report. Mr Forrest spoke in support of the recommendation.

Mr Ross Leighton, 32 Gavour Road Wattle Grove, provided a public statement in relation to this report. Mr Leighton spoke in support of the recommendation.

Mr Tony Papalia, Total Project Management, Level 6, 1008 Hay Street Perth, provided a public statement in relation to this report. Mr Papalia spoke in support of the recommendation .

Ms Kim Manson, 45 Woodley Road Wattle Grove, provided a public statement in relation to this report. Ms Manson is conditionally in support of the of the recommendation.

Ms Iris Jones provided a public statement in relation to this report. Ms Jones spoke in support of the recommendation .

Mr Malcolm Roberts, representing Kalamunda Aged Care Today, provided a public statement in relation to this report. Mr Roberts spoke in support of the recommendation.

The Manager Approval Services gave a presentation on this item.

***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	GV-01/032
Applicant	Peter Webb and Associates
Owner	Ross Leighton
Attachments	<ol style="list-style-type: none"><li>1. Local Development Plan 25 May 2018 [<b>10.1.1.1</b>]</li><li>2. Local Development Plan 21 December 2018 [<b>10.1.1.2</b>]</li><li>3. Local Development Plan 7 February 2019 [<b>10.1.1.3</b>]</li><li>4. Landscaping Plan [<b>10.1.1.4</b>]</li><li>5. Environmental Assessment [<b>10.1.1.5</b>]</li><li>6. Fauna Report [<b>10.1.1.6</b>]</li><li>7. Reconnaissance Survey of Flora and Vegetation [<b>10.1.1.7</b>]</li><li>8. Traffic Impact Assessment [<b>10.1.1.8</b>]</li><li>9. Bushfire Management Plan [<b>10.1.1.9</b>]</li><li>10. Aerial overlay slip lane plan [<b>10.1.1.10</b>]</li><li>11. Advice from the applicant's legal representative [<b>10.1.1.11</b>]</li><li>12. Submission Schedule [<b>10.1.1.12</b>]</li><li>13. DPLH Advice 25 May 2018 [<b>10.1.1.13</b>]</li><li>14. DPLH Advice 11 January 2019 [<b>10.1.1.14</b>]</li><li>15. DWER Advice 25 May 2018 [<b>10.1.1.15</b>]</li><li>16. DFES Advice 25 May 2018 [<b>10.1.1.16</b>]</li></ol>

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the proposed Local Development Plan (LDP) for an integrated aged care facility comprising 190 independent living units and a 120-bed residential care facility on Lot 500 (32) Gavour Road, Wattle Grove (site) submitted to the City of Kalamunda (City) on 25 May 2018. The LDP was advertised for public comment and referred to several government agencies. A total of 97 public submissions and comments from five government agencies were received. A petition of 88 signatures objecting to the proposal was received.

Key issues raised through the assessment and advertising process are:

- a) the potential impact on the environment, particularly on the loss of existing fauna and flora and potential degradation of Crystal Brook;
  - b) the loss of amenity and the impact on the surrounding rural lifestyle;
  - c) the lack of deep sewer;
  - d) safety issues around the access to Welshpool Road East and potential loss of vegetation associated with a requirement for a slip lane;
  - e) the fire risk associated with the proposed development;
  - f) the lack of imagination of the proposed design and unit layout, and lack of community facilities; and
  - g) the potential road related noise issues for future occupants.
2. The Applicant has responded to the comments received and provided a revised LDP. There remain several issues considered important, and should be notated on the LDP. The *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) allow for an LDP to be modified as long as the local government is satisfied any further matters approved would not result in a substantial departure from the LDP.
  3. The proposed modifications to the LDP include:
    - a) a minimum 15 metre landscape buffer setback is to be applied to the Welshpool Road East frontage of the LDP and the proposed built form along that boundary adjusted accordingly;
    - b) a further Environmental Assessment of fauna and flora is to be undertaken when the slashed understorey has recovered and prior to lodging a development application to determine the extent of the buffer requirement;
    - c) an independent Road Safety Audit of the entry point at Welshpool Road East be conducted and resultant road design adjustments made to the median and slip lane based on the recommendations of the Road Safety Audit prior to the lodgement of the Stage 1 development application. Any proposed works in relation to this will need to be undertaken at the time of implementation of Stage 1 of the development and at the Applicant's cost;
    - d) a notation to be included on the LDP stating that the requirements of the Department of Fire and Emergency Services shall be addressed at Stage 1 of the development application process; and

- e) The public road shown on the Local Development Plan being deleted and replaced with indicative possible connection points shown on the property boundary.

4. It is recommended the LDP be approved subject to the recommended modifications.

**BACKGROUND**

5. **Land Details:**

Land Area:	15.1808ha
Local Planning Scheme Zone:	Special Use 20
Metropolitan Regional Scheme Zone:	Rural

6. **Locality Plan:**



7. In August 2017, the Minister for Planning approved Scheme Amendment 57 (Amendment 57) to rezone the site from Special Rural to Special Use to allow for consideration of an Integrated Aged Care Facility. Amendment 57 introduced conditions pertaining to the use of the site, specifically a requirement for an LDP to be prepared over the site.

8. A proposed LDP for an integrated aged care facility comprising 190 independent living units and a 120-bed residential aged care facility was submitted to the City on 25 May 2018 (Attachment 1). The LDP was subsequently advertised, in accordance with the Regulations, between 25 June and 15 July 2018. The advertised version of the LDP was also referred to five government agencies for comment.
9. The City received a total of 97 public submissions and comments from government agencies. A summary of the public submissions and the agency comments were subsequently sent to the Applicant to provide a response to the issues raised. The Applicant was requested to liaise directly with the government agencies to expedite the process and eliminate the need for further referrals by the City to those agencies.
10. The revised LDP and supporting documentation was submitted to the City on 19 December 2018 without any referrals to, or liaison with, the government agencies having been undertaken by the Applicant (Attachment 2). The City subsequently referred the revised LDP and supporting documentation to the government agencies on 21 December 2018 requesting responses by 14 January 2019. In response to the comments of the government agencies, the Applicant submitted a revised LDP on 7 February 2019 (Attachment 3).

## **DETAILS**

11. The LDP notes the following key design elements:
  - a) staging of the development;
  - b) proposed access routes and internal road layout with the main entry to the complex off Welshpool Road East and a secondary "emergency" access route via Gavour Road across Crystal Brook;
  - c) proposed landscape zones and the areas of existing vegetation along the Crystal Brook creek line to be maintained;
  - d) height restrictions to the Aged Care Facility; and
  - e) fencing requirements to external boundaries.
12. The advertised LDP (Attachment 1) was amended by the Applicant in response to the submissions received from the formal advertising period, including those of the government agencies. The amended LDP included the removal of the "communal facilities" below the Western Power (WP) easement, the inclusion of the location of the "waste water treatment plant", and the inclusion of the "possible future public road" traversing the site (Attachment 2).
13. Following further comments on the revised LDP from the government agencies and internal comments, the LDP was further amended (Attachment 3). The LDP was amended to incorporate a slip lane for vehicles travelling west on Welshpool Road East and includes an aerial overlay to ascertain the possible impact on the verge vegetation in that location.

For the purpose of this report, the LDP post-government agency comments (Attachment 3) is the subject of the officer comments and recommendations.

14. The LDP is supported by the following technical reports:
- a) landscaping plans (Attachment 4);
  - b) environmental assessment (Attachment 5);
  - c) fauna survey (Attachment 6);
  - d) reconnaissance survey of flora and vegetation (Attachment 7);
  - e) traffic impact assessment (Attachment 8);
  - f) bushfire management plan (Attachment 9);
  - g) aerial overlay slip lane plan (Attachment 10);
  - h) advice from the applicant's legal representative (Attachment 11); and
  - i) schedule of responses to the submissions received (Attachment 12)

## **STATUTORY AND LEGAL CONSIDERATIONS**

### **Local Planning Scheme No.3**

15. Schedule 4 – Special Use Zones of Local Planning Scheme No. 3 (LPS) was amended on 26 September 2017 to include the land (SU20) the subject of this application, identifying it as a special use for an integrated aged care facility.
16. The amendment incorporated a number of specific conditions, including condition e) which states:

*"Development on Lot 500 shall be designed in the context of a local development plan prepared in accordance with deemed provisions in Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 which covers the entire lot. This will, amongst addressing other relevant planning and design matters, identify the location of the Aged Residential Care Facility, identify proposed staging, and the location of a possible future public road and servicing easement(s) with future implementation arrangements for these should land use changes occur on the properties adjoining Lot 500 in the future."*

### **Planning and Development (Local Planning Schemes) Regulations 2015**

17. Part 6 of the Regulations covers the statutory requirements for the preparation, advertising, and determination of a LDP. Clause 46 defines LDP as "**local development plan** means a plan setting out specific and detailed guidance for a future development including one or more of the following-
- (a) site and development standards that are to apply to the development;
  - (b) specifying exemptions from the requirement to obtain development approval for the development in the area to which the plan relates."
18. Clause 51 of the Regulations requires that the local government consider all submissions made and is to have due regard to the matters set out in Clause 67 of the Regulations to the extent those matters are considered relevant.
19. Clause 52 (2) of the Regulations states the local government is to be taken to have refused the LDP if it has not made a decision within 60 days after the last day for making submissions, or a longer period as agreed between the local government and, in this case, the Applicant. Pursuant to this clause an

agreement was made to extend the timeframe to 28 February 2019. A further agreement was made to extend the timeframe to 28 March 2019.

20. Clause 53 of the Regulations states:

- (1) *The local government may approve a local development plan that provides for further details of any development included in the plan to be submitted to, and approved by, the local government before the development commences.*
- (2) *The local government may only approve a local development plan referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.*

## **POLICY CONSIDERATIONS**

21. Draft Policy P-DEV 65 – Heritage Area – Welshpool Road East – Avenue of Lemon Scented Gums. The draft policy has been advertised and is scheduled to be presented to the Council at the April 2019 meeting.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

22. An assessment of the LDP submitted on 25 May 2018 was considered by the City from an Assets and Parks and Environmental perspective. These were forwarded to the Applicant for consideration.

Many of the comments relate to the proposal at the development application stage, however, there are some critical issues that need to be addressed for the LDP. The following is a summary of the comments and issues:

#### **Asset Planning and Management**

1. Traffic Impact Statement (TIS):  
Some inadequacies in the submitted TIS were noted and a revised TIS was requested. This included identifying the number of employees for parking analysis and trip generation. It was also noted the LDP should identify the major pedestrian links. In addition to this, a request was made for an updated "SIDRA" traffic modelling analysis and a road safety audit, noting the traffic volumes on Welshpool Road East would require a left turn slip lane.

In response, the applicant submitted a revised TIS and modifications to the LDP (Attachment 3) showing the proposed slip lane. Asset Services noted, and in support of the advice from DPLH, a slip lane is required for vehicles accessing the site from the east. Considerations include traffic volumes and speeds on the eastern approach, and that this section of road has a Brifen wire rope system that was installed in 2016 following a fatality. It is important to emphasise the high road safety risk that is prevalent along this section of road, being an 80 km/hr speed zone with steep downhill gradients coming from the east, as well as being a

Restricted Access Vehicle route with up to 107 tonne trucks travelling downhill.

2. Tree protection:  
Reference was made to the need to protect the trees in the road reserve and the required slip lane may impact on the native trees in the road reserve. The comments concluded access from Gavour Road is fully supported to avoid potential issues with access from Welshpool Road East in relation to traffic, noise and trees in the reserve.

With respect to the amended LDP showing the proposed slip lane Asset Services advise, it is possible that the Lemon Scented Gum tree and nearby vegetation will be impacted by the works and that the tree may need to be removed. The level of detail provided for the LDP does not show detailed dimensions and locations of this type of feature, so a more definitive response cannot be provided at this time. The indicated access location will be subject to detailed design in accordance with road design standards. In addition, the road verge includes a deep drainage channel that will involve the installation of a culvert. When the development application is received, an assessment by an arborist on the impact to the trees and vegetation will be requested. The assessment will be undertaken in accordance with the proposed Heritage Area Policy "Avenue of Lemon Scented Gums".

3. Creek Buffer:  
An adequate buffer as determined by the Environmental Protection Authority or relevant Australian Standard for Crystal Brook needs to be maintained.
4. Stormwater Management plan:  
This will be required as a development condition.

### **Parks and Environmental Services**

Several environmentally sensitive areas and threatened or declared rare flora were noted.

Reference was also made to Crystal Brook being part of a local biodiversity corridor and linkage from regional wildlife corridor at Tonkin Highway and the regional wildlife corridor at Mundy Korung National Park. The Crystal Brook corridor is an area mapped by the Department of Biodiversity, Conservation and Attractions (DBCA) as sites of significance for the Red Tailed Black Cockatoo, a federally listed species.

Consequently, a level 2 Flora and Fauna Assessment and Environmental Impact Assessment was considered necessary to determine:

- a) impact of development on attributes of Environmentally Sensitive Area;
- b) presence of TEC/PEC and impact of development on TEC/PEC;
- c) presence of DRF or threatened species and impact of development to these species;
- d) presence of priority fauna and impact of development to fauna; and

- e) impact if development upon function of Crystal Brook as a functional wildlife corridor (10% canopy cover and grassland as proposed will not achieve this).

In response to the Environmental Impact Assessment and Flora Report the following recommendations have been made:

- a) A comprehensive flora survey of the vegetation unit adjacent Welshpool Road East should be undertaken and analysed to determine:
  - i. whether the vegetation unit adjacent Welshpool Road East represents PEC and TEC; and
  - ii. the presence/absence of rare or threatened plants (Western Botanical on behalf of Aquatic Solutions 2018).
- b) The vegetation adjacent Welshpool Road East and Crystal Brook should be retained due to their significant roles in an identified Regional Ecological linkage and Local wildlife Corridor (Biodiversity Strategy 2008).
- c) The vegetation adjacent Welshpool Road East and Crystal Brook should be retained due to the significance of retaining Forrestfield Vegetation Complex in the City of Kalamunda (Biodiversity Strategy 2008)
- d) The vegetation adjacent Welshpool Road East should be retained as a buffer from Welshpool road and entrance statement to the development and to the Perth Hills. This precedent has already been established through the determination of the significance of the vegetation on Welshpool road east to the west of this site.

#### **Approval Services - Building**

It was noted the land, in part, will potentially suffer from perched water table issues based on similar issues on properties in close proximity to this one.

#### **Environmental Health Services**

It was noted, in order to comply with the state sewerage policy, the number of people onsite, including residents and staff, must not exceed 410.

A new effluent disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974* must be installed.

#### **External Referrals**

- 23. The LDP was advertised for a period of 21 days in accordance with the provisions of the City's Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals via the following methods:
  - a) advertising sign on site;
  - b) letters to residents within a 300m radius of the site;
  - c) advertisement in the local newspaper circulating in the local area; and
  - d) display of the documents on the City's social media platform.

In addition to the above, the City held a Public Information Session on 5 July 2018 enabling members of the public to discuss the proposal with the City.

- 24. A total of 97 comments were received comprising 62 non-objections and 35 objections to the proposal (Attachment 12). A petition of 88 signatures was

also received including 57 signatures from persons with an address within the City and 31 signatories from outside the City of Kalamunda area.

The main issues of contention are briefly noted as:

- a) potential impact on the environment, particularly on the loss of existing fauna and flora and potential degradation of Crystal Brook;
- b) loss of amenity and the impact on the surrounding rural lifestyle;
- c) lack of deep sewer;
- d) safety issues around the access to Welshpool Road East, and loss of vegetation on the Welshpool Road Reserve;
- e) fire risk associated with the proposed development;
- f) lack of imagination of the proposed design and unit layout and lack of community facilities; and
- g) potential road related noise issues for future occupants.

Attachment 12 provides a detailed summary of all submissions, the Applicant's comments in relation to each submission, and the City's response to those submissions. The content of the submissions is considered further in the Officer Comment section of this report.

25. **Department of Planning Lands and Heritage (DPLH)**

Response to the advertised LDP submitted 25 May 2018 (Attachment 13):

The DPLH reviewed the TIS submitted with the application and noted due to the status of Welshpool Road East a Transport Impact Assessment (TIA) should be submitted to the DPLH in accordance with the WAPC's Traffic Impact Assessment Guidelines.

The DPLH also recommends the City give consideration to:

- a) the minimal setbacks proposed to Welshpool Road East and the removal of a large amount of vegetation in this location;
- b) information related to the provision of a public road through the site as required by condition e) of the Special Use provisions of LPS3, and that information be incorporated into the TIA where appropriate;
- c) the requirements for the land take and buffer for the onsite waste water treatment facility proposed; and
- d) the proponent's obligations under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC) regarding site clearing works.

DPLH response to the revised LDP and supporting documentation dated 19 December 2018 (Attachment 14):

The further response from the DPLH, dated 11 January 2019, reinforces the need for both left and right turning lanes on Welshpool Road East. This advice also notes the site contains Threatened and Priority Ecological Communities and a flora and fauna survey may be required to be undertaken and advice be sought from the DBCA and the Commonwealth Department of Environment and Energy (DEE) before the LDP is determined.

26. **Department of Water and Environmental Regulations (DWER)**

Response to the advertised LDP application submitted 25 May 2018 (Attachment 15):

DWER noted that the proposed LDP shows more extensive development of the site than previously accounted for and required the Local Water Management Strategy (LWMS) be updated to reflect the changes. DWER advised the updated LWMS should be referred to them prior to the approval of the plan

No further response to the revised LDP was received.

27. **Department of Biodiversity Conservation and Attractions (DBCA)**

Response to advertised LDP submitted 25 May 2018 (Attachment 16):

The DBCA considers the information provided with the application is not sufficient to adequately assess the impacts on the environment and recommended an environmental assessment be undertaken, including identification of vegetation condition and floristic community types, and undertaking a targeted threatened flora survey.

Further advice was received from the DBCA to the revised LDP and supporting documentation dated 19 December 2018, which advised the following:

*"I have reviewed the information presented and predominantly the 'Reconnaissance Survey of Flora and Vegetation' prepared by Western Botanical and note that the surveys did not identify any threatened ecological communities or flora. The surveys and flora report are considered satisfactory and undertaken in accordance with current EPA Guidelines. It is noted however that a majority of the sites understorey was slashed 4 weeks prior to the survey which resulted in most of the understorey being removed or unable to be identified."*

*"Given the circumstances it is not unusual that the report did not identify any significant flora, ecological communities and only limited threatened fauna habitat however there is unlikely grounds to request any further environmental assessment of the site unless the City of Kalamunda considers this necessary as part of future planning for the site."*

*"it is noted there remains a requirement for assessment of impacts Matters of National Environmental Significance listed under the the Commonwealth EPBC Act. The flora report noted that due to the slashing undertaken it was unable to adequately identify the presence of the EPBC Act listed 'Banksia Dominated Woodlands of the Swan Coastal Plain IBRA region' TEC on the site until the understorey recovers. It was also noted that the site contains suitable habitat for Black Cockatoos."*

28. **Department of Fire and Emergency Services (DFES)**

Response to the advertised LDP submitted 25 May 2018 (Attachment 17):

DFES undertook an assessment of the Bushfire Management Plan (BMP) submitted with the application and determined it was deficient in a number of areas. DFES advice concluded by stating the proposed development is not supported for the following reasons:

1. The development design has not demonstrated compliance to Element 1: Location, Element 2: Siting and Design, Element 3: Vehicular Access and Element 4: Water.
2. The proposed development is intensifying land use in a bushfire prone area without addressing the increased risk associated with a vulnerable land use.

A further referral to DFES was not undertaken as the requirements of DFES can be addressed at development application stage when more detail of the proposed development is available, and a further referral required. It is proposed these requirements be notated on the LDP.

29. **Western Power**

Response to the advertised Application submitted 25 May 2018:

WP advised any design shall not be within 30m of any tower within the easement, as well as making a reference to the assessment of the structure foundation.

**FINANCIAL CONSIDERATIONS**

30. Nil.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

31. *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.

**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

32. The LDP provides for a much-needed integrated aged care facility within the City of Kalamunda.

### Economic Implications

33. Local employment opportunities may arise from the proposed aged care facility being developed on site.

### Environmental Implications

34. The LDP provides for an opportunity to protect and upgrade the Crystal Brook creek line and small pockets of vegetation for existing native fauna and flora. The fauna assessment revealed one potential roosting tree for Red Tailed Black Cockatoos.

## RISK MANAGEMENT CONSIDERATIONS

35. 

<b>Risk:</b> Approval of the LDP leaving issues to be resolved at the development application stage may result in the issues not being adequately dealt with.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
Ensure that the LDP is appropriately notated and the Applicant is aware of the requirements at development application stage.		
36. 

<b>Risk:</b> The proposed LDP does not satisfy the legal requirements as set out in the Regulations and Schedule 12 of LPS3.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	High
<b>Action/Strategy</b>		
Ensure the LDP is legally competent and the application of any proposed modifications will not result in a substantial departure to the approved LDP.		

## OFFICER COMMENT

37. The revised LDP (Attachment 3) and supporting documentation, following the advertising period and post agency comments, has either addressed the concerns raised, or the issues can be dealt with at the development application stage. The issues are discussed under the following broad categories:
- Environmental
  - Vehicular access and transport related
  - Bushfire mitigation

d) Internal design considerations

38.

**Environmental**

The Environmental Assessment and the fauna and flora survey undertaken for the Applicant concluded that whilst the Red Tailed Black Cockatoo is likely to use the study area, it represents a relatively small area for foraging habitat for black cockatoos. Only one tree appeared to have a large breeding hollow that may be suitable for black cockatoos.

The survey concluded that there was no TEC or DRF, although the Flora report states (section 3.4):

*"However, one vegetation unit of the Project Area (Unit 1 'Banksia menziesii open woodland') has affinity to the 'Banksia Dominated Woodlands' TEC and PEC and is within the DBCA's pre-existing records of that significant community. Though small (0.32 ha or 2.11% of the Project Area) Vegetation Unit 1 'Banksia menziesii open woodland' may represent an instance of the 'Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region' PEC and TEC (Priority Ecological Community and Threatened Ecological Community).*

*An assessment of the understorey components following recovery after slashing of Vegetation Unit 1 will inform whether this unit represents the above PEC and TEC. Further advice regarding the TEC/PEC status of Vegetation Unit 1, following recovery and assessment of understorey components, should be sought from the Department of Biodiversity, Conservation and Attractions."*

39.

It was noted the survey was conducted just after the understorey along the firebreak was slashed and therefore most of the species were either removed or not able to be identified in these locations. The area slashed is primarily along the Welshpool Road East frontage and is about 40 metres wide. The lack of information from the survey has the potential to impact on the proposed Stage 1 of the development from an environmental perspective.

40.

The DBCA concluded that despite this, the survey is satisfactory and further noted the need for the requirement for assessment of impacts of Matters of National Environmental Significance, listed under the Commonwealth EPBC Act, will need to be undertaken. Had the understorey flora not been so extensively slashed the survey undertaken may have identified threatened ecological communities or flora. As the proposed development is to be staged, any further survey and resultant adjustment to the layout and design can be made prior to the lodgement of the initial development application.

41.

One of the few locations on the site which has some recognised flora is along the Welshpool Road East frontage. To accommodate this, and to provide for some additional amenity for the future occupants, a minimum 15m setback landscape buffer is proposed to be applied along the boundary adjacent to Welshpool Road East. This is considered as a minimum and will be subject to further review at the development application stage, depending on the outcome of the referral to the Commonwealth under the EPBCA.

42. It is therefore considered reasonable for the LDP to be modified and the requirement for the minimum 15m buffer, subject to any further environmental assessment, be included as a notation on the LDP for consideration at the development application phase.

43. **Vehicular Access and Transport Related Issues**

Although a TIA was requested by the DPLH, the revised TIS is considered adequate given the predicted traffic volumes. The revised TIS shows a slip lane for the westbound traffic on Welshpool Road East. The indicative plan submitted (Attachment 10) shows minimal impact on the verge vegetation, with the possible exception of one Lemon Scented Gum tree near the proposed entrance to the site. A detailed design will be necessary, at development application stage, to determine if, or how, the slip lane can be included without impacting on the tree. It is proposed this requirement be considered a modification and notated on the LDP as a requirement of the initial phase of development.

44. It will also be necessary to conduct a road safety audit of the ingress/egress at Welshpool Road East, having regard to the vehicular movements across the median, and any subsequent changes required to the available movements and/or modifications to the median.

45. It is proposed the required road safety audit and any consequential changes, be considered as a modification and notated on the LDP as a requirement of the initial phase of development.

46. The current location of possible public roads traversing the site from Gavour Road across Crystal Brook is considered unnecessary. While the Schedule in the LPS3 requires the LDP to indicate a possible public road it is considered sufficient to simply show the possible future connection points on the site boundary at this stage. It is proposed the LDP be modified to delete the public road as shown and replace this with indicative future connection points shown on the property boundary.

47. **Bushfire Mitigation**

The concerns raised by DFES largely relate to the setbacks of the development adjacent to Crystal Brook. As noted by the Applicant, the setbacks referred to by DFES are to the building envelopes shown on the LDP and not to actual structures. The applicant will be required to address the requirements of DFES by modifying the Bushfire Management Plan (BMP) at the development application stage when the siting of the buildings is determined. In addition to these requirements the development application will need to include an Emergency Evacuation Plan (EEP). A further referral to DFES will then be required.

48. A secondary concern of DFES is the standard of the proposed primary road through the site and the emergency access route to Gavour Road. These are considered detailed matters which can be addressed at development application stage.

49. It is acknowledged these matters need to be addressed and, therefore, it is proposed this requirement be considered a modification and notated on the LDP as a requirement of the initial phase of development.
50. **Internal Design Considerations**  
The primary issue with the internal layout is the proximity of the units to Welshpool Road East and the potential noise impact on the future occupants.
51. As noted in the section on the environmental considerations it is recommended a setback landscape buffer of 15m be required and notated on the LDP.
52. Other concerns such as the internal vehicular circulation and pedestrian connectivity can be addressed at the development application stage.
53. It is recommended the LDP and accompanying documentation be approved with modifications.

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

That Council:

1. NOTES the submissions received from the public advertising and the comments and advice of the government agencies.
2. RECEIVES and notes the petition of 88 signatures.
3. REQUESTS, pursuant to clause 52(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Local Development Plan (as updated 7 February 2019) (Attachment 3) be modified as follows and resubmitted to the City for approval:
  - a) A minimum 15 metre landscape buffer setback is to be applied to the Welshpool Road East frontage of the Local Development Plan and the proposed built form along that boundary adjusted accordingly.
  - b) The public road shown on the Local Development Plan being deleted and replaced with indicative possible connection points shown on the property boundary.
  - c) The following notations placed on the Local Development Plan:
    - i. a further Environmental Assessment of fauna and flora is to be undertaken when the slashed understorey has recovered and prior to lodging a development application to determine the extent of the buffer requirement.
    - ii. an independent Road Safety Audit of the entry point at Welshpool Road East is to be conducted and any resultant road design adjustments made to the median and slip lane based on the recommendations of the Road Safety Audit prior to the lodgement of the Stage 1 development application. Any proposed works in relation

to this will need to be undertaken at the time of implementation of Stage 1 of the development and at the Applicant's cost.

- iii. the requirements of the Department of Fire and Emergency Services shall be addressed at Stage 1 of the development application process.
4. AUTHORISES the CEO to approve the resubmitted Local Development Plan (as updated 7 February 2019) (Attachment 3) as modified in accordance with 3. above, pursuant to clause 52(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for an integrated aged care facility comprising 190 independent living units and a 120-bed residential care facility at Lot 500 (32) Gavour Road, Wattle Grove subject to the following modifications to be notated on the Local Development Plan

## 10.1.2. Cell 9 Wattle Grove Development Contribution Plan Review: Adoption for Public Advertising

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

The Manager Approval Services gave a presentation on this item.

Previous Items	OCM 72/2017
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-DEV-013
Applicant	N/A
Owner	Various

Attachments	1.	Cell 9 Wattle Grove DCP Report (Feb 2019) <b>[10.1.2.1]</b>
	2.	Cell 9 Outline Development Plan <b>[10.1.2.2]</b>

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the outcome of the annual review of the Wattle Grove Cell 9 – Development Contribution Plan (DCP) Report and advertise the updated contribution rate for public comment.
2. The review to the DCP Report has resulted in a slight decrease in the contribution rate from \$26,588 per lot to \$25,836. This is due primarily to reducing the rounded contingency on the infrastructure related works from 10% to 5% as a result of further detailed design and a reduction in the estimated cost for Hale Road upgrades.
3. It is recommended Council advertise the proposed DCP Report (Attachment 1) for the purpose of public comment for a period of not less than 28 days by post to the affected landowners.

### BACKGROUND

#### 4. Land Details:

Land Area:	Approx. 250ha
Local Planning Scheme Zone:	Residential / Local Open Space/ Mixed Use / Commercial / Community Purpose
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



6. The Wattle Grove Cell 9 area operates as a Local Structure Plan (LSP) with administrative provisions and Development Contribution provisions incorporated in Schedule 11 of Local Planning Scheme No. 3 (Scheme). The LSP is included for information (Attachment 2).

7. Following the gazettal of the DCP in October 1997, Council was required to adopt a DCP Report and cost apportionment schedule. The DCP Report and the associated cost apportionment schedule sets out in detail the calculation of cost contributions for development in accordance with the methodology shown in the DCP. The DCP Report needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCP Report does not form part of LPS 3 but, once adopted by Council, must be reviewed annually.

8. The DCP Report was last reviewed in May 2017. The delay in the review was primarily due to the need to revise the scope and cost estimates for infrastructure items. This included the progression of detailed civil design for key items of infrastructure.

9. The previous reviews of the report resulted in the following contribution rates:

Date Amended	Rate
1/11/2001	\$7,100
1/11/2002	\$8,100
1/11/2003	\$10,000

1/11/2004	\$12,550
19/07/2005	\$13,550
1/03/2006	\$15,500
1/09/2006	\$19,050
1/03/2007	\$22,050
1/03/2008	\$24,650
1/11/2008	\$25,500
1/11/2009	\$25,500
1/06/2011	\$26,450
1/01/2013	\$27,335
25/03/2014	\$27,315
27/08/2015	\$27,816
22/05/2017	\$26,588

## DETAILS

10. The proposed DCP Report is a technical document with input from Engineering, Finance, Planning and Legal perspectives, the DCP Report is an effective way to simplify and summarise all the different aspects involved with arriving at a contribution rate.
11. At each DCP Report review, all factors contributing to the contribution rate must be reviewed. The significant factors reviewed are as follows:
- a) Remaining lot yield;
  - b) Land requiring acquisition;
  - c) Land valuation;
  - d) Cost of works outstanding;
  - e) Administration costs;
  - f) Works priorities; and
  - g) Calculation methodology.
12. *Remaining lot yield*  
The future lot yield is expected to provide the contributions necessary to clear all the remaining DCP costs. As at February 2019 approximately 359 new lots are expected to be created.
13. *Land Valuation*  
An independent valuer assigns value to land required to be acquired. The valuation report assigned a land valuation rate of **\$165m/2** to be utilised for determining estimated land acquisition costs.
14. The DCP takes responsibility for acquiring DCP road reserve land where the existing reserve is widened or where the road is a new road. The DCP is also responsible for acquiring Public Open Space land where it is identified on the LSP. Under the DCP there is generally no liability for landowners to vest Public Open Space in the Crown free of charge.

The following table brings together the road reserve and Public Open Space acquisitions along with an allowance for miscellaneous land purchase, which may be required through the course of detailed design work:

Item	Area of Remaining Acquisition (m <sup>2</sup> )	Cost of Remaining Acquisition (\$)
Road Reservation	523	86,295.00
Public Open Space	28,040	4,726,600.00
Miscellaneous Land Purchase	---	330,568.73

15. Miscellaneous land acquisition related works are costs which may be required through the course of detailed design work, such as compensation for improvements and remediation work. Previous DCP Reports applied a \$200,000 contingency for these works. The City has received costs estimates for miscellaneous land acquisition related works for the Hale Road widening and Woodlupine Brook Improvements which has been applied to the total cost plus the \$200,000 contingency for future land acquisitions in relation to POS.

16. *Costs of Works Outstanding*

Item	Remaining Cost
Hale Road	\$5,692,517.00
Woodlupine Brook Improvements	\$2,376,350.00
Developer Drainage Works	\$792,000.00
Sheffield Road / Arthur Road Pathway Installation	\$90,386.85
Project Management	\$100,000.00
Miscellaneous Land Purchase	\$330,568.73
<b>Subtotal</b>	<b>\$9,381,822.58</b>
<i>5% contingency on above</i>	<i>\$470,000.00</i>
Education Department Loan	\$3,909,092.00
Land for Roads	\$86,295.00
Land for Public Open Space	\$4,726,600.00
Land Contingency	\$200,000.00
Administrative Items	\$548,800.00
<b>Total</b>	<b>\$19,322,609.58</b>

These costs estimates are as of 31 January 2019.

17. The previous review applied a 10% rounded contingency on outstanding work. This figure has been updated to a 5% contingency as a contingency is already applied to each item within the estimated costings and as less work is remaining since the previous review, a smaller contingency for 5% is considered reasonable to cover these future works.
18. Project Management costs are associated with the City's management of the contractors undertaking the DCP works. Project Management cost estimates were attributed to each individual item in previous reviews, this item has been separated out.

19. *Completed Works*

Since the last review, the following items have been completed:

1. Sheffield Road;
2. Arthur Road / Wimbridge Road Extension.

The associated pathway installation for Sheffield Road / Arthur Road items have been added as a separate line item.

20. *Administration Costs*

Administration costs have been updated to reflect current expenditure and a revised DCP Project Team. The annual figures have been multiplied over the remaining four years of the DCP showing an estimated remaining cost of \$548,800.

The administration of the DCP includes, but is not limited to, the following key tasks:

1. Legal/Land acquisition management;
2. DCP annual review;
3. Land valuation; and
4. Planning/Project management of the delivery of DCP infrastructure.

21. *Works Priorities*

Subdivision and development within DCPs are staged over a number of years. Contributions are generally collected at the time of subdivision or development. In this context, contributions are collected on a staged basis and there are not always enough funds within the DCP to deliver all of the infrastructure included. For this reason, Clause 6.5.7 (d) of LPS 3 requires Council to establish a priority works schedule for the provision of DCP infrastructure.

22. Clause 4 of the DCP Report contains the priority works schedule and outlines the key principles utilised to guide the identification of infrastructure priorities. Subject to the availability of funding, the City has determined the following items as the current order of priority:

- a) Arthur/Sheffield Footpath Installation (H1 2019);
- b) Woodlupine Brook Improvements land acquisition, design and construction (Ongoing 2019/2020);
- c) Hale Road land acquisition, design and construction (2019/2020);
- d) Developer drainage works (Ongoing);
- e) Miscellaneous Land Acquisition Costs (Ongoing);
- f) Project Management (Ongoing); and
- g) Administration Cost (Ongoing).

23. The City undertook an audit of public open space yet to be developed within Cell 9.

The following reserves were identified by the audit:

- a) Lot 42 Bruce Road;
- b) Lot 312 Sheffield Road;
- c) Lot 26 St John Street; and
- d) Lot 60 Bruce Road.

24. The cost for land acquisition of these reserves has been factored into the DCP (note Lot 312 has already been purchased), however the improvements of the reserves has not been included since inception. The cost to improve these reserves through the DCP would be too significant of a cost burden on the remaining lots to be included, and therefore these costs have been left out of the DCP. Improvements to these reserves will need to be included in the City’s annual budgeting processes.

The estimated costs associated with the improvements of the reserves is approximately \$2,672,400. It should be noted the timing of these improvements would be contingent on the timing of land acquisition.

25. The identification of priorities will be undertaken as part of the annual cost estimate review and associated DCP Report update.

26. *Calculation Methodology*

Schedule 11 of LPS 3 sets out the method for calculating contributions.

The calculation is as follows:

Net outstanding costs = remaining costs – funds held as money  
 Remaining lot yield = R - Code yield or Commercial zone equivalent

$$\text{Contribution Rate} = \frac{\text{Net outstanding costs (\$)}}{\text{Remaining lot yield}}$$

Using the following figures, the new contribution rate can be calculated.

<b>Remaining costs</b>	\$19,322,609.58
<b>Funds held as money</b>	\$10,047,521.00
<b>Remaining lot yield</b>	359
<b>Contribution Rate</b>	\$25,836 per lot

$$\text{Contribution Rate} = \frac{(\$19,322,609.58 - \$10,047,521)}{359} = \$25,836 \text{ per lot}$$

**STATUTORY AND LEGAL CONSIDERATIONS**

27. Clause 6.5.11.2 of LPS3 requires the DCP cost estimates to be reviewed annually.
28. The DCP contributions are administered and determined in accordance with the provisions of Clause 6.5 and Schedule 11 of LPS3.

**POLICY CONSIDERATIONS**

29. The annual review has been conducted in accordance with *State Planning Policy 3.6 Development Contributions for Infrastructure*.



## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

30. The review of the DCP was completed with cooperation of Engineering, who updated the cost and works schedule. Finance assisted with calculating cash in hand and future administration costs.

### External Referrals

31. Previous experience has seen a positive result from advertising and engaging with landowners prior to formal consideration of the DCP review by Council. As such, it is recommended to advertise this review to the landowners who are yet to develop for a period of 28 days. Discussions will be held with any concerned landowners and the DCP review will then be presented back to Council for a decision to finally adopt the rate.

## FINANCIAL CONSIDERATIONS

32. The operation of the DCP presents a major administrative responsibility for the City. While the DCP is self-funded, the City has an implicit obligation to efficiently and effectively manage the revenues and works.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

33. *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 3.3** - To develop and enhance the City's economy.

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

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

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

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

**SUSTAINABILITY**

**Social Implications**

- 34. The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered along with individuals’ expectations. This review enables the proposed infrastructure to be delivered in an efficient and financially responsible manner.

**Economic Implications**

- 35. The implementation of DCPs assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

**Environmental Implications**

- 36. The proposed DCP provides upgrades to Woodlupine Brook, including the purchase of land for the purpose of Public Open Space. Landscaping and water course upgrades will enable the area to be utilised for more active uses by the community and to reduce erosion.

Consultation has occurred with the Water Corporation and Department of Water in the development of the designs for water course upgrades.

**RISK MANAGEMENT CONSIDERATIONS**

- 37.
 

<b>Risk:</b> Contribution rate is objected to by landowners.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
Ensure aspects of the review are clearly identified in the reporting documentation. Provide landowners a process to highlight concerns and have these concerns responded to / addressed.		
  
- 38.
 

<b>Risk:</b> DCP does not generate enough funds to undertake works.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Major	High
<b>Action/Strategy</b>		
Ensure annual reviews account for the cost of infrastructure and the remaining development has the capacity to cover these costs. Ensure regular reviews of funding capacity.		

### **OFFICER COMMENT**

39. The review to the DCP Report has resulted in a slight decrease in the contribution rate from \$26,588 per lot to \$25,836. This is due primarily to reducing the rounded contingency on the infrastructure related works from 10% to 5%.
40. The DCP has a positive cash flow at present, with a cash balance of \$10,047,521. There are a number of infrastructure projects planned in the short term as outlined in the works priorities, which will bring the cash balance down.

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

That Council ADVERTISE the proposed Development Contribution Plan Report (Attachment 1) for the purpose of public comment for a period of 28 days by post to the affected landowners.

### **10.1.3. Proposed Amendment No.100 - Lot 500 (27) Wandoo Road, Forrestfield - 'No Zone' (Road Reserve) to Residential R20**

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

The Manager Approval Services gave a presentation on this item.

Mr Phil McCathie, 35 Coolabah Road Forrestfield, provided a public statement in relation to this report. Mr McCathie is not in support of the recommendation.

Ms Joel Carter, The Land Division Malaga, 9/8 Exchange Rd, Malaga, representing the owner, provided a public statement in relation to this report. Ms Carter is in support of the of the recommendation.

Councillors sought clarification on various matters contained in the report.

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/100
Applicant	The Land Division c/- Susan Daphne Wong and Norman Douglas Wong
Owner	Susan Daphne Wong and Norman Douglas Wong
Attachments	<ol style="list-style-type: none"><li>1. Scheme Amendment [<b>10.1.3.1</b>]</li><li>2. Applicant Scheme Amendment Request [<b>10.1.3.2</b>]</li><li>3. Existing Deposited Plan [<b>10.1.3.3</b>]</li><li>4. Proposed Deposited Plan - Subsequent Subdivision [<b>10.1.3.4</b>]</li><li>5. City of Kalamunda Referral Response to 155121 - Dated 13.06.17 [<b>10.1.3.5</b>]</li><li>6. EPA Responce - Recieved 8.11.18 [<b>10.1.3.6</b>]</li><li>7. Summary of Submissions [<b>10.1.3.7</b>]</li></ol>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider Local Planning Scheme Amendment No.100 (Amendment No. 100) to Local Planning Scheme No. 3 (Scheme) for final adoption.
2. Amendment No. 100 proposes to rezone a 570m<sup>2</sup> portion of Lot 500 (27) Wandoo Road, Forrestfield (subject site) from 'No Zone' (road reserve) to 'Residential' with an applicable density code of R20 as shown on the proposed Scheme Amendment Map (Attachment 1 and 2). The balance of the subject site is proposed to remain Residential R20.
3. It is recommended Council adopts Amendment No. 100 subject to modifications.

## BACKGROUND

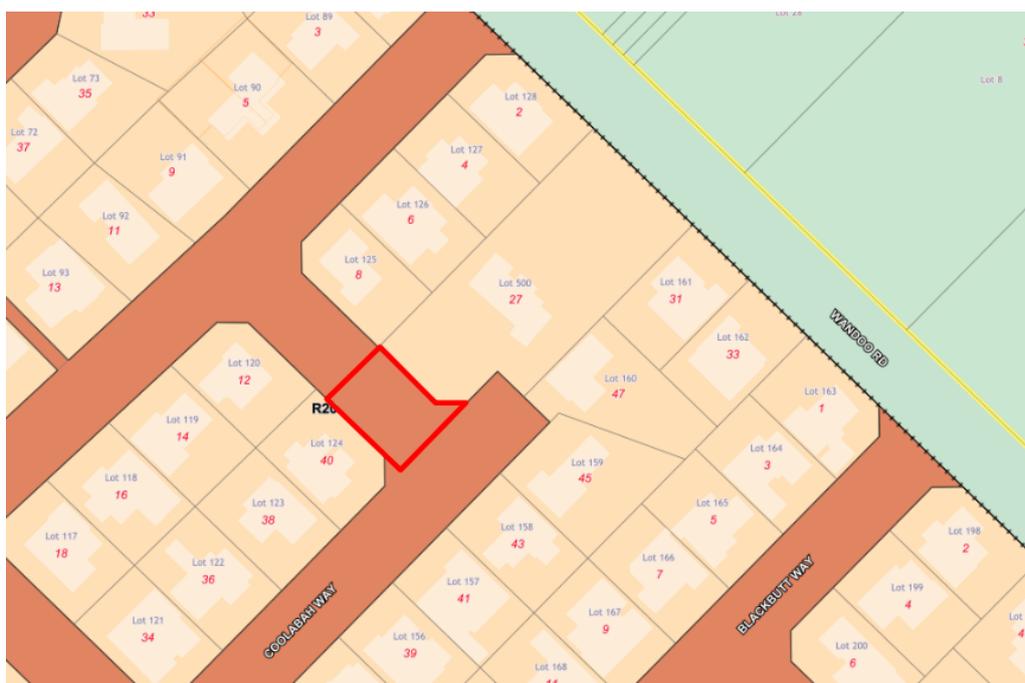
### 4. Land Details:

Land Area:	3,555m <sup>2</sup>
Local Planning Scheme Zone:	Residential R20 (2,985m <sup>2</sup> ) Road Reserve (570m <sup>2</sup> )
Metropolitan Regional Scheme Zone:	Urban

### 5. Locality Plan:



### 6.



7. The subject site is currently improved by a single house and ancillary residential structures and is generally bound by four residential zoned properties to the north, Wandoo Road to the east, two residential zoned properties to the south and Coolabah Way to the west.
8. Further afield, the subject site is surrounded by a mix of zones and land uses, being predominately low residential development directly surrounding the site and Special Rural zoned land to the east and south.
9. The surrounding residential land was rezoned in 1975 and 1977. At the time of urbanisation, the eastern portion of the subject site was identified as a road reserve with the intent of providing a circular through vehicle movement for Coolabah Way.
10. In April 2017, the landowner submitted a subdivision application (WAPC Application No. 155121) to the Western Australian Planning Commission (WAPC) seeking to subdivide the 3,555m<sup>2</sup> lot into five freehold lots and a 570m<sup>2</sup> road reserve as shown in Attachment 4.
11. The application was subsequently referred to the City for comments at which time it was acknowledged the road reserve on the subject site was no longer required.
12. The City acknowledged the road reserve was no longer required, and that should the road reserve be rezoned, road upgrades (cul-de-sac) would be required to be made, at the cost of the developer.
13. The City provided a response to the subdivision referral on 13 June 2017, recommending approval of the proposed subdivision subject to recommended conditions and advice notes. It is important to note; the City's referral response identified the need for road upgrades indicated below:

Recommended Condition 7:

*"Satisfactory arrangement being made with the local government, at the cost of the developer, for upgrading the end of Coolabah Way into a Cul-de-sac."* (construction of the cul-de-sac) and included both conditions and advice notes in this regard.

Recommended Advice Note f:

*"With regard to condition no. 7, the cul-de-sac design is required to address manoeuvring spaces for a standard waste collection truck movement, and crossover location."*

The matter of the road upgrade is further discussed in points 14-18 of the report.

14. Following receipt of the City’s recommendations, the WAPC approved the subdivision on 2 August 2017 subject to a range of conditions and advice notes. The following conditions and advice notes are pertinent to this rezoning:
- a) **Condition No. 1** which states:  
*"The plan of subdivision be modified to amalgamate proposed Lot 1 and the proposed 570m<sup>2</sup> road to form a balance lot."*
  - b) **Advice No. 1** which states:  
*"In regard to Condition 1, the landowner/applicant is advised that the proposed road reserve as identified on the approved plan of subdivision is no longer required by the Shire of Kalamunda. The applicant should discuss the possibility of a Local Planning Scheme Amendment with the City of Kalamunda."*

Amendment No. 100 seeks to fulfil Condition No. 1 of WAPC Approval 155121.

15. It is noted that the City’s recommendations regarding the required road upgrades (cul-de-sac) were not included in the WAPC subdivision approval.
16. The City enquired with the Commission why the required road upgrades were not included on the subdivision approval, with the Commission advising the WAPC considered that while improved waste vehicle access may be desirable, the creation of one additional lot was not sufficient justification/nexus to require the landowner to contribute towards the road upgrades.

**DETAILS**

17. Amendment No. 100 has been prepared in response to Condition 1 and Advice Note 1 of WAPC’s subdivision approval.
18. The advertised Amendment No. 100 proposes to rezone a 570m<sup>2</sup> portion of the subject site under the Scheme from 'No Zone' (road reserve) to 'Residential' with an applicable density code of R20 as shown on the Scheme Amendment Map (refer Attachments 1 and 2). The balance of the site is proposed to remain Residential R20.
19. Following submissions received and further assessment, Amendment No. 100 is proposed to be modified as follows:

- 3. Modify Clause 5.23 (Additional Site and Development Requirements) and Table 4 of Local Planning Scheme No. 3 as follows:

No.	Description of Land	Requirement
2	Lot 500 (27) Wandoo Road, Forrestfield	Satisfactory arrangements being made with the local government through a Deed of Agreement for the full cost of upgrading and/or construction of a Cul-de-sac head for Coolabah Way, at

		the expense of the landowner.
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20. Should Council resolve to adopt Amendment No. 100, it will be determined in accordance with the *Planning and Development Act 2005* and ultimately determined by the WAPC and Minister for Planning.

**STATUTORY AND LEGAL CONSIDERATIONS**

21. **Metropolitan Region Scheme**

The subject site is classified 'Urban' under the Metropolitan Region Scheme (MRS). The proposal is therefore consistent with the zoning classification under the MRS.

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

Under the provisions of the Scheme, the subject site is currently zoned Residential (R20) with the eastern portion (16% of the site) identified for dedication as a road reserve.

23. The objectives of the current zoning of 'Residential' are outlined in Part 4.2.1 (Objectives of the Zones: Residential Zones) of the Scheme as follows:

1. *To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the City.*
2. *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.*
3. *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.*
4. *To encourage the retention of remnant vegetation.*

24. **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**

In regard to the processing of Scheme amendments the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), distinguishes between 'complex', 'standard', and 'basic' types of Scheme amendments.

*(Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations) 2015)*

25. Proposed Amendment No. 100 is considered to be a standard amendment as it:
- a) is consistent with the objectives identified in the Scheme for the Light Industry zone;
  - b) is consistent with the City of Kalamunda Local Planning Strategy;
  - c) is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
  - d) is considered to have a minimal impact upon the land within the City of Kalamunda, particularly through the provision of a proposed Local Planning Policy and Local Development Plan to guide subsequent assessment of development applications; and
  - e) will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.

(Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations) 2015)*

26. Subject to s81 and 82 of the of the *Planning and Development Act 2005* (the Act) the City is required to prepare a notice for the purpose of public advertising.

(Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations) 2015)*

27. The City is required to pass a resolution regarding Amendment No. 100 within 60 days of the end of the submission period. The resolution must be made to either:
1. support the amendment without modification; or
  2. support the amendment with proposed modifications to address issues raised in the submissions; or
  3. not support the amendment.

(Regulation 50(3)of the *Planning and Development (Local Planning Schemes) Regulations) 2015)*

28. Within 21 days of the resolution being passed, the City is required to provide advertised Amendment No. 100 to the Commission, unless otherwise approved by the Commission.

(Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations) 2015)*

29. The Commission has 60 days (or within such a longer period as agreed by the Minister) from receiving the documents from the City to consider the documents and make any recommendations to the Minister in respect to Amendment No. 100 that the Commission considers appropriate.

(Regulation 55 of the *Planning and Development (Local Planning Schemes) Regulations) 2015)*

30. Once submitted to the Minister for approval, the *Planning and Development Act 2005* (the Act) states the Minister may either:
- (a) Approve Amendment No. 100;
  - (b) Require the local government to make modifications to Amendment No. 100; or
  - (c) Refuse Amendment No. 100.
- (Section 87(2) of the *Planning and Development Act 2005*)

## **POLICY CONSIDERATIONS**

### **31. Directions 2031 and Beyond**

Directions 2031 and Beyond is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years. Proposed Amendment No. 100 will increase the development yield of the subject site, therefore assisting the City reach its housing targets.

### **32. North-East Sub-regional Planning Framework**

In March 2018, the WAPC finalised the draft Perth and Peel @ 3.5 million suite of documents, including the North-East Sub-regional Planning Framework relevant to the subject site. The frameworks aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.

33. The document provides guidance on where development should occur to ensure sustainable urban growth, protecting the environment and heritage, and making the most effective use of existing infrastructure. The framework identifies the subject area as 'Industrial Expansion'.

34. It is considered that Amendment No. 100 will assist in achieving the objectives of the Framework.

### **35. City of Kalamunda Local Planning Strategy**

The City's Local Planning Strategy (Strategy) was adopted by Council in October 2011 and endorsed by the WAPC in February 2013. The purpose of the Strategy is to enable Council to determine the vision and strategic planning direction for the City of Kalamunda for the next 20 years, to coincide with Directions 2031.

36. A key action of the Strategy is to encourage the expansion of new urban and industrial areas in a sustainable manner, providing increased housing and lifestyle opportunities; local employment opportunities and protection of biodiversity and the natural environment. Amendment No. 100 is consistent with the intent of the Strategy.

## **ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

37. A preliminary assessment was undertaken from the perspective of the following key development oriented disciplines:
1. Assets;
  2. Environmental Health;
  3. Approval Services; and
  4. Parks and Environment.
38. During the internal referral process, it was identified that road upgrades to provide for a cul-de-sac design will be required should the road reserve be rezoned to Residential.
39. No other issues were raised during internal referrals.

### **External Referrals**

40. In accordance with s81 and 82 of the Act, Amendment No.100 was referred to the Environmental Protection Authority (EPA) for its consideration under section 48C(1)(a) of the Environmental Protection Act 1986 (EP Act). The City was advised that Amendment No. 100 did not require assessment under Part IV Division 3 of the EP Act, enabling the City to advertise Amendment No. 100 (Attachment 6).
41. Following receipt of the EPA comments, proposed Amendment No. 100 was advertised in accordance with the Regulations and the City's Local Planning Policy PDEV45 (Public Notification of Planning Proposals) for a period of 56 days via the following methods:
1. Newspaper advertisement;
  2. Notice on the City's website;
  3. Display of documents at the Administration Centre during business hours;
  4. Copy of the notice to applicable public authorities;
  5. Letters to landowners and occupiers within 100 metres of the subject site; and
  6. Signage on site.
42. During the advertising period a total of one petition and four submissions were received, one of which was a comment and the balance non-objections. Please refer to Attachment 7 for a summary of and response to all submissions.
43. The petition which had 14 signatures, objected to Amendment No. 100 as currently proposed, and requested Coolabah way be upgraded to ensure safe vehicle access should the Amendment be supported.
44. The principal concern raised during the advertising period was the need for a cul-de-sac at the end of Coolabah Way.

**FINANCIAL CONSIDERATIONS**

- 45. All costs associated with advertising and assessment of Amendment No. 100 are to be borne by the Applicant.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

- 46. *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**

- 47. Future development of the subject site for residential use will provide more housing opportunities in a location with good access to a range of commercial activities and public transport.

**Economic Implications**

- 48. Proposed Amendment No. 100 will increase the development potential for the landowners of the subject site; increasing the development yield from six lots to eight lots.

**Environmental Implications**

- 49. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

50.	<b>Risk:</b> Amendment No.100 is not supported by Council.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Convey to the Elected Members the City has previously acknowledged the road reserve on the subject site is no longer required. Accordingly, with the City having no intent to extend Coolabah Way, the Amendment should be supported.		

51. **Risk:** The modification to Amendment No.100 requiring the cul-de-sac upgrade is not supported by the WAPC.
- | <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
|---|--------------------|---------------|
| Likely  | Moderate           | High          |
| <b>Action/Strategy</b>  |                    |               |
| The City to provide a deputation to the WAPC Statutory Planning Committee outlining the planning justification for the proposed modification. |                    |               |
52. **Risk:** The modification to Amendment No.100 requiring the cul-de-sac upgrade is not supported by the Minister for Planning.
- | <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
|--|--------------------|---------------|
| Possible   | Moderate           | Medium        |
| <b>Action/Strategy</b>   |                    |               |
| The City may be required undertake the required road upgrades (cul-de-sac) at its own expense. |                    |               |

#### **OFFICER COMMENT**

53. Proposed Amendment No. 100 is consistent with the current subdivision approval over the subject site (WAPC 155121) which states that the eastern portion of the subject site currently identified as road reserve is no longer required.
54. The existing residential lots in Coolabah Way were created in 1975 and 1977, with the surrounding road network functioning in its current state for over forty years with no issues, with no requirement for the road reserve to be constructed.
55. Developing the eastern portion of the subject site as a road reserve is not considered to provide a benefit to the surrounding road network from a connectivity or permeability perspective.
56. Should the City resolve to approve Amendment No. 100, it will remove the anomaly under the Scheme where a proposed lot will have a dual Residential / Road zoning which will subsequently simplify the consideration and assessment of any future development on the subject site.
57. It was evident from the submissions received that local residents were concerned that the current road design at the end of Coolabah Way is not sufficient to allow for rubbish collection vehicles to adequately turn. Consequently, the vehicles were reversing from the end of Coolabah Way to the first bend in the road creating issues of vehicle and pedestrian safety.
58. The local road network was designed with the intent of the road achieving a full circular movement for Coolabah Way. Should the road reserve be rezoned to Residential, the circular movement is no longer achieved, thereby triggering the requirement of road upgrades (cul-de-sac) to ensure safe and legible vehicular manoeuvrability.

- 59. From discussions with senior officers at the WAPC, it is evident that they believe there is no nexus between the loss the road reserve and therefore the circular traffic movement and the requirement for the proposed modification to include the cul-de-sac upgrade. On this basis they are unlikely to support the proposed modification.
- 60. From the City’s perspective, it is reasonable to argue that a nexus exists with regard the removal of the road reserve and subsequently the loss of the circular traffic movement and the need to have an appropriate turning area in the form of a cul-de-sac to allow for adequate turning area for rubbish collection vehicles. On this basis, the proposed modification to Amendment No.100 is considered consistent with the applicable strategic and statutory planning framework and is consistent with orderly and proper planning and therefore appropriate.
- 61. In the event the proposed modification is not supported by the Minster for Planning, Council will need to give consideration to as to how the works for the road upgrade will be funded.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

- 1. CONSIDERS Amendment 100 to Local Planning Scheme No.3 as a standard amendment under Clause 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, for the following reasons:
  - a) is consistent with the City of Kalamunda Local Planning Strategy;
  - b) is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
  - c) is considered to have a minimal impact upon the land within the City of Kalamunda, particularly through the provision of a proposed Local Planning Policy and Local Development Plan to guide subsequent assessment of development applications; and
  - d) will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.
- 2. SUPPORTS Amendment No.100 to Local Planning Scheme No.3 to rezone a portion of Lot 500 (27) Wandoo Road, Forrestfield from ‘No Zone’ to ‘Residential’ with an applicable density code of R20 with modifications pursuant to Part 5 Regulation 50(3)(b) of the Planning Development (Local Planning Schemes) Regulations 2015 by:
  - a) Modify Clause 5.23 (Additional Site and Development Requirements) and Table 4 of Local Planning Scheme No. 3 as follows:

	Description of Land	Requirement

2	Lot 500 (27) Wandoo Road, Forrestfield	Satisfactory arrangements being made with the local government through a Deed of Agreement for the full cost of upgrading and/or construction of a Cul-de-sac head for Coolabah Way, at the expense of the landowner.
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3. FORWARDS to the Western Australian Planning Commission pursuant to Part 5 Regulation 53 of the *Planning Development (Local Planning Schemes) Regulations 2015*:
- a) The Schedule of submission made on the Amendment and the local government response to the submissions (Attachment 7);
  - b) A copy of the resolution;
  - c) Any relevant maps, plans, specifications and particulars required by the Commission; and
  - d) All required amendment documents.

### **10.1.4. Local Planning Policy P-DEV 43 - Residential Design: Adoption for Public Advertising**

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

The Manager Approval Services gave a presentation on this item.

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	1. Draft Local Planning Policy - P-DEV43 - Residential Design <b>[10.1.4.1]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the adoption of draft Local Planning Policy P-DEV 43 – Residential Design (Policy) for public advertising.
2. The Policy has been prepared to provide incentives for proponents to incorporate high quality design features, as well as streamlining the assessment process by exempting the requirement for planning approval for minor residential development (Attachment 1).
3. It is recommended that Council adopt the Policy for the purposes of public advertising.

#### **BACKGROUND**

4. The City periodically reviews, revokes, and adds new policies to provide consistency and transparency in decision-making and to ensure Council has a clear policy position regarding planning matters.
5. The Policy provides incentives to encourage balanced, high quality residential development outcomes, while providing proponents a streamlined application process for common and minor variations.
6. This Policy also provides clarification and provisions to exempt minor residential development from requiring a planning application with the review of reducing 'red-tape' and streamlining development processes in the City.

#### **DETAILS**

7. The primary objectives of the Policy are:
  - a) to ensure variations to the deemed-to-comply requirements of the R-Codes maintain the amenity and character of the City;
  - b) to provide offsets for specific types of deemed-to-comply variations;

- c) to encourage innovative approaches to maximise the development potential of residential sites; and
  - d) to streamline the assessment process for minor residential development.
8. The key components of the Policy are Tables 1, 2, and 3.
9. Table 1 demonstrates how the Policy compares in relation to standard State Planning Policy 3.1 - Residential Design Code (R-Code) deemed-to-comply requirements and other State Government documents.
10. The comparison demonstrates that the Policy provides more flexibility than the existing planning framework.
11. Table 2 demonstrates the variations available to proponents and the required 'matrix points' to be permitted those variations, without the requirement to obtain development approval.
12. Table 3 provides for additional exemptions for minor residential development, subject to meeting the applicable condition/s.
13. The conditions are not exhaustive, instead providing clear and concise limits to the exemptions.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

14. The Local Government may prepare a Local Planning Policy with regard to any matter related to the planning and development of the Scheme area.
- (Schedule 2 Clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*)
15. The City's Scheme, Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period having regard to any submissions received.
- (Schedule 2 Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*)
16. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a Local Planning Policy is inconsistent with the Regulations and the Scheme Provisions, the then Regulations and the Scheme prevail.
- (Schedule 2 Clause 4(5) of the *Planning and Development (Local Planning Schemes) Regulations 2015*)

#### **POLICY CONSIDERATIONS**

17. The Policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

18. As the Policy specifically relates to statutory planning, the Policy was not required to be referred internally in this instance.
19. The Policy will be referred to the City's Design Advisory Committee during the consultation process.

### External Referrals

20. Should Council resolve to adopt the Policy for the purposes of public advertising, the Policy will be advertised for public comment in accordance with Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals for a period of 21 days, which is consistent with the period specified in Schedule 2, Part 2 Clause 4 (2) of the Regulations. Advertising of the Policy will include a Public Information Session where members of the public will have the opportunity to discuss the Policy with City staff.
21. External referrals will include the WA Planning Commission and targeted feedback from building companies and the Housing Industry Association.

## FINANCIAL CONSIDERATIONS

22. All costs incurred during the advertising of the Policy will be met through the Approval Services budget.
23. Exemptions for minor residential development will decrease the volume of minor applications being considered by Officers, which will in turn reduce the fees paid to the City, typically at a rate of \$147 per application.
24. Staff time spent processing minor applications could be re-directed to the increasing number of complex applications, as well as preparation of new innovative planning policies and review of existing policies.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

25. *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**

26. If the Policy is adopted, proponents will be provided with greater flexibility to design dwellings which reflect the needs of their client within a streamlined planning process.
27. The community will be provided with a higher standard of residential streetscapes on residential redevelopment sites.

### **Economic Implications**

28. The design flexibility offered by this Policy will have a positive economic impact for proponents. There is the potential for proponents to have a larger house than permitted by normal R-Code requirements, resulting in larger houses in the City, when compared to the same size blocks as other local governments.
29. This is expected to increase the financial viability of residential development projects in the City.
30. The Policy will also enable minor development proposals to bypass the development application process through to the building permit stage, thus affording developers with reduced administration costs and more efficient processing timelines.

### **Environmental Implications**

31. The Policy will have positive environmental impacts through efforts to increase the rates of retention of significant vegetation on residential development sites.
32. The potential increase in soft-landscaping (and decrease of impermeable surfaces) will provide increased capacity for stormwater to be disposed of on-site.
33. The potential increase in retention of significant vegetation on residential development sites will maintain canopy cover, thereby reducing the urban heat island effect related to new development sites where it is common for all significant vegetation to be removed.

**RISK MANAGEMENT CONSIDERATIONS**

34.	<b>Risk:</b> The Policy is not adopted resulting in inconsistent consideration of variations to the deemed-to-comply requirements of the R-Codes.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Low	Low
	<b>Action/Strategy</b>		
	Ensure that Council is aware of the importance of having sound and robust planning policies to support residential development and investment in the City, while maintaining environmental and amenity value of streetscapes.		

**OFFICER COMMENT**

- 35. The Policy is an innovative approach to incentivising high quality residential development and streetscape outcomes, without detrimentally impacting the economic viability of residential development and amenity within the City.
- 36. The Policy will streamline the assessment process by exempting the requirement for planning approval for minor residential development and provide increased flexibility for proponents to design dwellings which meet the needs of their client, without adversely impacting the existing high amenity and character of streetscapes within the City.
- 37. Noting the above, it is recommended that the Policy be adopted for public advertising.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council ADOPTS the following proposed Local Planning Policy for the purposes of advertising for a period of 21 days, pursuant to Clause 3 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulation 2015*:

- a) Draft Local Planning Policy P-Dev 43 – Residential Design.

## 10.2. Asset Services Reports

### 10.2.1. Fox Trapping Program

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

The Manager Asset Planning & Management gave a presentation on this item.

Previous Items	OCM 114/2018
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	EV-EPP-014
Applicant	N/A
Owner	N/A

Attachments	1. Recommended Fox Control Program for the City of Kalamunda [ <b>10.2.1.1</b> ]
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#### EXECUTIVE SUMMARY

1. The purpose of this report is to endorse the recommendations from the Kalamunda Environmental Advisory Committee (KEAC) for continuation of and staged improvements to the City's fox trapping program.
2. City officers and some KEAC members prepared a *Recommended Fox Control Program for the City of Kalamunda* working group report shown as Attachment 1 which was presented to the KEAC.
3. KEAC recommended at their meeting of the 7 February 2019 for Council to:
  1. continue with a comprehensive fox control program;
  2. not exclude the use of soft jawed foot hold traps;
  3. apply other approved methods where site specific conditions allow;
  4. employ a comprehensive community engagement program;
  5. implement a three-phased long-term strategy for fox control; and
  6. ensure effectiveness of the program with rigorous monitoring, data collection, analysis and review.

#### BACKGROUND

4. At the commencement of the May/June 2018 fox control program, a resident's pet dog was caught in a soft jawed leg hold trap. Social media feedback and public comment caused the City to review the program.
5. At the OCM of 26 June 2018 Council considered the KEAC minutes of June 2018 and resolved that Council:
  - a) *RECEIVES the Kalamunda Environmental Advisory Committee's advice that the control of foxes is vital for the protection of native and domestic animals, recognising that the City's fox control program is*

*two years old and needs to be continued as it is part of a far longer history of control in the metropolitan area.*

- b) SUPPORTS the City of Kalamunda fox trapping program resuming on 29 June 2018 for a period of two weeks.*
- c) REQUESTS the Chief Executive Officer to form a working group comprising of Kalamunda Environmental Advisory Committee members and the City of Kalamunda to undertake research to determine a best practice approach to fox management that balances effectiveness of control method with humaneness considers appropriate sites for placement, including minimising risk to other animals and to prepare a report for Council that clarifies the future direction of the program.*
- d) ISSUES information to the community advising as to why the fox control program needs to progress during the month of July 2018.*

- 6. As part of its Terms of Reference, KEAC:
  - 1. makes recommendations to Council on matters relating to the environment;
  - 2. provides feedback on community engagement matters related to the environment;
  - 3. assists the City to increase awareness of matters regarding the environment; and
  - 4. highlights projects where Officers can engage with community members.

## **DETAILS**

- 7. Control of foxes is important for the protection of local and regional biodiversity, as well as agricultural and private livestock in the City. Under the *Biosecurity and Agricultural Management (BAM) Act 2007*, foxes are a declared pest and it is a requirement of landholders and land administrators to control foxes found on their land.
- 8. The City commenced a formal program for fox control in 2017 with an allocated budget of \$4,400 to engage a contractor to decrease the impact of fox predation on the biodiversity of key reserves in the City. The City engaged the services of a contractor with more than 30 years' experience with more than 20 Local Government Authorities through the Perth metropolitan area. The use of soft-jawed leg hold traps is a method of fox control prescribed by the Department Primary Industries and Development (DPIRD) and recommended by operators as the most efficient method of control in the City's environment. The use of soft catch jawed traps is regulated by the *Animal Welfare Regulations (2003)* and can only be used if the jaws are padded and modified so that the captured animal is unlikely to suffer significant injury.
- 9. The program continued in May 2018 with an allocated budget of \$5,000, beginning Monday 28 May and halted on the 29 May with the accidental capture of a pet dog. The annual program was completed for the season after

the incident was investigated and Council approved for it to continue for a further two weeks.

10. The incident regarding the capture of the dog, triggered responses of the community through both social media and direct communication. Council resolved on 26 June 2018 to employ the assistance of a working group to research and recommend a best practice approach to fox control in the City.
11. The process undertaken by the working group to complete the research included:
  1. reviewing 2018 public survey results to determine the sentiment of residents;
  2. benchmark current practices utilised at the City against practices used at other similar peri-urban Local Governments;
  3. consultation with lead researchers from DPIRD and University WA (UWA); and
  4. reviewing research into alternative methods and any new technology available and suitable for the control of foxes in the City.

### **STATUTORY AND LEGAL CONSIDERATIONS**

12. Under the *BAM Act (2007)* foxes are a declared pest. It is the responsibility of the landholder or land administrator to control foxes found on their land. Under the BAM Act, it is stated that there should be some form of management applied to alleviate the harmful impact, reduce numbers and distribution and contain the spread of the organism.
13. Under the BAM Act, permits for the use of soft jawed foot hold traps must be obtained by the contractor.
14. The use of soft jawed foot hold traps is regulated by the *Animal Welfare Regulations (2003)*.
15. Under the *Health (Pesticides) Regulations 2011*, all companies and personnel employed by companies involved in management of pests must be licensed and registered with the Department of Health and when applied in public places that adequate signage and notice must be given to the public.

### **POLICY CONSIDERATIONS**

16. None identified.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

17. Key internal stakeholders responsible for public relations, health regulation compliance and reserve management have and will continue to collaborate to develop an engagement plan and to oversee the fox control implementation.

## External Referrals

18. The City conducted a public survey between 2 August and 10 September 2018 to gauge public opinion on the fox control program and the extent of fox activity within the City. A small community sample (49) of views were received indicating strong support for fox control in the City, with most reports of fox issues impacting private land owners in the Bickley Valley.
19. Other land and pest management agencies were interviewed to obtain information regarding the importance of fox control to their respective organisations; research they had undertaken; and their activities related to fox control. Agencies interviewed included:
  1. Department Biodiversity Conservation and Attractions (DBCA);
  2. Water Corporation;
  3. eight local governments;
  4. the South West Group of Councils;
  5. Western Suburbs Regional Organisation of Councils (WESROC);
  6. University of Western, Australia School of Agriculture and Environment; and
  7. Department Primary Industries and Regional Development (DPRID), Development Officer Invasive Species.
20. It is essential that a quality engagement program is rolled out to improve public support for the control of foxes, ensuring that the City's messaging and activities are aligned with other land managers.
21. It is important that data, research and information is shared to support the continued control of this important pest on a regional scale.

## FINANCIAL CONSIDERATIONS

22. The current annual budget for the control of foxes is \$5,000.
23. It is anticipated that a more comprehensive and integrated approach to the City's fox control program will incur additional direct costs and officer time. In consideration of a phased increase over the following three to five years, each annual operational budget will identify the resources and costs associated with the detailed annual program.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 2: Kalamunda Clean and Green**

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

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

**Strategy 2.1.3** - Community engagement and education in environmental management.

**SUSTAINABILITY**

**Social Implications**

- 25. Foxes are a threat to livestock and as such the City is requested by the community to undertake fox control.
- 26. Foxes are a threat to local and regional biodiversity and the City is requested by parts of the community to undertake fox control on their reserves.
- 27. A small cohort of residents within the City consider the control methods are inhumane and raise their concerns with the City and broader community.

**Economic Implications**

- 28. By undertaking fox control the City contributes to the economic benefit of livestock breeders and poultry operators and protecting tourism value ecosystem health.

**Environmental Implications**

- 29. Foxes predate and negatively impact populations of native wildlife such as Bandicoots, Woylies and Possums and are one of the species which has contributed to the extinction of around 11% of Australia’s mammal species. Reducing fox populations assists in the protection of our biodiversity.

**RISK MANAGEMENT CONSIDERATIONS**

- 30.
 

<b>Risk:</b> The City receives negative community feedback from the failure to properly manage the danger that foxes present to the environment and agricultural industries.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Significant	High
<b>Action/Strategy</b>		
A suitable fox control program is developed and implemented.		
  
- 31.
 

<b>Risk:</b> The City receives negative community feedback regarding the inhumane nature of fox control measures.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	High
<b>Action/Strategy</b>		
Undertake community engagement/education program and collaboration with key partners.		

## OFFICER COMMENT

32. The City partnered with the KEAC working group members and are therefore supportive of the recommendations of the working group report and the resolution of KEAC.
33. The three-phased approach will ensure that future fox control activities are more likely to lead to a significant reduction from the impact of foxes on the City. The model proposed in the *Recommended Fox Control Program for the City of Kalamunda* report ensures a holistic and integrated approach for:
1. greater capacity to undertake fox control activities at a scale necessary to achieve a significant reduction of the fox population and impacts upon livestock and biodiversity assets;
  2. greater accountability to the community through a program that has foundation in scientifically valid methodology; and
  3. greater accountability to and collaboration with the community supported by more rigorous monitoring data and an effectively communicated program.
34. The City will further develop a costed staged program for implementation for 2019/2020 operational budget consideration.

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

That Council:

1. ACCEPTS Kalamunda Environmental Advisory Committee's recommendations including the working group's report *Recommended Fox Control Program for the City of Kalamunda*.
2. ENDORSES the continuation of a City of Kalamunda fox control program and that the Chief Executive Officer develops and implements:
  - a. A comprehensive community engagement plan for the annual fox control program; and
  - b. A long-term strategy for fox control delivered in three phases:
    - i. Fox control for biodiversity conservation in priority local reserves with monitoring to measure success;
    - ii. A collaborative community fox control model, utilising a group of residents at Bickley Valley as a trial community; and
    - iii. A regional approach in partnerships with regional land holders.

## **10.2.2. Reid Road Proposal for One Way and Parking**

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

The Manager Asset Planning & Management gave a presentation on this item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	EG-TFC-003; 4.00009245; RD-02/GEN
Applicant	N/A
Owner	N/A

Attachments 1. Reid Road Proposal 4305-01-01 [**10.2.2.1**]

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to seek endorsement of design for a one-way direction on Reid Road, Lesmurdie, with parallel parking.
2. Reid Road becomes congested during peak pick-up and drop-off times for Lesmurdie Senior High School ('school'). Following consultation with the school, parents and carers, and local residents, it is proposed to turn the two-way road into a one-way road.
3. Subject to endorsement of this proposal the project will be listed in the draft 2019/2020 capital works program.

### **BACKGROUND**

4. The City was approached by the Principal of the school in May 2018 who raised concerns around parking and driver behaviours during school pick-up and drop-off times. Subsequent site meetings identified a possible solution by changing Reid Road to a one-way road.

### **DETAILS**

5. Reid Road is a relatively narrow road that runs along the front of the school. During peak drop-off and pick-up times, the road is very congested with drivers attempting to park in the street, enter the car parks, drop off or pick up students, turn around, and negotiate around school buses. This leads to safety hazards for the students. The change of two-way Reid Road to a one-way only is intended to resolve the congestion, eliminate turning movements, and reduce the hazards.
6. Reid Road is 5.2 metres wide, 490 metres long, and is considered an access road. It connects Pomeroy Road and Albert Road however does not serve as a distributor road due to the proximity of Welshpool Road East to the south. The City has not conducted traffic counts in Reid Road, however Albert Road has under 650 vehicles per day and Reid Road is expected to have a lower volume. Under the Main Roads WA hierarchy, an access road is expected to

carry up to 3,000 vehicles per day, so Reid Road is considered to be a low volume road.

7. A causal factor with the congestion and parking is that the sealed road width is not wide enough to allow parallel parking and through traffic. Thus, any drivers whom stop along the road even for a few minutes will effectively block a lane of traffic, with other drivers attempting to access the school from both directions.
8. The school shares its car park area with the Lesmurdie Community Library. The school has controlled areas on the school site for parking by students, teachers, visitors, and parents and carers. The Department of Education advises that there is sufficient parking provision on the site based on standard measures. The Department representative advised that they would not support an increase in on-site parking to cater for the 'on road' issues, however they may review the layout of the existing carparks to improve traffic flow.
9. Parking for the Lesmurdie Community Library is accessed through the same places as the school parking, which can lead to further parking problems during peak times.
10. The City addresses school parking problems by following a priority of actions. In order of preference, with the highest preference first, the actions are:
  - a. provide a sustainable transport education and awareness program;
  - b. provide active management of parking behaviours;
  - c. signage, line marking and low-cost behaviour controls; and
  - d. changes to infrastructure.
11. In respect of this hierarchy, there are school buses serving the site and the school actively manages parking behaviours through on-site direction and notification to parents and carers. The school has also installed a range of signage to control vehicle movements, noting that some drivers choose to ignore the signs and drive in other directions at times. These have been insufficient to manage the issue.
12. The infrastructure options to address the matter are:
  - a. widen Reid Road to 8.0 metres, providing minimum standard two-way width of 5.5 metres and a 2.5 metre parallel parking space. Reid Road is positioned in the north half of an 18 metre road reserve, and thus there is sufficient land space to widen the carriageway. However, the southern verge is covered in natural vegetation which adjoins the national park. This will cost an estimated minimum of \$130,00; or
  - b. convert Reid Road to a one-way road with parallel parking bays, requiring minor kerb adjustments, signage, and line marking. This will cost an estimated \$28,000.
13. Due to the southern verge being covered in natural vegetation, the option to widen the road is not recommended. The road widening is also not technically required in terms of traffic volumes or speeds.

14. In considering converting Reid Road to one-way flow, it is recommended that it becomes one way heading to the east. This allows passengers alighting from vehicles to immediately access the school side of the road without needing to cross the road. This has obvious safety benefits over having Reid Road run one-way westbound.
15. The option to convert Reid Road to a one-way road is a low-cost solution that will have minimal negative impact to traffic movements in the area. The improvements during pick up and drop off times will be:
- a. drivers will have a large number of parallel bays to stop for short or long term, and some of these can be designated 'Kiss and Ride';
  - b. all drivers will proceed eastwards, thus there will be no vehicles attempting u-turns or coming in the opposite direction; and
  - c. the traffic is expected to flow and not be congested in Arthur Road as occurs presently.
16. If Reid Road becomes one-way heading east as proposed, all traffic will need to comply with the direction at all times, with the exception of emergencies. Drivers coming from Pomeroy Road will need to drive around via Welshpool Road East to access either the School or Arthur Road. There are no traffic generators within the Arthur Road network aside from the School. During emergencies the WA Police or FESA will be able to control traffic and direct drivers to travel west.
17. The City sent letters and plans to the school and local residents to seek feedback on the proposed design. 230 letters were sent with an unknown number being made available by copy through the School. 33 responses were received, with 18 objecting and 15 supporting. The main reasons for objecting were:
- a. perceived inconvenience from not being able to travel west from Pomeroy Road and having to take Welshpool Road East;
  - b. increase traffic concerns associated with the surrounding streets and intersections; and
  - c. prefer widening of Reid Road.
18. The City does not believe the concerns are totally justified due to the low traffic volumes in the area, and the short length of road that will be affected. However, the City can undertake traffic modelling if considered necessary.
19. The City does not currently have a policy regarding part funding of work associated with parking. However, a new Traffic and Transport Policy is being prepared that will include a funding requirement relating to schools. The draft text follows:
- "The provision of parking facilities will be subject to the entity engaging in sustainable transport programs for its customers, defining parking needs, undertaking technical assessments and designs of parking facilities, community consultation, and funding agreement, to the approval and satisfaction of the City."*
20. In respect of this proposal being to resolve parking problems associated with the school, the City believes it is appropriate to request the Department of

Education to fund 50% of the cost of the works. A letter requesting 50% funding was sent to the Department on 4 December 2018 and a reply has not yet been received.

### **STATUTORY AND LEGAL CONSIDERATIONS**

21. The *Main Roads Act 1930* covers the provision of roads and the delegated authority to local government.
22. The *Road Traffic Code 2000* sets out the permissible activities for drivers.
23. The design of signs and line marking will be subject to approval by Main Roads WA.

### **POLICY CONSIDERATIONS**

24. There are no current policies that relate to this subject.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

25. Asset services.

#### **External Referrals**

26. The proposal was sent to the Lesmurdie Senior High School, letters to 229 residents, and through the school, to parents and carers.

### **FINANCIAL CONSIDERATIONS**

27. The proposal will cost an estimated \$28,000 with the Department of Education requested to fund \$14,000 (50%).

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

28. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

**Objective 3.2** - To connect community to quality amenities.

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

**SUSTAINABILITY**

**Social Implications**

- 29. The proposal will improve student safety and may improve driver behaviours around the school.

**Economic Implications**

- 30. There are no direct economic implications.

**Environmental Implications**

- 31. There are no direct environmental implications.

**RISK MANAGEMENT CONSIDERATIONS**

32.	<b>Risk:</b> That traffic infrastructure on Reid Road is not altered with students being injured as a result of driver actions in the existing road environment.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/Strategy</b>		
	The City and the Department of Education collaborate on measures such as one-way roadworks to provide safety for school users.		

**OFFICER COMMENT**

- 33. The option to change Reid Road to one-way was a solution that was apparent immediately. The neighbouring residential areas are well served for road access via Welshpool Road East and Reid Road has a very low traffic volume and no other access from it.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

- 1. ENDORSES the proposed concept for Reid Road One-Way Direction with Parallel Parking.
- 2. NOTES that the project will be listed in the City’s draft 2019/2020 capital works program.

### **10.2.3. Lewis Road Traffic Calming South of Donovan Village**

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

The Manager Asset Planning & Management gave a presentation on this item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	4.00009245; LW-041/GEN
Applicant	N/A
Owner	N/A
Attachments	1. Lewis Road Traffic Calming South of Donovan Village 4264-01-01 Rev 0 <b>[10.2.3.1]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to propose a concept design for a traffic calming treatment on Lewis Road, Forrestfield, south of Donovan Village.
2. Lewis Road experiences high operating speeds which causes concerns for visitors and residents of Donovan Village and nearby residences. Following consultation with nearby residents and Donovan Village and its residents, the City proposes to introduce a traffic calming measure in advance of the entrance to the village and to the intersection with Anderson Road.
3. The Council is requested to endorse the proposed Lewis Road Traffic Calming south of Donovan Village and for the project to be listed in the City's capital works program.

#### **BACKGROUND**

4. The City was approached by residents through Cr Lesley Boyd in February 2018, raising concerns around the speed of traffic in the vicinity of Donovan Village.
5. The City undertook a Traffic Treatments Assessment in accordance with its existing policy. Lewis Road in this vicinity received a score of 41, indicating the site is a minor technical problem site. The recommended action is "Consider low cost non-capital works solutions (e.g. signing and pavement marking, referring to WA Police for enforcement), as appropriate."
6. The south end of Lewis Road is a 70 km/hr speed zone, changing to 60 km/hr at 380 metres south west of Anderson Road. The speed limit then changes to 50 km/hr immediately north of Anderson Road (as gazetted), however the speed control sign is located further along Lewis Road. The City raised a formal request with Main Roads WA to have the 50 km/hr speed zone on Lewis Road extended to south of Anderson Road however this was not supported, citing current policy (refer details below for more explanation).

7. Further requests were received relating to Lewis Road and the adjacent streets:
  - a. a resident requesting the 50 km/hr speed zone be extended south of Donovan Village;
  - b. the Wattle Grove Resident's Association requesting a reduction in speed zones along the length of Lewis Road (and also Welshpool Road East);
  - c. a resident requesting traffic calming of vehicles in Jubilee Road; and
  - d. a resident requesting traffic calming of vehicles entering Hartfield Road (north) from Lewis Road.

## **DETAILS**

8. Lewis Road, Forrestfield, is a local distributor road. As noted previously, it has 70, 60 and 50 km/hr speed zones along its length. Traffic count data taken during the week ending 26/02/2018 shows 4,130 vehicles per day, operating speed (85<sup>th</sup> percentile) 67.7 km/hr in the 60 km/hr zone, at 98 metres north of Jubilee Road. As noted previously, the Traffic Treatments Assessment resulted in a score of 41, denoting a minor technical problem site.
9. The sealed road width is 7.4 metres, in a road reserve of 20 metres with a path on the northern verge. A bus shelter is located on the south side, immediately south of Donovan Village. There is adequate space in the road reserve for a range of infrastructure treatments.
10. The operating speed on Lewis Road 98 metres south of Jubilee Road is 67.7 km/hr. The operating speed is also known as the 85<sup>th</sup> percentile speed, being the speed at which 85% of vehicles travel at or below during the measured period. Typical of roads in Kalamunda, the value is higher than the speed limit, however not high enough to warrant notifying the WA Police for enforcement.
11. With regards to speed zones, Main Roads WA's current policy is that speed limit reductions are not supported unless the operating speeds of traffic can be reduced through traffic calming devices. Thus, the City needs to reduce the operating speeds of traffic, and demonstrate this through traffic calming measurements, before it can request a reduction in speed zone.
12. Donovan Village is a retirement village with entries and exits on Lewis Road both north and south of the intersection with Anderson Road. Visitors commonly park along the verge of the property, opposite the intersection with Anderson Road.
13. In considering options, following the failed request to Main Roads WA to improve the speed zone signage, the City considered:
  - a. a traffic calming treatment in Lewis Road south of Donovan Village; and
  - b. a traffic calming treatment at the intersection of Lewis Road and Anderson Road.

14. A traffic calming treatment at the intersection of Lewis Road and Anderson Road was not considered cost effective. Drivers will typically slow down approaching an intersection and the treatment would likely have no effect further south on Lewis Road. Further, there have been only three crashes at this intersection in the period 2013 to 2017 (as at the time of writing this report the City wide data for 2018 has not been released).
15. A traffic calming treatment in Lewis Road south of Donovan Village will have the effect of slowing traffic immediately south of Donovan Village and thus enable the City to plan to extend the 50 km/h speed zone to the south. The proposed treatment is shown in Attachment 1. This has been estimated to cost \$37,000.
16. The City sent letters and plans to Donovan Village and 21 local residents to seek feedback on the proposed design. Nine responses were received, with two objecting and seven supporting. The most common comments were to request that the 50 km/hr zone be extended with more signs.
17. Subject to endorsement and budget, following the installation of the traffic treatment, the City will monitor traffic data on a six monthly basis until a sufficient reduction in operating speed is achieved. At this time the City will request an extension of the 50 km/hr speed zone.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

18. The *Main Roads Act 1930* covers the provision of roads and the delegated authority to local government.
19. Main Roads WA is the sole authority for the provision of speed zones in Western Australia.

#### **POLICY CONSIDERATIONS**

20. The assessment was conducted in accordance with the Traffic Treatments Assessment Policy.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

##### **Internal Referrals**

21. Asset services.

##### **External Referrals**

22. The proposal was sent to 21 residents, Donovan Village and through the village to their residents.

**FINANCIAL CONSIDERATIONS**

23. The proposal will cost an estimated \$37,000 funded from municipal funds.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

24. *Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 1: Kalamunda Cares and Interacts**

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

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

**Priority 3: Kalamunda Develops**

**Objective 3.2** - To connect community to quality amenities.

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

**SUSTAINABILITY**

**Social Implications**

25. The proposal will improve road safety by the reduction of operating speeds of traffic.

**Economic Implications**

26. There are no direct economic implications.

**Environmental Implications**

27. There are no direct environmental implications.

**RISK MANAGEMENT CONSIDERATIONS**

28.

<b>Risk:</b> That the City is subject to increasing community comment regarding the lack of attention to a road safety matter		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
The City determines and implements improvements to road safety in this area.		

**OFFICER COMMENT**

29. Although the Traffic Treatments Assessment of Lewis Road in this location did not identify the need for an infrastructure solution, it is recognised that the nature of Lewis Road, being a long straight road, leads to speeding, thus a low cost infrastructure solution is considered appropriate.

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

That Council:

1. ENDORSES the proposed concept for Lewis Road Traffic Calming South of Donovan Village detailed in Attachment 1.
2. NOTES the project will be listed in the City of Kalamunda's draft capital works program for funding in 2019/2020.

### 10.3. Corporate Services Reports

#### 10.3.1. Proposed Dedication of Land Required for Roe Highway/Kalamunda Road Interchange Project

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

The Director Community Development gave a presentation on this item.

Previous Items	OCM 249/2018
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	4.00009260
Applicant	Main Roads Western Australia ABN: 50 860 676 021
Owner	City of Kalamunda, State of Western Australia, C & M.N. Vlahos, G & P Vlahos, Activ Foundation Inc.
Attachments	1. Letter from Main Roads Western Australia dated 30 October 2018 [ <b>10.3.1.1</b> ] 2. Roe Highway Kalamunda Road Interchange Project Summary of Submissions Table [ <b>10.3.1.2</b> ]

#### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the dedication as road reserve of:
  1. Portion of Lot 726 (15) Edney Road, High Wycombe;
  2. Portion of Lot 13 (431) Kalamunda Road, High Wycombe;
  3. Portion of Lot 3 (96) Maida Vale Road, Maida Vale;
  4. Portion of Reserve 41480;
  5. Portion of Lot 800 (350) Kalamunda Road, Maida Vale (Lot 800); and
  6. Portion of Reserve 32560.

(together the Road Land).
2. The proposed dedications are required to facilitate the Roe Highway/Kalamunda Road Interchange Project.
3. It is recommended that Council support the proposed dedication of land as road reserve (excluding the dedication of portion of Lot 800), subject to conditions.
4. It is further recommended that Council support the creation of a Crown Reserve, comprised of the relevant portion of Lot 800, for the purpose of 'Road' with a Management Order in favour of Main Roads Western Australia, subject to conditions.

## BACKGROUND

### 5. Locality Plan



6. On 18 December 2018, Council resolved as follows (OCM 249/2018):

*That Council:*

1. *AGREES to transfer to Main Roads Western Australia that portion of Lot 726 (15) Edney Road, High Wycombe shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1360-210 (Attachment 1) for nil consideration, subject to the following conditions:*
  - a. *Main Roads Western Australia to pay for all costs of and incidental to the land transfer, including but not limited to survey and legal documentation costs;*
  - b. *Main Roads Western Australia to arrange and pay for the demolition of the existing building on Lot 726 (15) Edney Road, High Wycombe; and*
  - c. *Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable species and*

*planted at a suitable location, as determined by the City of Kalamunda.*

2. *AGREES to transfer to Main Roads Western Australia that portion of Lot 3 (96) Maida Vale Road, Maida Vale shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1860-190 (Attachment 1) for nil consideration, subject to the following conditions:*
  - a. *Main Roads Western Australia to pay for all costs of and incidental to the land transfer, including but not limited to survey and legal documentation costs; and*
  - b. *Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable species and planted at a suitable location, as determined by the City of Kalamunda.*
  
3. *AGREES to provide Main Roads Western Australia with early access to:*
  - a. *that portion of Lot 726 (15) Edney Road, High Wycombe shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1360-210 (Attachment 1); and*
  - b. *that portion of Lot 3 (96) Maida Vale Road, Maida Vale shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1860-190 (Attachment 1),*

*subject to the conditions set out in the Revised Letter of Consent for Access (Attachment 3).*

## **DETAILS**

7. By way of a letter dated 30 October 2018, Main Roads Western Australia (MRWA) requested the City of Kalamunda (City) to dedicate as road reserve the Road Land (Attachment 1).

## **STATUTORY AND LEGAL CONSIDERATIONS**

8. MRWA has requested that the Road Land be dedicated as road reserve pursuant to section 56 of the *Land Administration Act 1997* (WA).
9. Section 56(1)-(2) 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; or*

(b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*

(i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*

(ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

*or*

(c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

*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.*

(2) *If a local government resolves to make a request under subsection (1), it must —*

(a) *in accordance with the regulations prepare and deliver the request to the Minister; and*

(b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

## **POLICY CONSIDERATIONS**

10. 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."
11. The Policy states that "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."
12. A review of the land proposed to be dedicated indicates that it is required to facilitate the Roe Highway/Kalamunda Road intersection upgrade, except the portion of Lot 800 proposed to be dedicated which is solely required to provide access to the remainder of Lot 800.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

#### ***Portion of Lot 726 (15) Edney Road, High Wycombe***

13. This parcel of land is owned by the City of Kalamunda in freehold.
14. The proposal to transfer a portion of Lot 726 (15) Edney Road, High Wycombe (Lot 726) to MRWA, and dedicate that portion of land as road reserve, has been assessed by the City from an asset management perspective. It is noted that the proposed boundary for Lot 726 cuts through the corner of the existing building on the lot. The realignment of the noise wall along the new boundary will necessitate the demolition of the building. The building is vacant and no longer required. The building condition has been assessed by the City as poor. The City has earmarked the building for demolition to allow for the future development of Lot 726. The demolition of the building was initially included in the CAPEX budget for 2016/2017. The City later decided not to proceed with the demolition of the building on the basis that the cost could be borne by a prospective buyer/developer. MRWA has agreed to arrange and pay for the demolition of the building. There are no other infrastructure assets affected.
15. A row of small trees and bushes on the boundary will be included in the dedicated land. These trees are unlikely to provide sustainable habitat due to their proximity to the highway. Any trees or vegetation removed should be offset at a ratio of 2:1 (2 new trees/plants planted for every tree/plant removed) at a suitable location. Suitable locations include the significant regional corridor located at Poison Gully to the south or the local corridor at the northern side of Kalamunda Road.

#### ***Portion of Lot 13 (431) Kalamunda Road, High Wycombe***

16. This lot is owned by C & M.N. Vlahos (1/2 share) and G & P Vlahos (1/2 share). MRWA is currently negotiating with the owners to purchase the relevant portion of this lot.
17. No infrastructure assets are affected. Four trees are potentially affected by the works; however, the trees are in private property. MRWA should make efforts to protect trees from damage and ensure protection of fauna habitats where present.

#### ***Portion of Lot 3 (96) Maida Vale Road, Maida Vale***

18. This parcel of land is owned by the City of Kalamunda in freehold.
19. The land is not identified in the City's Public Open Space Strategy 2018 (POS Strategy 2018), as it is under a power easement. Any public open space that is restricted by a power easement is not included in public open space calculations.
20. There are no infrastructure assets affected.

21. The land is an unreticulated grassed area under transmission lines, however does serve as a wildlife corridor.
22. Most of the trees are in the adjacent Roe Highway road reserve to the west. Many of these will be impacted by the works.
23. There is a local wildlife corridor on the opposite side of Kalamunda Road. Any vegetation removed from the southern side should be replaced with suitable species on the northern side (including the golf course). The significant regional corridor located at Poison Gully to the south could also serve as a location for vegetation offsets.

***Portion of Reserve 41480***

24. Reserve 41480 is owned by the State of Western Australia and managed by the City of Kalamunda.
25. This parcel of land is identified in the POS Strategy 2018 as a Local Park. In the POS Strategy, the land was assessed for its level of infrastructure and maintenance standard, functionality, usability, environmental value and accessibility, and was given a "C" Rating (the highest rating being "A" and the lowest being "D").
26. The loss of area to the road reserve and the expansion of the drainage basin will further worsen the condition of the reserve. There is a shortage of functional public open space in Maida Vale. An offset is required, by contribution towards the improvement of Davies Park or enhancement of the adjacent land to the south of Kalamunda Road Reserve.
27. The portion of land proposed for dedication includes approximately 20 trees, commemorative plaques, two side entry pits for drainage with pipes, a bus stop and path.
28. The resulting works will need to provide:
  1. replacement path, drainage and bus stop infrastructure; and
  2. offsets for removed trees at a ratio of 2:1 (two new trees minimum 200-litre size of appropriate species and location, per tree removed).
29. Suitable locations for vegetation offsets are the local wildlife corridor on the northern side of Kalamunda Road and the significant regional corridor located at Poison Gully to the South.
30. The City will arrange to remove and relocate the commemorative plaques.

***Portion of Lot 800 (350) Kalamunda Road, Maida Vale***

31. This parcel of land is Crown Grant in Trust land owned by the Activ Foundation Inc. MRWA is currently negotiating with the owner to purchase the relevant portion of this lot.

32. The portion of land proposed for dedication has no public infrastructure, however, the resulting works will impact at least two side entry pits for drainage with pipes, a bus stop and path. In the verge, there are above ground power lines above a mixture of small bushes and trees. The resulting works will need to provide replacement path, drainage and bus stop infrastructure.
33. The area proposed to be dedicated is within a local wildlife corridor. MRWA should make efforts to protect trees from damage and ensure protection of fauna habitats where present. Any trees removed or not protected under *Australian Standard 4970-2009: Protection of Trees on Development Sites* should be replaced with suitable species at a suitable location to assist movement of wildlife.
34. The proposed dedication has been assessed from an asset management perspective. It is recommended that the City does not support dedication of portion of Lot 800 as road reserve, as the purpose of the proposed road is exclusively to provide access to the remainder of Lot 800; it does not serve a public purpose.

#### ***Portion of Reserve 32560***

35. Reserve 32560 is owned by the State of Western Australia and managed by the Water Corporation.
36. There is no impact to City infrastructure or vegetation.
37. The City has undertaken an environmental assessment of the portion of land proposed to be dedicated and determined that potentially nine trees are impacted directly within this area. The trees mapped are within a local wildlife corridor. MRWA should make efforts to protect and enhance wildlife corridors through this lot. Any vegetation removed from within this area should be replaced with suitable species at a suitable location to assist movement of wildlife.

#### **External Referrals**

38. The proposal was advertised in the Echo Newspaper on 20 December 2018. Comments closed on 21 January 2019.
39. The proposal was also referred to the service authorities for comment.
40. The submissions received by the City are summarised in the Summary of Submissions Table (Attachment 2).

#### **FINANCIAL CONSIDERATIONS**

41. The estimated costs of the land transfer (OCM 249/2018) and the proposed dedications the subject of this Council Report is \$25,000. MRWA has agreed to pay these costs.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

42. *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.

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

## SUSTAINABILITY

### Social Implications

43. The proposed dedications are required to facilitate the upgrade to the Roe Highway and Kalamunda Road intersection. The upgrade will reduce congestion for all road users on Roe Highway and Kalamunda Road, improve safety and journey times in Perth's eastern suburbs, enhance freight efficiency by allowing more efficient, reliable movement, and improve safety for pedestrians and cyclists.

### Economic Implications

44. The proposal will not impact on the economic lives of residents.

### Environmental Implications

45. MRWA should make efforts to protect trees and fauna habitats from damage. Any vegetation removed should be replaced at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). Replacement vegetation should be of a suitable size and species and planted at a suitable location.

## RISK MANAGEMENT CONSIDERATIONS

46.	<b>Risk:</b> The proposal does not proceed resulting in delays to the Roe Highway/Kalamunda Road Interchange Project.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Major	High
	<b>Action/Strategy</b>		
The City to support the proposal (excluding the dedication of portion of Lot 800), since the Roe Highway/Kalamunda Road Interchange Project will provide a safer intersection and improve journey times for all road users.			

47.

**Risk:** The City becomes responsible for the care and control of the access road to Lot 800 (350) Kalamunda Road, Maida Vale.

**Likelihood**

Possible

**Consequence**

Significant

**Rating**

High

**Action/Strategy**

The City should not support the dedication of the relevant portion of Lot 800. Alternatively, the City to consent to the creation of a Crown Reserve comprised of the relevant portion of Lot 800 for the purpose of 'Road' with a Management Order to MRWA.

**OFFICER COMMENT*****Portion of Lot 800 (350) Kalamunda Road, Maida Vale***

48. The proposed dedication of portion of Lot 800 has been assessed from an asset management perspective.
49. The proposed road does not provide any benefit to the public; its purpose is to provide access to one landowner (the owner of Lot 800). If the City were to support the dedication of portion of Lot 800, the road would be a local road and the City would automatically become responsible for the care and control of the road. Therefore, it is recommended that the City does not support the proposed dedication of portion of Lot 800 as road reserve.
50. Alternatively, the Department of Planning, Lands & Heritage could create a Crown Reserve, comprised of the relevant portion of Lot 800, for the purpose of 'Road' with a Management Order in favour of MRWA. This would allow the creation of the proposed access road, as required by MRWA for the purposes of the Roe Highway/Kalamunda Road Interchange Project, whilst also ensuring that the care and control of the road vests in MRWA.

***Roe Highway/Kalamunda Road Interchange Project***

51. The proposal is required to facilitate the Roe Highway/Kalamunda Road Interchange Project.
52. The intersection of Roe Highway and Kalamunda Road is one of the last remaining signalised intersections on Roe Highway.
53. It is heavily congested, leading to a higher than average number of crashes and reduced efficiency of Roe Highway as a strategic freight route.
54. Almost 60,000 vehicles pass through this intersection each day, and up to 14 per cent of these are heavy vehicles.
55. This intersection has a poor safety record with 204 recorded crashes in the five-year period ending December 2016. Crashes are characterised by a relatively high number of casualties.

56. MRWA advises that, once complete, this project will:
1. reduce congestion for all road users on Roe Highway and Kalamunda Road;
  2. improve road safety and journey times in Perth's eastern suburbs;
  3. enhance freight efficiency by allowing more efficient, reliable movement; and
  4. improve safety for pedestrians and cyclists.
57. In order to facilitate the Roe Highway/Kalamunda Road Interchange Project, it is recommended that Council support the proposed dedication of land as road reserve (excluding the dedication of portion of Lot 800), subject to conditions.
58. It is further recommended that Council resolve to create a Crown Reserve, comprised of the relevant portion of Lot 800, for the purpose of 'Road' with a Management Order in favour of Main Roads Western Australia, subject to conditions.

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

That Council:

1. REQUESTS the Minister for Lands to dedicate that portion of Lot 726 (15) Edney Road, High Wycombe shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1360-210 (Attachment 1), pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to the following conditions:
  - a) Main Roads Western Australia to pay all costs of and incidental to the proposal, including, but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
  - b) Main Roads Western Australia to arrange and pay for the demolition of the existing building on Lot 726 (15) Edney Road, High Wycombe;
  - c) Main Roads Western Australia must make efforts to protect trees from damage pursuant to *Australian Standard 4970-2009: Protection of Trees on Development Sites* and ensure protection of fauna habitats where present. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable size and species and planted at a suitable location, as determined by the City of Kalamunda; and
  - d) the proposed dedication to only proceed if and when Main Roads Western Australia becomes the registered proprietor of the portion of Lot 726 (15) Edney Road, High Wycombe shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1360-210 (Attachment 1).

2. REQUESTS the Minister for Lands to dedicate that portion of Lot 13 (431) Kalamunda Road, High Wycombe shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1760-174 (Attachment 1), pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to the following conditions:
- a) Main Roads Western Australia to pay all costs of and incidental to the proposal, including, but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
  - b) Main Roads Western Australia must make efforts to protect trees from damage pursuant to *Australian Standard 4970-2009: Protection of Trees on Development Sites* and ensure protection of fauna habitats where present. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable size and species and planted at a suitable location, as determined by the City of Kalamunda; and
  - c) the proposed dedication to only proceed if and when Main Roads Western Australia becomes the registered proprietor of the portion of Lot 13 (431) Kalamunda Road, High Wycombe shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1760-174 (Attachment 1).
3. REQUESTS the Minister for Lands to dedicate that portion of Lot 3 (96) Maida Vale Road, Maida Vale shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1860-190 (Attachment 1), pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to the following conditions:
- a) Main Roads Western Australia to pay all costs of and incidental to the proposal, including, but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
  - b) Main Roads Western Australia must make efforts to protect trees from damage pursuant to *Australian Standard 4970-2009: Protection of Trees on Development Sites* and ensure protection of fauna habitats where present. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable size and species and planted at a suitable location, as determined by the City of Kalamunda; and
  - c) the proposed dedication to only proceed if and when Main Roads Western Australia becomes the registered proprietor of the portion of Lot 3 (96) Maida Vale Road, Maida Vale shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1860-190 (Attachment 1).

4. REQUESTS the Minister for Lands to excise and dedicate that portion of Reserve 41480 shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1860-191 (Attachment 1), pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to the following conditions:
- a) Main Roads Western Australia to pay all costs of and incidental to the proposal, including, but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
  - b) Main Roads Western Australia must make efforts to protect trees from damage pursuant to *Australian Standard 4970-2009: Protection of Trees on Development Sites* and ensure protection of fauna habitats where present. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable size and species and planted at a suitable location, as determined by the City of Kalamunda; and
  - c) the resulting works will need to provide for replacement path, drainage and bus stop infrastructure.
5. REQUESTS the Minister for Lands to create a Crown Reserve comprised of the portion of Lot 800 (350) Kalamunda Road, Maida Vale shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1860-197 (Attachment 1), subject to the following conditions:
- a) the proposed Crown Reserve to be for the purpose of 'Road' with a Management Order in favour of Main Roads Western Australia;
  - b) Main Roads Western Australia to pay all costs of and incidental to the proposal, including, but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
  - c) Main Roads Western Australia must make efforts to protect trees from damage pursuant to *Australian Standard 4970-2009: Protection of Trees on Development Sites* and ensure protection of fauna habitats where present. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable size and species and planted at a suitable location, as determined by the City of Kalamunda;
  - d) the resulting works will need to provide for replacement path, drainage and bus stop infrastructure; and
  - e) the creation of the Crown Reserve to only occur if and when Main Roads Western Australia becomes the registered proprietor of the portion of Lot 800 (350) Kalamunda Road, Maida Vale shown delineated and marked as

"Land Required for Road Purposes" on Drawing Number 1860-197 (Attachment 1).

6. REQUESTS the Minister for Lands to excise and dedicate that portion of Reserve 32560 shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1860-205 (Attachment 1), pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to the following conditions:
  - a) Main Roads Western Australia to pay all costs of and incidental to the proposal, including, but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
  - b) Main Roads Western Australia must make efforts to protect trees from damage pursuant to Australian Standard 4970-2009: Protection of Trees on Development Sites and ensure protection of fauna habitats where present. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable size and species and planted at a suitable location, as determined by the City of Kalamunda; and
  - c) the proposed excision and dedication is subject to the management body for Reserve 32560 consenting to the proposal.
7. UNDERTAKES to comply with section 56(2) of the *Land Administration Act 1997* (WA).
8. NOTES that Main Roads Western Australia indemnifies the City of Kalamunda and the Minister for Lands against any claims that may arise as a result of the proposed dedications, pursuant to section 56(4) of the *Land Administration Act 1997* (WA) (Attachment 1).
9. CONSENTS to Main Roads Western Australia and its contractors entering onto that portion of Reserve 41480 shown delineated and marked as "Land Required for Road Purposes" on Drawing Number 1860-191 (Attachment 1) prior to the proposed excision and dedication to carry out any construction works, subject to the following conditions:
  - a) the City of Kalamunda's consent is conditional on Main Roads Western Australia obtaining the prior written consent of the Minister for Lands to enter onto the land;
  - b) entry by Main Roads Western Australia and/or its appointed contractors onto the land is permitted from the date of this resolution or the date that the Minister for Lands provides consent, whichever is the later;
  - c) Main Roads Western Australia to pay all costs of and incidental to any construction works carried out on the land;

- d) Main Roads Western Australia indemnifies the City of Kalamunda and the Minister for Lands from any liability as a result of Main Roads Western Australia's and/or its appointed contractors' actions on the land;
- e) Main Roads Western Australia to pay all costs of and incidental to the proposed excision and dedication, including, but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement; and
- f) Main Roads Western Australia must make efforts to protect trees from damage pursuant to Australian Standard 4970-2009: Protection of Trees on Development Sites and ensure protection of fauna habitats where present. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable size and species and planted at a suitable location, as determined by the City of Kalamunda.

### **10.3.2. 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.*

Ms Liz Bushby, Town Planning Innovations, provided a public statement in relation to this report. Ms Bushby is in support of the recommendation.

The Director Corporate Services gave a presentation on this 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"><li>1. July 1999 Council Report <b>[10.3.2.1]</b></li><li>2. Deposited Plan 220608 <b>[10.3.2.2]</b></li><li>3. Town Planning Innovations Letter Dated 5 September 2018 <b>[10.3.2.3]</b></li><li>4. Quicke Road Summary of Submissions Table <b>[10.3.2.4]</b></li></ol>

#### **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:
  1. Lot 619 (No. 50) Asher Road, Paulls Valley (Lot 619);
  2. Lot 1722 (No. 52) Asher Road, Paulls Valley (Lot 1722); and
  3. Lot 982 (No. 54) Asher Road, Paulls Valley (Lot 982).
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 Lot 619, Lot 1722 and Lot 982; 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 Lot 619, Lot 1722 and Lot 982; 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:
  1. the owners of Lot 619, Lot 1722 and Lot 982 are jointly and severally responsible for all costs of and incidental to the proposal; and
  2. the Applicant and owners of Lot 619, Lot 1722 and Lot 982 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.

### **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 anticipated costs of the proposal are as follows:
- a) Department of Planning, Lands & Heritage document preparation fees; and
  - b) Landgate fees.
27. The DPLH has advised a new survey will not be required.
28. The proposal benefits the owner of Lot 619, Lot 1722 and Lot 982, since it provides them with legal 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 Lot 619, Lot 1722 and Lot 982, 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.
- | <b>Likelihood</b> | <b>Consequence</b> | <b>Rating</b> |
|-------------------|--------------------|---------------|
| Possible          | Moderate           | Medium        |
- Action/Strategy**  
Demonstrate that if the proposal does not proceed, Lot 619 will not have legal access.
34. **Risk:** The landowner does not have the resources to fund the dedication process.
- | <b>Likelihood</b> | <b>Consequence</b> | <b>Rating</b> |
|-------------------|--------------------|---------------|
| 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.
- | <b>Likelihood</b> | <b>Consequence</b> | <b>Rating</b> |
|-------------------|--------------------|---------------|
| Possible          | Significant        | High          |
- Action/Strategy**  
The City will reject the request referring to this Council resolution.
36. **Risk:** A future landowner requests the City to provide Lot 1722 or Lot 982 with road access.
- | <b>Likelihood</b> | <b>Consequence</b> | <b>Rating</b> |
|-------------------|--------------------|---------------|
| Possible          | Moderate           | Medium        |
- Action/Strategy**  
The City will consider the request at the time it is lodged.

**OFFICER COMMENT**

37. The previous Council Resolution (PS 78/99) required unconstructed Road Number 1839 to be closed and a new road (following the alignment of the existing gravel track providing road access to Lot 619) to be dedicated.
38. The closure of Road Number 1839 was completed.
39. The gravel track was excised from State Forest but was never dedicated. The dedication process stalled due to native title issues.

40. It would not be fair to the owner of Lot 619, Lot 1722 and Lot 982, if the request for the dedication of Lot 4378 is rejected.
41. Road Number 1839, being the closest road reserve to Lot 619, Lot 1722 and Lot 982, was closed on the basis that Lot 4378 would be dedicated.
42. If Council does not support the dedication of Lot 4378, the landowner would be left in the unfair position of its closest road access having been closed without new access being provided.
43. It is recommended Council support the dedication of Lot 4378, subject to conditions.
44. It is noted that only Lot 619 will have access to the proposed road. The rear lots, Lot 1722 and Lot 982, will remain landlocked. This is not currently an issue since all three lots are in the same ownership. However, it will become an issue once one of the lots is sold, if nothing is done prior to the sale to provide the rear lots with access to Quicke Road.
45. It is not considered reasonable to put a condition on the City's support for the dedication, which requires the Applicant and landowner to provide access to the rear lots by way of the grant of an access easement on the sale of one of the lots or the provision of battle-axe legs to the rear lots. There is not considered to be a sufficient nexus between the requirement for the dedication of Lot 4378 and the access requirement, since the rear lots are already landlocked, and the dedication of Lot 4378 only improves the situation.
46. It is noted that the Applicant/landowner has lodged a subdivision application in respect of Lot 619, Lot 1722 and Lot 982. The proposal is to reconfigure the lots and provide a battle-axe leg to the rear lot so that all lots have access to the proposed road.
47. The subdivision application was deemed to have been refused as the Western Australian Planning Commission did not issue a decision within the prescribed time. The deemed refusal is currently being reviewed in the State Administrative Tribunal. There is no guarantee that the subdivision application will be approved and, if approved, that the subdivision will occur. However, if the subdivision does occur, the issue of the rear lots being landlocked will be resolved.
48. It is recommended that Council not impose a condition requiring Lot 1722 and Lot 982 to be provided with access to the proposed road.

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

That Council:

1. REQUESTS the Minister for Lands to dedicate as road reserve Lot 4378 on Deposited Plan 220608, being Quicke Road, Pauls 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 are jointly and severally responsible for all costs of and incidental to the proposal; and
  - b. the Applicant and the owners of Lot 619 (No. 50), Lot 1722 (No. 52) and Lot 982 (No. 54) Asher Road, Paulls Valley 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.
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.

**11. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 9.20pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2019.