

# Public Agenda Briefing Forum

Minutes for 13 August 2019

## UNCONFIRMED



**city of  
kalamunda**

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**1. Official Opening**

The Presiding Member, Cr Geoff Stallard, 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 (Presiding Member)

**South West Ward**

Lesley Boyd

Allan Morton

Brooke O'Donnell

**North West Ward**

Dylan O'Connor

**North Ward**

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

**Management Team**

Andrew Fowler Tutt - Manager Approval Services

Doug Bartlett - Manager Asset Planning & Management

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant

**Members of the Public 18**

**Members of the Press Nil.**

**Apologies**

Cameron Blair

Kathy Ritchie

Margaret Thomas

David Almond

Sara Lohmeyer

**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 Impartiality Interest on Item 10.1.3 Wattle Grove Concept Planning and Community Engagement - Appointment of Consultant as he has family living in that area of Wattle Grove South.

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

4.1 Nil.

### **5. Public Question Time**

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

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

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

5.1 Nil.

### **6. Public Statement Time**

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

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

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

6.1 Nil.



**7. Public Submissions Received in Writing**

7.1 Nil.

**8. Petitions Received**

8.1 Nil.

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

9.1 Item 10.1.1. Forrestfield / High Wycombe Industrial Area Stage 1 Design Guidelines - Consideration of Submissions for Final Adoption – CONFIDENTIAL ATTACHMENT – Submitters list. Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

9.2 Item 10.1.2 Wattle Grove Cell 9 - Development Contributions Plan Annual Review: Consideration of Submissions for Final Adoption – CONFIDENTIAL ATTACHMENT - Submitters List. Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

9.3 Item 10.1.3 Wattle Grove South Concept Planning and Community Engagement - Appointment of Consultant – CONFIDENTIAL ATTACHMENTS 10.1.3.1 TO 10.1.3.6 - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

## **10. Reports to Council**

### **10.1. Development Services Reports**

#### **10.1.1. Forrestfield / High Wycombe Industrial Area Stage 1 Design Guidelines - Consideration of Submissions for Final Adoption**

The Director Development Services provided a presentation on this Item.

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

Previous Items	OCM 105/2012, OCM 80/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-028
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. Forrestfield High Wycombe Stage 1 Industrial Area Design Guidelines 2019 [ <b>10.1.1.1</b> - 29 pages]
	2. Submission Table [ <b>10.1.1.2</b> - 1 page]
	3. Forrestfield High Wycombe Stage 1 Industrial Area Design Guidelines 2012 [ <b>10.1.1.3</b> - 29 pages]
	4. Forrestfield High Wycombe Stage 1 Industrial Area Draft Design Guidelines 2019 - Advertised [ <b>10.1.1.4</b> - 29 pages]
	5. Forrestfield High Wycombe Stage 1 Industrial Area Structure Plan Map [ <b>10.1.1.5</b> - 1 page]

### **EXECUTIVE SUMMARY**

1. The Forrestfield / High Wycombe Industrial Area Stage 1: Design Guidelines (Design Guidelines) (Attachment 1) provide guidance to the City of Kalamunda for the assessment of development within the Forrestfield / High Wycombe Industrial Area.
2. The Design Guidelines have been reviewed to incorporate the relevant changes to the adopted Forrestfield / High Wycombe Industrial Area Structure Plan as modified and to provide a contemporary policy which aligns with the City's current planning framework.
3. The Design Guidelines were advertised from 3 May 2019 to 10 June 2019. One submission was received during this period (see Attachment 2).
4. It is recommended that Council adopt the Forrestfield / High Wycombe Industrial Area Design Guidelines.

## BACKGROUND

### 5. Land Details:

Land Area:	Approx. 69ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban

### 6. Locality Plan:



7. The Forrestfield / High Wycombe Industrial Area is partially located in Forrestfield and High Wycombe and is bounded by Roe Highway, Berkshire Road, Milner Road and Sultana Road West.
8. The Design Guidelines were originally endorsed at the Special Council Meeting held on 27 August 2012 subject to modifications. Those modifications were incorporated into the final Design Guidelines (Attachment 3).
9. The Design Guidelines were prepared to provide guidance for the assessment of development within the Forrestfield / High Wycombe Industrial Area. The Structure Plan for the Forrestfield / High Wycombe Industrial Area (Stage 1) was approved by the Western Australian Planning Commission (WAPC) in 2013.

10. The Design Guideline area originally incorporated land to the north, known as Stages 2 and 3. This area is now commonly referred to as Forrestfield North (Residential Precinct and Transit Oriented Development Precinct). Since the announcement by the State Government in 2014 to deliver a train station in the area, the planning direction for 'Stages 2 and 3' changed to a residential outcome. Due to this change, the review of the Design Guidelines removes this area.
11. On 25 September 2017 Council adopted modifications to the Forrestfield / High Wycombe Industrial Area Structure Plan (Attachment 4).
12. On 4 April 2018, the WAPC requested the City to modify the Structure Plan.
13. The Structure Plan Modifications are summarised below:
  1. reducing the minimum lot sizes for Lots 3-6 Ashby Close, Lots 50-52 Sultana Road West and Lot 547 Berkshire Road from 1 hectare to 3000m<sup>2</sup>;
  2. revised road and movement network plans; and
  3. introducing additional development standards to support composite residential/land uses on Lot 50 Sultana Road West, this was originally requested to be removed by the WAPC, however was later accepted.
14. The Design Guidelines were adopted for the purpose of public advertising on 30 April 2019 and were advertised between 3 May 2019 and 10 June 2019.

## **DETAILS**

15. The Design Guidelines contains principles, guidelines and some mandatory requirements relating to:
  - a) land use;
  - b) site development;
  - c) built form (including signage);
  - d) environmental management;
  - e) landscaping; and
  - f) site amenity.
16. The objectives of the Design Guidelines are to:
  - a) facilitate a pleasant working environment, attractive streetscapes, and contribute to the protection of value in business investment within the area;
  - b) encourage attractive developments that are well designed, with functional and efficient buildings and site layouts;
  - c) encourage industries that are environmentally compatible with surrounding zones and activities;
  - d) encourage the development of high quality, attractive and sustainable landscaped areas and streetscapes;
  - e) encourage greater sustainability through energy and water-efficient building design and site development.
  - f) encourage water conservation through sustainable stormwater management, water-wise landscaping and water efficient reticulation in accordance with the Water Sensitive Urban Design principles.

- g) minimise the impact of new industrial development on the environment and amenity of neighbouring residential properties;
  - h) minimise the impact of new industrial development on identified sensitive areas such as native bushland and waterways;
  - i) minimise unsightly and poorly planned and maintained developments;
  - j) encourage the value of existing and future business investment by insisting upon quality development throughout the Policy Area; and
  - k) encourage improved residential/light industrial interface for Lot 50 Sultana Road West.
- 17. The Design Guidelines are required to be modified to incorporate the additional development standards to support the composite uses on Lot 50 Sultana Road West.
- 18. The required modifications also provide an opportunity to review the Design Guidelines in their entirety to improve the effectiveness during the assessment of development, and to provide a contemporary planning policy that aligns with the City's current planning framework.
- 19. The modifications incorporated, that introduce additional development standards to support composite residential/land uses on Lot 50 Sultana Road West, are as follows -
  - a) Vehicle access for Lot 50 Sultana Road West shall be permitted via Sultana Road West for residential purposes only, all other land uses shall be from the Nardine Close extension (Road 2A) unless otherwise approved by Council.
  - b) Any fencing forward of the street setback line at Lot 50 Sultana Road West shall be a maximum height of 1.8m above natural ground level and materials shall be consistent with P-DEV 57 Street Fencing and Walls Residential Zoned Land Policy requirements and Table 2 to the satisfaction of the City of Kalamunda.
  - c) Any buildings within 30m of the front boundary for Lot 50 Sultana Road West shall be commensurate with a residential scale. The maximum wall height in this area shall be 6m and the façade shall incorporate glazing and clearly definable entry points to the satisfaction of the City of Kalamunda.
- 20. Additional modifications of the Design Guidelines as a result of a review of the document are as follows -
  - a) Administrative typographical edits, such as changing Shire to City.
  - b) Aligning Vision/Statement of Intent with approved Structure Plan.
  - c) Design Guidelines area amended to only include Stage 1 (bounded by Roe Highway, Berkshire Road, Milner Road and Sultana Road West). Mapping amended to reflect boundary change.
  - d) Zoning map amended to only include Stage 1 and provide up to date zoning.
  - e) Updated terminology to be consistent throughout the document.
  - f) Removed unnecessary information where the Local Planning Scheme is duplicated.

- g) Requirements for trees in car parking areas amended from one shade tree every six bays to one shade tree every four bays to align with the City's Landscaping Information Sheet.
  - h) The number of access points to a site shall be limited to one access point per 40m lot frontage.
21. During the public advertising period one (1) submission was received. The submission expressed support for the Design Guidelines and general comments.
22. The Design Guidelines will be allocated a Local Planning Policy number post adoption.

## **STATUTORY AND LEGAL CONSIDERATIONS**

23. The Design Guidelines have been prepared in accordance with Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (WA) (Regulations).

## **POLICY CONSIDERATIONS**

24. The Design Guidelines are a Local Planning Policy prepared and adopted pursuant to Part 2 of the Scheme.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

25. The various elements of the Design Guidelines were assessed by the City from the perspective of relevant development-oriented disciplines.

### **External Referrals**

26. The Design Guidelines were sent to landowners within the Forrestfield / High Wycombe Industrial Area for comment.
27. The Design Guidelines were referred to the Department of Planning, Lands and Heritage for comment.

## **FINANCIAL CONSIDERATIONS**

28. Costs associated with the preparation and public advertising of the document are met through the Development Services annual budget.

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

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

## SUSTAINABILITY

### Social Implications

30. Design Guidelines ensure industrial developments are attractive places for people to work.

### Economic Implications

31. Design Guidelines assist to guide and facilitate attractive developments within the industrial area which in turn creates an attractive employment hub within the City.

### Environmental Implications

32. The Design Guidelines have landscaping requirements to reduce the 'heat island' impacts from extensive areas of hard stand, provide shade and increase amenity within the Industrial Area.
33. The Design Guidelines have waste discharge requirements for equipment and vehicle cleaning, servicing etc., (not captured by the wastewater system) which must be cleaned and filtered prior to entry into the stormwater system.
34. The Design Guidelines recommend land owners install external rainwater tanks to irrigate planted areas (and/or provide water for internal domestic use such as toilet flushing). The recycling of grey water will be encouraged.

**RISK MANAGEMENT CONSIDERATIONS**

35.	<b>Risk:</b> The provisions of the Design Guidelines are not fully implemented during the assessment of development proposals.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Review the Design Guidelines every year to ensure the provisions are implementable and contemporary.		

**OFFICER COMMENT**

36. The Design Guidelines have been reviewed to incorporate the relevant changes to the adopted Forrestfield / High Wycombe Industrial Area Structure Plan as modified and to provide a contemporary planning policy which aligns with the City's current planning framework.
37. The Design Guidelines have been modified to incorporate the additional development standards to support the composite uses on Lot 50 Sultana Road West.
38. The required modifications also provided an opportunity to review the Design Guidelines in their entirety to improve the effectiveness during the assessment of development and to provide a contemporary planning policy that aligns with the City's current planning framework.
39. One submission was received during the public advertising period that expressed support for the Design Guidelines. Due to this feedback the only changes proposed to the Design Guidelines adopted by Council for the purpose of public advertising on 30 April 2019 are administrative.

**Voting Requirements: Simple Majority****RECOMMENDATION**

That Council ADOPT the Forrestfield / High Wycombe Industrial Area Design Guidelines as outlined in Attachment 1.



### **10.1.2. Wattle Grove Cell 9 - Development Contributions Plan Annual Review: Consideration of Submissions for Final Adoption**

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

The Director Development Services provided a presentation on this Item.

Council sought clarifications to aspects of the report this information was provided by the Director.

Previous Items	OCM 72/2017, OCM 52/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-DEV-013
Applicant	N/A
Owner	Various
Attachments	<ol style="list-style-type: none"><li>1. Cell 9 DCP Report [<b>10.1.2.1</b> - 26 pages]</li><li>2. Submission Table [<b>10.1.2.2</b> - 1 page]</li><li>3. Draft Cell 9 DCP Report - Advertised [<b>10.1.2.3</b> - 23 pages]</li><li>4. Cell 9 Outline Development Plan [<b>10.1.2.4</b> - 1 page]</li></ol>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to adopt a revised rate as outlined in the Wattle Grove Cell 9 – Development Contribution Plan (DCP) Report (Attachment 1) in response to the submissions during public advertising and the review of the DCP Report.
2. Development Scheme provisions for the Wattle Grove Cell 9 Local Structure Plan (LSP) are governed by the Wattle Grove Cell 9 – Development Contribution Plan (DCP) which is generally reconsidered each year in a report prepared for Council adoption.
3. It is recommended Council adopt the proposed Development Contribution Plan Report and new rate.

#### **BACKGROUND**

4. The DCP was adopted by Council for the purpose of public advertising on 26 March 2019. One (1) submission was received during the advertising period. The DCP Report was also reviewed during the advertising period.

5. The DCP Report provides a decrease in the contribution rate from \$26,588 (adopted May 2017) per lot to \$24,187 per lot. This is primarily due to reducing the rounded contingency on infrastructure related works (apart from Woodlupine Brook Improvements) from 10% to 5% as a result of further detailed design, a reduction in the estimated cost for Hale Road upgrades and an audit of the predicted lots remaining to be developed due to the reduction in average lots sizes prescribed through State Planning Policy 7.3 – Residential Design Codes.

6. **Land Details:**

Land Area:	Approx. 250ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

7. **Locality Plan:**



## 8. Local Structure Plan:



9. The Wattle Grove Cell 9 area operates as an LSP with administrative provisions and Development Scheme provisions incorporated in Schedule 11 of Local Planning Scheme No. 3 (Scheme). The LSP is included for information (Attachment 2).
10. Following the gazettal of the Development Scheme provisions in October 1997, Council was required to facilitate the development of a cost sharing arrangement for the area. 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.
11. 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.
12. 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

13. The Council adopted the DCP Report and DCP rate of \$25,836 for the purpose of public advertising on 26 March 2019 (Attachment 4).
14. The DCP was advertised from 8 April 2019 to 13 May 2019. A total of one submission was received (Attachment 3).

### **DETAILS**

15. The proposed DCP Report is a technical document with input from Engineering, Finance and Planning perspectives, the DCP Report is an effective way to simplify and summarise all the different aspects involved with arriving at a contribution rate.
16. 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.
17. *Remaining lot yield*  
The future lot yield is expected to provide the contributions necessary to clear all the remaining DCP costs. As at June 2019, approximately 384 new lots are expected to be created.
18. No new lots have been created since the DCP Report was adopted for the purpose of advertising on 26 March 2019.
19. During advertising, a detailed audit of the remaining lots to be developed was undertaken by the City. The figure of 384 lots remaining to be developed was calculated as part of this review in lieu of the 359 lots that were adopted for public advertising.

20. Reasons for the change in predicted lots remaining are as follows:
- Changes to the State Planning Policy 7.3 (Previously State Planning Policy 3.1) Residential Design Codes (R-Codes) minimum and average lot size for R20 lots over the existence of the Cell 9 DCP have impacted the potential lot yield assumptions. Currently, the average lot size for R20 is 450m<sup>2</sup>. Prior to 2013, the average lot size for R20 was 500m<sup>2</sup>.
  - The typical lot sizes developed earlier in the Cell 9 DCP's existence was typically larger than it has been in recent years, partially due to the changes in R-Codes and due to the nature of the market at the time. Subdivisions occurring pre-2010 typically produced lot sizes between 550m<sup>2</sup> – 650m<sup>2</sup>, whereas subdivisions post-2010 are typically between 450m<sup>2</sup>-550m<sup>2</sup>. These conditions have influenced lot yield assumptions in previous DCP reviews.
  - Due to the changes in R-Code provisions and the development market more generally, lot yield assumptions have been updated to reflect current development conditions, aligning with the average lot size provisions in the current R-Codes being, 450m<sup>2</sup> for R20 lots and 300m<sup>2</sup> for R30 lots.
21. Previous DCP reviews have estimated a 4900m<sup>2</sup> block being retained on Lot 42 (No. 12) Bruce Road, Wattle Grove. This estimation is a result of past discussions with the landowner. To confirm this is still the intention of the landowner, the City will engage with the landowner during the next DCP review to ensure lot estimations are accurate.
22. *Land Valuation*  
An independent land valuer assigns value to land required to be acquired for public purposes as outlined by the LSP. The valuation report assigned a land valuation rate of \$165/m<sup>2</sup> to be utilised for determining estimated land acquisition costs for the remaining areas of land acquisition.
23. The DCP takes responsibility for acquiring DCP road reserve land as outlined in Schedule 11 of the Scheme. 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 (i.e. 10% POS), this requirement is fulfilled by virtue of fulfilling DCP contribution requirements.
24. 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 and construction works:

<b>Item</b>	<b>Area of Remaining Acquisition (m<sup>2</sup>)</b>	<b>Cost of Remaining Acquisition (\$)</b>
Road Reservation	<b>523</b>	<b>86,295.00</b>
Public Open Space	<b>28,040</b>	<b>4,726,600.00</b>
Miscellaneous Land Purchase	<b>---</b>	<b>355,741.92</b>

25. 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.
26. Previous DCP Reports applied a \$200,000 figure for miscellaneous land purchase items. The City has received cost estimates for miscellaneous land acquisition related works for the Hale Road widening and Woodlupine Brook Improvements of \$155,741.92 which has been applied.
27. The \$200,000 figure has been retained to the total cost for future land acquisitions in relation to POS on Bruce Road and St John Road.

28. *Costs of Works Outstanding*

<b>Item</b>	<b>Remaining Cost</b>
Hale Road	\$5,692,517.00
Woodlupine Brook Improvements	\$2,350,350.00
Developer Drainage Works	\$792,000.00
Sheffield Road / Arthur Road Pathway Installation	\$0
Project Management	\$100,000.00
Miscellaneous Land Purchase	\$355,741.92
<b>Subtotal</b>	<b>\$9,290,608.92</b>
<i>Contingency</i>	<i>\$582,000</i>
Education Department Loan	\$3,909,092.00
Land for Roads	\$86,295.00
Land for Public Open Space	\$4,626,600.00
Land Contingency	\$200,000.00
Administrative Items	\$548,800.00
<b>Total</b>	<b>\$19,243,395.92</b>

The above remaining cost estimates are as of 31 June 2019.

29. A contingency has been applied for the Woodlupine Brook Improvements, Hale Road, Developer Drainage Works, Project Management and Miscellaneous Land Acquisition Related Works.
30. A contingency of 10% has been applied to the Woodlupine Brook Improvements and a contingency of 5% has been applied to all other infrastructure related items.
31. Woodlupine Brook contingency of 10% has been applied due to recent advice received in relation to the extent of Acid Sulphate Soils (ASS) located within the base of the existing main drain. Due to this advice it is anticipated that Woodlupine Brook improvements estimated costs will increase. Revised detailed costs will need to be provided in the next DCP Review for the contingency to be reduce for this project.

32. Other infrastructure items have had their contingency reduced to 5% because less work is remaining since the previous review and further detailed designs have been received, a smaller contingency for 5% is considered reasonable to cover these future works.
33. Project Management costs are associated with the City's supervision of the contractors undertaking DCP works. Project management cost estimates were attributed to each individual item in previous reviews, this item has been separated out. The estimated annual figures have been added over the remaining four years
34. *Completed Works*  
Since the last review, the following items have been completed:
- l) Sheffield Road; and
  - m) Arthur Road / Wimbridge Road Extension;
  - n) Sheffield Road / Arthur Road Footpath Installation
35. The associated pathway installation for Sheffield Road / Arthur Road items was included as a separate line item in the advertised version of the DCP Report at a figure of 90,386.85. These works have since been completed and therefore have been removed from the remaining estimated figures.
36. *Administration Costs*  
Administration costs have been updated to reflect expenditure. The annual figures have been multiplied over the remaining four years of the DCP showing an estimated remaining cost of \$548,800.
37. The administration of the DCP includes, but is not limited to, the following key tasks:
- a) Legal/Land acquisition management;
  - b) DCP annual review;
  - c) Land valuation; and
  - d) Planning/project management of the delivery of DCP infrastructure.
38. *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, Council need to establish a priority of works schedule for the provision of DCP infrastructure.
39. 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) Woodlupine Brook Improvements land acquisition, design and construction (Ongoing 2019/2020);
  - b) Hale Road land acquisition, design and construction (2019/2020);



- c) Developer drainage works (Ongoing);
- d) Miscellaneous Land Acquisition Costs (Ongoing);
- e) Project Management (Ongoing);
- f) Administration Cost (Ongoing); and
- g) Remaining Land Acquisitions.

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

The following reserves were identified by the audit:

- 1. Lot 42 Bruce Road;
- 2. Lot 312 Sheffield Road;
- 3. Lot 26 St John Street; and
- 4. Lot 60 Bruce Road.

41. 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 have 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.

42. 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.

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

44. *Calculation Methodology*

Schedule 11 of LPS 3 sets out the Cell Infrastructure Contribution requirement.

The calculation for this requirement is derived 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>	<b>\$19,243,395.92</b>
<b>Funds held in bank</b>	<b>\$9,955,670</b>
<b>Remaining lot yield</b>	<b>384 lots or lot equivalent</b>
<b>Contribution Rate</b>	<b>\$24,187 per lot</b>



$$\text{Contribution Rate} = \frac{(\$19,243,395.92 - \$9,955,670)}{384} = \$24,187 \text{ per lot}$$

## **STATUTORY AND LEGAL CONSIDERATIONS**

45. The DCP contributions are administered and determined in accordance with the provisions of Schedule 11 of LPS3.

## **POLICY CONSIDERATIONS**

46. The annual review has been conducted generally in accordance with State Planning Policy 3.6 Development Contributions for Infrastructure (SPP3.6). Noting that the Cell 9 Wattle Grove DCP pre-dates the establishment of SPP3.6 and is administered in accordance with Schedule 11 of LPS3.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

48. The review was advertised to landowners who are yet to develop for a period of 35 days.
49. The DCP was advertised from 8 April 2019 to 13 May 2019. A total of one submission was received.
50. The submission suggested retaining the existing rate adopted in the previous DCP (May 2017) to cover any potential cost blow outs. As the DCP incorporates contingencies, additional costs are covered. All items are carefully costed, and lot yields calculated. Therefore, the new rate in DCP Report is recommended to be adopted.

## **FINANCIAL CONSIDERATIONS**

51. 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

52. *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

53. 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

54. 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

55. 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.
56. Consultation has occurred with the Water Corporation and Department of Water in the development of the designs for water course upgrades.

## RISK MANAGEMENT CONSIDERATIONS

- 57.
- |                                                                                                                                                                               |                    |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------|
| <b>Risk:</b> DCP does not generate enough funds to undertake works.                                                                                                           |                    |               |
| <b>Likelihood</b>                                                                                                                                                             | <b>Consequence</b> | <b>Rating</b> |
| Unlikely                                                                                                                                                                      | Major              | High Medium   |
| <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**

58. The review to the DCP Report has resulted in a decrease in the contribution rate from \$26,588 per lot to \$24,187. This is a result of reducing the rounded contingency on infrastructure related works from 10% to 5% (except Woodlupine Brook Improvements) as a result of further detailed design, a reduction in the estimated cost for Hale Road upgrades and an increase in the predicted lots remaining to be developed as a result of a reduction in minimum lot sizes prescribed by the R-Codes.
59. The DCP has a positive cash flow at present, with a cash balance of \$9,955,670. 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.
60. The DCP was advertised from 8 April 2019 to 13 May 2019. A total of one submission was received. The submission suggested retaining the existing rate adopted in the previous DCP (May 2017) to cover any potential cost increases. As the DCP incorporates contingencies, additional costs are covered. All items are carefully costed, and lot yields calculated. Therefore, the new rate in DCP Report is recommended to be adopted.

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

## **RECOMMENDATION**

That Council ADOPT the proposed Development Contribution Plan Report and new rate as outlined in Attachment 1.

### **10.1.3. Wattle Grove South Concept Planning and Community Engagement - Appointment of Consultant**

Cr John Giardina declared an Impartiality Interest on Item 10.1.3 Wattle Grove Concept Planning and Community Engagement - Appointment of Consultant as he has family living in that area of Wattle Grove South. Cr Giardina left the meeting at 6:50pm and returned at 7:00pm.

The Director Development Services provided a presentation on this Item.

Mrs Bev Dornan presented a deputation on this Item in support of the recommendation.

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

Previous Items	OCM 35/2019, OCM 79/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-MRS-024
Applicant	N/A
Owner	Various
Attachments	1. Scope of Works - Wattle Grove South Concept Planning and Community Engagement [ <b>10.1.3.1</b> - 10 pages]

#### **EXECUTIVE SUMMARY**

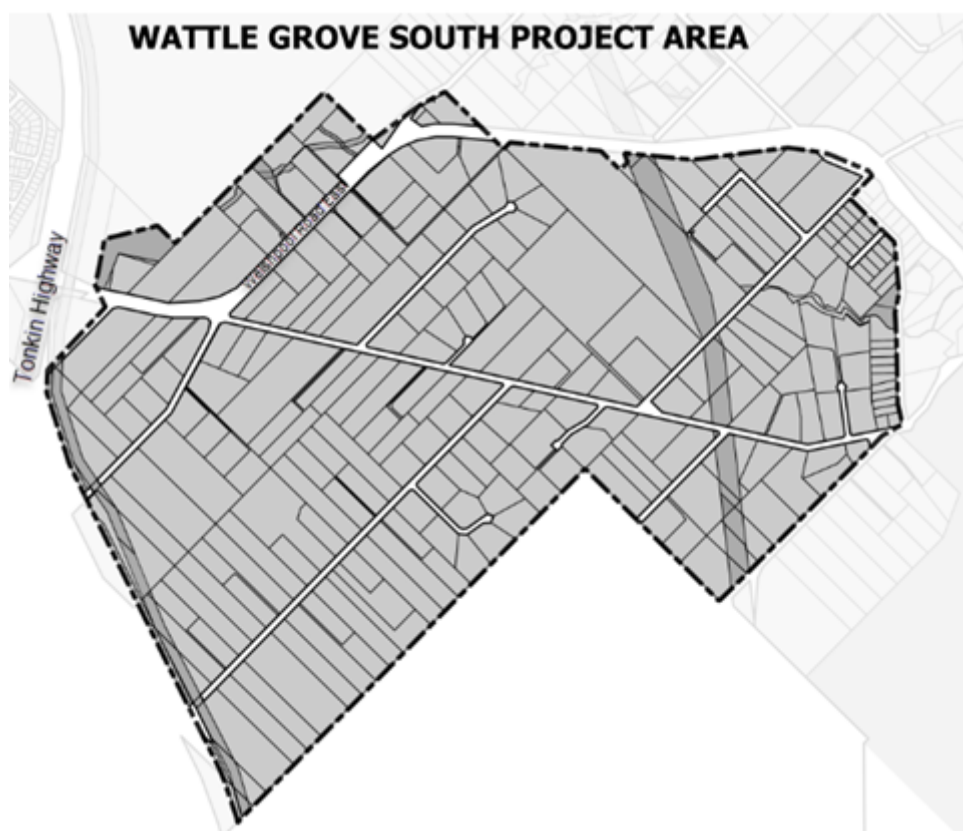
1. The purpose of this report is to provide Council with details of the Request for Quotations (RfQ) received for eQuote 2019-05 – Wattle Grove South Concept Planning and Community Engagement, document the results of the assessment of submissions and make recommendations regarding the award of the RfQ.
2. Following consideration of the submissions and in accordance with the selection criteria, all companies generally demonstrated good capacity to undertake the community engagement and prepare the concept plans and documentation, however, the submission received from Company 1 is considered to represent best value to the City and is therefore recommended as the preferred submission.
3. The submission prepared by Company 1 demonstrated that the consultant can deliver a quality level of service and has an appropriate level of experience and demonstrated understanding which was well received by the City.

## BACKGROUND

### 4. Land Details:

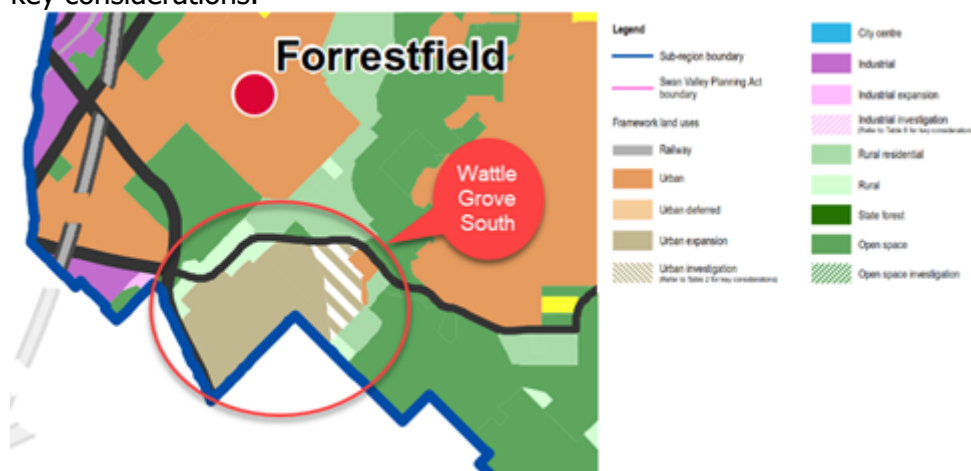
Land Area:	Approx. 400ha
Local Planning Scheme Zone:	Special Rural and Rural Composite
Metropolitan Regional Scheme Zone:	Rural

### 5. Locality Plan:



6. The City's Local Planning Strategy 2010 identifies part of Wattle Grove South as an Urban Investigation area.

7. The Western Australian Planning Commission's (WAPC) North-East Sub-Regional Planning Framework (Framework), adopted in 2018, identifies the majority of Wattle Grove South as an Urban Expansion area. An eastern portion of Wattle Grove South is identified as Urban Investigation subject to key considerations.



8. In September 2017, the City appointed a planning consultant to undertake the Wattle Grove Feasibility Study. The Study was completed in May 2018 and presented to Council in July 2018 to consider the recommendations of the Study.
9. Council Resolved to:
- NOTE the Wattle Grove South Feasibility Study, as outlined in Attachment 1.*
  - SUPPORT continuing with the next phases of planning, subject to community consultation on the land use options as part of the preparation of the draft District Structure Plan.*
10. The community consultation process undertaken during August and September 2018, included two workshops and a survey.
11. The Wattle Grove South project was presented to a Special Council Meeting (SCM) on Monday 22 October 2018 to determine the next phase in the project. The resolution of Council was as follows:

*Alternative Motion 2:*

*That Council:*

- ACCEPTS the community consultation outcomes shown in Attachments 1, 2 and 3.*
- NOTES that community views vary in relation to the potential for commercial / light industry uses south of Crystal Brook Road, with most participants and submitters stating opposition to the proposal.*

- c) *NOTES that some community views support various forms of residential or a mixture of residential and commercial / light industry uses.*
- d) *NOTES the community engagement outcomes in relation to the environmental values of the area.*
- e) *REQUEST the Chief Executive Officer to prepare a report to Council, by May 2019, detailing the process and requirements, including cost, for establishing a Consultative Community Committee of Council to consider recommendations for the future of Wattle Grove South.*

12. A Special Electors Meeting (SEM) was called on 3 December 2018. The purpose of the meeting is as listed in the Public Notice of the Special Elector's Meeting published on 13 November 2018, being:

- a) *To consider the following motion in a Petition from Electors of the City of Kalamunda:*

*"The Electors here present call upon the Council to immediately cease all efforts to rezone up to 310 hectares of the area described as Wattle Grove South in the draft Industrial Development Strategy for industrial purposes in order to reflect the outcome of recent community consultation which shows that an overwhelming majority of residents want Council to reject this environmentally destructive land use option".*

A vote from electors was undertaken, with the result being 173 votes in favour of the motion and 17 votes being against the motion.

13. The following motion was put and adopted at the 26 February 2019 Ordinary Meeting of Council:

*That Council:*

- a) *REQUEST the Chief Executive Officer to cease investigations into the establishment of a Consultative Community Committee of Council to consider recommendations for the future of Wattle Grove South.*
- b) *REQUEST the Chief Executive Officer to create a partial budget allocation in the 2018/2019 Mid-year Review, to commence the process, and the balance to be allocated in the 2019/2020 annual budget for engaging the services of suitably qualified consultants to conduct a comprehensive community consultation program to determine the level of community support for a variety of land use concept plans that incorporate the following design principles:*
  - i. *Exclude any general or light industrial land uses.*
  - ii. *Reflect and acknowledge existing lifestyle and recreational opportunities of the area.*
  - iii. *A high-quality residential outcome that includes a range of densities.*
  - iv. *Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.*

- v. *Retain existing vegetation and tree canopy cover where possible.*
- vi. *Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.*
- vii. *Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.*
- viii. *The subject area 'Wattle Grove South' to also include the land to the north of Welshpool Road East bounded by Tonkin Hwy, Lewis Road and Hartfield Golf Course.*

14. The City prepared a scope of works (Attachment 1) in response to the resolution on 26 February 2019. On 30 April 2019 Council resolved to:

*That Council:*

- a) *ENDORSES the scope of works as outlined in Attachment 1 subject to: The addition of the Department of Planning Perth Foothills Structure Plan (1992) as an additional 'Existing Reports and Studies' under Section 2.1 Background Research / Existing Reports and Studies.*
- b) *REQUEST the Chief Executive Officer to seek quotations in accordance with the scope of works as outlined in Attachment 1 subject to: The addition of the Department of Planning Perth Foothills Structure Plan (1992) as an additional 'Existing Reports and Studies' under Section 2.1 Background Research / Existing Reports and Studies.*

15. On 8 May 2019, the City issued an RfQ via to the Western Australian Local Government Association (WALGA) eQuotes panel, see Attachment 1. The request closed on 31 May 2019. Six WALGA preferred suppliers were invited to provide submissions and four responses were received.

## **DETAILS**

16. **Specifications:**

The outcome of the Consultants responsibilities is the submission of a comprehensive community engagement program with landowners within and bordering the subject area to determine the level of community support for a variety of land use concept plans that incorporate the following design principles:

- a) Exclude any general or light industrial land uses.
- b) Reflect and acknowledge existing lifestyle and recreational opportunities of the area.
- c) A high-quality residential outcome that includes a range of densities.
- d) Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.
- e) Retain existing vegetation and tree canopy cover where possible.
- f) Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.



- g) Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.
17. The scope of services includes the preparation of the draft documentation, attendance to any modifications as required as a result of public advertising or reviews of the documentation, and presentation to Council. It can be assumed that that City will undertake all necessary reporting requirements to Council.
18. The outcome and scope of services is to include but is not limited to the following:

**Background Research / Existing Reporting and Studies**

- a) Scope existing conditions and issues.
  - b) Engage with stakeholders around issues that can be addressed in the development of Concept Plans.
  - c) Identify existing Local, State and Federal Government strategic work and policies that could be used as the basis for managing growth and change. This could include housing, employment, economic, social, recreational, transport or retail projections, strategies or policies.
  - d) Considers any relevant existing data in the Feasibility Study (*noting that light industrial options are not to be considered*) and collect additional data where required. Relevant data may include existing conditions and potential opportunities, demographic analysis, population projections, economic and retail analysis, urban design and built form, transport, services and infrastructure analysis.
19. **Project Management / Coordination**
- a) The project is commissioned and managed by the Strategic Planning department of the City of Kalamunda.
  - b) The lead planning consultant will appoint, manage and coordinate all sub- consultants as a consolidated project team.
  - c) Coordination of the individual disciplines is the responsibility of the lead planning consultant.
  - d) The City reserves the right to liaise directly with sub-consultants as required.
  - e) As part of the proposal a detailed MS Project schedule or GANTT chart needs to be submitted detailing key milestones and proposed timeframes for completion.
  - f) The scope of services will include preparation of the draft documentation, attendance to any modifications required as a result of public advertising or engagement or reviews of the documentation. It can be assumed that the City will undertake all necessary reporting requirements to Council.

20. **Concept Plans**

Prepare a number of Concept Plans which identify a combination of appropriate zonings and land uses which respond to the opportunities and constraints, strategic planning and the key principles and values of the area.

The Concept Plans should cover matters including but not limited to:

- a) Exclude any general or light industrial land uses.
- b) Reflect and acknowledge existing lifestyle and recreational opportunities of the area.
- c) A high-quality residential outcome that includes a range of densities.
- d) Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.
- e) Retain existing vegetation and tree canopy cover where possible.
- f) Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.
- g) Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.

The Concept Plans should be supported by a Technical Report outlining the key principles behind each plan.

21. **Community / Stakeholder Engagement**

The identification of community values and issues related to the Wattle Grove South area and capturing their ideas and input during the preparation of the Concept Plans is important to the City. A detailed communications plan needs to be developed in consultation with the City. The comprehensive community consultation program is to be coordinated and delivered by the successful consultant.

22. The consultation program is to include, but not limited to:

- 1. Community enquiry by design style workshops / information sessions with landowners within and bordering the subject area;
- 2. Facilitate inputs from large groups of landowners with varying views and opinions;
- 3. Undertake surveys and ensure those not actively involved are provided an opportunity to have their say;
- 4. Conduct various meetings (to be determined by the consultant) with:
  - a) Council at Strategic Briefings (at least four)
  - b) Landowners and community representatives (various TBD)
  - c) City Staff (various)
  - d) Stakeholders and Government Agencies (e.g. Perth Airport, DWER etc.)
- 5. Based on the community consultation and engagement undertaken, formulate a report of the findings that proposed recommendations to be considered / incorporated into the Concept Plan.

**23. Deliverables**

Concept Plans

a) Concept Plan Maps and Technical Report

Community / Stakeholder Engagement

a) Consultation Findings and Outcomes Report

24. Note: The scope of services will include preparation of the draft documentation, attendance to any modifications required as a result of public advertising or reviews of the documentation. It can be assumed that the City will undertake all necessary reporting requirements to Council.

**25. Period of Contract**

The Contract shall be in force until the end of the Consultancy.

However, in the event of the Contractor failing in any manner to carry out the Contract to the Principal's satisfaction, the Principal may determine (terminate) the Contract by written notice to the Contractor.

**26. Submissions**

Company Name	Price	Rank
Company 1	\$79,850.00	1
Company 2	\$190,525.00	2
Company 3	\$224,828.00	3
Company 4	\$238,957.50	4

**27. Evaluations of the proposals**

Evaluation of the proposals was undertaken by a panel comprising the Acting Manager Approval Services, Manager Customer and PR, and Manager Asset Planning. Coordination of the evaluation process was facilitated by the City's Senior Procurement Officer.

28. Evaluation of the proposals in accordance with the advertised assessment criteria produced the following scores:

Company Name	Qualitative Score (100%)	Qualitative Rank
Company 4	73.5%	1
Company 3	64%	2
Company 2	60%	3
Company 1	60%	3

29. Following consideration of the submissions and in accordance with the criteria, all companies generally demonstrated good capacity to prepare the documentation, however, the submission received from Company 1 is considered to represent best value to the City.
30. The Company 1 submission provided acceptable responses to all elements of the tender. The Company 1 submission was the most affordable submission.
31. During evaluation of the Price Submissions it was noted and that Company 1 had a lower offer than the other submissions.
32. The Panel considered the price difference most likely due to two differences to the higher costed submissions:
- a) The majority of expertise exists in-house (i.e. within Company 1); and
  - b) The costs of external experts from the Curtin University Sustainability Policy Institute are provided at no cost, which accounts for three members of the project team.
33. A technical review was conducted against all submissions to benchmark the deliverables, it was noted that there was nothing significantly variable in Company 1 submission against the other submissions.
34. The Probity Officer recommended to the Evaluation Panel that Company 1 be approached for a meeting with the City's Project Team for clarification and to go through the submission and confirm that the technical requirements and outcomes against the specifications can be met.
35. A meeting was requested by the Probity Officer for Company 1 to attend the City of Kalamunda Offices to discuss technical details of their submission. On the 17 July 2019 at 12.00pm a meeting was held with the Panel Evaluation Team and project experts to review Company 1 submission and to clarify the requirements by both parties.

36. The key areas the City sought to address at the meeting areas that Company 1 could undertake and meet the expectations of the comprehensive community engagement requirements, understand the context of the engagement that has already occurred and be able to deliver the work required (community engagement, concept plans, research, other documentation etc.) at a high-quality level within the budget provided.
37. Clarifications provided by Company 1 at the meeting were appropriate. Company 1 propose a variety of engagement methods including online engagement, workshops and focus groups to capture the feedback of all community members. These delivery methods will also be comprehensively discussed with the City, prior to delivery, to ensure all requirements are delivered. Company 1 also demonstrated that they will be able to deliver the concept plans at an acceptable level with community feedback and technical information well considered. It was agreed that Company 1 is capable of meeting the project brief in line with the scope and submission.
38. The tender panel recommended that Company 1 be awarded the Project for Wattle Grove Consultancy for a total cost of \$79,850 plus GST.

## **STATUTORY AND LEGAL CONSIDERATIONS**

39. In accordance with the Local Government Act 1995 Section 3.57 (2) and Local Government (Functions and General) Regulations 1996 (the Regulations), Part 4, Division 2, Regulation 11 (2), the supply of goods and services have been sought through the WALGA Preferred Supplier Program.

## **POLICY CONSIDERATIONS**

40. The City's Purchasing Policy (C-PP01) was considered to apply to this proposal due to the potential for tenders to exceed \$150,000. The Policy states that for goods and services over \$150,000 public tenders are required. However, an exemption to publicly invite tenders may apply when the supply of goods and services have been sought through the WALGA Preferred Supplier Program. The Regulations allow for an exemption from tendering requirements where a supplier is listed on the WALGA Preferred Supplier Panel. The proposals were sought through the WALGA Preferred Supplier Panel.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

41. The scope of works was referred to the City's relevant service teams for review, comment and input. The relevant service teams provided input and this was incorporated into the RfQ before it was released on the WALGA panel.

## External Referrals

42. The Scope of Works was presented to the 9 April 2019 Public Agenda Briefing and the 30 April 2019 Ordinary Council Meeting where the public was able to view the scope and make deputations. Community feedback was incorporated as part of the scope.

## FINANCIAL CONSIDERATIONS

43. Within the RfQ, the City did not allocate a maximum budget for the project. This was to ensure submissions accounted for the cost for providing services that represent best practice for the full scope of works to complete a project of this size and scale. An amount of \$100,000 has been allocated for the project in the 2019/20 Strategic Planning budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

44. *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** - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

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

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

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

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

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

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

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

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

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

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

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

#### **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.

## SUSTAINABILITY

### Social Implications

45. The population of the area is expected to increase over time, resulting in an increased demand for community facilities and infrastructure. An appropriate hierarchy of community facilities and infrastructure will be considered during concept planning and explored in greater detail during the structure planning phase to ensure that all demographic groups are accommodated.

### Economic Implications

46. An increased population to the area will see demand for retail and commercial uses and provided a greater population catchment for existing businesses in the area.

### Environmental Implications

47. Flora and fauna surveys will be undertaken during the spring 2019 to determine the environmental values of the area. The results of these surveys will be taken into consideration during concept planning and the structure planning process to protect significant environmental values.

## RISK MANAGEMENT CONSIDERATIONS

- 48.
- |                                                                                                                                             |                    |               |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------|
| <b>Risk:</b> The community is not receptive to the community engagement program.                                                            |                    |               |
| <b>Likelihood</b>                                                                                                                           | <b>Consequence</b> | <b>Rating</b> |
| Possible                                                                                                                                    | Significant        | High          |
| <b>Action/Strategy</b>                                                                                                                      |                    |               |
| In coordination with the City's communication team and the consultant, ensure that the consultation program is comprehensive and inclusive. |                    |               |
- 49.
- |                                                                                                                                                                   |                    |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------|
| <b>Risk:</b> The City ceases progressing planning for the area leaving the planning process open to the development industry or the State Government to progress. |                    |               |
| <b>Likelihood</b>                                                                                                                                                 | <b>Consequence</b> | <b>Rating</b> |
| Possible                                                                                                                                                          | Significant        | High          |
| <b>Action/Strategy</b>                                                                                                                                            |                    |               |
| Progress with on-going consultation and education on land use options with an aim of seeking general agreement amongst the community.                             |                    |               |

## **OFFICER COMMENT**

- 50. Following consideration of the submissions and in accordance with the criteria, all companies generally demonstrated good capacity to prepare the documentation, however, the submission received from Company 1 is considered to represent best value to the City.
- 51. The Company 1 submission provided acceptable responses to all elements of the tender. The Company 1 submission was the most affordable submission.
- 52. The submission prepared by Company 1 demonstrated that the consultant can deliver a quality level of service and has an appropriate level of experience and demonstrated understanding which was well received by the City.
- 53. The tender panel recommended that Company 1 be awarded the Project for Wattle Grove Consultancy for a total cost of \$79,850 plus GST pa.

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

## **RECOMMENDATION**

That Council ACCEPT the proposal submitted by Roberts Day for Tender (eQuote) 2019-05 Wattle Grove South Concept Planning and Community Engagement in accordance with the proposal documentation for the lump sum value of \$79,850 (excl GST).



#### **10.1.4. Proposed Amendment to Karingal Green Outline Development Plan (Local Structure Plan)**

Cr Boyd left the meeting at 7:19pm and returned at 7:22pm.

The Manager Approval Services provided a presentation on this Item.

Michelle Travalini sought clarification on the recommended densities within the Local Structure Plan.

Council sought clarification on aspects of the Local Structure Plan.

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

Previous Items	OCM 165/2015
Directorate	Development Services
Business Unit	Approval Services
File Reference	IN18/710COD16
Applicant	Creative Design & Planning
Owner	Activ Foundation Inc
Attachments	<ol style="list-style-type: none"><li>1. Applicant Report [<b>10.1.4.1</b> - 90 pages]</li><li>2. Endorsed ODP [<b>10.1.4.2</b> - 1 page]</li><li>3. Initial ODP [<b>10.1.4.3</b> - 1 page]</li><li>4. Amended ODP [<b>10.1.4.4</b> - 1 page]</li><li>5. Recommended ODP [<b>10.1.4.5</b> - 1 page]</li><li>6. Transport Impact Assessment [<b>10.1.4.6</b> - 28 pages]</li><li>7. Amended Transport Impact Assessment [<b>10.1.4.7</b> - 28 pages]</li><li>8. Distances to High Frequency Bus Routes [<b>10.1.4.8</b> - 1 page]</li><li>9. Submission Table - Initial Consultation - Closure 14 December 2018 [<b>10.1.4.9</b> - 9 pages]</li><li>10. Submission Table - Second Consultation - Closure 10 June 2019 [<b>10.1.4.10</b> - 10 pages]</li></ol>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider an amendment to the Karingal Green Outline Development Plan (ODP), as shown in Attachment 3.
2. The proposed amendment seeks to increase the residential density of Lot 320, 321 and 312-315 Buttercup Crescent; Lot 316 and 319 Catspaw Way and Lot 265 Calophylla Way, High Wycombe from Residential R30 and Residential R20 to Residential R60.
3. During the initial consultation period, 9 objections were received regarding the proposal. Subsequent to the advertising period, the City, in discussion with the applicant, further modified the ODP (refer Attachment 4) and advertised the modifications to affected residents. In response to the modified plan, the City received 5 objections. Key concerns raised related to the potential height and density of future development, as well as the potential for increased traffic in

light of the aged care facility currently under construction at Lot 500 (No.8) Hybanthus Avenue, High Wycombe.

4. It is recommended that Council forward the Karingal Green ODP to the Western Australian Planning Commission (WAPC) with a recommendation for approval subject to modifications, as outlined in Attachment 5.

## BACKGROUND

5. **Land Details:**

Land Area:	9,713m <sup>2</sup>
Local Planning Scheme Zone:	Urban Development
ODP Designation	'Activ Housing' and 'R30 Grouped Dwellings'
Metropolitan Regional Scheme Zone:	Urban

6. **Locality Plan:**



7. **Zoning Map:**



8. The ODP (Attachment 2) was originally endorsed by the Western Australian Planning Commission (WAPC) in 2003. The majority of the ODP area is designated Residential R20, which has been subdivided and developed accordingly.
9. The ODP area was originally owned by Activ Foundation, which provides services and support to people with disabilities. Activ Foundation retains ownership of some land in the area, including the land subject to this application. Activ Foundation also continues to operate residential facilities in the ODP area.
10. Several portions of land within the ODP area are currently identified for 'Grouped Dwellings R30'. Further portions are identified 'Private Clubs and Institutions', 'Retirement Village', 'Nursing Home' and 'Activ Housing'.
11. On 24 May 2016, the WAPC endorsed an amendment to the Karingal Green ODP to increase the residential density of Lot 426 (1) Pipe Lily Drive, High Wycombe from R30 to R60.
12. The City recommended the amendment at 1 Pipe Lily Drive be refused and forwarded to the WAPC for determination. This resolution was carried unanimously at Ordinary Council Meeting 21 December 2015 (OCM 165/2015).
13. As the WAPC's recommendation for approval was contrary to the City's recommendation for refusal, the amendment was referred to the Statutory Planning Committee (SPC) on 24 May 2016 for determination. The SPC resolved to approve the amendment.

14. **Initial Plan**

On 7 November 2018, the City received an application to amend the Karingal Green ODP to increase the density code of Lot 321 Buttercup Crescent, Lot 316 Catspaw Way and Lot 265 Calophylla Way, High Wycombe as shown below and in Attachment 3.

15.



**PROPOSED**

16. Consistent with Schedule 2 Part 4 Cl 18 (1) of *LPS Regulations 2015* and Table One of *Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals*, the application was advertised for a period of 14 days. During the initial consultation period, 9 objections from landowners were received (See Attachment 9).

17. In light of the concerns received during the initial advertising period, the City undertook an assessment of the proposed amendment and concluded that further information, inclusive of an amended ODP and transport impact assessment was required.

18. **Amended Plan**

An amended plan which increased the residential density of the 6 most affected properties from R20 to R60 was requested by the City with the intent to reduce the potential built form conflicts between R20 and R60 density code as shown below and in Attachment 4. This plan was subsequently advertised consistent with Schedule 2 Part 4 Cl 18 (1) of *LPS Regulations 2015* and Table One of *Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals*. During the second consultation period, 5 objections from land owners and 2 comments from state agencies were received (See Attachment 10).



19.



## DETAILS

20. In support of the initial proposal the applicant has provided indicative built form outcomes (Attachment 1) and the following justification:

- a) The proposed increased density is consistent with the State Government's urban consolidation and infill directives;
- b) The proposal is in accordance with the objectives of the City's Local Housing Strategy which support a greater variety of lot sizes and housing typologies;
- c) The proposed density is compatible with the nearby nursing home and consistent with the intent of the ODP;
- d) The increased density will cater for family members or carers wishing to remain in close proximity to those who require the use of such facilities;
- e) The closest bus stops are within the 800m walkable catchment as defined by Liveable Neighbourhoods;
- f) The subject lots are in close proximity to Public Open Space and Shopping Centres as shown on the context plan (See Figure 3 of Attachment 1);
- g) The traffic reporting concludes that the transport network has sufficient capacity to accommodate the increase in dwellings. This traffic reporting took into account the upgrade to the Roe Highway and Kalamunda Road intersection;
- h) Matters such as traffic impacts, vehicular access, design and amenity impacts will be addressed through the development application process; and
- i) Visitor car parking, including any need for on-street parking will be detailed as a part of a development application.

21. Following a final assessment of the proposal it has been recognised that the existing housing stock located on the 6 most impacted properties is approximately 10 years old. As dwellings can have a life span of 30 to 50 years, the amended plan is unlikely to achieve the intended outcome of reducing built form conflicts between the R20 and R60 density code in the near future.
22. Accordingly, it is recommended that the modified ODP be approved subject to further changes as outlined in ODP below and in Attachment 5 which proposes a density code designation of R60 for Lot 265 (23) Calophylla Way and Lot 321 (73) Buttercup Crescent, High Wycombe and a designation of R40 for Lot 316 (15) Catspaw Way, High Wycombe.



## STATUTORY AND LEGAL CONSIDERATIONS

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

Schedule 2 Clause 29 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) states that "A structure plan may be amended by the Commission at the request of the local government or a person who owns the land in the area covered by the plan."

25. Consistent with Clause 29 (1) of the Regulations, the Karingal Green ODP has been submitted by the owner of the land covered by the plan for amendment at the approval of the WAPC.

26. Pursuant to clause 29 (2) of the Regulations, a Structure Plan amendment is to follow the same process for making a Structure plan, and the City is required to undertake the following actions:
- a) Determine the level of information required to be provided with the Structure Plan;
  - b) Assess the Structure Plan against appropriate planning principles;
  - c) Advertise the Structure Plan;
  - d) Consider and respond to submissions received during advertising; and
  - e) Prepare a report and recommendation on the proposed Structure Plan amendment and forward the City's recommendation to the WAPC for decision.
27. Under clause 22 (1) of the Regulation, on receipt of a report for a structure plan amendment, the WAPC may:
- a) *Approve the Structure Plan; or*
  - b) *Require the City or the applicant to –*
    - i. *Modify the Structure Plan in the manner specified by the WAPC; and*
    - ii. *Resubmit the modified Structure Plan for the WAPC for approval; or*
  - c) *Refuse to approve the Structure Plan.*
28. **Local Planning Scheme No.3**
- The lot(s) subject to the proposed amendment are currently zoned Urban Development under the scheme. Clause 4.2.1 of the scheme outlines the objectives of the Urban development zone as follows:
- *To provide orderly and proper planning through the preparation and adoption of Structure Plan setting the overall design for the area.*
  - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.*
28. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision. The Karingal Green ODP has been in effect since 2003.
29. Clause 6.2.7.2 of the Scheme states that:
- If a structure plan imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes then:*
- (a) *The provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and*
  - (b) *Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.*

30. However, clause 6.2.7.2 of the scheme no longer has effect and is superseded by Schedule 2 clause 27 (1) of the Regulations which states:

*A decision maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.*

31. Accordingly, all future development on subject site(s) will have due regard to the Karingal Green ODP as amended.

## **POLICY CONSIDERATIONS**

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

The *North-East Sub-Regional Planning Framework* (NESRPF) sets out to "achieve a more consolidated urban form and development" and "meet long-term housing requirements". The proposed increase in density code to R60 and R40 is consistent with the NESRPF aim of "delivering a more consolidated urban form and achieving a more efficient and cost-effective urban structure that minimises environmental impacts".

### **33. Liveable Neighbourhoods 2009**

*'Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans (regional, district and local) and subdivision, for new urban (predominately residential) areas in the metropolitan area and country centres, on greenfield and large urban infill sites'.*

34. Liveable Neighbourhoods is a performance-based document made up of 8 elements and sub-objectives under each element. These elements include:

- Element 1 – Community Design
- Element 2 – Movement Network
- Element 3 – Lot Layout
- Element 4 – Public Parkland
- Element 5 – Urban Water Management
- Element 6 – Utilities
- Element 7 – Activity Centres and Employment
- Element 8 – Schools.

35. The proposal is an amendment to an existing structure plan which has been previously endorsed and assessed against the elements of Liveable Neighbourhoods. As the subject lot(s) are not a new urban area or a 'large urban infill site' a full detailed assessment against all elements of Liveable Neighbourhoods is not applicable.

36. The subject lot(s) are of a substantial size, and the increase in density substantial. Accordingly, an assessment against the relevant elements and objectives of Liveable Neighbourhoods has been undertaken.



37. Element 1 – Community Design

Objective O1 of Element 1 states that structure plans should *'facilitate a sustainable approach to urban development by minimising non-renewable energy use and car dependence, encouraging greater local self-containment of neighbourhoods and towns, and protecting key natural and cultural assets'*.

38. Consistent with objective O1 the proposed amendment will provide an increased density of dwellings within 800m of a high frequency bus route, directly adjacent to a large conservation bushland area, 150m from Public Open Space and within 750m of a local centre. The proposed amendment will encourage greater local self-containment in the High Wycombe neighbourhood.

39. Element 3 – Lot Layout

Objective O1 of Element 3 states that structure plans should *'provide a range of residential lot sizes to suit the variety of dwelling and household types in Western Australia with area and dimensions that meet user requirements'*.

40. The Karingal Green ODP area is currently predominantly R20 with three properties designated 'Grouped Dwellings – R30' and one lot designated R60. Consistent with O1 the proposed increase in density to R60 and R40 provides for a greater variety of dwelling and household types in the locality.

41. Objective O5 of Element 3 states that structure plans should *'produce lot layouts that accommodate the landform, views, prevailing breezes and environmental features, and take account of constraints, but wherever possible optimise orientation to suit energy efficient housing'*.

42. In accordance with O5 the subject lots are located with views over the existing conservation bushland area and all vacant lots have a north/south orientation, an optimal orientation to construct energy efficient housing.

43. Objective O7 of Element 3 states that structure plans should *'provide for smaller lots and lots capable of supporting higher density development in and around town and neighbourhood centres and public transport stops, and adjacent to higher amenity areas such as parks'*.

44. Consistent with O7 the proposed amendment will facilitate higher density development and the future subdivision of smaller lots. The proposed increased density has been proposed directly adjacent to a large conservation bushland and in proximity to both public open space and high frequency bus stops on Kalamunda Road.

45. **Affordable Housing Strategy 2010-2020**

The *Affordable Housing Strategy 2010-2020* (Affordable Housing Strategy) is a 10-year strategic document intended to address a lack of affordable housing opportunities for low to moderate income earners in Western Australia.

46. The Strategy focuses on allowing a greater diversity in dwelling stock to be made available to the housing market. Further the *Affordable Housing Strategy* emphasises the importance of facilitating the delivery of dwelling diversity in local areas.

47. Consistent with the *Affordable Housing Strategy* the proposed amendment seeks to deliver dwelling diversity to a locality which largely comprises of housing stock with four bedrooms and two bathrooms (Australian Bureau of Statistics, 2016).

48. **City of Kalamunda Local Housing Strategy 2014**

The City's Local Housing Strategy was adopted by Council on 24 March 2014. Although the subject site(s) are not specifically addressed in the Local Housing Strategy, the proposed amendment to the Karingal Green ODP is consistent with the following objectives:

- a) *To ensure new residential development and infill residential development is based on good design principles which protect amenity, and ensures that growth in the City occurs in an orderly, sustainable and desirable manner;*
- b) *To provide for a greater variety of lot sizes and housing types that will cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services, while at the same time meeting the social and economic needs of the City's changing demographics;*
- c) *To identify suitable area for greater housing choice which are strategically located, i.e., close to, or well connected to, existing and future services (for example, employment centres, main transport routes/hubs, community facilities, shopping centres, and most importantly, the two District Centres within the City – Kalamunda and Forrestfield;*
- d) *To encourage cost-effective and resource-efficient development with the aim of promoting affordable housing;*
- e) *To provide the means whereby residential streetscape are enhanced in regard to the quality of edging development forms and street tree plantings; and*
- f) *To contribute appropriately to the urban infill aspirations of Directions 2031 and The Outer Metropolitan Perth and Peel Sub-Regional Strategy.*

49. Consistent with the objectives of the Local Housing Strategy;

- a) the recommended modification protects the amenity of the locality by proposing an R40 density code at Lot 316 (15) Catspaw Way. Lot 316 directly interfaces with the established R20 streetscape of Catspaw Way. Accordingly, an increase in density to R60 would propose infill which does not protect the amenity of the locality.
- b) the increased density provides a variety of housing typologies and lot sizes within an area which is largely R20. It should be noted that the City has an overabundance of 4-bedroom 2-bathroom dwellings which

- are generally occupied by two or three persons (Australian Bureau of Statistics, 2016);
- c) the increased density is located within 800m of a high frequency bus route, directly adjacent to a large conservation bushland area, 150m from Public Open Space and within 750m of a local centre;
  - d) The proposal to increase density within an existing urban area is cost effective as it utilises existing infrastructure and services, which assists in the provision of affordable housing;
  - e) Should the proposed increased density be supported, any future development will be assessed through a development application process in which quality streetscape and built form outcomes will be achieved; and
  - f) The proposed increased density is consistent with the key objectives of Directions 2031 and is located within High Wycombe where Directions 2031 notes a significant potential for increased residential development.

50. **City of Kalamunda Local Planning Strategy 2010**

The City's Local Planning Strategy sets out key strategies and actions for the strategic planning direction of the City. The strategy is summarised into 11 key statements. Statement 3 states that a main priority of the strategy is *"the provision of a range of housing types to suit the demographic profile"*.

51. The strategy outlines housing development as a key strategic issue, with the predicted population growth and current demand for housing expected to continue as land in the foothills is relatively affordable. Consistent with the *City's Local Housing Strategy*, the proposed increased density will facilitate the provision of affordable and diverse housing stock.

52. **State Planning Policy 7.3 - Residential Design Codes**

The Residential Design Codes (R-Codes) apply to all residential development and is supported by specific density codes. The objective of the R-Codes is to ensure appropriate residential built form outcomes and density in line with the Scheme.

53. In this regard, any subsequent development of the lot(s) will be assessed against *State Planning Policy 7.3*, and any subsequent subdivision will be required to achieve the minimum and average lot sizes outlined in Table One of SPP 7.3.

54. It should be noted that as of 24 May 2019, the Residential Design Codes Volume 2 has been gazetted to replace Part 6 of *State Planning Policy 3.1 - Residential Design Codes*. Accordingly, should the subject lot(s) be developed as multiple dwellings they will be assessed against the element objectives of *SPP 7.3 Volume 2 - Apartments*.

**55. State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

Consistent with clause 6.2 & 6.3 of SPP 3.7, a bushfire management plan has been submitted with the proposal which:

- a) Shows the results of a Bushfire Hazard Level (BHL) assessment;
- b) Was completed by an accredited Bushfire Planning Practitioner;
- c) Includes a BAL Contour Map displaying the indicative BAL ratings of the subject lot(s);
- d) Highlights any bushfire hazard issues; and
- e) Demonstrates compliance with the bushfire protection criteria.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

56. The proposed amendment was tabled at the City's internal development control meeting and referred to Asset Services for comment.
57. The proposed ODP amendment and Traffic Impact Assessment (TIA) (Attachment 7) were subsequently referred to the City's Asset Services for review. The City has raised concern with the standard of information provided in the TIA, however the TIA is able to be modified to address the City's concerns as a condition of approval.

**External Referrals**

**58. Community Consultation**

Consistent with Table One of Local Planning Policy 11– Public Notification of Planning Proposals and Schedule 2 Clause 18 of the LPS Regulations, the proposed amendment was initially advertised for a period of 14 days concluding on 14<sup>th</sup> December 2019.

59. The advertising period involved the following:
- a) Letters sent to property owners within 100m of the site;
  - b) Publishing a notice of the proposed amendment on the City's website;
  - c) Signage placed on site;
  - d) Publishing a notice in the local newspaper; and
  - e) A community drop in and learn session held on 12 December 2019.
60. The major concerns received during the initial consultation in response to the ODP as shown in Attachment 3 were:
- a) The potential for increased traffic in the locality,
  - b) The potential for insufficient on-site parking;
  - c) The impact of an increased density on the amenity of the locality;
  - d) Inconsistency with the existing R20 streetscape;
  - e) The distance to high frequency bus routes;
  - f) The distance to existing services;
  - g) Whether other property owners will have the ability to subdivide;
  - h) The potential for increased crime; and
  - i) The potential damage to existing dwellings during construction.

The applicant and officer responses to the concerns raised in the submissions, are provided in Attachment 9.

61. Following the receipt of the concerns above and an initial assessment of the proposed amendment, an amended plan as shown in Attachment 4 was proposed which was subsequently advertised for a period of 14 days concluding on 10<sup>th</sup> June 2019.

62. During the secondary advertising period the City received a total of five submissions from land owners and two from state agencies which comprised of 5 objections and 2 comments (See Attachment 10). The key concerns raised through the secondary advertising period included the following:

- a) The impact of increased density on the amenity of the locality;
- b) Concerns that the increased density is forcing landowners to sell;
- c) The potential for insufficient on-site parking;
- d) The potential for increased traffic in the locality;
- e) Whether the existing services can handle the increased demand;
- f) That Gladys Newton Park needs enhancing;
- g) The potential for increased number of driveways/crossovers;
- h) That the traffic impact assessment does not take into consideration future visitors to the aged care facility which is under construction;
- i) Distance to existing commercial services;
- j) Distance to existing bus stops on Kalamunda Road; and
- k) The potential for increased crime in the area.

63. Referrals to State Agencies

Consistent with Regulation 18 (1) (b) of the LPS Regulations the City is required to:

*'seek comments in relation to the proposed structure plan from any public authority or utility service provider that the local government considers appropriate'.*

Accordingly, the proposed amendment was referred to the Department of Fire and Emergency Services and the Department of Biodiversity, Conservation and Attractions for comment (See Attachment 10).

64. The Department of Biodiversity, Conservation and Attractions (DBCA) provided comment that the proposed amendment directly opposite a DBCA managed reserve (Hawkevale Nature Reserve) that there was not seen to be any impact to the reserve from the proposed ODP amendment.

65. The Department of Fire and Emergency Services (DFES) provided comment which requested further information from the proponent's bushfire consultant surrounding the classification of the vegetation within 100m of the proposed development and its effect on the indicative Bushfire Attack Level (BAL) ratings provided in Appendix 2 of the applicant's report (see Attachment 1). Without this additional information DFES were unable to provide a letter of no-objection to the proposed amendment.

66. This further information has been submitted to DFES for review and is pending final comment from DFES. It should be noted that the subject lot(s) are zoned urban and any concerns surrounding the indicative BAL ratings of the subject lot(s) can be addressed through future development stages (development applications and subdivision applications). During these processes detailed BAL assessments and Bushfire Management Plans are required specific to each individual development.

## **FINANCIAL CONSIDERATIONS**

67. In accordance with Regulations 48 and 49 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, any costs associated with advertising and assessment of the Karingal Green ODP amendment will be met by the applicant.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

68. *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**

69. Supporting the increased density at the subject lot(s) will ultimately lead to greater housing stock diversity and greater housing affordability.
70. Any amenity or social impacts to adjoining properties can be addressed as part of future development applications. The final set of modifications considered acceptable by the City has regard to density impacts and a revised density allocation has been considered for the property fronting and adjoining residents on Catspaw Way.

### **Economic Implications**

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

### **Environmental Implications**

72. The subject lot(s) are vacant or contain an existing single house. Accordingly, there are no environmental implications from the proposed amendment.

**RISK MANAGEMENT CONSIDERATIONS**

73.

<b>Risk:</b> Adopting the amended plan could result in an increase in traffic at the Hawkevale Road and Kalamunda Road intersection at the AM Peak.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
Ensure thorough traffic impact assessments are undertaken as a condition of approval of the ODP and request individual traffic assessments are submitted for the lots with increased density.		

74.

<b>Risk:</b> Adopting the initial plan subject to modification would increase the likelihood of built form conflict between adjoining landholdings.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Request modifications reducing the density on Catspaw Way and ensure the compliance of future built form against the design principles of the Residential Design Codes. Recommend Local Development Plans should the subject lots be subdivided.		

**OFFICER COMMENT**

75. The key concerns raised through the consultation periods include:
76. i. The impact of increased density on the amenity of the locality:
- The City acknowledges that the recommended R60 and R40 medium density coding as outlined in Attachment 5 is higher than the prevailing residential density within the locality. However, when considered in the context of the aged care facility under construction and their selected locations, the proposed density is compatible. Furthermore, potential amenity impacts can be mitigated through appropriate built form outcomes and modifications recommended as part of approval of the ODP.
77. While the amended ODP as outlined in Attachment 4, resulted in a potential to reduce built form conflicts to adjoining properties by providing development potential, the age of the existing housing stock would prevent the mitigation of those conflicts occurring in the short-medium term. Accordingly, the City has recommended to designate Lot 316 (15) Catspaw Way as R40 (Attachment 5). The lower density of R40 is considered an appropriate interface at this location for the following key reasons:
- a) Maintain the established streetscape on Catspaw Way.
  - b) Limited capacity for on street parking at future development application phase on Catspaw Way.
  - c) Appropriate interface with Catspaw Way and those properties along it in the context of the "tighter" streetscape provided through the enclosed street design being a "Way".



78.



79. With regard to the proposed R60 coding over Lot 265 (23) Calophylla Way, the lot is bound to the north by Calophylla Way, the east by a developed 'private clubs and institutions' site, the south by Hybanthus Avenue and the West by Lambertia Crescent. As the property is not directly adjacent to an existing residential property and in the context of the relatively open road design in this location (i.e. three road and two intersections), an increase in density to R60 is considered consistent with the prevailing amenity and fitting within its context in this particular location.

80.





81. With regard to the proposed R60 coding on Lot 321 (73) Buttercup Crescent, the lot is orientated toward a large natural bushland reserve providing high levels of outlook and amenity. As the primary orientation of any future development on Lot 321 will front the reserve, an increase in density to R60 is not seen have an adverse impact to the existing streetscape. The road reserves in this part also have the capacity to accommodate on-street parking.

82.



83. ii. The potential for increased traffic in the locality:

Resulting from the community consultation period, a traffic impact assessment (see Attachment 6) was submitted to the City. This assessment considered the Roe Highway and Kalamunda Road intersection upgrades and the traffic impacts of both the initial plan and the amended plan. The Traffic impact assessment concluded that the predicted traffic volume is expected to have a minor impact on the existing road network.

84. The City raised concerns from an assets perspective with the level of information provided in the Transport Impact Assessment (TIA) and subsequently requested an amended TIA (Attachment 7). The City still has concerns surrounding TIA and its impact to existing infrastructure and intersection on Kalamunda Road. As such, it has been recommended that the ODP amendment be approved subject to modification, inclusive of a Transport Impact Assessment to the satisfaction of the City. The concerns raised are not considered significant enough to warrant refusal and can be addressed as a condition of approval.

85. iii. Distance to existing commercial services and bus stops

Consistent with the metropolitan Perth strategic planning framework, the proposed medium density is sited within walking distance of community facilities. The subject lot(s) are located within the immediate vicinity of public open space, an aged care facility; within 600-900m of three local centres

(shopping centres) and 800m of a high frequency bus route. While not all community facilities are located strictly within a 400m and 800m walkable catchment as defined by *Liveable Neighbourhoods*, the additional distances are not considered to render the distance to facilities 'unwalkable' (Attachment 8).

86. iv. The potential for insufficient on-site parking and an increased number of crossovers/driveways:

All future development on the subject lot(s) will be assessed at a development application and subdivision stage in which all residual concerns surrounding, building bulk, scale, onsite parking and street parking can be mitigated. The surrounding road reserves have some capacity to contain on-street parking which can be considered at the development application phase.

87. v. Classification of Vegetation within 100m of the subject lot(s)

The Department of Fire and Emergency Services provided comment on the proposal which requested further information surrounding the classification of vegetation within 100m of the subject lot(s). Without this information DFES were unable to provide a comment with no-objection to the proposal. This further information has been submitted to DFES for review and final comment.

88. It should be noted that the bushfire information provided with the proposed ODP amendment and the additional information provided by the proponent's bushfire consultant is sufficient for council to consider this amendment to the Karingal Green ODP. Any outstanding concerns surrounding the future BAL ratings of the subject lot(s) can be addressed through subsequent planning stages including both subdivision and development application processes.

89. In summary, the concerns raised to the proposed modifications to the ODP from affected are noted and have been addressed through further modifications identified in Attachment 5. On balance, the modified ODP is considered consistent with the local planning framework, strategic planning initiatives of the State Government and therefore, is recommended for approval subject to modification.

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

## **RECOMMENDATION**

That Council:

1. APPROVES the proposed modifications as outlined in Attachment 4 to the Karingal Green Outline Development Plan subject to the following modifications:
  - a) Designating Lots 320 (77), 312 (63), 313 (61), 314 (59), 315 (57) Buttercup Crescent, and Lot 319 (3) Catspaw Way as Residential R20.
  - b) Designating Lot 316 (15) Catspaw Way, High Wycombe as Residential R40.
  - c) A revised Traffic Impact Assessment being submitted to the satisfaction of the City of Kalamunda.

2. On receipt of the modifications to the Karingal Green Outline Development Plan as outlined in Point 1, FORWARD the modified Outline Development Plan to the Western Australian Planning Commission for endorsement.

### **10.1.5. City of Kalamunda - Draft Local Planning Policy: Public Art Contributions - Adoption for the Purposes of Public Advertising**

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

The Director Development Services provided a presentation on this Item.

Mr David Downing presented a deputation on this Item and did not support aspects of the policy as presented for advertising.

Mr Harry Pannekoek, representing the Kalamunda Arts Advisory Committee, presented a deputation on this Item and did not support aspects of the policy as presented for advertising.

Mr Andy Farrant, representing the Kalamunda Arts Advisory Committee, presented a deputation on this Item and did not support aspects of the policy as presented for advertising.

Previous Items	OCM 31/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.010173
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"><li>1. Draft Public Art Contributions Policy - As Presented 11 June 2019 Public Agenda Briefing [<b>10.1.5.1</b> - 6 pages]</li><li>2. Draft Public Art Contributions Policy with Tracked Changes Since 11 June 2019 Public Agenda Briefing [<b>10.1.5.2</b> - 7 pages]</li><li>3. Draft Public Art Contributions Policy Incorporating Accepted Edits (For Public Advertising) [<b>10.1.5.3</b> - 7 pages]</li><li>4. Public Art Contributions Policy - Kalamunda Arts Advisory Committee Comments and City Responses [<b>10.1.5.4</b> - 5 pages]</li></ol>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider adoption of the Public Art Contributions Local Planning Policy (Policy) for the purpose of public advertising.
2. The Policy has been prepared to facilitate contributions towards public art through development proposals and provides guidance on the format of public art contributions within the City of Kalamunda (City).
3. It is recommended that Council adopts the Policy for the purposes of public advertising.

## BACKGROUND

4. The City periodically reviews, revokes and adds new policies for the purpose of ensuring consistency and transparency in decision making and to ensure Council has a clear and defensible position in making planning decisions.
5. The State Government encourages the inclusion of art in the built environment through the Percent for Art Scheme. Local governments have adopted this Scheme as a model of best practice for the inclusion of public art.
6. The Policy has been prepared in the context of the State Government's Percent for Art Scheme, which encourages art in the built environment through a percent of a development's overall budget to commission public artworks.
7. On 26 February 2019, Council adopted a draft Public Art Policy for the purpose of public advertising. This Policy was prepared by the Kalamunda Arts Advisory Committee (KAAC). The KAAC provides advice to the City for the purpose of decision making in relation to the arts.
8. The KAAC draft Public Art Policy provided a basis for the City to consider the collection of contributions towards public art. Given contributions will be sought from future development, a Local Planning Policy is required to be prepared because contributions to public art through development applications can only be levied through conditions of planning approval. The development of a Local Planning Policy in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Scheme) Regulations 2015* will provide a statutory basis for the imposition of public art contributions from development approvals. This is not achievable through the KAAC draft Public Art Policy adopted on 26 February 2019. Therefore, the relevant sections of the Council policy were integrated into the Policy.
9. A summary policy comparison is shown below:

<b>Draft Public Art Policy</b>	<b>Local Planning Policy Public Art Contributions Policy</b>
KAAC Policy	Local Planning Policy
Prepared under the <i>Local Government Act 1995</i>	Prepared in accordance with the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
Provides guidance on how contributions are expended	Identifies the contribution threshold
Identifies the process for identifying locations and allocating funds to art projects	Identifies the process for receiving and processing funds
Implemented in conjunction with the Public Art Strategy	Implemented in conjunction with the Public Art Strategy and Public Art Master Plan

10. A number of local government authorities have adopted Public Art Contribution Policies including, but not limited to, City of Bayswater, City of Armadale, Town of Bassendean, City of Cockburn, Town of East Fremantle, City of Fremantle, City of Gosnells and City of Kwinana.
11. A draft Policy was presented to the 11 June 2019 Public Agenda Briefing, refer Attachment 1. Advertising of the Policy was subsequently deferred to allow time for KAAC to suggest further comments and refinements in relation to the Policy.
12. A meeting of KAAC was held in July 2019 at which further recommendations regarding the Policy were made. The recommendations were reviewed by the City and officer comments were made regarding whether the suggestions were appropriate for inclusion. A summary of KAAC recommendations and officer comments can be viewed in Attachment 4.

## **DETAILS**

13. The intent of the Policy is to guide the provision of public art for development proposals to improve the quality of the City's built environment and enhance amenity for both residents and visitors and provide opportunities for local artists within the City.
14. The Policy provides two options for public art contributions including coordinating the public art project with a professional artist, or paying a cash in lieu contribution to the City for public art. Currently the Policy states contributions of less than \$30,000 are to be paid as cash-in-lieu to the City to contribute towards to implementation of the future Public Art Master Plan.
15. The Public Art Master Plan will be a strategic document that identifies key locations throughout the City for the provision of public art. The Public Art Master Plan will also identify the themes and envisaged outcomes for public art in strategic and key locations throughout the City. The development of the Public Art Master Plan is a key action of the City's adopted Arts Strategy.
16. The primary objectives of the Policy are to:
  - a) Facilitate the provision of public art through development proposals.
  - b) Develop and promote community identity.
  - c) Improve the quality of the City's built environment.
  - d) Inform the procurement, siting, commissioning and installation of art into public places.
  - e) Include elements of design that reflect unique aspects of the area (history, natural environment).
  - f) Enhance the amenity and activity options available to local residents and visitors.
  - g) Enhance the provision of public art for the enjoyment of residents and visitors.
  - h) Provide opportunities for local artists.

17. The Policy applies to all applications for development approval where the estimated cost of development exceeds one million dollars, with the exception of a single house, grouped dwelling, ancillary dwelling or any ancillary structures. It also covers City projects such as community buildings or streetscape enhancements (which may not require Development Approval).
18. KAAC recommended that a contribution to Public Art should be no less than 1% of all private developments, including extensions and upgrades over the total project cost of \$500,000. KAAC also proposed a 2% contribution for City projects including project contingencies. The City is not supportive of these recommendations as precedence suggests a 1% contribution for development estimated above one million dollars is a consistent threshold implemented across the majority of metropolitan local governments.
19. An audit of other Local Government Public Art Policies was undertaken which identified that this type of Policy generally applies to all developments over the total project cost of \$1,000,000 as opposed to \$500,000 proposed in the KAAC recommendations. The table below outlines the public art contribution requirements of other Local Government Policies:

<b>Local Government Area</b>	<b>Policy Name</b>	<b>Development Subject to the Public Art Contribution</b>
City of Armadale	<i>Percent of Public Art</i>	1% of total development cost on developments between \$1 million and \$2 million. \$2 million and greater contribute 1% and provide public artwork to the value of 1% of the total development cost and maintain the artwork. Excludes single residential developments.
Town of Bassendean	<i>LPP No. 15: Percent for Art Policy</i>	Developments over \$1 million must contribute to public art funding. Developments within the Bassendean Town Centre requires a public realm contribution of 2% of the construction value. Excludes single residential developments.
City of Bayswater	<i>Percent for Public Art Policy</i>	No less than 1% of the development cost on developments with a construction value of \$1 million or greater. Excludes any residential development and development on public property.
City of Canning	<i>Developer Funded Public Art</i>	1% of the development cost on developments exceeding \$4 million with a maximum contribution of \$250,000. Excludes any residential development.
City of Cockburn	<i>Percent for Art Policy</i>	1% of the development cost on developments exceeding \$1 million

		with a maximum contribution of \$250,000. Excludes industrial uses and single residential developments.
Town of East Fremantle	<i>Local Planning Policy 3.1.9 – Percent for Public Art.</i>	1% of the development cost on developments exceeding \$3 million. The contribution cost depreciates to 0.75% once the total cost of development reaches \$100 million. Excludes demolition, single residential developments, grouped dwelling developments, multiple dwellings less than 15 dwellings, State and Federal projects where an equivalent public art contribution is applies and heritage works.
City of Fremantle	<i>Local Planning Policy 2.19: Contributions for Public Art and/or Heritage Works</i>	Development within subject site areas must provide 1% of the development cost on developments \$1 million or over. Excludes single and grouped dwellings, industrial class uses, developments with a GLA less than 1000sqm and refurbishments or change of use of existing buildings larger than 100sqm.
City of Gosnells	<i>Local Planning Policy 6.0: Public Art Policy</i>	1% of the development cost on developments exceeding \$2 million with a maximum contribution of \$250,000. Excludes industrial developments.
City of Kwinana	<i>Local Planning Policy No. 5: Development Contribution Towards Public Art</i>	1% recommended of total development cost over \$1 million. Excludes developments within general industry zones, refurbishments, or upgrades of existing infrastructure.
City of Melville	<i>Provision of Public Art in Development Proposals</i>	1% of the development cost with a project cost exceeding \$1 million. Excludes non-residential developments.
Shire of Serpentine-Jarrahdale	<i>Local Planning Policy No. 59: Public Art Policy for Major Developments</i>	1% of the development cost on developments between \$1 million and \$50 million. Developments with a construction cost greater than \$50 million must contribute \$500,000. Excludes development applications relating to site preparation such as bulk earthworks or landscaping.
City of South Perth	<i>Policy P101: Public Art</i>	2% of the City's development project cost where the cost is greater than \$2 million.
City of South Perth	<i>Policy P316: Developer</i>	1% of the development cost with a project cost of \$4 million or greater.



	<i>Contribution for Public Art and Public Art Spaces</i>	
City of Swan	<i>POL-LP-1.10 Provision of Public Art</i>	1% of the development cost with a project cost of \$2 million or greater with a maximum contribution of \$500,000. Excludes site works, infrastructure works, single dwelling or less than 10 grouped or multiple dwellings.
City of Vincent	<i>Percent for Art</i>	1% of the development cost for developments over the Threshold Value determined by the City's Council. Excludes residential developments zoned below R60, comprising of less than 10 dwellings and have a height below 3 storeys.

20. Other LGAs including the Shire of Peppermint Grove, City of Nedlands and Town of Cottesloe were also audited, but currently do not have a Public Art Policy.

## STATUTORY AND LEGAL CONSIDERATIONS

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

21. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)*.
22. Under Schedule 2 Clause 3(1) of the Regulations states '*the local government may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.*'
23. Under Schedule 2 Clause 4(1) of the Regulations the City's Local Planning Scheme No.3 (Scheme) and Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period have regard to any submissions received.
24. Under Schedule 2 Clause 5 of the Regulations 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, then the Regulations and the Scheme prevails.

## POLICY CONSIDERATIONS

25. The Policy is generally consistent with the version presented to Council on 11 June 2019 with some modifications as a result of KAAC recommendations. A copy of the 11 June 2019 Public Agenda Briefing version can be viewed in Attachment 1. A version of the draft Policy showing tracked changes with those suggested recommendations from KAAC that the City considered acceptable can be viewed in Attachment 2. The final version for public advertising incorporating tracked changes can be viewed in Attachment 3.
26. In summary, the main modifications include:
  - a) Reference to City projects in the Application of the Policy section;
  - b) Minor grammatical and title changes;
  - c) Introduction of a new section for Cash-in-Lieu and new section for the Public Art Strategy and Masterplan;
  - d) Inclusion of two additional points relating to the visibility of proposed artworks and integration into the development;
  - e) Removal of references to building features as artwork these are considered architectural treatments and not public art; and
  - f) A new section for Copyright and Maintenance.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

27. The Policy has been prepared by the City with the recommendation to prepare the Policy coming through the KAAC and as an action of the, now adopted, Arts Strategy.
28. The Policy has been prepared with input from relevant internal planning and economic development disciplines. Further input will be required from these disciplines as part of advertising and finalisation process.
29. Prior to presentation at the 11 June 2019 Public Agenda Briefing, the City's officers met with representatives of the KAAC with a view of ensuring consistency between the Arts Strategy and the Policy. The following table summarises the key recommendations from representatives of the KAAC and officer comment on the recommendations that have been adopted or not adopted:

<b>Policy Section</b>	<b>KAAC Recommendation</b>	<b>Officer Recommendation</b>
5.1 Public Art Contribution (b)	Contribution required for all public work undertaken by the City of Kalamunda at a rate of 2% of the estimated cost of development (including costs for contingencies)	Relates to significant community facility or streetscape improvement projects with approved budget exceeding one million dollars (excl GST & City overheads). The contribution is 1% with a maximum contribution cap of \$250,000.

5.1 Public Art Contribution (c)	Remove the 10% discount incentive for a developer making a cash-in-lieu contribution in lieu of coordinating the public art project.	Modification accepted.
5.1 The Artwork (b)	Include a requirement for an attribution plaque to recognise the developer's contribution.	Made reference to a "plaque or similar item installed on or nearby the public art..." for this purpose.
5.3 Types of Public Art (a) (xi)	Removal of reference to "lighting" and "signage" in an infrastructure or capital works project, as a type of public art that may be considered.	Modification accepted.
5.5 Kalamunda Art Advisory Committee	Include reference to Public Art Master Plan.	Modification accepted.
6.2 Estimated Cost of Development	Include 'budgeted project and contingency costs'.	Modification accepted.
6.6 Public Art Fund	Include reference to the Public Arts Master Plan guiding selection, review and delivery process for use of the accumulated funds.	Modification accepted.

30. Further to the comments provided above and subsequent to the Policy being presented to the 11 June 2019 Public Agenda Briefing, the KAAC undertook a secondary review of the Policy. A summary of comments provided from the secondary review with officer comments on those revisions are outlined in Attachment 4.
31. Noting not every recommendation was accepted, the KAAC will have further opportunity to provide advice on the proposed Policy during the formal advertising period and Council will be afforded another opportunity to consider modifications after the advertising period and when the Policy is presented for final approval.

## External Referrals

32. The Regulations require that a local government must advertise the proposed Policy as follows:
- a) Publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of the subject and nature of the proposed policy, the objectives of the policy and to whom, what form and during what period, submissions in relation to the proposed policy may be made.
  - b) If the opinion of the local government is that the policy is inconsistent with any state planning policy must give notice of the proposed policy to the commission.
  - c) Give notice of the proposed policy in any other way and carry out any other consultation that the local government deems appropriate.
33. In the context of the proposed Policy having an impact on development proposals, the City will refer the Policy to other relevant advisory Committees of Council (i.e. Aged Care and Environmental).

## FINANCIAL CONSIDERATIONS

34. All costs incurred during the advertising of the Policy will be met through the Approval Services or Strategic Planning annual budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

35. *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 1.1.3** - Facilitate opportunity to pursue learning.

#### **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

36. If the Policy is adopted, the City and Council will be provided with guidance in the provision of public art in development proposals.
37. Local artists may have greater opportunity to showcase their artwork through development proposals to the community.

## Economic Implications

38. Public art can encourage economic activity by providing a focal point and enhancing the way in which residents, employers and investors engage with a place.
39. The implementation of the Policy will have financial impacts to developments over one million dollars.

## Environmental Implications

40. Public art can decorate and enhance the natural environment of a public space.

## RISK MANAGEMENT CONSIDERATIONS

41.
 

<b>Risk:</b> The Policy is not adopted resulting in the City not having a formal process or approach to the provision of public art for developments.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
The Policy has been formed in line with best practice industry standards which encourages the provision of public art for developments over \$1,000,000.		
42.
 

<b>Risk:</b> The Policy does not meet the objectives stated.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Possible	High
<b>Action/Strategy</b>		
The thresholds applied for public art contributions are in line with other relevant Local Government Authorities. However, the Public Art Strategy to facilitate developments which meet the threshold for public art contributions within the City will be progressed in line with the City's Strategic Community Plan.		
43.
 

<b>Risk:</b> The policy introduces unacceptable levels of increased costs to developers.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
The threshold, which is in line with other Local Government areas (developments over \$1,000,000) targets larger developments. The 1% contribution for these developments is unlikely to result in undue impacts to project feasibility. It will be important to ensure developers are aware of the benefits of public art including that it can increase the value of a development, balancing the level of increased costs to developers.		

## OFFICER COMMENT

44. The proposed Policy, which is in line with local government practices, will ensure future developments over one million dollars will provide a public art contribution of 1% of the total development cost, with a maximum capped contribution of \$250,000.
45. An applicant/owner may choose to make a public art contribution by coordinating the public art project with a professional artist or paying a cash-in-lieu contribution to the City for public art. Currently the Policy states contributions less than \$30,000 are to be paid as cash-in-lieu for the delivery of key projects identified in the Public Art Masterplan.
46. Based on the common practice of other local governments adopting contributions for 1% of the development cost for developments over one million dollars, it is recommended the City follows this practice, despite the KAAC recommendations that a contribution to Public Art should be no less than 1% of the total project cost of developments over \$500,000. While not a direct planning consideration, the imposition of a levy on developments as low as \$500,000 could be onerous and place an additional cost burden on smaller developments. It could also capture small development applications, building upgrades or heritage development works and is inconsistent with other metropolitan local governments.
47. The KAAC also proposed a 2% contribution for City projects including contingencies. The City is not supportive of this increase as community facilities and streetscape enhancement projects are already considered to provide community benefit, and additional contributions may reduce resources required for other priorities. A 1% contribution consistent with contributions from private development is considered fair and reasonable.
48. The proposed Policy will ensure the KAAC broader objectives can be met through a Policy which will ensure contributions to public art can be made through development applications. The City will develop a procedure to guide the public art contributions processes, roles and responsibilities.
49. The adoption of the Policy will provide opportunities for local artists to showcase their artwork within their local community. The Policy will assist with facilitating the delivery of public art to enhance amenity and reflect the unique aspects of the City including history and natural environment.

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

That Council ADOPTS the draft Public Art Contributions Local Planning Policy for the purposes of advertising for a period of 21 days, pursuant to Clause 4 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as outlined in Attachment 3.

### **10.1.6. Local Planning Policy No.25: Interim Development Contributions - Adoption for Public Advertising**

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

The Director Development Services provided a presentation on this Item.

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	N/A
Applicant	N/A
Owner	N/A

Attachments	1. Local Planning Policy No.25 - Interim Development Contribution Arrangements [ <b>10.1.6.1</b> - 5 pages]
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#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the adoption of draft Local Planning Policy 25 – Interim Development Contribution Arrangements (Policy) for the purpose of public advertising (Attachment 1).
2. The Policy seeks to guide the preparation of Interim Development Contribution Arrangements (IDCA) within the City of Kalamunda.
3. It is recommended Council adopt the Policy for the purpose of public advertising for not less than 21 days.

#### **BACKGROUND**

4. The Policy applies to all areas identified to be within a proposed Development Contribution Area (DCA) Special Control Area (SCA) under the City's Local Planning Scheme No. 3 (Scheme) which is yet to be formally gazetted but has been advertised.
5. The City currently has two existing DCAs; being Cell 9 in Wattle Grove and the Forrestfield/High Wycombe Stage 1 Industrial Area.
6. The City is also in the process of considering a draft DCA for the Kalamunda Wedge of the Maddington Kenwick Strategic Employment Area (MKSEA) which has been progressed as Scheme Amendment No.101 (Amendment 101).
7. Amendment 101 proposes to include within Schedule 12 of the Scheme the DCA for the MKSEA area. Amendment 101 was adopted by Council for the purpose of public advertising in December 2018. It is anticipated that Amendment 101 will be finalised towards the end of 2019 and subsequently issued to the Western Australian Planning Commission (WAPC) and Minister for Planning for consideration.

## DETAILS

8. This Policy is a Local Planning Policy prepared and adopted pursuant to Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development Regulations 2015* (Regulations). The Policy augments, and is to be read in conjunction with, the provisions of the Deemed Provisions relating to DCAs. If there is a conflict between this Policy and the Deemed Provisions, then the Deemed Provisions prevail.
9. Development contributions are generally calculated and applied by way of conditions of a subdivision, strata subdivision or development, with the timing for payment determined by the decision maker in accordance with the provisions of the Scheme. This usually occurs at the subdivision or building license phase.
10. IDCAs are created to provide landowners with the flexibility of proceeding with subdivision and/or development prior to the finalisation of a DCA.
11. IDCAs are the legal mechanism by which the City can apply current cost estimates, provide sufficient security to cover its financial interests and ultimately collect contributions from developers who develop before DCAs are finalised.
12. The Policy will establish a concise and documented procedure for the establishment of IDCAs to provide for consistent management by the City, and a transparent process to manage interim arrangements for the community.
13. The primary objectives of the Policy are to:
  - a) Clearly outline the City of Kalamunda's (the City) expectation in regard to satisfactory arrangements being established for contributions prior to formal gazettal of a Development Contribution Area (DCA).
  - b) Identify the City's position with regard to interim development contribution arrangements prior to the formal gazettal of a DCA.
  - c) Identify the City's position with regard to the provision of infrastructure and land prior to the finalisation of a DCA and the potential for development contributions offsets accordingly.
  - d) Ensure that developers acknowledge the risks of entering into interim development contribution arrangements prior to finalisation of a DCA.

## STATUTORY AND LEGAL CONSIDERATIONS

14. This Policy has been prepared under and in accordance with Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development Regulations 2015* (Deemed Provisions).
15. Clause 6.5 of the Scheme outlines the statutory provisions for DCAs within the City.



16. It is noted that Regulation 73(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) states that a local government, when determining development applications, must not levy a contribution for the provision of infrastructure unless there is a DCA for the area. Conversely, the Regulations also state under Regulation 73(3) that a local government must not refuse to grant development approval on the grounds that a DCA is being prepared, unless the DCA has already been advertised.
17. Similarly Regulation 73(2) states that when considering subdivision proposals, the Commission must not levy a contribution for the provision of infrastructure unless there is a DCA for the area. Conversely, the Regulations also state under Regulation 73(4) that the Commission must not refuse to grant development approval on the grounds that a DCA is being prepared, unless the DCA has already been advertised.
18. The inference is that the City may contemplate refusal of the proposal where an advertised DCA has not yet been finalised through a Scheme Amendment and in situations where the payment of contributions have not been determined.
19. Deemed Clause 69(1) has the effect of precluding a local government from refusing an application for development approval solely on the basis that a DCP is not in place in relation to the development.
20. Deemed Clause 69(2) precludes a local government from granting development approval subject to a condition a Development Contribution under a DCP may be required, in circumstances where the relevant DCP has not been incorporated in the Scheme at the time of the determination of the development application.
21. In the interests of progressing development, the Policy provides a framework for permitting development within the area, subject to a condition of approval, requiring an IDCA being established between the parties (i.e. developer/landowner and the City) to address the matter of the contribution requirement.
22. It is envisaged that such arrangements would include an agreement with the City, which provides clarity for the applicant as to their obligations to the DCA and security for the City that any contribution payment applicable to the subject site will be received upon finalisation.
23. The City has considered the legal parameters with regard to the preparation and implementation of the Policy and can see no reason why the City should not prepare such a Policy.

## **POLICY CONSIDERATIONS**

24. State Planning Policy 3.6 (SPP 3.6) sets out the principles and considerations that apply to development contributions for the provisions of infrastructure in new and established DCAs.

25. This Policy is a Local Planning Policy prepared and adopted pursuant to the Deemed Provisions.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **External Referrals**

26. Should Council decide to adopt this Policy for the purposes of public advertising, it would be required to be advertised for a minimum period of 21 days via the following methods:
- a) Notice on the City's website and social media platform;
  - b) Local newspaper advertisement;
  - c) A notice sent to landowners within the Draft DCA for MKSEA; and
  - d) Display of documents at the Administration Centre.

(Table 1, City of Kalamunda Local Planning Policy P-DEV45)

## **FINANCIAL CONSIDERATIONS**

27. IDCAs are intended to protect the financial and community interests of the City and all landowners within a DCA, through providing a legal mechanism by which contributions can be collected in the interim and any shortfall or excess, collected or refunded at the time of finalisation.
28. IDCAs require resources to establish and administer and do not completely eliminate financial risk to stakeholders. However, the benefits of having interim arrangements generally outweigh the negative aspects.

## **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.

## **SUSTAINABILITY**

### **Social Implications**

30. This Policy will provide a transparent and equitable procedure for the establishment of IDCAs to provide for the consistent management by the City.

## Economic Implications

31. IDCAs do not offer any direct economic benefits to an area. The implementation of IDCAs however, can assist in the timely, efficient and equitable provision of infrastructure through a DCA that may in turn facilitate economic growth and employment creation.

## Environmental Implications

32. Nil

## RISK MANAGEMENT CONSIDERATIONS

- 33.
- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                    |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------|
| <b>Risk:</b> The Policy is not adopted for the purpose of public advertising and does not proceed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                    |               |
| <b>Likelihood</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Consequence</b> | <b>Rating</b> |
| Unlikely                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Major              | Medium        |
| <b>Action/Strategy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |               |
| Ensure that Council is aware of the importance and intent of the Policy to provide transparency of the process with IDCAs. If no mechanism was put into place to ensure finalised contributions were paid, a number of outcomes may result, including but not limited to: <ul style="list-style-type: none"> <li>• Infrastructure not being provided, either in a timely manner or at all;</li> <li>• A significant financial burden on the City, which may need to be addressed through the allocation of municipal funds;</li> <li>• A financial burden on future landowners, through adjusted higher contributions to make up the shortfall, payable at the time of subdivision and/or development.</li> </ul> |                    |               |
- 34.
- |                                                                                                                |                    |               |
|----------------------------------------------------------------------------------------------------------------|--------------------|---------------|
| <b>Risk:</b> Not having a Policy results in a lack of transparency of the process and possible inefficiencies. |                    |               |
| <b>Likelihood</b>                                                                                              | <b>Consequence</b> | <b>Rating</b> |
| Possible                                                                                                       | Major              | High          |
| <b>Action/Strategy</b>                                                                                         |                    |               |
| Adopt the Policy for the purpose of public advertising.<br>Policy will provide transparency                    |                    |               |

## OFFICER COMMENT

35. It is necessary for the City to establish a formal position in regards to IDCAs to ensure that Council can carry out its role as administrator of the DCA in a fair, reasonable, consistent and transparent manner that minimises the financial risk to Council and the broader community.
36. The Policy will provide a well documented and transparent procedure to guide the establishment and operation of IDCAs.

37. The Policy provides recommended conditions requiring the applicant to enter into an IDCA with the City. The recommended condition requiring an IDCA does not require the applicant to make a development cost contribution, but rather requires the applicant to enter into a legally binding agreement with the local government to contribution towards the costs of providing certain identified common service and community facilities when the DCA is finally approved.
38. The provisions of the Policy do not bind Council to this approach, and other arrangements may be considered on their merits should they arise or circumstances change over time.
39. Advertising the Policy will provide the community an opportunity to outline their concerns and for these concerns to be addressed through the planning process when the Policy is considered by Council for final approval.
40. From a planning perspective, the Policy is consistent with the applicable strategic and statutory planning framework and is consistent with orderly and proper planning.
41. Having regard to the above, it is recommended that Council adopts the Policy for the purpose of public advertising.

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

That Council ADOPTS draft Local Planning Policy 25 – Interim Development Contribution Arrangements for the purpose of public advertising for a period not less than 21 days via the following methods:

- a) Notice on the City's website and social media platform;
- b) Local newspaper advertisement;
- c) A notice sent to landowners within the draft DCA for MKSEA; and
- d) Display of documents at the Administration Centre.

## **10.2. Asset Services Reports**

### **10.2.1. Response to Petition on Plover Road Speeding**

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

The Manager Asset Planning & Management provided a presentation on this Item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	4.00009251; KK-01/GEN; PL-07/GEN
Applicant	Petition
Owner	City of Kalamunda

Attachments      1.      Plover Rd Speeding Petition [**10.2.1.1** - 3 pages]

#### **EXECUTIVE SUMMARY**

1.      The purpose of this report is to address a petition submitted to Council (Attachment 1) highlighting concerns relating to vehicle speeds and vehicle movements on Plover Road, Kookaburra Crescent and surrounding streets in High Wycombe.
2.      The concerns were addressed by following the City's Traffic Treatments Assessment Policy and Procedure. This provides an objective and transparent framework to assess the need and priority for the implementation of traffic treatments to address traffic volumes and speed, road safety and amenity issues on local roads under the care and control of the City. The assessment determined that no treatments are recommended as an action of the City.
3.      It is recommended that Council note this assessment.

#### **BACKGROUND**

4.      The City of Kalamunda received several requests to investigate vehicle speeding and hooning issues on Plover Road and Kookaburra Crescent, High Wycombe in March 2019.
5.      The City then undertook a data collection exercise in relation to traffic volumes and speeds over a two-week period in April 2019. A Traffic Treatment Assessment (TTA), as per the City's endorsed policy and procedure, was then undertaken. The residents who raised the request for the investigations were advised of the outcomes of the TTA.
6.      A petition with 40 signatures was submitted to the City on 7 May 2019 by Mr Edward Pewsey, a resident of Plover Road. The petition requested permanent traffic calming measures to be installed on Plover Road, Kookaburra Crescent and adjacent local roads. The petition was presented at the 28 May 2019 Ordinary Council Meeting.

## DETAILS

7. The City regularly addresses concerns regarding speeding and hooning by undertaking a Traffic Treatment Assessment. The assessment produces a score after considering: the 85<sup>th</sup> percentile speed, traffic volumes, crash history, road geometry, activity generators and the proportion of heavy vehicles using the road. The 85<sup>th</sup> percentile speed limit is used as it is an accepted industry-standard metric endorsed by the traffic engineering community to guide decisions relating to speed, safety and to minimise risk.
8. The assessment process recommends a level of treatment based on different thresholds. Scores above 50 identify the priority need for physical traffic treatments, scores ranging between 35 and 50 trigger only low-cost solutions, and scores below 35 do not warrant prioritised action by the City.
9. This process is a useful tool for prioritising traffic treatments, especially where resources are not unlimited.
10. It should be noted that the City typically continues to monitor traffic operations to ensure that operating conditions do not deteriorate in the future. If the recorded 85<sup>th</sup> percentile speed is greater than 10 km/hr over the posted speed limit, the Western Australian Police are notified as per the WALGA Local Government Speed Enforcement Program.
11. The results of the Traffic Treatment Assessment for both Plover Road and Kookaburra Crescent resulted in scores of 20 and 23 which, in accordance with the City's policy, do not warrant any prioritised action to be taken by the City. The following is a summary of the results of the assessment:
  - a) Plover Road: The 85<sup>th</sup> percentile speed is 56.5km/hr which means that 85% of vehicles are travelling at or below this speed. The existing daily traffic volumes range between 1,000 and 1,200 vehicles per day (VPD) which is well within the existing practical capacity of 3,000 VPD for an Access Road; and
  - b) Kookaburra Crescent: The 85<sup>th</sup> percentile speed is 55.4km/hr which means that 85% of vehicles are travelling at or below 55.4 km/hr. The existing daily traffic volumes are in the order of 225 VPD.
12. It has also been noted that there is congestion for right-turning traffic exiting the Roe Highway off-ramp onto Maida Vale Road. To avoid the congestion, a number of existing drivers are electing to turn left onto Maida Vale Road, then turn into Plover Road, undertake a U-turn, then turn left onto Maida Vale Road in order to travel east across the Roe Highway bridge.
13. There are works under design for the intersection of the Roe Highway off ramp and Maida Vale Road. A roundabout is being designed and constructed with black spot funding due to a poor crash history at this intersection. The construction will commence in early 2020 and will reduce the congestion and number of vehicles attempting to access Plover Road.
14. In other locations in the City, the Traffic Treatment Assessments have produced high scores, resulting in requirements for traffic calming treatments being implemented at several sites.

## STATUTORY AND LEGAL CONSIDERATIONS

15.           a)     *Local Government Act (1995);*  
              b)     *Main Roads Act (1930); and*  
              c)     *Road Traffic Code (2000).*

## POLICY CONSIDERATIONS

16.           ENG13 Traffic Calming Programme – Setting of Priorities.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

17.           Nil.

### External Referrals

18.           Nil.

## FINANCIAL CONSIDERATIONS

19.           Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

20.           *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.

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

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

**Strategy 4.1.1** - Provide good governance.

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

**SUSTAINABILITY****Social Implications**

21. Nil.

**Economic Implications**

22. Nil.

**Environmental Implications**

23. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

24.	<b>Risk:</b> The City may be subject to reputational damage due to perceived failing to address the concerns of the constituent signatories to the petition in relation to traffic concerns along Plover Road and Kookaburra Crescent.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Insignificant	Low
	<b>Action/Strategy</b>		
	Advise residents the result of the objective assessment and the need for prioritisation of works.		

**OFFICER COMMENT**

25. The City is sympathetic to the concerns raised by the community however need to advise Council of the objective priority of this matter, especially where the City's resources are limited.

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

**RECOMMENDATION**

That Council NOTE the results of the Traffic Treatments Assessment undertaken for both Plover Road and Kookaburra Crescent which concluded that development of traffic treatments are not warranted on these roads.



### **10.3. Corporate Services Reports**

#### **10.3.1. Kalamunda Arts Advisory Committee Comments on Draft Public Art Contributions Policy**

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

The Director Corporate Services provided a presentation on this Item.

Previous Items	
Directorate	Corporate Services
Business Unit	Economic and Tourism Development Coordination
File Reference	
Applicant	Kalamunda Arts Advisory Committee
Owner	
Attachments	1. KAAC Minutes [ <b>10.3.1.1</b> - 7 pages] 2. Public Art Contributions Policy Comment Form - Strategic Edits [ <b>10.3.1.2</b> - 7 pages]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the recommendations of the Kalamunda Arts Advisory Committee (KAAC) in relation to the Draft P-DEV 65 Public Art Contributions Policy.
2. At the meeting of KAAC on Thursday 11 July 2019, members discussed the draft Kalamunda Public Art Contributions Policy and passed two motions which are now presented to Council for consideration.
3. This report recommends:
  - a) That Council does not support the KAAC recommendation to reduce the threshold at which contributions apply from \$1,000,000 to \$500,000; and
  - b) That Council does not support the KAAC proposed 2% contribution for City projects including project contingencies.
  - c) That Council supports the remainder of revisions requested by KAAC to the Public Art Contributions Policy.

#### **BACKGROUND**

4. The Kalamunda Arts Advisory Committee has been established as an Advisory Committee in accordance with Part 5, Div 2, Subdivision 2 of the Local Government Act 1995. Its purpose is to provide information and advice about current and emerging arts related matters to Kalamunda City Council for the purpose of decision-making and planning.

#### **DETAILS**

5. Council recently adopted the Arts Strategy (Strategy) at the June 2019 OCM.

6. The Strategy is focused around three key themes:
  - a) Place-making and identity
  - b) Community Enrichment, Creativity and Pride
  - c) The Kalamunda City Economy
7. A key action outlined within the Strategy was to create a Public Art Policy.
8. Public art is an important part of the City of Kalamunda's (City) built and natural environment. Public art supports local identity and pride of a public place or space. It can also attract people to live, work or recreate in a place, thereby encouraging associated cultural and economic activity.
9. The City's Strategic Planning Business Unit has drafted a Draft P-DEV 65 Public Art Contributions Policy for the purpose of advertising. The KAAC have been consulted during the drafting process.
10. KAAC were consulted and provided input into the City's Public Art Contributions Policy.

*The resolution of the KAAC Meeting of 11 July was to:*

  - a) *Recommend to Council that the threshold for the Public Arts Contributions to be applied under the draft Policy be reduced from \$1,000,000 to \$500,000.*
  - b) *Include for further additions to the Public Art Contributions Policy provided by Mr Johannes (Harry) Pannekoek be circulated for comment and then provided to the City's Statutory Planning Business Unit for consideration.*

*Moved: Johannes (Harry) Pannekoek*

*Seconded: Clare Eden*

*Vote: Unanimous*

The Minutes of the KAAC Meeting held Thursday 11 July 2019 are attached.
11. Subsequent to the KAAC meeting City staff met with KAAC members to discuss their concerns with regard to the percentage applied to City capital projects. KAAC members advised that they recommended that a 2% contribution be applied to all City capital projects.
12. In reaching this resolution, KAAC provided that the reduction of the threshold be considered on the basis that:
  - a) The threshold of \$500,000 is supported as it was considered to be commensurate with the nature and types of development undertaken within the City as shown by the research into development applications over the preceding 5 years.
  - b) It reflects the commitment of the City to arts as articulated in the Strategy.

**STATUTORY AND LEGAL CONSIDERATIONS**

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

**POLICY CONSIDERATIONS**

14. The Public Art Contributions Policy has been prepared under, and in accordance with, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
15. The Policy has been prepared by the City with the recommendation to prepare the Policy coming through the KAAC and as an action of the, now adopted Arts Strategy.
16. The Policy has been prepared with input from relevant internal planning and economic development disciplines. Further input will be required from these disciplines as part of advertising and finalisation processes.
17. Prior to presentation at the 11 June 2019 Public Agenda Briefing, the City's officers met with representatives of the KAAC with a view of ensuring consistency between the Arts Strategy and the Policy. The following table summarises the key recommendations from representatives of the KAAC and officer comment on the recommendations that have been considered.

**COMMUNITY ENGAGEMENT REQUIREMENTS****Internal Referrals**

18. The Policy has been prepared by the City, with input from relevant planning and economic development disciplines.
19. The City's officers have met with representatives from KAAC and tabled the Policy for consideration of KAAC.
20. The summarised recommendations provided by KAAC have been provided in this report in paragraph number seven.

<b>Policy Section</b>	<b>KAAC Recommendation</b>	<b>Officer Recommendation</b>
5.1 Public Art Contribution (b)	Contribution required for all public work undertaken by the City of Kalamunda at a rate of 2% of the estimated cost of development (including costs for contingencies)	Relates to significant community facility or streetscape improvement projects with approved budget exceeding one million dollars (excl GST & City overheads). The contribution is 1% with a maximum contribution cap of \$250,000.
5.1 Public Art Contribution	Remove the 10% discount incentive for a developer	Modification accepted.

(c)	making a cash-in-lieu contribution in lieu of coordinating the public art project.	
5.1 The Artwork (b)	Include a requirement for an attribution plaque to recognise the developer's contribution.	Made reference to a "plaque or similar item installed on or nearby the public art..." for this purpose.
5.3 Types of Public Art (a) (xi)	Removal of reference to "lighting" and "signage" in an infrastructure or capital works project, as a type of public art that may be considered.	Modification accepted.
5.5 Kalamunda Art Advisory Committee	Include reference to Public Art Master Plan.	Modification accepted.
6.2 Estimated Cost of Development	Include 'budgeted project and contingency costs'.	Modification accepted.
6.6 Public Art Fund	Include reference to the Public Arts Master Plan guiding selection, review and delivery process for use of the accumulated funds.	Modification accepted.

21. Further to the comments provided above and subsequent to the Policy being presented to the 11 June 2019 Public Agenda Briefing, the KAAC undertook a secondary review of the Policy. A summary of comments provided from the secondary review with officer responses on those revisions are outlines in Attachment 4.
22. Noting not every recommendation was accepted, the KAAC will have further opportunity to provide advice on the proposed policy during the formal advertising period and Council will be afforded another opportunity to consider modifications after the advertising period and when the Policy is presented for final approval.

### External Referrals

23. Nil.

## FINANCIAL CONSIDERATIONS

24. The lowering of the threshold for contributions from \$1,000,000 to \$500,000 may result in the collection of smaller sums of money from minor developments which may not be sufficiently viable to underpin a public art installation in themselves. However, when collected into a public art fund, may eventually accumulate into a sufficient amount to fund an artwork identified in the Public Art Master Plan.
25. All costs associated with the administration of this Policy will be met within current resources.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

#### **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.

## SUSTAINABILITY

### Social Implications

27. Application of a lower threshold for contributions may increase the amount of funds available to support public art installations, thereby increasing the level of amenity and enjoyment to visitors and residents.

### Economic Implications

28. Application of a lower threshold for contributions may attract criticism from small developers.

### Environmental Implications

29. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

30.	<b>Risk:</b> Lowering the threshold for public art contributions below the norm in local government may disenfranchise or dissuade smaller developers from developing within the City of Kalamunda or alternatively delay developments whilst appeals are made tying up Council resources and creating the potential for adverse media attention.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Ensure that Council and KAAC are informed of issues around lowering the threshold for public art contributions.		

**OFFICER COMMENT**

31. The City undertook research across fifteen local governments and it was found that the thresholds were typically set at a rate of at least \$1 Million, with thresholds ranging from \$1M - \$4M.
32. The Directors of Corporate and Development Services have met with KAAC and the KAAC meeting resolved to recommend to Council that the threshold for the Public Arts Contributions to be applied under the draft Policy be reduced from \$1,000,000 to \$500,000
33. Based on the common practice of other local governments adopting contributions for 1% of the development cost for developers over one million dollars, it is recommended that the City follows this process, despite the KAAC recommendations that a contribution to Public Art should be no less than 1% of the total project cost of developments over \$500,000. The imposition of a levy on developments as low as \$500,000 could be onerous and place an additional cost burden on smaller developments. It could also capture small development applications, building upgrades or heritage development works and is inconsistent with other metropolitan local governments.
34. The KAAC also proposed a 2% contribution for City projects including contingencies. The City is not supportive of this increase as community facilities and streetscape enhancement projects are already considered to provide community benefit, and additional contributions may reduce resources required for other priorities. A 1% contribution consistent with contributions from private development is considered fair and reasonable.
35. The proposed Policy will ensure the KAAC broader objectives can be met through a Policy which will ensure contributions to public art can be made through development applications. The City will develop a procedure to guide the public art contributions processes, roles and responsibilities.
36. The adoption of the Policy will provide opportunities for local artists to showcase their artwork within their local community. The Policy will assist with facilitating the delivery of public art to enhance amenity and reflect the unique aspects of the City including history and natural environment.

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

**RECOMMENDATION**

That Council:

1. DOES NOT SUPPORT the Kalamunda Arts Advisory Committee recommendation to reduce the threshold at which contributions apply from \$1,000,000 to \$500,000; and
2. DOES NOT SUPPORT the Kalamunda Arts Advisory Committee's proposed 2% contribution for City projects including project contingencies.
3. SUPPORT the remainder of revisions requested by Kalamunda Arts Advisory Committee to the Public Art Contributions Policy.

## **10.4. Office of the CEO Reports**

### **10.4.1. Review of Advisory Committees of Council**

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

The Chief Executive Officer provided a presentation on this Item.

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Office of the CEO
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	1. 2019-2021 Terms of Reference for Advisory & Management Committees [ <b>10.4.1.1</b> - 54 pages]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to review the Terms of Reference of Advisory and Management Committees.
2. Council has the ability under the *Local Government Act 1995* to establish Advisory Committees to assist in the provision of advice on various matters. It is good practice to review the Terms of Reference to ensure advisory committees are relevant before Council is required to nominate elected members to the committees.
3. The City has undertaken a full review of all its existing Advisory Committees and updated aspects no longer relevant, aligned all Terms of Reference under a standard template.
4. This report recommends Council adopt the revised Membership and Terms of Reference for Advisory and Management Committees for the period November 2019 to October 2021 and to establish the Kalamunda Tourism Advisory Committee.

#### **BACKGROUND**

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

This review ensures the Committees:

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



## **DETAILS**

6. The review of all advisory committees was undertaken by the City of Kalamunda supporting each of the committees and comment was elicited from the members of the committees where required.
7. All Terms of Reference were aligned to have greater consistency across the operations of all advisory committees.
8. Council adopted its Tourism Development Strategy in June 2019 which provides an action to establish a Tourism Advisory Committee.
9. The Terms of Reference for the Kalamunda Tourism Advisory Committee are outline in Attachment 1.

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. Section 5.8 of the *Local Government Act 1995* – Establishment of Committees.  
Section 5.9 (2) (c) of the *Local Government Act 1995* – Types of Committees.  
Section 5.11 (2) (d) of the *Local Government Act 1995* – Tenure of Committee Membership.

## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. The review of the terms of reference for advisory committees was undertaken by the City's administration.

### **External Referrals**

13. Public consultation is not required for the review of the Management and Terms of Reference of Advisory Committees.
14. Once Council has approved the establishment of the Committee and Terms of Reference, nominations from appropriate community representatives for appointment to the Committee will be sought through a public advertising process.

## FINANCIAL CONSIDERATIONS

15. The cost to administrate an advisory committee is in the order of \$5,000 to \$6000 per annum based on four meetings a year. This can vary depending on requirement of the committee.

Meeting agenda preparation	2 hours/meeting	\$ 400.00
Briefing Papers prepared and research	8 hours/meeting	\$ 1,600.00
Meeting attendance x 3 staff	2 hours/meeting	\$ 1,200.00
Minutes	2 hours/meeting	\$ 400.00
Senior Officers review and signoff	3 hours/meeting	\$ 900.00
Ongoing Liaison	2 hours/meeting	\$ 400.00
Reporting to council	4 hours/meeting	\$ 800.00
<b>Total estimate</b>		<b>\$ 5,700.00</b>

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

16. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

## SUSTAINABILITY

### Social Implications

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

### Economic Implications

18. Nil.

### Environmental Implications

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

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

- 21.
- |                                                                                                                                                                                                   |                    |               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------|
| <b>Risk:</b> Committee goals do not align with City's objectives and strategies.                                                                                                                  |                    |               |
| <b>Likelihood</b>                                                                                                                                                                                 | <b>Consequence</b> | <b>Rating</b> |
| Possible                                                                                                                                                                                          | Moderate           | Medium        |
| <b>Action/Strategy</b>                                                                                                                                                                            |                    |               |
| Provide guidance to the Chair and at the first meeting communicate the City's strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference. |                    |               |
- 22.
- |                                                                                                                                                  |                    |               |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------|
| <b>Risk:</b> Council may not approve the establishment of a Committee.                                                                           |                    |               |
| <b>Likelihood</b>                                                                                                                                | <b>Consequence</b> | <b>Rating</b> |
| Unlikely                                                                                                                                         | Moderate           | Low           |
| <b>Action/Strategy</b>                                                                                                                           |                    |               |
| Without Advisory Committees Council will lack a valuable process for community empowerment so ensure the value of community input is understood. |                    |               |

## OFFICER COMMENT

23. Over the past 2-years the advisory committees have provided significant value to the decision making of Council. The relationship between the committees and staff have strengthened trust and understanding with committee members becoming strong advocates for the City as they learn about the complexity of local government systems and processes.
24. This report provides for the establishment on one new committee being the Kalamunda Tourism Advisory Committee.
25. Upon endorsement by Council of all the Terms of Reference and the establishment of all Committees, advertisements seeking nominations from the community for appointment to the various committees will be placed in the local newspapers. Following the advertising process, a report will be bought to Council to formalise the appointments.

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

## RECOMMENDATION

That Council:

1. ESTABLISH the Kalamunda Tourism Advisory Committee.
2. ENDORSE the revised Membership and Terms of Reference for all City of Kalamunda Advisory and Management Committees for the period November 2019 to October 2021 as shown as Attachment 1.
3. REQUEST the Chief Executive Officer to commence the process of recruiting advisory committee members.

## 10.4.2. Blue Tree Project Proposal

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

The Manager Customer and Public Relations provided a presentation on this Item.

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

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider a request from the Community to paint two trees blue as a part of the Australian Wide Blue Tree Project.
2. The Blue Tree Project is focused on raising awareness around mental well being.
3. The recommendation is to approve the painting of two trees at Ray Owen Reserve and Lions Lookout in Lesmurdie, subject to conditions.

### BACKGROUND

4. The Blue Tree Project is a grass roots awareness movement that encourages people to start difficult conversations and open up if they are suffering from depression and/or anxiety, is spreading its important message by giving dead trees a 'blue' lease on life.
5. The movement was inspired by a story told at Jayden Whyte's funeral after he tragically took his own life in November last year. The story of the blue tree was shared by Tjarda Tiedeken, who joined him in painting the now well-known tree in 2014.
6. One night on his family farm in Mukinbudin, Western Australia, Jayden and Tjarda snuck off, with blue paint in hand, to paint a tree. The pair wondered just how long it would be before anyone noticed the striking tree on the horizon. What a shock it would be when his dad came across the tree – standing proud and blue – in the middle of the paddock, Jayden had thought.
7. After Jayden's passing, his father, Grant Whyte, suggested painting a tree blue in memory of Jayden and to serve as a visual cue for others to check in with their loved ones. With this, the project was born.

8. Jayden's sister, Kendall Whyte, one of the project's coordinators said; "The first tree was painted out of love, mischief and friendship. The blue tree now holds a new meaning. We aim to spread a message of hope by having people paint a tree in need of a 'blue' lease on life."
9. By spreading the paint and spreading the message that it's OK to not be OK, we can help break down the stigma that's still largely attached to mental health and to inform people that we all have blue days, but there will always be someone who you can talk to and someone who will listen.
10. The cause is supported by Beyond Blue and Lifeline.
11. According to the World Health Organisation, mental health is "a state of well-being in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community."
12. According to Beyond Blue, "Research shows that high levels of mental health are associated with increased learning, creativity and productivity, more pro-social behaviour and positive social relationships, and with improved physical health and life expectancy. In contrast, mental health conditions can cause distress, impact on day-to-day functioning and relationships, and are associated with poor physical health and premature death from suicide."
13. The Blue Tree Project has developed a series of Guidelines for those who wish to be part of the cause and paint a blue tree.
14. Importantly the cause describes the purpose as follows, "We have chosen to paint dead trees in alignment with the story behind the original blue tree and not as a symbol of those lost."

## **DETAILS**

15. The City of Kalamunda received a request from a community member to allow painting of Blue Trees at two City of Kalamunda locations on the 11 May 2019.
16. The request is from a family member of the Original Blue Tree in Mukinbudin.
17. One location proposed is Ray Owen Reserve, Gladys Rd, Lesmurdie.
18. The second location is Lions Lookout, off Welshpool Road Lesmurdie.
19. The focus is in accordance with the Blue Tree Project, to raise awareness and encourage conversation in relation to mental wellbeing.
20. The family has advised there are currently 140 blue trees around Australia and blue trees in the United Kingdom.

## **STATUTORY AND LEGAL CONSIDERATIONS**

21. *Local Government Act 1995*

## POLICY CONSIDERATIONS

22. Not applicable

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

23. The City of Kalamunda Parks and Environmental Services and Community Development Business Units have been consulted and are supportive of the proposal.

### External Referrals

24. Consultation has taken place with key stakeholders to ensure user groups at Ray Owen Reserve were supportive.

Groups included:

- Kalamunda & Districts Basketball Association
- Kalamunda & Districts Basketball Association
- Hills BMX Club
- Kalamunda & Districts Netball Association
- Lesmurdie Mazenod Cricket Club
- Kalamunda & Districts Football Club
- Lesmurdie Mazenod Junior Cricket Club
- Mazenod Junior Football Club

All Clubs supported the proposal strongly, noting it also aligned with many of their objectives and overall focus on being mentally healthy.

## FINANCIAL CONSIDERATIONS

25. There is no financial cost to the City of Kalamunda.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *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 1.1.2** - Empower, support and engage and with young people, families and our culturally diverse community.

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

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

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

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

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

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

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

#### Priority 4: Kalamunda Leads

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

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

**Strategy 4.2.2** - Increase advocacy activities and develop partnerships to support growth and reputation.

## SUSTAINABILITY

### Social Implications

27. Increased awareness of the importance of being mentally healthy within the Community.

### Economic Implications

28. Not applicable

### Environmental Implications

29. Trees have been confirmed to be nonliving and suitable for the proposed purpose.

## RISK MANAGEMENT CONSIDERATIONS

30.	<b>Risk:</b> Community members do not understand why a tree has been painted blue and are concerned		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Ensure community education takes place regarding what the Blue Tree Project is about including how the tree is painted.		

## OFFICER COMMENT

31. The project aligns with Kalamunda Connected, our Active Citizen Strategy, empowering residents to raise the profile of mental health in our region.
32. The Community led project is not seeking any funding from the City of Kalamunda.
33. Sporting groups at Ray Owen Reserve have all provided strong support for the project.

34. The Blue Tree Message, and the idea 'We are stronger than we believe, braver than we think and loved more than we know,' is a powerful message in the community and important in a time with an increased focus on mental wellbeing.

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

## **RECOMMENDATION**

That Council APPROVES the community painting of two trees as a part of the Blue Tree Project at Ray Owen Reserve, Gladys Road Lesmurdie and Lions Lookout Welshpool Road, with the following conditions:

- a) Painting to take place in accordance with the Blue Tree Project Guidelines.
- b) Nontoxic paint to be utilised.
- c) Organisers to ensure all safety measures and precautions are taken.
- d) The approval remains valid for one year and is not transferrable.



**11. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 8:30pm.

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.