

# Public Agenda Briefing Forum

Minutes for Tuesday 14 May 2019

## UNCONFIRMED



**city of  
kalamunda**

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**1. Official Opening**

Cr Margaret Thomas presided and opened the meeting at 6:35pm and welcomed Councillors, Staff and members of the public.

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

**Councillors**

**South East Ward**

John Giardina - (Mayor)

Michael Fernie

Geoff Stallard

**South West Ward**

Lesley Boyd

Allan Morton

**North West Ward**

Sara Lohmeyer

Dylan O'Connor

**North Ward**

Cameron Blair

Kathy Ritchie

Margaret Thomas (Presiding Member)

**Members of Staff**

**A/Chief Executive Officer**

Gary Ticehurst

**Executive Team**

Brett Jackson - Director Asset Services

Simon Di Rosso - General Counsel & Executive Advisor

**Management Team**

Andrew Fowler-Tutt - Manager Approval Services

Nicole O'Neill - Manager Customer & Public Relations

Chris Lodge – Senior Strategic Planner

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Research Officer to Chief Executive Officer

**Members of the Public - 15**

**Members of the Press - Nil**

**Apologies**

Rhonda Hardy – Chief Executive Officer

Cr David Almond

Peter Varelis - Director Development Services

**Leave of Absence Previously Approved**

Cr Brooke O'Donnell

**3. Declarations of Interest**

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

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

3.1.1 Nil.

**3.2. Disclosure of Interest Affecting Impartiality**

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

3.2.1 Cr John Giardina declared an interest affecting impartiality in relation to Item 10.1.2 Proposed Heritage Area and Local Planning Policy -Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove having declared impartiality interest in this area before as he has family in this super block.

3.2.2 Peter Varelis declared an interest affecting impartiality in relation to Item 10.1.4 Proposed Amendment No 94 – Lot 112 (280) Holmes Road & Lot 14 (323) Hawtin Road Forrestfield – Special Use (Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building & Place of Worship) as his grandmother attend the Monastery and partakes in their activities.

**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 Nil.

**10. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. P-DEV 66 Development Contribution Area Local Planning Policy - Adoption for Public Advertising**

The City's Senior Strategic Planner gave a presentation on this item.

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	4.00009897
Applicant	N/A
Owner	N/A

Attachments	1. P-DEV 66 - Development Contribution Area Local Planning Policy - Draft for Public Advertising <b>[10.1.1.1]</b>
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**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider adoption of draft Local Planning Policy P-Dev 66 - Development Contribution Area (Policy), which will guide the establishment and operation of the City of Kalamunda (City) administered Development Contribution Areas (DCA).
2. The Policy will establish a concise and well documented procedure for the establishment and review of DCAs to provide for the consistent management of DCAs by the City, and a transparent process for the local government and the community.
3. It is recommended the Council adopts the Policy for the purpose of public advertising for not less than 28 days.

**BACKGROUND**

4. The Policy applies to all areas identified to be within a DCA Special Control Area under the City's Local Planning Scheme No. 3 (Scheme).
5. The City currently has two existing DCAs; being the Cell 9 DCA in Wattle Grove and the Forrestfield / High Wycombe Stage 1 Industrial Area.
6. In 2018 the City engaged an auditor to review the practices and procedures of the DCA. The audit recommended that a DCA Policy be prepared to clearly define the roles, responsibilities and process for reviewing DCAs.

## **DETAILS**

7. This Policy is a local planning policy prepared and adopted pursuant to Part 2 of the Scheme. The Policy augments, and is to be read in conjunction with, the provisions of the Scheme relating to DCAs. If there is a conflict between this local planning policy and the Scheme, then the Scheme shall prevail.
8. The primary objectives of this Policy are to:
  2. establish a DCA process that is transparent and understandable for the Council, the City's administration, the landowners, developers and the community;
  3. establish a DCA process that can be easily implemented and consistently managed by the City;
  4. ensure roles and responsibilities are well defined for the involved disciplines within the City; and
  5. establish a set of criteria for determining when infrastructure items should be pre-funded.
9. The content of the Policy is detailed below.
10. **Establishment**

The establishment and preparation of a DCA is to be in accordance with Clause 6.5 of the Scheme and State Planning Policy 3.6 'Development Contributions for Infrastructure' (SPP 3.6).
11. **Assessment**

The assessment of applications for development, and making recommendations on subdivision, shall be undertaken in accordance with Clause 6.5 of the Scheme.
12. **Collection**

The collection of contribution funds shall be undertaken in accordance with Clause 6.5 in the Scheme and SPP 3.6 and read in conjunction with Schedule 11 for the Cell 9 DCA, Schedule 12 for the Forrestfield / High Wycombe Stage 1 Industrial Area DCA and any additional Schedules adopted in the Scheme relating to DCAs adopted after the adoption of this policy.
13. **Expenditure**

Expenditure of contributions in the Cell 9 Wattle Grove DCA to be undertaken in accordance with Schedule 11 of the Scheme.
14. Expenditure of contributions in the Forrestfield / High Wycombe Stage 1 Industrial Area DCA to be undertaken in accordance with Schedule 12 of the Scheme.
15. Expenditure of contributions for any future DCAs established to be undertaken in accordance with the relevant Schedule adopted into the Scheme.
16. **Monitoring / Review**

Within the context of the statutory framework, the following procedure is to be followed when monitoring and reviewing a DCA:

17.       **Roles / Responsibilities**  
The analysis of infrastructure to be delivered within a DCA is the responsibility of the City's Asset Delivery Team.
18.       Reviewing the land use and planning framework within a DCA is the responsibility of the City's Strategic Planning Team.
19.       Reviewing the financial inputs for the DCA is the responsibility of the City's Financial Team.
20.       The land administration process is the responsibility of the City's Strategic Planning Team.
21.       The preparation of the Development Contribution Plan (DCP), associated documentation and reports for each DCA is the responsibility of the City's Strategic Planning Team.
22.       **Monitoring**  
The monitoring process is to adhere to the following:
- a) The City will regularly review the DCPs of the DCAs, utilising independent advice where available. The review of DCPs will be undertaken in accordance with the Roles and Responsibilities as outlined above.
  - b) The commencement of a DCP review should occur every 12 months. The point at which the DCP review should be commenced will be in accordance with one of the following:
    - i. at the end of the financial year;
    - ii. 12 months from date the most recent DCP was adopted by the Council;
    - iii. where there is a significant change in the planning framework (e.g. scheme amendment, structure plan amendment);
    - iv. where there has been a request for a review by a landowner/s within the DCA; or
    - v. at the stage the final liability to the DCA is paid.
  - c) During the review of a DCP, the City will make the necessary adjustments to the contribution rates to ensure enough funds for their completion. Affected land owners will be informed of any adjusted contribution rates and their rights of review.
  - d) In reviewing contribution rates, the City will tally the cost of completed and outstanding shared cost items that have not been contributed to. The City will divide the total cost of the shared cost items by the undeveloped area of the DCA that is yet to satisfy its contribution obligations. The purpose of this process is to ensure enough funds for required works or the timely completion of the DCP.
  - e) The City may also seek to encourage the timely completion of a DCP through various methods which may include making changes to the Local Planning Scheme to provide a means to conclude arrangements, applying a specified area rating and the imposition of caveats on property titles.

23.

**Reporting**

The reporting process is to adhere to the following process and considerations:

- a) For the DCP Report to be compiled, all disciplinary inputs (infrastructure analysis, land use and planning framework, financial and land administration) are required. The DCP Report cannot be presented to Council without these inputs being accurate, relevant and final based on the best available information at the time.
- b) Once the DCP Report has incorporated the disciplinary inputs and the draft has been finalised, the DCP Report is to be presented to Council for the purpose of public advertising.
- c) Should Council adopt the DCP Report for the purpose of public advertising, the DCP Report is to be advertised for a period of not less than 28 days in the following manner, but not limited to:
  - i. Notice in a local newspaper available to the location of the DCA;
  - ii. Notice on the City's website and social media platforms; and
  - iii. Direct mailout to the properties within the DCA that have not yet been developed.
- d) Before presenting the DCP Report for adoption the DCP is to be peer reviewed by an appropriately qualified consultant.
- e) The Final DCP Report is to incorporate modifications in response to submissions and the peer review where appropriate.

The Final DCP Report can be presented to Council for final adoption when the above steps have been completed.

24.

**Pre-Funding Infrastructure / Land**

The Policy outlines the processes and principles for the pre-funding of infrastructure and land within DCAs.

25.

**City Pre-Funding Infrastructure / Land**

The Council may resolve to pre-fund infrastructure identified within a DCA in accordance with the following criteria:

- a) The infrastructure / land must be identified within an approved Structure Plan.
- b) The infrastructure / land must be identified within an approved DCA adopted under the Scheme.
- c) The infrastructure / land must be identified within an adopted DCP Report.
- d) The infrastructure / land should address the following key principles:
  - i. The infrastructure / land is essential for facilitating development within the DCA.
  - ii. The non-delivery of the infrastructure / land may hinder development within the DCA and /or restrict the ability for the area to be appropriately accessed.
  - iii. The infrastructure / land is essential to facilitate the delivery of other infrastructure identified within the DCA.

- e) A request from a landowner within the DCA for the City to pre-fund infrastructure must provide a written submission to the City outlining the merits of the delivery of the pre-funded infrastructure.
- f) The proposal to pre-fund the infrastructure item should be advertised to landowners within the DCA either as part of the advertising of the annual review of the DCP Report or as a separate item.
- g) The City has adequate budget funds set aside for prefunding.

26. **Developer Pre-Funding Infrastructure / Land**

Developer pre-funded infrastructure or land occurs where a developer enters into an agreement with the City to pre-fund infrastructure or land with the DCP refunding the developer the costs of infrastructure or land at the time it is prioritised within the DCP.

27. The applicant requesting the pre-funding of infrastructure must submit the following information for the City's consideration:

- a) Written submission to the City requesting the infrastructure item be pre-funded.
- b) Written submissions to the City on the merits of the delivery of pre-funded infrastructure.

28. The following criteria is to be met for developer pre-funded infrastructure or land:

- a) Interest is not payable on pre-funded items unless it is specifically outlined in the DCP within the Scheme.
- b) The works should be necessary for the progression of an approved subdivision or development.
- c) The City does not hold enough DCA funds to undertake the works and/or has not yet prioritised such works.

29. Pre-Funding Agreement:

By way of an exchange of letters, the City and the Developer will agree the extent, composition and timing of the infrastructure works to be pre-funded. Once agreed, the works become 'Approved Works'. The Approved Works must be identified sufficiently to ensure the cost and quantities of works in that item can be identified. This is particularly relevant where rates and quantities are involved.

30. Once the details of the Approved Works are agreed, in principle, between the City and Developer, a Pre-Funding Legal Agreement is to be prepared by the City's solicitor and entered into between the parties.

31. Acceptance of Works:

The Developer shall ensure the works are:

- a) undertaken in a proper and workmanlike manner;
- b) in accordance with plans and specifications constituting the Approved Works; and
- c) completed within the agreed period.

32. Following written notification from the Developer that the Approved Works are complete, the City will confirm the delivery of the Approved Works to its satisfaction. The City can modify, accept or reject the claim where justified, following review of the standard of works and cost.
33. Accounting for Recoup:  
On acceptance of the Approved Works by the City, the cost of the works shall be credited to the DCP account of the Developer. The balance in this account may be used to offset any cost contribution liabilities owed by the Developer in subsequent / future stages. Any balance owed to the Developer on completion of all subdivision and development owned by the Developer shall be paid to the Developer subject to:
- a) there being sufficient funds available in the DCA account; and
  - b) having regard to the Priority of Works by the City for the delivery of outstanding DCA works. If the pre-funded works are not prioritised within the DCP, this credit will be held without interest until such time as the works are prioritised.

## **STATUTORY AND LEGAL CONSIDERATIONS**

34. This Policy has been prepared under and in accordance with Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations).
35. Clause 6.5 of the Scheme outlines the Statutory provisions for DCAs within the City.
36. Schedule 11 of the Scheme outlines the relevant provisions for the Cell 9 Wattle Grove DCA.
37. Schedule 12 of the Scheme outlines the relevant provisions for the Forrestfield / High Wycombe Stage 1 Industrial Area DCA.
38. SPP 3.6 sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established development areas.

## **POLICY CONSIDERATIONS**

39. This Policy is a local planning policy prepared and adopted pursuant to Part 2 of the Scheme.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

40. The Policy was referred internally to the relevant teams for input on the Policy.

## External Referrals

41. Should Council decide to adopt the Policy for the purpose of public advertising, it is recommended the Policy be sent to landowners that are yet to develop in the City's existing DCAs and advertised in a local newspaper.
42. It is recommended the Policy is advertised for a period of not less than 28 days.

## FINANCIAL CONSIDERATIONS

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

44. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

## SUSTAINABILITY

### Social Implications

45. 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 landowners. Impacts on the quality of life need to be considered along with individual's expectations. This Policy will ensure that DCP reviews are undertaken efficiently and effectively to ensure the proposed infrastructure is to be delivered in an efficient and financially responsible manner.

### Economic Implications

46. 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

47. Environmental implications are taken into consideration during the detailed planning phase prior to the establishment of a DCA.

**RISK MANAGEMENT CONSIDERATIONS**

48.

<b>Risk:</b> The procedure detailed within this Policy is not adhered to.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Major	High
<b>Action/Strategy</b>		
Annual Reviews of DCPs must be undertaken in accordance with the Policy. The procedure to be outlined at the inception of each new review.		

49.

<b>Risk:</b> Not having a policy results in 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.		

**OFFICER COMMENT**

- 50. In 2018 the City engaged an auditor to review the practices and procedures of the Development Contribution Arrangements. The audit recommended that a DCA Policy be prepared to clearly define the roles, responsibilities and process for reviewing DCAs.
- 51. The Policy will guide the establishment and operation of City administered DCAs.
- 52. The Policy will establish a concise and well documented procedure for the establishment and review of DCAs which provides consistent management of DCAs for employees, and provides a transparent process for Council and the community.
- 53. It is recommended Council adopts the Policy for the purpose of public advertising for not less than 28 days.

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

That Council ADOPTS draft Local Planning Policy P-Dev 66 Development Contribution Area (Attachment 1) for the purpose of public advertising for a period of not less than 28 days by:

- a) post to landowners within Development Contribution Areas that are yet to develop; and
- b) via a newspaper that circulates the City.

### **10.1.2. Proposed Heritage Area and Local Planning Policy - Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove**

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

Cr John Giardina declared an interest affecting impartiality in relation to Item 10.1.2 Proposed Heritage Area and Local Planning Policy -Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove as he has family in this super block. Cr Giardina left the meeting at 6:50pm and returned at 7:10pm.

Mr Ross Leighton sought clarification on the matter of the avenue of trees.

Mr Aaron Lohman, representing Mr Leighton, gave a statement in relation to the avenue of trees and the potential affect it may have on a proposed future development on property owned by Mr Leighton.

The City's Senior Strategic Planner gave a presentation on this item.

Previous Items	OCM 235/2017; OCM 12/2018; SCM 53/2018; OCM 112/2018; OCM 182/2018
Directorate	Development Services
Business Unit	Strategic Planning and Approval Services
File Reference	N/A
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. Map of Heritage Area <b>[10.1.2.1]</b>
	2. Municipal Heritage Inventory Excerpt <b>[10.1.2.2]</b>
	3. Advertised P DEV-65 Heritage Area - Welshpool Road East - Avenue of Lemon Scented Gums <b>[10.1.2.3]</b>
	4. Modified P DEV-65 Heritage Area - Welshpool Road East - Avenue of Lemon Scented Gums <b>[10.1.2.4]</b>
	5. Submission Table <b>[10.1.2.5]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the final adoption of an entry into the Municipal Heritage Inventory (MHI), Heritage Area designation, and an associated Local Planning Policy P DEV-65 (P DEV-65) for the Avenue of Lemon Scented Gum Trees (*Corymbia citriodora*) (Trees) on Welshpool Road East.
2. At the conclusion of advertising of the proposed entry into the MHI, Heritage Area and P DEV-65, the City received 54 submissions comprising 51 non-objections, two submissions providing no comment, and 1 submission from Main Roads WA commenting on the proposed Heritage Area and P DEV-65.

3. In view of the significant positive public interest in the protection of the Trees within the heritage area, it is considered that the proposed heritage area designation and associated P DEV-65 is a positive and appropriate balance of planning control for the area.
4. It is recommended that Council finally adopts the Heritage Area designation, MHI entry and P DEV-65.

**BACKGROUND**

5. **Land Details:**

Land Area:	Approximately 450m on the southern half of Welshpool Road East.
Local Planning Scheme Zone:	Nil
Metropolitan Regional Scheme Zone:	Primary Regional Roads

6. **Locality Plan:**



7. The need for consideration of the heritage status and protection of the Trees was highlighted as a result of a development application for a place of worship at Lot 36 (831) Welshpool Road East, Wattle Grove (Lot 36). The following sequence of events summarises this matter:

- a) 10 June 2015 – Minister for Planning approved Scheme Amendment 61 which enabled an additional use of Place of Worship to be considered at Lot 36;
- b) 28 November 2016 – Council approved a place of worship proposal which would have resulted in the removal of up to 13 existing trees on Welshpool Road East;

- c) September 2017 – the City of Kalamunda (City) became aware of a community driven “Save the Trees” campaign in response to the proposed removal of trees for the approved place of worship;
  - d) 26 September 2017 – Council requested that the City negotiate with the landowner of Lot 36, and Main Roads to seek an alternative option with a view of retaining and protecting trees; and
  - e) 17 April 2018 – Council approved an amendment to the Development Approval for the Place of Worship at Lot 36, which resulted in at least one tree being removed.
8. The road modifications to Welshpool Road East have now been substantially completed and have resulted in the removal of one tree, as approved by Council in April 2018 (SCM 53/2018). The health of the remaining Trees adjacent to the road modifications are subject to ongoing monitoring.
9. On 28 November 2017, Council resolved (OCM 235/2017) to pass a Notice of Motion as follows:
- "That Council:*
- 1. Request the Chief Executive Officer to undertake an investigation on how the City can establish heritage status of the trees along Welshpool East so they are kept as an entry statement for the City.*
  - 2. Request the Chief Executive Officer to bring back a process and costings for undertaking this investigation so it can be listed for budget consideration."*
10. Following Council’s resolution on 28 November 2017, the State Heritage Council resolved at its meeting on 8 December 2017 that the Trees do not have sufficient cultural heritage significance at the State level to be included in the State Register of Heritage Places (Attachment 5).
11. On 27 February 2018 (OCM 12/2018), Council considered four options to establish heritage status of the Trees, including:
- f) Adding the Trees to the adopted MHI.
  - g) Creating a Heritage List and add the Trees.
  - h) Creating a Heritage Area and prepare a Local Planning Policy for the Trees.
  - i) Creating a Special Control Area for the area surrounding the Trees.
- Council ultimately resolved to pursue investigations in accordance with options 1 and 3 above.
12. The City engaged Hocking Heritage Studio to prepare a historical entry and statement of heritage significance of the subject Trees for entry into the MHI. (Attachment 2).
13. On 23 October 2018 (OCM 182/2018), Council adopted the draft entry into the MHI, the designation of Heritage Area, and the draft P DEV-65 for the heritage area for the Avenue of Lemon Scented Gum Trees on Welshpool Road East, for the purposes of public advertising.

14. At the Ordinary Council Meeting held on 26 March 2019 the Council resolved to approve a Local Development Plan (LDP), subject to a number of minor modifications, for Lot 500 Gavour Road for an aged care facility. The approved plans show the main vehicular entry/exit off Welshpool Road East, at the eastern end of the avenue of Lemon Scented Gum trees, with a slip lane required for west bound traffic. Asset Services has advised that the slip lane may impact the last Lemon Scented Gum tree. It was noted however, the level of detail provided for the LDP does not show sufficient detail to determine the level of impact on the tree. A detailed design will be necessary, at development application stage, to determine how the slip lane can be included and the impact on the tree. At that time due consideration would be given to the proposed Heritage designation of the avenue of trees and the associated LPP.

## **DETAILS**

15. The documentation required for the consideration of designating a Heritage Area and LPP includes:

- h) a map showing the boundaries of the heritage area;
- i) a statement about the heritage significance of the area; and
- j) a record of places of heritage significance in the heritage area.

Refer to Attachments 1 (map showing heritage area) and 2 (statement of heritage significance and record of places for the heritage area). The Draft P DEV-65 is included in Attachment 3.

16. The heritage area is defined by the boundaries identified in Attachment 1 and includes the avenue of Lemon Scented Gum Trees lining the southern (westbound) carriageway of Welshpool Road East for a distance of approximately 450m. The heritage area is generally confined to the area between the junction of Lewis Road and Welshpool Road East, and east to the break in the median strip. The area includes approximately 18 trees in the central median strip and 18 trees along the southern verge.
17. It is noted that there are also approximately 60 smaller trees within the proposed heritage area that are a mixture of other species of Eucalypt and self-seeded Lemon Scented Gum Trees. These other trees have not been included in the previous assessment by the Heritage Council or by the MHI entry prepared by Hocking Heritage Studio as having cultural heritage significance.
18. The draft MHI excerpt notes that the Trees were planted circa 1959 by Main Roads Western Australia (MRWA), when Welshpool Road East was realigned from the current location of Crystal Brook Road to its new location. The policy of MRWA at the time was to actively plant trees in road reserves to better promote road verges. It is reputed that the planting was instigated by Patrick Moran, the Secretary of the Darling Range Road Board (later the Shire/City of Kalamunda), to provide an entry statement into the hills region and provide a refuge for local wildlife. The draft MHI excerpt also notes that the planting was potentially linked to a notable town planner and architect, Margaret Feilman, who is associated with a number of culturally significant urban landscapes in

the State. However, research by the State Heritage Office has not been able to substantiate this connection.

19. The draft P DEV-65 includes objectives to:
- c) Ensure sufficient information is provided to allow for the City to consider the effect of a development or subdivision proposal on the cultural heritage significance of the Heritage Area;
  - d) conserve and protect the cultural heritage significance of the Welshpool Road East Avenue of Lemon Scented Gums Heritage Area;
  - e) ensure that any proposed subdivision or development will not adversely affect the area's heritage significance; and
  - f) provide improved certainty to landowners and community about the planning processes for development within and adjacent to the area.
20. The draft P DEV-65 provides basic provisions which requires any development or subdivision to be designed wherever feasible to ensure the retention and protection of Trees within the heritage area. The draft P DEV-65 also includes provision for the City to request a site survey with tree details, heritage impact assessment, arborist assessment and an archival record to assist with the determination of development or subdivision applications.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

21. Part 3 – Clause 9 of the *Planning and Development Local Planning Schemes) Regulations 2015* (Regulations) provides for establishing a heritage area:

*"9. Designation of a heritage area*

*(1) If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area to which this Scheme applies, the local government may, by resolution, designate that area as a heritage area.*

*(2) If the local government designates an area as a heritage area the local government must adopt for the area a local planning policy that sets out the following —*

- 5. a map showing the boundaries of the heritage area;*
- 6. a statement about the heritage significance of the area;*
- 7. a record of places of heritage significance in the heritage area."*

22. Pursuant to Schedule 2, Part 2 Clause 4(3) of the Regulations, at the conclusion of the advertising period the local government shall consider the submissions received and resolve to:
- c) adopt the designation without modification; or
  - d) adopt the designation with modification; or
  - e) not proceed with the designation.

23. Pursuant to Schedule 2, Part 2, Clause 4(4) of the Regulations if Council ultimately designate a heritage area, the Council must give notice of the designation to the Heritage Council of Western Australia and any landowner affected by the designation.

### ***Heritage of Western Australia Act 1990***

24. Section 45 of the *Heritage of Western Australia Act 1990* requires that the City compile, and periodically review, a Municipal Inventory of Heritage Places. Council adopted the City's latest MHI on 22 June 2015. The MHI is required to be reviewed every four years. It is currently anticipated that this review will commence in 2019.

## **POLICY CONSIDERATIONS**

### **State Planning Policy 3.5 – Historic Heritage Conservation (Western Australian Planning Commission)**

25. State Planning Policy 3.5 (SPP 3.5) sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage.
26. In regard to the designation of heritage areas, SPP 3.5 notes that a heritage area should be designated on the basis of a clear statement of significance, and clear identification of the significant physical fabric in the area. The entry into the MHI and an associated P DEV-65 contain information to this effect.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

27. The preparation of the draft entry into the MHI and P DEV-65 has been prepared from an Approval Services and Strategic Planning perspective. Detailed technical considerations will occur during the assessment of any future development or subdivision applications which may potentially impact on the Heritage Area.
28. Should Council resolve to adopt the proposed Heritage Area designation and associated P DEV-65, the documents will be referred to the Kalamunda Environmental Advisory Committee for comment.
29. The draft P DEV-65 was assessed by the City from all built environment and development related disciplines at the public advertising and post advertising phases. Minor modifications have resulted from these consultations and resulted in the final P DEV-65, as follows:
1. Part 2 Application of Policy has been modified to include land abutting the boundary of the Heritage Area;
  2. Part 4 Objectives has been modified by including a new objective to ensure sufficient information is provided to allow for the City to consider the effect of a development or subdivision proposal.
  3. Part 7 Retention of Lemon Scented Gums has been modified by making reference to Australian Standard 4970.

Part 8.3 Arborist Assessment has been modified to clarify the circumstances whereby the City will request an arborist assessment.

A copy of the advertised Draft P DEV-65 and modified P DEV-65 is provided in Attachments 3 and 4 respectively.

### External Referrals

30. The City undertook public advertising in accordance with the Regulations and the City's Local Planning Policy P DEV-45 Public Notification of Planning Proposals, as follows: notifying in writing each owner of land affected by the proposed designation and provides the owner with a copy of the proposed local planning policy for the heritage area; and
- a) advertises the proposed designation by —
    - i. publishing a notice of the proposed designation in a newspaper circulating in the Scheme area;
    - ii. erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
    - iii. publishing a copy of the notice of the proposed designation on the City's website; and
    - iv. notifying in writing the relevant regulatory and servicing authorities.
31. At the conclusion of advertising of the proposed entry into the MHI, Heritage Area and P DEV-65, the City received 54 submissions comprising 51 non-objections, two submissions providing no comment (from public authorities), and 1 submission from Main Roads WA commenting on the proposed Heritage Area and P DEV-65.
- A copy of the submission table is provided in Attachment 6.
32. Main Roads submitted a letter seeking clarification on the Heritage Area. Although Main Roads appreciate the intent of giving the trees greater significance, concern was raised that it will create more constraints which may impact the ability to maintain and manage safety issues along the corridor, in the event that Main Roads takes care and control of this section of Welshpool Road east. The following queries were raised in this regard:
1. Under what legislation will the heritage listing be created?
  2. Does this legislation prevail over the Main Roads Act?
  3. What process will be involved, assuming the road becomes a State Road, to enable Main Roads to conduct works which may impact on the trees, partially or completely?

Although Main Roads doesn't have the desire to remove the trees, if it should become a State Road, Main Roads urges caution in taking this decision as it could add further complexity and bureaucracy to issues that Main Roads believes already have protections through existing environmental mechanisms.

Responses to Main Roads comments are provided in the Officer Comments section below.

## **FINANCIAL CONSIDERATIONS**

33. The preparation of the MHI excerpt was undertaken by Hocking Heritage Studio at a cost of \$1,650. The documentation required for the preparation of the Heritage Area and P DEV-65 has been facilitated by the City's staff internally.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

34. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

## **SUSTAINABILITY**

### **Social Implications**

35. The Trees form a substantial avenue and create a natural entry statement to the Perth Hills. The place is considered to contribute significantly to the community's sense of place. It is envisaged that a majority of the community will be supportive of the proposed action to protect the Trees.

### **Economic Implications**

36. The Trees add to the appeal of the Perth Hills; by protecting them they will continue to provide an important entry statement to the Perth Hills tourist area.

### **Environmental Implications**

37. Some of the Trees are mature (approximately up to 60 years old) and create a significant tree canopy, providing habitat for a variety of fauna species.

**RISK MANAGEMENT CONSIDERATIONS**

38.	<p><b>Risk:</b> The Heritage Area and LPP does not achieve its intended objectives to protect the heritage status of the Trees.</p> <table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Unlikely</td> <td>Moderate</td> <td>Low</td> </tr> </tbody> </table> <p><b>Action/Strategy</b></p> <p>Ensure the draft Heritage Area and PDEV-65 is appropriately structured to be enforceable through development and subdivision application processes. During advertising refer the draft documents to the Heritage Council of WA and the Department of Planning, Lands and Heritage for comment.</p>	Likelihood	Consequence	Rating	Unlikely	Moderate	Low
Likelihood	Consequence	Rating					
Unlikely	Moderate	Low					
39.	<p><b>Risk:</b> The Heritage Area results in further complexity and bureaucracy for Main Roads, in the event that Welshpool Road East becomes a state road.</p> <table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Unlikely</td> <td>Moderate</td> <td>Low</td> </tr> </tbody> </table> <p><b>Action/Strategy</b></p> <p>Ensure that Main Roads are aware of the Heritage Area and consult with the City prior to undertaking any works which could potentially impact on the Trees.</p>	Likelihood	Consequence	Rating	Unlikely	Moderate	Low
Likelihood	Consequence	Rating					
Unlikely	Moderate	Low					

**OFFICER COMMENT**

40. In respect to the questions raised by Main Roads, the following comments are provided:

1) Under What legislation will the heritage listing be created?

The Heritage Area is designated under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2) Does this legislation prevail over the Main Roads Act?

The Heritage Area is not considered to prevail over the Main Roads Act. It will be designated under the deemed provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*. As such the heritage area will be designated under the Local Planning Scheme No. 3. In considering matters affecting the heritage area, due regard is required to be given to the provisions under Local Planning Policy P DEV-65.

3) What process will be involved, assuming the road becomes a State Road, to enable Main Roads to conduct works which may impact on the trees, partially or completely?

The *Main Roads Act 1930* includes provisions which requires Main Roads to notify the City of the details of any proposed permanent improvements to any main road before commencing. If there is a future requirement to prune or remove the trees to carry out Main Roads functions, it is not expected that the

Heritage Area will prevent this from occurring, however the heritage significance of the heritage area should be given due regard in the context of the proposed improvements within the Heritage Area, and whether the trees can be reasonably retained and protected in carrying out Main Roads works.

41. The adoption of the MHI entry is important for creating a record of the place, however this does not result in any statutory protection of the place in the planning framework. The heritage area and associate P DEV-65 however will provide a planning instrument that will guide subdivision and development where it impacts on the heritage area.
42. Accordingly, if Council does not adopt the heritage area or P DEV-65, it will mean the City will have less control over the retention and protection of Trees within the area identified on Welshpool Road East.
43. It should be noted a Heritage Area is designated under the deemed provisions of the Regulations, and P DEV-65 is an instrument that is required to be given due regard in making a determination on a development proposal. The Council is not necessarily bound by the provisions of P DEV-65 in making its decision. The provisions of the policy will however need to be considered in the context of the merits of a development or subdivision proposal.
44. In view of the significant public interest in the protection of the Trees within the heritage area, it is considered the proposed Heritage Area designation and associated P DEV-65 is a positive and appropriate balance of planning control for the area.
45. It is recommended that Council finally adopts the Heritage Area designation, MHI entry and P DEV-65.

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

That Council:

1. ADOPTS the entry into the Municipal Heritage Inventory for the Avenue of Lemon Scented Gum Trees on Welshpool Road East (Attachment 2).
2. ADOPTS the designation of a Heritage Area for the Avenue of Lemon Scented Gum Trees on Welshpool Road East (Attachment 1), pursuant to Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulation 2015*.
3. ADOPTS the Local Planning Policy P DEV-65 as outlined in Attachment 4 for the Heritage Area for the Avenue of Lemon Scented Gum Trees on Welshpool Road East, pursuant to Schedule 2, Part 2 Clause 4(3)(b)(ii) and Clause 4(4) of the *Planning and Development (Local Planning Schemes) Regulation 2015*.

### **10.1.3. Proposed Amendment to Maida Vale Cell 6 Local Structure Plan - Lot 256 (53) Maida Vale Road, Maida Vale**

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

The City's Manager Approval Services gave a presentation on this item.

Previous Items	OCM 69/2015
Directorate	Development Services
Business Unit	Statutory Planning
File Reference	P-DEV-19/0001
Applicant	Dynamic Planning and Developments
Owner	Unit 1, 3-9, 13 - Mac Homes (0115) Pty Ltd Unit 2 - Heather Gibson Unit 10 - Yvette Combes Unit 11 - 1 Pinker Crescent, Maida Vale - Karen Wedemeyer Unit 12 - 3 Pinker Crescent, Maida Vale – Donald & Teresa Jackson
Attachments	1. Attachment 1 - Existing & Proposed Maida Vale Cell 6 Structure Plan <b>[10.1.3.1]</b> 2. Attachment 2 - Applicant's Structure Plan Amendment Report <b>[10.1.3.2]</b> 3. Attachment 3 - Submission Table <b>[10.1.3.3]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider an amendment to the Maida Vale Cell 6 Local Structure Plan (LSP6).
2. The proposed amendment seeks to increase the residential density of Lot 256 (53) Maida Vale Road, Maida Vale (Site) from Residential R40 to Residential R60 which would allow for the removal of the Aged/ Dependent Person's occupancy restriction from the approved development.
3. The proposal was advertised in accordance with the City of Kalamunda's (City) Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). During the advertising period, a total of eight responses were received, comprising six objections and two comments. Key concerns related to the removal of the aged/ dependant person's restriction on the development. The applicant also included three proprietor's letters of support with the application.
4. It is recommended that Council forward the proposed LSP6 modification to the Western Australian Planning Commission (WAPC) with a recommendation of refusal.

**BACKGROUND**

5. **Land Details:**

Land Area:	2000.003 m <sup>2</sup>   0.20000 ha
Local Planning Scheme Zone:	Urban development
Metropolitan Regional Scheme Zone:	Urban

6. LSP6 was originally approved by the WAPC on 1 November 1994. Since approval, residential subdivision and development has occurred in the area generally in accordance with LSP6.

7. In February 2015 the WAPC resolved to endorse an amendment to LSP6, which rezoned Lot 256 (53) Maida Vale Road, Maida Vale from Residential R20 to Residential R40.

8. **Locality Plan:**



9. The site contains thirteen existing aged/ dependent person dwellings which were approved in March 2016. The land immediately surrounding the site is predominately coded R20, with pockets of land coded R30 and R40. Some Special Rural allotments are also present to the south-west of the Site, outside of LSP6.

10. In September 2015 the proponent lodged a development application for thirteen aged/ dependent persons dwellings. The application was approved by the City on 2 March 2016 and construction of the development was completed in early 2017.

## **DETAILS**

11. The LSP6 is bounded by Maida Vale Road and Old Maida Vale Road to the north, Hawtin Road to the south-east and Roe Highway to the west.
12. The proposed amendment seeks to increase the residential density of the Site from Residential R40 to Residential R60, as shown in Attachment 1.
13. In support of the proposal, the applicant has advised the sale of the development has not been successful with only four units being sold since construction was completed. In order to increase the marketability of the units, the proprietor seeks to remove the 'Aged/Dependant Persons' restriction from the development.
14. In support of the proposal, the applicant has advised the following:
  1. The change from R40 to R60 will not change the existing built form outcome.
  2. The dwellings have been built to a higher standard that accords with the provisions of AS4299-1995 – Adaptable Housing. These dwelling features are not proposed to be removed as part of this application.
  3. There is benefit to the current owner's as they would be able to utilise the dwellings for non-aged/dependent persons as well.
  4. Most owners have supported the proposal.
  5. The subject site is in close proximity to key transport corridors, public transport routes, active public open space, activity centres and community facilities and services including educational establishments.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

15. The subject site is currently zoned Urban Development under the City's LPS3.
16. The objectives of the Urban Development zone are as follows:
  - a) To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
  - b) To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.
17. 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 LSP6 has been in effect since the 1 November 1994.

### **City of Kalamunda Aged Accommodation Strategy 2016**

18. The Aged Accommodation Strategy adopted in May 2016, identifies key findings and recommendations for the City to consider in delivering retirement/ aged care development. The Strategy is considered relevant regarding this amendment as the findings of the Strategy have shown that there is a need to prioritise aged care development, in particular sites in proximity to existing amenities.
19. Demographic assessment has determined that there is a persistent shift in the age profile of the City, with a percentage increase of 5.7% (4,372 persons) over the age of 55 occurring between 2001 and 2011, which is approximately double the Western Australian average increase in that time.
20. An increase in the number of persons aged over 55 will in turn lead to an increase in demand for living styles to reflect the needs of this demographic. Whilst the Strategy does not recommend that the City undertake any retirement or aged care developments, it does recommend that the City prioritises sites close to existing amenities for aged living and encourage such development.
21. The LPS6 amendment seeks to remove the aged / dependant person's restriction on the development. This would be contrary to the proposed objectives of the Strategy which seek to increase to provision of this type of development in the City to cater for demand.

### **City of Kalamunda Local Housing Strategy 2014**

22. The Strategy aims to increase opportunities for the development of aged persons' accommodation, consistent with its adopted Aged Accommodation Strategy.
23. The Local Housing Strategy identifies the following criteria as catalysts for implementing changes in density:
  - a) within 400m of the Forrestfield District Centre;
  - b) within areas of Forrestfield, High Wycombe and Maida Vale containing older housing on larger lots;
  - c) within areas of Forrestfield, High Wycombe and Maida Vale within walking distance of local and neighbourhood shopping centres and open spaces;
  - d) within 200m of (relatively) high frequency bus routes;
  - e) within 200m of District Open Spaces; and
  - f) within the vicinity of the Kalamunda District centre covered by the Kalamunda Sewerage Scheme.
24. Three precincts have been identified by the Strategy for increased density, the High Wycombe and Maida Vale Housing Opportunity Precinct, the Kalamunda District Centre and the Forrestfield Housing Opportunity Precinct. The three precincts have been identified as they meet the aforementioned criteria and are considered the most suitable areas for increased density. The subject site has not been included in any of the Precincts but does demonstrate some of the characteristics within the above criteria.

### **City of Kalamunda Planning Strategy 2010**

25. The Local Planning Strategy sets out key strategies and actions for the strategic planning direction of the City. The strategy is summarised into eleven key statements. Of relevance to the proposal is the following:  
*The provision of a range of housing types to suit the demographic profile.*
26. Aged accommodation is identified as a key issue by the Strategy. The ageing of the population and, in particular, the 'Baby Boomers' will impact on the available housing in the City. Approximately 94 per cent of the housing in the City is single residential housing on large lots that was constructed for families during times when the demographic profile was different to the present. By 2031, 1 in 3 people will be over 55 years of age and more than half of them will be over 70 years of age. There is an urgent need to diversify the housing stock in all localities of the City to cater for more compact housing for older people so as to avoid making older members of the community leave the City to find suitable accommodation.
27. The LPS6 amendment seeks to remove the aged / dependant person's restriction on the development. This would be contrary to the proposed objectives of the Strategy which seek to increase to provision of this type of development in the City to cater for demand.

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

28. Pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015*, (Regulations) Schedule 2 - Deemed Provisions (deemed provisions), Clause 29 (1) 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."
29. Pursuant to the, Clause 29 (2) of the Regulations, a Structure Plan Amendment is to follow the same process for making a Structure Plan.
- The City is required to take the following actions:
- k) Determine the level of information required to be provided with the Structure Plan;
  - l) Assess the Structure Plan against appropriate planning principles;
  - m) Advertise the Structure Plan;
  - n) Consider and respond to submissions received during advertising; and
  - o) Prepare a report and recommendation on the proposed Structure Plan Amendment and forward the City's recommendation to the WAPC for a decision.
30. Under clause 22 (1) of the Regulations, on receipt of a report on a proposed structure plan amendment, the Western Australian Planning Commission 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 to the WAPC for approval; or
  - c) Refuse to approve the Structure Plan.

## **POLICY CONSIDERATIONS**

### **State Planning Policy 3.1 – Residential Design Codes**

31. Under the provisions of the Residential Design Codes (R-codes), Aged and Dependent Person's Dwellings (over 55s residences) are defined as follows:

*"Aged person – A person who is 55 years or over."*

*"Dependant Person – A person with a recognised form of disability requiring special accommodation for independent living or special care."*

*"Special Purpose Dwelling – Includes ancillary dwelling, aged or dependent person's dwelling or a single bedroom dwelling".*

32. The 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 design and density in line with the Scheme.
33. The R-codes outline specific deemed-to-comply provisions regarding aged and dependant person's dwellings which were applied to the original development approval for aged/dependant persons dwellings on the subject site. These deemed-to-comply provisions relate to a one third reduction in the site area, plot ratio, visitor bays and outdoor living areas, as well as requirements that are specific to Australian Standard 4299 (Adaptable Housing) such as level entry ways, nib walls and corridor widths.
34. The LSP6 Amendment proposes a residential density of R60. In this regard, any subsequent subdivision or redevelopment of the Site will be required to achieve a minimum lot size of 120sqm and average lot size of 150sqm.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

35. The proposed amendment involves a technical planning matter, with no development aspect is proposed. Consequently, the proposal was only assessed from a planning perspective.

### **External Referrals**

36. The proposed LSP6 amendment was advertised for a period of 28 days in accordance with Schedule 2, Part 4, Clause 18 of the deemed provisions and Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals.
37. Advertising involved the following:
1. Letters sent to property owners within 100m of the site;
  2. Publishing a notice of the proposed amendment on the City's website;
  3. Signage placed on site;
  4. Publishing a notice in the local newspaper; and

5. Community information session held on the 20 February 2019.
38. During the advertising period, the City received a total of eight submissions, which included six objections and two comments. The applicant also included three proprietor letters of support. A summary of all submissions received and responses to submissions is provided in Attachment 3.
39. Key concerns raised through objections included the following:
- a) the removal of the aged/ dependant person's restriction on the development;
  - b) the fact that the thirteen dwellings would not have been approved on site had they not been proposed as aged/ dependant persons;
  - c) the fact that four of dwellings have already been sold as aged/dependent person's dwellings;
  - d) not being able to sell units is not a valid planning concern to be used to justify the increased density of the site;
  - e) Kalamunda has a shortage of over 55s dwellings and there is strategic merit to maintain the site as is; and
  - f) by converting the units into grouped dwellings, the strategic objective trying to achieve housing diversity would no longer be satisfied.

## **FINANCIAL CONSIDERATIONS**

40. In accordance with Regulations 48 and 49 of the *Planning and Development Regulations 2009*, any costs associated with advertising and assessment of the LPS6 Amendment is to be met by the applicant.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

41. *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**

42. It has been noted by several studies (including the City's Aged Accommodation Strategy) there is a shortfall of aged and dependant person's dwellings within the City. The proposed LSP6 Amendment will allow for the removal of the aged/ dependant persons restriction on the site.
43. Considering this, the proposed LSP6 amendment is consistent with the strategic objectives of the Aged Accommodation Strategy which seek to prioritise aged care developments, in particular sites in proximity to existing amenities.

**Economic Implications**

- 44. The proposed modification to LSP6 will afford the owner greater flexibility with respect to sale and leasing of the apartments for persons other than those classed as over 55’s and or dependant.

**Environmental Implications**

- 45. These matters were considered during the establishment of the original LSP6.

**RISK MANAGEMENT CONSIDERATIONS**

46.

<b>Risk:</b> Adopting the LSP6 Amendment and converting the aged/ dependent person’s dwellings into grouped dwellings will contribute to lessening the housing diversity available within the City and will not align with the City’s strategic objectives.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Significant	High
<b>Action/Strategy</b>		
Recommend refusal to the Western Australian Planning Commission.		

47.

<b>Risk:</b> Loss of opportunity for persons over 55’s finding aged and dependent dwellings.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
Recommend refusal to the Western Australian Planning Commission.		

48.

<b>Risk:</b> Establishing a precedent for similar proposals involving aged and dependent dwellings.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
Recommend refusal to the Western Australian Planning Commission.		

**OFFICER COMMENT**

- 49. The City acknowledges that the proposal will not alter the existing built form which has been designed and for aging in place. Moreover, the proposed LPS6 modification would still allow for persons over 55 to live in the dwellings.
- 50. It is acknowledged that the proposal will afford the landowner, additional commercial flexibility by having the Residential R60 code applied with regard to future sales. However, it should be highlighted that eleven of the thirteen units are currently either leased or have been sold. Only unit 1 and 9 are

vacant. To this end, the commercial flexibility of the development needs to be balanced against the City’s strategic policy direction outlined with its Aged Accommodation Strategy which is discussed below.

51. The development application for the 13 existing aged/ dependent persons dwellings was approved by the City in March 2016. The lot sizes for the development were supported in accordance with Clause 5.1.1 C1.4 (i) of the Residential Design Codes (R-codes) which allows minimum and average site area requirements to be reduced by up to one third for Aged/ Dependant Person’s Dwellings. In accordance with the restrictions of Clause 5.1.1, the same site area concessions cannot be granted to standard grouped dwellings where there is no restriction on the age or dependency status of the occupants. It should be highlighted that a key element of the original development application approval was the aged/dependant persons provision allowing reduced lot sizes.

52. If the abovementioned restriction is removed, the sizes of the lots will not match the current R40 density code due to the concessions applied to the original aged/dependant dwellings approval. To account for the inconsistency, the applicant proposes to increase the R-Code density of the site to R60. A comparison of R40, R60, and the existing lots is shown below:

	<b>Minimum Lot Size</b>	<b>Average Lot Size</b>
<b>R40 requirements</b>	180sqm	220sqm
<b>R60 requirements</b>	120sqm	150sqm
<b>Existing Lot Sizes</b>	148sqm	153sqm

53. The City has identified three housing precincts for increased density. The precincts were chosen as they met specific criteria deemed acceptable for an increased residential coding. The subject site does not meet the majority of these criteria and was not included in the High Wycombe and Maida Vale Housing Opportunity Precinct.

54. The Site is considered to meet the following density criteria:

- a) within areas of Forrestfield, High Wycombe and Maida Vale within walking distance of local and neighbourhood shopping centres and open spaces; (subject to the approval of the JDAP proposal).
- b) within the vicinity of the Kalamunda District centre covered by the Kalamunda Sewerage Scheme.

55. It is considered that the Site does not meet the following density criteria:

- a) within 400m of the Forrestfield District Centre.
- b) within areas of Forrestfield, High Wycombe and Maida Vale containing older housing on larger lots.
- c) within 200m of (relatively) high frequency bus routes.
- d) within 200m of District Open Spaces.

56. The proposed R60 density has not been identified within any of the City’s strategic documents for the area. As previously mentioned, should the JDAP application be approved, the site will be within a 200m walkable catchment of a local centre. Most of the remaining criteria for higher density would however, not be met.

57. The City's Aged Accommodation Strategy 2016 outlines that there is a persistent shift in the age profile of the City, with an increase in percentage of persons over the age of 55 occurring between 2001 and 2011, approximately double the Western Australian average increase in that time.
58. The strategy identifies a notable lack of retirement living in the broader development sector in Perth. Several reasons are listed for the deficit in independent living units available on the market, including the lack of sites specifically zoned for retirement living.
59. The Strategy makes several recommendations for the City concerning aged accommodation developments. The recommendations included prioritising sites close to amenities (shops, public transport). It should be noted that the City is currently in receipt of a Joint Development Assessment Panel (JDAP) application for a local centre on Lot 320 (31) Maida Vale Road, Maida Vale. Should the JDAP application be approved, the aged / dependant persons dwellings will be within a 200m walkable catchment of a local centre. The development would therefore be classed as one such site that should be prioritised.
60. Noting the recommendations of the Strategy, it is considered that the proposal to remove the aged/ dependant person's restriction from the development would not be consistent with the recommendations outlined above.
61. It is also considered that the proposal would not be in line with the broader strategic objectives identified by the City's Aged Accommodation and Housing Strategies where housing diversity are key focus areas.
62. While there is some locational merit for the proposed increase in density, the overarching strategic framework identifies a focus on diversifying housing stock and providing for an ageing population. On this basis, the proposed LSP6 amendment is inconsistent with the intent of the established strategic planning framework in relation to the provision of aged and dependent housing.
63. Noting the above, the proposed modification to the LSP6 is not supported.

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

That Council:

1. REFUSES the proposed Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 256 (53) Maida Vale Road, Maida Vale pursuant to Clause 20(1)(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
  - a) The proposed modification to the Local Structure Plan is contrary to the intent of the City of Kalamunda's strategic planning framework in relation to the provision of aged accommodation.

- b) The proposed modification to the Local Structure Plan would establish a precedent for similar proposals involving the removal of sites identified for aged and dependent dwellings.
- 2. FORWARDS the proposed Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 256 (53) Maida Vale Road, Maida Vale, attachments and recommendations, to the Western Australian Planning Commission.

**10.1.4. Proposed Amendment No.94 - Lot 112 (280) Holmes Road & Lot 14 (323) Hawtin Road, Forrestfield - Special Use (Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building & Place of Worship)**

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

Peter Varelis declared an interest affecting impartiality in relation to Item 10.1.4 Proposed Amendment No 94 – Lot 112 (280) Holmes Road & Lot 14 (323) Hawtin Road Forrestfield – Special Use (Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building & Place of Worship) as his grandmother attend the Monastery and partakes in their activities.

The City’s Manager Approval Services gave a presentation on this item.

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/94
Applicant	Rowe Group
Owner	Greek Orthodox Church

Attachments	1. FINAL - Applicant Report - Consent to Advertise <b>[10.1.4.1]</b>
	2. Scoping Statement and Master Plan Recieved 26 Jan 2019 <b>[10.1.4.2]</b>

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the adoption of Local Planning Scheme Amendment No.94 (Amendment No.94) to Local Planning Scheme No. 3 (Scheme) for the purposes of public advertising (Attachment 1).
2. Amendment No. 94 proposes to rezone Lot 112 (280) Holmes Road and Lot 14 (323) Hawtin Road, Forrestfield (Site) to ‘Special Use’, and insert additional site-specific development conditions into Schedule 4 of the Scheme as follows:
  1. Land use permissibility shall be in accordance with the provisions of the Special Rural Zone.
  2. Within this zone the following uses are not permitted unless approval is granted by the Council (‘A’):
    - i. ‘Ancillary Dwelling’;
    - ii. ‘Caretakers Dwelling’;
    - iii. ‘Community Purpose’;
    - iv. ‘Residential Building’; and
    - v. ‘Place of Worship’.
  3. The term ‘Residential Building’ shall have the same meaning given to it in the Residential Design Codes, as amended.
3. The proposal seeks to enable the existing Greek Orthodox Church and associated land uses to be capable of approval under the provisions of the

Scheme. Rather than all development applications on the site requiring assessment as a 'non-conforming use' under Clause 4.8 of the Scheme.

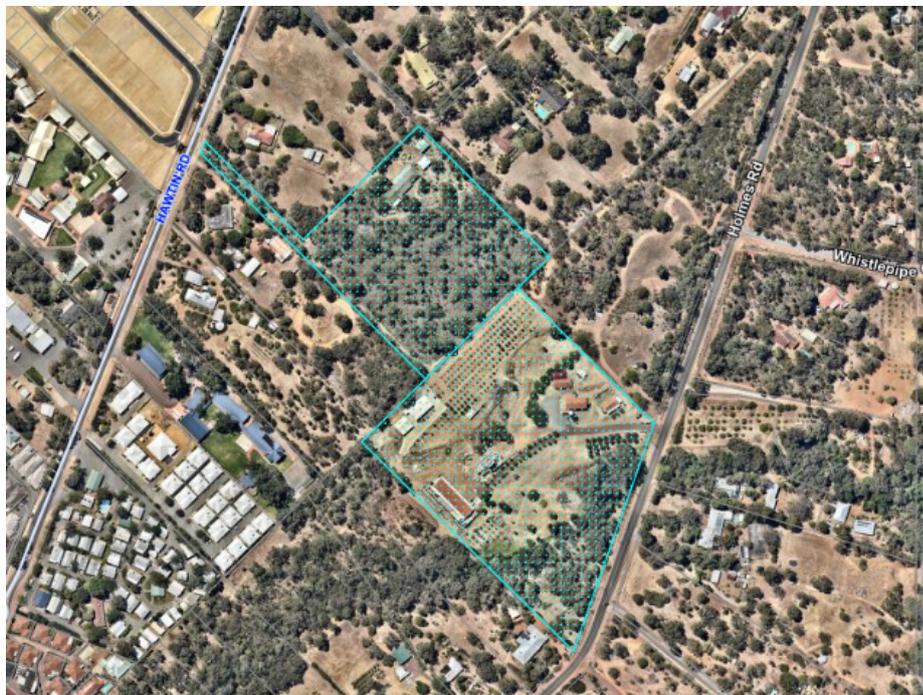
4. It is recommended that Council adopt Amendment No.94 for the purposes of public advertising.

**BACKGROUND**

5. **Land Details:**

Land Area:	56,555.00m <sup>2</sup>
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

6. **Locality Plan:**



7. The Site consists of an existing Greek Orthodox Church which pre-dates the gazettal of the Scheme. As a result, the existing Greek Orthodox Church has established 'non-conforming use' rights under clause 4.8 of the Scheme.
8. There are 10 existing structures across the subject site inclusive of a dwelling, caretakers dwelling, monks residential building, chapel, dining hall, toilet block and four outbuildings. In addition to the above, a domestic orchard and olive grove are maintained on site.

9. The subject site is identified on the City’s Municipal Heritage Inventory (Place No.85 – Green Orthodox Church). The City’s Municipal Heritage Inventory states that following statement of significance:
- ‘The place has social value for the members of the community who attend the church.’*
10. In September 2017, Amendment No.94 was to be considered by Council for the purposes of public advertising. However, at the Applicant’s request, the matter was withdrawn to enable a subdivision application to be lodged with the Western Australian Planning Commission (WAPC) seeking approval for the amalgamation of Lot 112 and Lot 14.
11. In December 2018, the WAPC issued a conditional approval for the amalgamation of Lot 112 and Lot 14, which has been subsequently cleared by the City in March 2019.

**DETAILS**

12. The Applicant is seeking Council approval to advertise Amendment No.94 which proposes to rezone the Site to ‘Special Use’, and insert additional site-specific development conditions into Schedule 4 of the Scheme as follows:

No.	Description of Land	Special Use	Conditions
<i>SU 20</i>	Lot 112 (No 280) Holmes Road and Lot 14 (No 323) Hawtin Road, Forrestfield	Place of Worship	a) Land use permissibility shall be in accordance with the provisions of the ‘Special Rural’ zone. b) Within this zone the following uses are not permitted unless approval is granted by the Council (‘A’) <ul style="list-style-type: none"> <li>i. Ancillary Dwelling;</li> <li>ii. Caretakers Dwelling;</li> <li>iii. Community Purpose;</li> <li>iv. Residential Building;</li> <li>and</li> <li>v. Place of Worship</li> </ul> c) The term ‘Residential Building’ shall have the same meaning given to it in the Residential Design Codes, as amended.

13. The proposal seeks to enable the existing Greek Orthodox Church and associated land uses to be capable of approval under the provisions of the Scheme. Rather than all development applications on the site requiring assessment as a ‘non-conforming use’ under Clause 4.8 of the Scheme.
14. In support of Amendment No.94, the applicant has submitted a Scoping Statement and Master Plan (Attachment 2).

## STATUTORY AND LEGAL CONSIDERATIONS

15. **Metropolitan Region Scheme**

The subject site is classified 'Rural' under the Metropolitan Region Scheme (MRS).

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

Under the provisions of the Scheme, the subject site is currently zoned Special Rural.

17. The objectives of the 'Special Rural' zone are outlined in Part 4.2.2 (Objectives of the Zones: Rural Zones) of the Scheme as follows:

- a) *To enable smaller lot subdivision to provide for uses compatible with rural development.*
- b) *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*

18. The acceptable circumstances for the creation of a 'Special Use' zone are outlined in Part 5.16.1 of the Scheme as follows:

*The local government shall only make such special provision by the creation of a special use zone when it considers that the special provisions:*

- a) *Will satisfy a specific need(s) in the locality where the subject land is situated;*
- b) *Would enhance the amenity and the interest of the orderly and proper planning of the locality; and*
- c) *Would be specifically appropriate or desirable.*

19. The objectives of the 'Special Use' zone is outlined in part 5.16.2 of the Scheme as follows:

- a) *To make provision for a specific use or combination of uses on particular land where provisions of the Zoning Table would otherwise restrict this, or to prevent the establishment of a use or combination of uses where the provisions of the Zoning Table would otherwise allow this;*
- b) *To ensure that any use or development of land which is considered to have significant impact, takes place only after the amendment process has been undergone; and*
- c) *To allow for the inclusion of specific uses or combinations of uses on particular land either with or without base zoning (from the Zoning Table) of that land.*

20. Pursuant to Schedule 1 of the Scheme a Place of Worship, Community Purpose and Caretaker's Dwelling are defined as follows:
- Place of Worship*** – means premises used for religious activities such as a church, chapel, mosque, synagogue and temple."
- Community Purpose*** – means the use of premises designed or adapted primarily for the provision of educational, social or recreation facilities or services by organisations involved in activities for community benefit."
- Caretaker's Dwelling*** – means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation of plant.
21. Schedule 1 of the Scheme does not define a residential building. Accordingly, the definition of a Residential Building as outlined in section 33 of the report has been included as a condition of the Special Use zone.
22. Pursuant to Table 1 of the Scheme, a 'Place of Worship' is an 'X' (Not Permitted) use within the Special Rural zone. However, the existing Greek Orthodox church operates in accordance with previous approval under a superseded version of the Scheme.
23. Accordingly, the existing church is a non-conforming use, and retains a 'non-conforming use right' under clause 4.8 of the Scheme. This means that the existing Greek Orthodox church is able to continue operating, even though it is a land use which is not permissible under the current Scheme as noted below:
- "Except as otherwise provided in this Scheme, no provision of the Scheme is to be taken to prevent –*
- (a) The continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme; or*
  - (b) The carrying out of any development on the land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or*
  - (c) Subject to clause 11.2.1, the continued display of advertisement which were lawfully erected, placed or displayed prior to the gazettal date."*
24. **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**
- Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)* (Regulations), requires a resolution of the local government to adopt or refuse to adopt the proposed Local Planning Scheme Amendment. The resolution must specify and provide justification for the type of amendment (basic, standard or complex).

25. Pursuant to Regulation 34, the proposed Amendment is considered to be a standard amendment as it:
- a) *is consistent with the objectives identified in the Scheme for the Special Rural zone. The amendment proposes a larger lot and retains an existing combination of uses which are not seen to impact the amenity of the rural landscape;*
  - b) *is consistent with the City of Kalamunda Local Planning Strategy to protection of the natural environment, biodiversity and provision of community facilities;*
  - c) *is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;*
  - d) *is considered to have a minimal impact upon the land within the City of Kalamunda, as the combination of uses pre-dates the gazettal of LPS3; and*
  - e) *will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.*

26. **Planning and Development Act 2005**

Should council determine to adopt the amendment for the purposes of public advertising pursuant to Sections 81 and 82 of the *Planning and Development Act 2005*, the amendment must be referred to the Environmental Protection Authority (EPA) prior to advertising the amendment.

27. Pursuant to section 172 of the *Planning and Development Act 2005* a non-conforming use is defined as follows:

*"non-conforming use means a use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme which deals with a matter specified in Schedule 7 clause 6 or 7;"*

**POLICY CONSIDERATIONS**

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

Clause 6.3 of SPP 3.7 sets out the information required to accompany higher order strategic planning documents. Consistent with clause 6.3, a Bushfire Management Plan has been submitted with the proponent's request to amend the Scheme.

29. **State Planning Policy 3.1 – Residential Design Codes**

Appendix 1 of SPP 3.1 defines a Residential Building as:  
*'a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- a) Temporarily by two or more persons; or*
- b) Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.*

30. Schedule 1 of the scheme does not define a residential building; accordingly, the proponent has included the Residential Design Codes definition as a Residential Building within the Special Use.

31. **Local Planning Policy P-DEV 55 – Places of Worship**

The City's Local Planning Policy P-DEV 55, gives guidance surrounding the assessment of scheme amendments and development applications for places of worship within the City of Kalamunda.

32. P-DEV 55 seeks to ensure that the operation of Place of Worship activities *'do not affect or impinge on the prevailing amenity of the local area'* and to *'facilitate and provide guidance in terms of appropriate locations within the City of Kalamunda for places of worship and associated land uses'*.

33. Consistent with P-DEV 55, the proponent has submitted an overall master plan for the site, a bushfire management plan and proposed a Special Use over the subject site which accommodates all incidental uses associated with the existing Greek Orthodox Church.

34. When considering a site appropriate for a Special Amendment, the City is to have due regard for Table 1 of P-DEV 55. Table 1 sets out the recommended separation distances between existing and proposed places of worship. Within the Special Rural zone, a 500m separation distance is outlined and is to be measured from lot boundary to lot boundary.

35. The proposed separation distance from the site to Hillside Church is 353.5m and 201m to Foothills Church of Christ. However, it should be noted that the existing Church and associated uses were approved prior to the adoption of P-DEV 55 and the siting requirements listed in Table One were not a consideration of the initial approval in 1981.

36. It should be noted that P-DEV 55 outlines site development requirements surrounding acceptable built form outcomes of Places of Worship. However, no new built form is proposed as part of this request to amend the local planning scheme. Any future built form outcomes on the subject site will be assessed against the site development requirements of P-DEV 55.

37. Notwithstanding the above, it should be noted that the existing Church and associated uses were approved prior to the adoption of P-DEV 55. Accordingly, the siting requirements stated in P-DEV 55 were not a consideration of the initial approval in 1981.

38. **Local Planning Policy P-DEV 64 – Requirements for Local Planning Scheme Amendments**

The City's Local Planning Policy P-DEV 64, provides guidance in respect to the process and level of detail required for a Local Planning Scheme Amendment based on whether the amendment is Basic, Standard or Complex.

39. Consistent with P-DEV 64, the proponent has submitted a 'Land Use Scoping Statement and Concept Master Plan'. The submitted statement and master plan outlines the anticipated built form and intended outcomes for the site. Covering the proposed scale and intensity of use, streetscape, tree preservation, open space, site limitations or constraints and prevailing amenity.

## **ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

40. The proposal was assessed from a Building and Engineering Services perspective, no concerns regarding to the proposed amendment were made evident.

### **External Referrals**

41. Should Council resolve to adopt Amendment No.94 for the purpose of advertising, it will be submitted to the Environmental Protection Authority for comment and then advertised in accordance with the requirements of the Regulations and Local Planning Policy P-DEV 45 (as amended) as a standard amendment.

42. The advertising period will be for a minimum of 42 days and will include but not be limited to:

- a) issuing letters to landowners affected by the Amendment and those within a 300 metre radius of the subject site;
- b) a notice on the City's media platform;
- c) a notice in the local newspaper;
- d) display of the Amendment at the City's Administrative Centre;
- e) letters to relevant public and service authorities; and
- f) signage on site.

## **FINANCIAL CONSIDERATIONS**

43. All costs associated with advertising and assessment of the Scheme Amendment are to be borne by the Applicant.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

44. *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 1.3** - To support the active participation of local communities.

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

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

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

**Strategy 3.4.2** - Advocate and facilitate diversification options for the rural properties to flourish.

## SUSTAINABILITY

### Social Implications

45. The existing Greek Orthodox Church currently provides religious services for the surrounding community. Which benefits the residents of the City who wish to attend the subject site for worship.
46. It is to be noted that the City has not received any complaints regarding the existing monastery. However, any future impacts upon the amenity of the locality could be managed through conditions of future development approvals.

### Economic Implications

47. Nil.

### Environmental Implications

48. The proposal does not include any new built form on the subject site, or any clearing of existing vegetation. Accordingly, there are not seen to be any environmental implications resulting from the proposed amendment.

**RISK MANAGEMENT CONSIDERATIONS**

49.	<b>Risk:</b> The Amendment is not adopted for the purposes of public advertising and does not proceed.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Convey to the Elected Members that the existing Greek Orthodox Church/Monastery operates lawfully under a non-conforming use right. The incorporation of a special use into the scheme which formalises the existing church is not seen to adversely impact the amenity of the locality.		

50.	<b>Risk:</b> Proceeding with Amendment No.94 may result in future intensification of the site resulting in undue amenity impacts on the prevailing amenity of the surrounding area.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	The concept plan which outlines the anticipated built form and intended outcomes for the site with respect to the scale and intensity of use, streetscape, tree preservation, open space, site limitations or constraints and prevailing amenity indicates that no further development is envisaged for the site. Any proposal contrary to this, would require further approval from the City where potential amenity impacts can be further considered.		

**OFFICER COMMENT**

51. The existing Greek Orthodox Church and associated Monastery operate in accordance with development approval granted under a previous Local Planning Scheme No.2. Subsequently the Scheme has been gazetted, which does not permit a Place of Worship, Community Purpose, or Caretakers Dwelling in a Special Rural Zone.
52. Pursuant to clause 4.8 of the scheme, the existing church and associated land uses operate under a non-conforming use right. This right enables *'the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme; or the carrying out of any development on that land for which, immediately prior to the Gazettal date an approved or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current'*.
53. Despite lawful approval under a previous Scheme, all development applications on the site are subject to assessment as a non-conforming use.

54. Accordingly, the owners of the subject site have submitted a request to rezone the subject site to Special Use to facilitate the assessment of future development applications on the subject site. The proposed special use seeks to retain the existing land use permissibility of the Special Rural Zone whilst adding discretion for Council to grant approval ('A' Use) for an Ancillary Dwelling; Caretakers Dwelling; Community Purpose; Residential Building; and a Place of Worship
55. Clause 5.16.1 of the scheme, sets out the instances in which local government should make *'special provision by the creation of a special use zone'*. Clause 5.16.1 (a) states that a special use should only be considered when it will *'satisfy a specific need(s) in the locality where the subject land is situated'*. In this regard the existing Church and associated land uses are seen to provide for community needs through the provision of religious, educational and social services.
56. Clause 5.16.1 (b) states that a special use should only be considered when it *'would enhance the amenity and the interest of the orderly and proper planning of the locality'*. The proposed special use is not seen to impact the existing amenity of the locality, as all additional uses are existing on site. Moreover, it is considered that the amenity would be enhanced by virtue of the religious services offered to the community the church serves.
57. The locality has a prevailing amenity of large rural lots with mature native vegetation. The existing olive grove, fruit orchards, landscaping and mature native vegetative buffer are seen to be consistent with the special rural zone and contribute to the attractive rural amenity of the locality.
58. Furthermore, the proposal is seen to be consistent with orderly and proper planning as it seeks to enable an approved use to be capable of development approval under the current scheme.
59. Clause 5.16.1 (c) states that a special use should only be considered when it *'would be specifically appropriate or desirable'*. The Greek Orthodox church was approved under a previous scheme and retains a non-conforming use right under clause 4.8 of the scheme. Accordingly formalising an existing approved use is considered appropriate.
60. With the exception of an approved chapel, and future monastery shop/bookshop the Greek Orthodox Church has no intentions to expand the existing structures/land uses now or in the future. The existing place of worship generates traffic associated with approximately 50 people visiting the site for weekly worship on a Sunday morning. This is not expected to significantly increase following rezoning of the subject site to Special Use. Furthermore, there are no plans to clear any existing vegetation from the subject site. Furthermore, there are no plans to clear any substantial vegetation from the subject site.
61. Should the City resolve to adopt Scheme Amendment No.94 for the purpose of public advertising, the community will be provided an opportunity to outline their concerns and for these concerns to be addressed through the planning process when the Amendment is brought back to Council for final approval.

- 62. Amendment No.94 is consistent with the applicable strategic and statutory planning framework and is considered to be consistent with orderly and proper planning.
- 63. Amendment No.94 will remove an anomaly under the Scheme where an approved use is now a prohibited use in the Special Rural zone. The creation of a Special Use zone will simplify the consideration and assessment of any future development on the site.
- 64. Having regard to the above, it is recommended that Council adopts Scheme Amendment No. 94 for the purpose of public advertising.

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION**

That Council:

- 1. ADOPTS, for the purpose of public advertising, Local Planning Scheme Amendment No. 94 to Local Planning Scheme No. 3 in accordance with Attachment 2, pursuant to Section 75 of the *Planning and Development Act 2005* (WA) subject to the following modification:

Insert the following development requirement into Schedule 4 of the scheme:

No.	Description of Land	Special Use	Conditions
<i>SU 20</i>	Lot 112 (No 280) Holmes Road and Lot 14 (No 323) Hawtin Road, Forrestfield	Place of Worship	<ul style="list-style-type: none"> <li>a) Land use permissibility shall be in accordance with the provisions of the 'Special Rural' zone.</li> <li>b) Within this zone the following uses are not permitted unless approval is granted by the Council ('A')                             <ul style="list-style-type: none"> <li>i. Ancillary Dwelling;</li> <li>ii. Caretakers Dwelling;</li> <li>iii. Community Purpose;</li> <li>iv. Residential Building; and</li> <li>v. Place of Worship</li> </ul> </li> <li>c) The term 'Residential Building' shall have the same meaning given to it in the Residential Design Codes, as amended.</li> </ul>

- 2. CONSIDERS Local Planning Scheme Amendment No. 94 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) for the following reasons:

- a) the Amendment is consistent with the objectives identified in the Scheme for the Special Rural zone;
  - b) the Amendment is consistent with the Metropolitan Region Scheme zoning that applies to the site, and the applicable strategic planning framework;
  - c) the Amendment is considered to have a minimal impact upon the amenity of the locality within the City of Kalamunda;
  - d) the Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area; and
  - e) the Amendment is neither complex nor basic, as defined under Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. FOWARDS the proposed Local Planning Scheme Amendment No. 94 to Local Planning Scheme No.3 to the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005* (WA).
  4. AUTHORISE advertising the Local Planning Scheme Amendment No. 94 to Local Planning Scheme No.3 in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to Sections 81 and 82 of the *Planning and Development Act 2005* (WA).

### 10.1.5. Proposed Kalamunda Activity Centre Plan - Adoption for the Purposes of Public Advertising

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

Mr Peter Forrest provided a statement on the Plan. Mr Forrest was advised to make a submission during the advertising period.

The City's Manager Approval Services gave a presentation on the item.

Previous Items	Nil.
Directorate	Development Services
Business Unit	Strategic Planning Services
File Reference	
Applicant	City of Kalamunda
Owner	Various
Attachments	<ol style="list-style-type: none"> <li>1. Draft Kalamunda Activity Centre Plan Map <b>[10.1.5.1]</b></li> <li>2. Draft Kalamunda Activity Centre Plan - Part 1 <b>[10.1.5.2]</b></li> <li>3. Draft Built Form Design Guideines <b>[10.1.5.3]</b></li> <li>4. Draft Kalamunda Landscape Master Plan <b>[10.1.5.4]</b></li> <li>5. Draft Kalamunda Activity Centre Plan - Part 2 - Technical Reports <b>[10.1.5.5]</b></li> <li>6. Summarised Opinion of Probable Costs - Landscape Masterplan Improvements <b>[10.1.5.6]</b></li> </ol>

#### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council the opportunity to consider the Proposed Kalamunda Activity Centre Plan (KACP) and Landscape Masterplan for the purpose of commencing public advertising.
2. The advertising process will give landowners within the KACP area and surrounds a formal opportunity to comment on the KACP and for the City to provide a response to submissions and consider any associated modifications.
3. It is recommended that Council adopt the KACP for the purposes of public advertising.

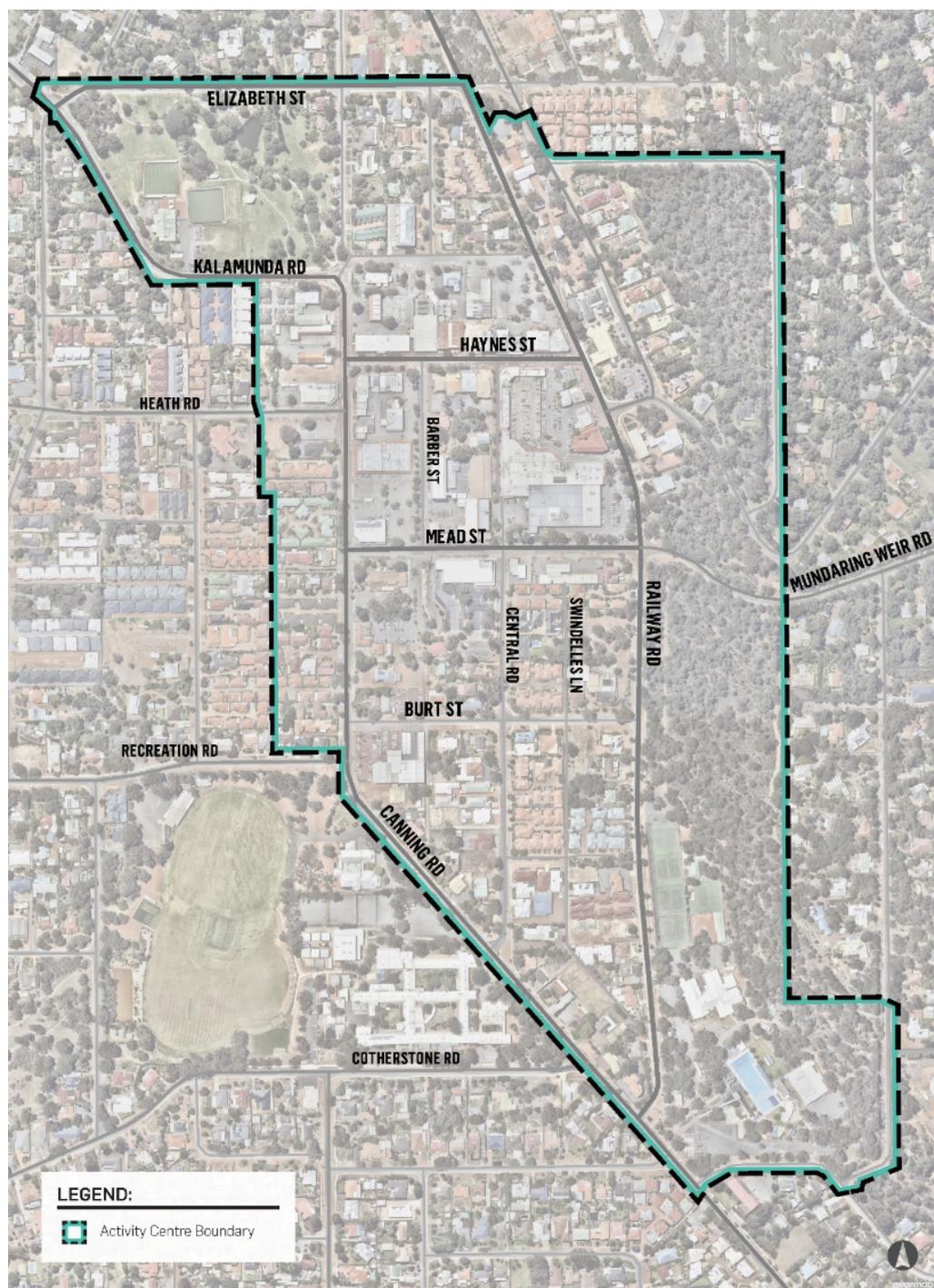
#### BACKGROUND

4. **Land Details:**

Land Area:	Total: 70.72ha Excluding Roads: 52.82ha
Local Planning Scheme Zone:	District Centre Commercial Mixed Use Residential Private Clubs and Institutions

	Local Open Space Reserve Public Purpose Reserve Special Uses Other Regional Road Reserve
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



6. The KACP area incorporates a total area of 70.72 hectares, comprising 185 lots, 172 of which are privately owned and 13 publicly owned. The area includes the central core of the Kalamunda Town Centre and its peripheral mixed use, residential and public purpose areas. The KACP is generally bounded by Elizabeth Street and Stirk Park to the north, Dixon Road and the Railway Heritage Trail to the east, the Kalamunda Water Park and Canning Road to the south, and half of a block in the residential areas and Kalamunda Road to the west.
7. The KACP area contains a mixture of vibrant, energised spaces and streetscapes, while other areas in the town centre lack a sense of identity and commercial investment, resulting in a fragmented pattern and character.
8. Kalamunda is identified as a 'District Centre' under State Planning Policy 4.2 – Activity Centres for Perth and Peel, which typically have the following characteristics:
  1. servicing the daily and weekly needs of residents with a local community focus;
  2. provide services, facilities and job opportunities that reflect the local community needs;
  3. focal point for the bus network;
  4. service a population of approximately 20,000 to 50,000 persons;
  5. incorporate increased density within 400 metres of the activity centre; and
  6. incorporate supermarkets, discount department stores, convenience goods, small scale shops, personal services and speciality stores.
9. The town centre has a mixture of lot sizes, building scales and dispersed commercial and retail uses. The pattern of development throughout the 20<sup>th</sup> century has been predominantly car-oriented, which has resulted in a number of developments failing to contribute to the streetscapes with dominant parking areas, a lack of pedestrian focus, large or irregular setbacks and minimal street interaction.
10. The KACP area has unique topographical features sloping downhill from east to west, which creates visual interest and opportunities for views to surrounding areas but also poses a constraint for pedestrian movement, access, streetscape and built form design.
11. The existing planning framework for Kalamunda Town Centre incorporates the following relevant instruments/reports:
12. **Special Control Area (SCA) – Kalamunda Town Centre Design Control Area**

The Kalamunda Town Centre Design Control area SCA covers an area bounded by Canning Road, Railway Road, School Street, Stirk Street, and includes land fronting Canning Road between Heath Road and Kalamunda Road. The SCA establishes provisions in addition to standard Local Planning Scheme 3 (LPS 3) provisions, as follows:

  - a) creates a link from the LPS 3 to the requirements under Kalamunda Town Centre Planning and Urban Design Guidelines;

- b) reduced front setbacks to enable awnings to be constructed over the footpath;
  - c) maximum height requirement of two storeys; and
  - d) addresses broad considerations relating to design requirements for buildings and grouped dwellings.
13. It is anticipated that the SCA provisions in LPS 3 text and map will be removed and replaced in accordance with the proposed scheme amendment outlined in the Statutory and Legal Considerations of this report.
14. **Kalamunda Town Centre Planning and Urban Design Guidelines (2011)**  
These design guidelines were adopted in 2011, seek to address urban design issues for new developments and establish a series of design principles and objectives which aim to represent the desired outcomes for developments within the current Kalamunda town centre area.
15. The existing design guidelines have provided a level of guidance to date, however they are now eight years old and there is a need to establish an implementable activity centre plan which comprehensively addresses the private and public realms to support the town centre development into the future.
16. It is also noted that the SCA together with the associated design guidelines are principally orientated towards urban design, and does not fully address other relevant influencing factors such as land use, traffic, economic, heritage, bushfire, and streetscape analysis. In this regard, the existing SCA and urban design guidelines do not meet the requirements of State Planning Policy 4.2 Activity Centres for Perth and Peel.
17. **Townscape Improvement Plans**  
Townscape Improvement Plans (TIP) were prepared in 2010 for Kalamunda town centre and a number of other smaller neighbourhood centres. The TIP provided opportunities and constraints for future development in the Kalamunda town centre, including recommendations for both public and private realm improvements. Council adopted the Kalamunda TIP in December 2010, with further additional work required to be completed, including a schedule of works and projected costs, and a model detailing how town centre improvements could be funded.
18. It is noted that this body of work will be superseded by the KACP, however a recommendation of the draft Activity Centres Strategy includes an action to investigate the implementation of the TIPs for other neighbourhood centres.
19. **Kalamunda Car Parking Study (2011)**  
This report was commissioned to undertake a parking study in the Kalamunda Town Centre with a view to develop a strategy to manage parking provision. Key findings of the Study included:  
a) parking demand generally well below the number of bays provided on private and public land in the study area;  
b) the Local Planning Scheme No. 3 parking standards were considered likely to be conservative by over estimating actual parking demand; and

c) if the Kalamunda Town Centre were to be developed to full potential there may be a requirements to facilitate additional public parking.

20. Since January 2018 the City has been working with Urbis and their sub-consultant team to prepare the KACP and supporting technical documentation.

## **DETAILS**

21. The purpose of the KACP is to facilitate the development of a district activity centre in Kalamunda, as contemplated and planned for in a variety of state and local planning instruments, namely State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2).

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

23. The KACP documentation itself includes a report divided into two sections:

- 1) Implementation – outlines the requirements that will be applied when assessing subdivision and development applications; and
- 2) Explanatory – supports part 1 by providing background and explanatory information used to prepare the KACP. Part 2 includes a number of technical reports to support the KACP conclusions and recommendations:
  - a. Appendix A – Built Form Design Guidelines
  - b. Appendix B – Place making & Engagement Report
  - c. Appendix C – Bushfire Management Plan
  - d. Appendix D – Employment and Retail Analysis
  - e. Appendix E – Historical & Aboriginal Baseline Assessment
  - f. Appendix F – Transport Assessment
  - g. Appendix G - Engineering Services Report
  - h. Appendix H – Landscape Master Plan

A copy of the KACP Map is provided in (Attachment 1), Part 1 of the KACP report is provided in (Attachment 2). Appendix A – Built Form Design Guidelines and Appendix H – Landscape Master Plan have been provided in separate attachments (Attachments 3 and 4 respectively) given these are key instruments that inform that KACP framework. All other technical appendices listed above are provided in (Attachment 5).

24. The following vision was developed through a comprehensive preliminary community engagement process in collaboration with key stakeholders and the local community in early 2018:

*"Kalamunda is a place borne of community spirit with a strong connection to its heritage. The town centre serves as a gateway to the hills and as a hub*

*connecting both locals and visitors alike. Its natural bushland setting and traditional village atmosphere are a platform to enhance Kalamunda's unique offerings, activities and events and provides spaces for community interactions and neighbourhood conversations"*

25. The KACP vision is supported with four key themes and associated objectives that are to be read in conjunction with the relevant objectives under LPS 3:
- a) Character – Home in the Forest  
This theme focuses on urban design improvements (streetscape and built form) that reflects the heritage character, materiality and landscape of the KACP area;
  - b) Community – A place for everyone  
This theme focuses on creating a place that caters for all members of the community, encourages events, festivals and markets, and the colocation of community facilities;
  - c) Live / Work / Play – all your daily needs  
Encourage land uses that bring people into the town centre for a variety of reasons, land uses that operate beyond traditional hours and facilitate social interaction; and
  - d) Connected – Walk the centre.  
This theme aims to improve pedestrian and cyclist connections through the KACP area with a view of encouraging walking, cycling and public transport use.
26. **Land Use**  
Several land use opportunities were identified to facilitate a consolidated and well-connected town centre while reinforcing the District Centre role of Kalamunda town centre. The land area covered by the KACP encompasses not only the core with key roads Canning Road and Railway Road forming the boundary but includes peripheral land and key entry points. This land is included to ensure that future land use and development form is structured consistently and frames the KACP area.
27. The KACP Map (Attachment 1) identifies the land uses as 'District Centre', 'Mixed Use', 'Residential', 'Local Open Space' and 'Public Purpose'. Each of these zones and reserves correspond to a zone or local reserve under LPS 3. The proposed classification of land use on the KACP Map is not dissimilar to the broad general arrangement of existing land uses under LPS 3. It is noted that the local reserve classifications for some community facilities owned or managed by a public authority (e.g. Kalamunda Library and Jack Healey Centre) have been identified within the Centre zone, which means that the land use permissibility and development requirements apply consistently across the KACP area.
28. **Residential Density**  
An additional 400 dwelling units is expected in the KACP, which is anticipated to accommodate over 850 new residents to the area. The main driver for this growth will be the rezoning of the activity core to accommodate density more in keeping with a 'town centre' however the massing and bulk of these structures will be moderated by height limits and provisions set out in design guidelines. The introduction of these residents would be expected to occur

over the lifespan of the activity centre plan and beyond as incremental growth occurs.

29. The KACP Map identifies the following R-Codes, which each have corresponding development criteria and influences the density of development:

<b>R-Code</b>	<b>Area Covered</b>	<b>Characteristics</b>
RAC-3	land identified as 'Centre' bounded by Canning Road, Mead Street, Railway Road and Stirk Street.	Maximum 4 storeys. Density assessed as plot ratio* of 2:0.  Grouped dwelling subdivision assessed in the context of built form outcome.
RAC-4	land opposite the boundary of the central 'core'.	Maximum 3 storeys. Density assessed as plot ratio* of 1:2.  Grouped dwelling subdivision assessed in the context of built form outcome.
R60	Land identified for Mixed Use immediately north of Stirk Street and to the south of the KACP area.	For grouped dwellings: Minimum lot size 120m <sup>2</sup> Average lot size 150m <sup>2</sup>  For multiple dwellings and mixed-use development Density assessed as plot ratio* of 0:8.
R40	All remaining land identified as residential.	Minimum lot size 180m <sup>2</sup> , Average lot size 220m <sup>2</sup> .  For multiple dwellings and mixed-use development Density assessed as plot ratio* of 0:6.

*\* Plot ratio is the method of establishing an allowable volume of development within a building envelope, a ratio of the floor area of a building expressed relative to the site area.*

30. **Movement Network**

Based on an assessment of the existing road network within the KACP area, existing road classifications and the hierarchy of routes is anticipated to remain consistent given the role of the transport network in providing connectivity to the broader movement network. Turning movement surveys and analysis was undertaken by Opus in 2016.

31. The following road network priorities have been identified during preparation of the KACP:
- a) improvement to urban design and built form to support pedestrians, cyclists and space activation;
  - b) Central Mall potentially being opened for a one-way shared street;
  - c) service vehicle access to be restricted to the locations on the Movement Network Plan in the KACP; and
  - d) car parking to be supplied at a rate of:
    - i. Shop/Retail – 4.5 car bays per 100sqm;
    - ii. Office – 2 car bays per 100sqm;
    - iii. Residential – As per the R-Codes; and
    - iv. All other uses – refer to the existing provisions of the Local Planning Scheme No. 3.
  - e) bicycle parking requirements for commercial development.

32. **Development and Subdivision Standards**

*Built Form*

The Built Form Design Guidelines (BFDG) utilises the State Government's Design WA initiative, which aims to create a built environment that reflects the distinctive characteristics of a local area, that enhances streetscapes and neighbourhoods and contributes to the development of vibrant and liveable communities.

33. The new State Planning Policy *7.3 Residential Design Codes Volume 2 – Apartments* will replace the content of Part 6 of the R-Codes, focusing on improved design outcomes for apartments (multiple dwellings).
34. Design WA has been used as the performance-based assessment tool for new development in the town centre. BFDGs focus only on the site-specific elements and/or elements that would need to be modified in response to local considerations. The following key design consideration form the structure of the KACP and associated Built Form Design Guidelines:
- 1. Site Planning and building massing – addressing frontage requirements, plot ratio, building height, ground floor requirements, corner buildings, transitions between differing standards, and topography considerations;
  - 2. Building character – considers architectural character, compatibility with surrounding buildings, prominent site locations, and the envisaged town square;
  - 3. Access, Parking and Services;
  - 4. Landscaping; and
  - 5. Other considerations - solar, accessibility, heritage, privacy, security and development incentives.

35. *Landscaping*

Tree retention and replacement, and the provision of 'deep root zones' form a consideration of the development assessment for multiple dwellings and mixed-use development. In this regard, a landscaping plan will form part of the information required to be submitted with a development application.

36. *Heritage*  
There are a number of known historic heritage places within the KACP area that are included on the WA State Register, and the Kalamunda Municipal Inventory. These places are identified within the Historical and Aboriginal Heritage Baseline Assessment (refer Appendix E in Attachment 5). Where future development is proposed, including new development adjacent to heritage places, internal refurbishment of heritage places, or proposed demolition of heritage places, impact assessments will be required to be prepared and approved by the relevant level of government prior to any works taking place.
37. There are a number of heritage listings for historic places were identified within the Study area, including one precinct comprising 11 places. Two places were identified as having a State level of heritage value – Stirk Cottage and the Kalamunda Hotel and Original Kalamunda Hotel. Remaining registered heritage places were recorded as having a local level of heritage value.
38. Aboriginal heritage searches identified three known sites within the Study Area, two of which are registered. The Poison Gully Creek site is located in the northern portion of the Study Area, while the Helena River site is located along the eastern boundary. Both sites are listed as mystical sites with intangible heritage values, and as such detailed information on their location and significance is unknown without further investigation or assessment.
39. **Local Development Plans**  
A Local Development Plan (LDP) is a planning instrument that co-ordinates development in an integrated manner, taking into account-built form siting and development controls, vehicle access and car parking areas, building entries and pedestrian access. LDPs are required prior to any development or subdivision for land identified as an LDP site on the KACP Map. The key considerations for each LDP are as follows:

LDP Site	Considerations
a) Lot 608 (6) Dixon Road, Kalamunda	a) Bushfire risk within local open space. b) Protection of remnant vegetation. c) Opportunity for aged care or retirement land uses. d) Responsive to the topography of the site. e) Consolidate access points. f) Aboriginal Heritage – investigate heritage place 17064 which is identified as a modified tree. Its status is an “Other Heritage Place” – Stored Data/Not a Site. Obtain necessary approvals under the <i>Aboriginal Heritage Act 1972</i> as required.
b) Lots bound by Canning Road, Haynes Street and Barber Street.	a) Consolidation of land parcels where possible to achieve more developable land parcels. b) Delivery of ‘proposed pedestrian linkages’ in accordance with the Movement Network Plan.

	<ul style="list-style-type: none"> <li>c) Restricted servicing access off Haynes Street to reduce loading and service areas dominating the streetscape.</li> <li>d) Resolution of topographical changes across the site.</li> </ul>
c) Lots bound by Canning Road, Stirk Street, Railway Road and Haynes Street	<ul style="list-style-type: none"> <li>a) Consolidation of land parcels where possible to achieve more developable land parcel(s).</li> <li>b) Investigate closure of internal access road to provide additional developable land.</li> <li>c) Maintain the consolidation of service access.</li> </ul>
d) Town Square	<ul style="list-style-type: none"> <li>a) Investigate the opportunity to redevelopment the existing library and collocating this with additional community uses such as performance space, function facilities etc.</li> <li>b) Provide appropriate visual and physical connections to Zig Zag Cultural Centre, library and Bibbulmun track.</li> <li>c) Incorporate seating, playgrounds (e.g. waterplay) and opportunities for social interaction and informal gathering.</li> <li>d) Incorporation of a public art piece to terminate the view on Haynes Street will act as an attractor and aid in wayfinding.</li> <li>e) Appropriate interface with the 'Shared Zone' on Railway Parade to improve the east-west connection.</li> <li>f) A Traffic Management Plan be prepared with supporting analysis to determine impacts and mitigation strategies associated with closing the segment of Railway Road during events.</li> </ul>

40. **Services and Utilities**

An Engineering Servicing Report has been prepared to consider the existing situation and future requirements of critical servicing infrastructure sewer, water supply, power supply, telecommunications, gas and drainage. The Engineering Servicing Report recommends that the City establish a working group to enable open dialogue and identify required upgrades, timing and significant constraints with network modifications. It is expected that this will occur during the implementation of the KACP through Scheme amendment process.

41. **Staging**

Further development in the activity centre plan area can be progressed in the near term, as services are already available, and the road network within and surrounding the activity centre are pre-existing. The staging of future development will take place in line with market demand given the fragmented landownership within the activity centre.

42. Based on the scenarios provided within the Employment and Retail Analysis, it is anticipated that a potential additional 1,500m<sup>2</sup> – 3800m<sup>2</sup> of retail floor space demand is possible over the next 10 years (the expected life of the KACP), depending on the overall level of desirability anticipated for residents and visitors to visit and shop in the KACP area. The KACP recommends a focus on measures that increase desirability of the KACP centre. In this regard, the implementation of the KACP requires both private and public investment to facilitate a contemporary, attractive and functional town centre for both residents and visitors.

43. **Public Realm Improvements**

Through a number of visioning and community engagement exercises themes have guided a desired urban form driven by a number of features based around precincts including:

1. Town Square – A scaleable and defined town square that co-locates heritage, tourism and community facilities and provides a civic focus for the town centre.
2. Main Street – A clearly identifiable Main Street enhancing an already functioning urban fabric and increasing pedestrian focus and connectivity.
3. Green Park and Barber St Piazza– An area of respite and social gathering, hospitality and community facilities.
4. Central Mall - Central Mall will become a one-way street acting as the heart of Kalamunda’s night time economy, delivering an intimate and vibrant urban experience that supports both day and night-time activities and acts as a counterpoint to the more traditional and heritage spaces of the town centre.
5. Journeys – ‘Lost and Found in Kalamunda’ clearly defined pedestrian and vehicle routes and streetscape offering a diversity of experience and choice in a safe and vibrant town centre environment.

## **STATUTORY AND LEGAL CONSIDERATIONS**

44. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, an Activity Centre Plan is defined as follows:

*"Activity centre plan ... means a plan for the coordination of the future subdivision, zoning and development of an activity centre."*

45. The City is required to take the following actions regarding the Draft KACP:
- a) determine the level of information required to be provided within the KACP;
  - b) assess the KACP against appropriate planning principles;
  - c) advertise the KACP;
  - d) consider and respond to submissions received during advertising; and
  - e) prepare a report and recommendation on the proposed KACP, and provide it to the WAPC for its decision.

The Council’s consideration is required to progress with item c) above, to commence advertising on the proposed KACP.

46. In a similar process to that of a structure plan, the KACP is ultimately required to be determined by the WAPC.
47. **Local Planning Scheme No. 3**  
The KACP area is currently divided into a number of zones and reserves under LPS 3 with additional provisions relating to the Kalamunda Town Centre Design Special Control Area, additional uses, special uses and restricted uses. In order to update LPS 3 to remove outdated provisions and align the LPS No. 3 to the KACP, a scheme amendment will need to be progressed.
48. The City's officers and Urbis have met with the Department of Planning, Lands and Heritage officers to ensure that the structure of any future scheme amendment is supported. The recommended approach for a scheme amendment is to:
1. rezone the land to 'Centre' with a 'C1 – Kalamunda' subcategory for the core of the activity centre, with the exception of the Local Open Space reserves. The proposed land use permissibility for 'Centre C1 – Kalamunda' in Table 1 - Zoning table of LSP 3 relates to the land identified as 'C1 – Kalamunda' on LPS 3 Zoning Map and 'Centre' on the Kalamunda Activity Centre Plan Map.
  2. all other areas outside of the C1 – Kalamunda designation shall be in accordance with the corresponding zone in LPS 3 as identified on the activity centre plan map as follows:
    - a. land uses in areas designated Mixed Use are to be in accordance with the Mixed-Use zone listed in the Zoning Table in LPS 3.
    - b. land uses in areas designated Residential are to be in accordance with the Residential zone listed in the Zoning Table in LPS 3.
    - c. land uses in the areas designated Public Purpose and Local Open Space are to be in accordance with the provisions of Part 3 – Reserves of LPS 3.
49. The City is in the process of preparing scheme amendment documentation, however it is considered appropriate to present this to Council following public advertising of the KACP and to make any necessary changes to the scheme amendment prior to adoption and avoid significant modifications within the amendment process.

## **POLICY CONSIDERATIONS**

50. **Perth and Peel @ 3.5million**  
Providing a spatial and policy framework for Perth reaching a population of 3.5 million, this document seeks to provide for a more compact Perth, including better planned outer area. The suburb of Kalamunda is identified with an urban infill dwelling target of 11,452 dwellings and an estimated population of 25,190 people.
51. The KACP is considered to be consistent with the strategies contemplated by Perth and Peel @ 3.5 million in the following ways:
- (1) The centre will encourage local employment opportunities aligning with its District Centre designation.

- (2) Consolidation of employment generating land uses including larger format commercial, retail and civil uses.
- (3) Increasing density in appropriate locations to support a mix of uses in the centre.
- (4) A 'frame' to the town centre core that supports predominantly residential and mixed use development that contributes to the walkable catchment of the town centre.
- (5) Celebration of cultural features by create synergies between Stirk Park including Stirk Cottage, Zig Zag Cultural Centre and Bibbulmun Track.
- (6) Reinforcement of Haynes Street as the traditional 'main street' with highly active edges, a mix of uses, pleasant pedestrian environment and a built form outcome that reflects the character of Kalamunda.
- (7) Creation of a new 'town square' on Railway Road at the top end of Haynes Street creating a focal point for the community.
- (8) Consolidated parking areas in appropriate locations.

52. **State Planning Policy 4.2 – Activity Centres for Perth and Peel**  
State Planning Policy 4.2 (SPP 4.2) is the primary policy document guiding the hierarchy and distribution of activity centres in the Perth and Peel Regions. The hierarchy provides a strategic planning framework to guide public authorities in the preparation of long-term capital investment programs and to promote private investment in activity centres.
53. The KACP addresses a range of matters that are required to be included in an activity centre plan, including planning context, movement, activity, urban form and implementation.
54. **State Planning Policy 7.0: Design of the Built Environment (SPP 7.0)**  
This policy elevates the importance of design quality across the whole built environment. It includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process. The KACP uses principles from SPP 7.0 through the Built Form Design Guidelines.
55. **State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments (SPP 7.3)**  
The new SPP 7.3 will replace the content of Part 6 of the R-Codes, focusing on improved design outcomes for apartments (multiple dwellings). Content from SPP 7.3 has been used as the performance-based assessment tool for new development in the town centre.
56. **State Planning Policy 3.7: Planning and Bushfire Prone Areas (SPP 3.7)**  
The entire suburb of Kalamunda is identified as bushfire prone according to the Department of Fire and Emergency Services mapping (published 31 May 2017). Development and subdivision will need to comply with the requirements of SPP 3.7, which may involve the preparation of a Bushfire Attack Level assessment and Bushfire Management Plan.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

57. During the development of the KACP and Landscape Masterplan, the City ensured the preparation of the plans were assessed from the perspective of the relevant development-oriented disciplines. Further input will be required from these disciplines as part of finalisation of the KACP following advertising.
58. The Design Advisory Committee (DAC) reviewed the draft Built Form Design Guidelines and Landscape Master Plan. The DAC advice was provided to Urbis and sub-consultants and the recommendations have been considered as part of the finalisation of the draft documentation for the KACP. It is expected that the DAC will be involved in considering development proposals within the KACP area to ensure that design of proposals undergo thorough assessment with independent advice.

### **External Referrals**

59. Preliminary community and stakeholder engagement were undertaken during February and March 2018. This engagement was specifically structured to ensure a range of stakeholders and user groups' inputs were received. The project team and City of Kalamunda staff undertook the following methods of engagement:
- a) one-on-one meetings with 14 local business owners (17 meetings in total) to hear their thoughts on improvements that could be made to the town centre to improve and attract new business;
  - b) two pop-up workshops in a sea container at the Kalamunda markets, including 'Jane Jacobs' walking tours led by community members, and idea/emotional mapping;
  - c) a three-hour community visioning exercise, incorporating ideas and emotional mapping around the key themes of connectivity, land use, built form and public realm; and
  - d) an online survey conducted over six weeks with 44 responses received.
60. The preliminary consultation provided a basis for establishing a vision and key themes to guide the drafting of the KACP. A summary of the engagement process is included in the Placemaking and Engagement Report, provided within Attachment 5.

## **FINANCIAL CONSIDERATIONS**

61. Costs associated with the preparation of the KACP documentation has been met through the Development Services annual budget.
62. The City has obtained a high-level opinion of probable costs for the public realm improvements identified in the Landscape Master Plan, to inform future long term financial planning and capital works programming. The opinion of probable cost is provided in Attachment 6. It is important to note that these costs have been prepared without detailed design and are subject to review and change.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

63. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 3: Kalamunda Develops

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

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

#### Priority 3: Kalamunda Develops

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

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

#### Priority 3: Kalamunda Develops

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

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

#### Priority 3: Kalamunda Develops

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

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

## SUSTAINABILITY

### Social Implications

64. Kalamunda has an active and engaged community. The preliminary engagement to establish a vision for KACP has shown that there is great diversity of public opinion regarding the character and identity of the town centre. Notions of the 'character' of Kalamunda are beyond the built form, often this is also influenced by streetscape, community activity and facilities, land uses and movement links across the town centre. The KACP framework is built upon themes and associated objectives that respond to these key elements that contribute towards the character of Kalamunda.
65. A key long-term objective for the KACP is to create improved public realm and recreational opportunities and facilitate diverse land uses and housing to cater for all members of the community.

### Economic Implications

66. Based on the scenarios provided within the Employment and Retail Analysis, it is anticipated that a potential additional 1,500m<sup>2</sup> – 3800m<sup>2</sup> of retail floor space demand is possible over the next 10 years (the expected life of the KACP), depending on the overall level of desirability anticipated for residents and visitors to visit and shop in the KACP area. The KACP recommends a focus on measures that increase desirability of the KACP centre. In this regard, the

implementation of the KACP requires both private and public investment to facilitate a contemporary, attractive and functional town centre for both residents and visitors.

**Environmental Implications**

- 67. The KACP has a distinct topography sloping downhill from east to west, creating opportunities for views to surrounding areas but also posing a constraint for pedestrian movement, access, streetscape and built form design.
- 68. Remnant vegetation is limited to the eastern portion of the project area, and occurs in relatively large and intact parcels, as well as fragmented plots within private landholdings. The majority of remnant vegetation within the KACP area is proposed to be retained as 'local open space'.
- 69. While the KACP is not anticipated to result in any significant undue environmental impacts, any potential environmental impacts resulting from implementation of the proposal will be addressed in accordance with standard State and Commonwealth legislative requirements under the *Environmental Protection Act 1986* and *Environmental Protection and Biodiversity Conservation Act 1999*, during future planning and development processes.

**RISK MANAGEMENT CONSIDERATIONS**

- 70.
 

<b>Risk:</b> The Kalamunda community are opposed to aspects of the KACP.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
Ensure the community is aware that the KACP vision was derived from preliminary community and stakeholder engagement, and during the advertising period, meaningful and inclusive community engagement is undertaken to provide landowners and the broader community appropriate opportunities to comment on the proposal.		
  
- 71.
 

<b>Risk:</b> If the KACP is not adopted, the City does not have a vision and contemporary planning framework for the Kalamunda town centre, resulting in development, subdivision and public improvements that are not appropriately coordinated.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/Strategy</b>		
Ensure that the KACP is progressed to determination through the WAPC, and that the implementation of the KACP recommendations are undertaken in a timely manner.		
  
- 72.
 

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

73.

<b>Risk:</b> The Council does not allocate funding for public realm improvements resulting in a lack of investment in the KACP area.		
<b>Likelihood</b>		
Possible	Significant	Medium
<b>Action/Strategy</b>		
Ensure the KACP public realm improvements are included as funding initiatives as part of future budgets for consideration and included as part of the City's long term financial plans.		

**OFFICER COMMENT**

74. This activity centre plan will provide the greatest opportunity to date to deliver a robust planning framework that can facilitate this coordination and much needed activation to key areas of the Kalamunda town centre. The existing local planning framework, comprising the Kalamunda Town Centre Design Special Control Area and design guidelines has served a purpose for a number of years, however it is evident that a consolidated plan is required to coordinate both public and private development and investment into the future, and to reflect the current regulatory requirements for District Centres.
75. It is important to note that the KACP comprises a number of elements, the most critical being the Activity Centre Plan document itself, Parts 1 (Implementation) and 2 (Explanatory). These parts of the KACP are supported by eight technical reports appendices (Attachment 5)
76. In order to give statutory effect to the KACP, the City will be required to rezone the land within the KACP area (see Statutory and Legal Considerations section of this report). This will be a separate body of work that will be presented to Council post advertising of the KACP and will ultimately involve advertising in its own right.
77. The KACP also makes broad recommendations about future 'implementation mechanisms' that will assist in the delivery of the KACP:
- i. Local Development Plans – coordinate development in an integrated manner for the sites identified on the KACP map.
  - ii. Parking Strategy – assess opportunities for reciprocal parking, consistent demand through 7-day trading, parking management, and accessibility for people who are aged or have a disability.
  - iii. Landscape Feasibility Framework and Implementation – assess feasibility and funding arrangements to deliver the Landscape Master Plan. Noting that this is currently underway with Haynes Street and will

- be progressed with Council and the broader community over the short term.
- iv. Traffic Management Plan – Determine impacts and mitigation strategies associated with the proposed town square concept in the KACP, and periodically closing segments of Railway Road during events and when major upgrades are underway in the town centre (i.e. Haynes Street).
  - v. Aboriginal heritage survey – to be undertaken in the context of the subdivision or development of Lot 608 (6) Dixon Road, Kalamunda.
  - vi. Place Making Strategy – Refine and determine actions from the Place Making and Engagement Report for implementation. This relates to the objective of the KACP to encourage visitation by improving Kalamunda as a destination through public realm improvements (Haynes Street).
  - vii. Detailed Drainage Study – to provide guidance on future upgrade requirements to facilitate future development envisaged through the KACP.

It is anticipated that, subject to the KACP being approved, an implementation schedule with roles, responsibilities and timeframes will be developed to manage the delivery and implementation of the KACP.

78. While the KACP has been drafted following significant preliminary engagement, the details of the KACP have not, to date, been subject to community engagement. It is anticipated that the community engagement process will provide further opportunity to refine private and public realm objectives and guidelines in the KACP. Accordingly, it is recommended that the Council adopt the KACP for the purposes of public advertising.

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

That Council:

1. ADOPTS the Draft Kalamunda Activity Centre Plan for the purpose of public advertising.
2. AUTHORISES advertising in accordance with the requirements stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## **10.2. Asset Services Reports**

### **10.2.1. Milner Road Traffic Management Options - Outcome of Community Consultation**

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

Ms Sue Hudson addressed Council in relation to issues with the intersection and urged action be taken.

The City's Director Asset Services provided a presentation on the item. Council sought clarification on various issues raised within the report. Clarification was provided.

Previous Items	OCM 248/2018
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	ML-10/GEN, ST-10/GEN, MD03/GEN, 4.00009238
Applicant	N/A
Owner	N/A

Attachments	1. Milner Road Traffic Management Options Survey <b>[10.2.1.1]</b>
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#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the results of community consultation on four options proposed to address traffic issues at the north end of Milner Road and to consider if one potential option should be developed further.
2. The consultation outcomes showed a clear preference for a 'do nothing' solution however this would fail to address the concerns of the residents who live near the intersection of Milner Road and Maida Vale Road.
3. Traffic modelling was also undertaken to determine the likely impacts of the options to assist in decision making.
4. Council is requested to consider whether or not to proceed to design of the Raven Street extension as a means of allaying resident concerns, noting that uncertainty exists that this extension is suitable for long term needs.

#### **BACKGROUND**

5. Over a long period of time residents near the intersection of Milner Road and Maida Vale Road have been concerned with heavy vehicle numbers, noises and vibrations, safety and speed of traffic. To attempt to resolve the concerns, the City has undertaken a range of investigations and minor actions including:
  - a) undertaking a Traffic Treatments Assessment for Milner Road, which demonstrated that any road works could not be justified;
  - b) erecting signs to direct heavy vehicles not to use the intersection;
  - c) requesting assistance from Main Roads WA with regard to noise management and heavy vehicles access;

- d) review of the intersection design that identified 19 metre long trucks would not be able to stay within their lanes when turning (however would be cost prohibitive to implement a corrective solution at this intersection); and
  - e) preparing concept designs for a number of infrastructure treatments.
6. Council considered a report on the concerns and options in December 2018 (OCM 248/2018) with recommendations, and requested to seek community consultation on a number of treatment options and to undertake traffic modelling to determine the effect of the options on the wider road network to aid in the decision making.

## **DETAILS**

7. Community consultation was undertaken via the City's Have Your Say portal, as well as letters which were sent to all properties in the region bounded by Sorensen Road and Newburn Road to the north, Roe Highway to the east, Dundas Road to the west and extending south to include the industrial area south of Berkshire Road.
8. The survey asked for preference for four options, being:
- a) closing Milner Road with a cul-de-sac (Option A);
  - b) installing traffic calming on Milner Road at Stewart Road (Option B);
  - c) widening and extending Raven Street to Maida Vale Road (Option C);
  - or
  - d) do nothing (option D).
- The survey is included as Attachment 1 to this report.
9. The City received 114 responses. Respondents were able to select from any combination of the options. Apart from respondents selecting only one option, there were submissions that selected combinations such as A and C, B and C, and C and D (meaning in this case the respondent was accepting of either constructing option C or doing nothing).
10. Of the 114 responses, 98 of those indicated they were residents who lived in the area.
11. The responses in support of each option were:
- a) Option A - Cul-de-sac: 21;
  - b) Option B - Traffic calming: 34;
  - c) Option C - Raven Street: 33; and
  - d) Option D - Do nothing: 52.
12. The most common response was to Option D (do nothing), with the second most common response supporting Option B (traffic calming on Milner Road at the Stewart Road intersection). Reasons for predominant choice included the following:
- a) no concerns about traffic in the area;
  - b) increases in traffic are only temporary and a direct result of Public Transport Authority (PTA) works;

- c) funding should be used for more essential upgrades;
- d) Milner Road currently provides essential direct access to the area and should not be modified; and
- e) road network in the area will undergo major changes in the future and therefore this change is currently not warranted.

Neither Option B and Option D will allay the concerns which gave rise to the original report.

13. To ensure that the structure planning of the area has been appropriately considered, the City arranged for traffic modelling on the effects of the options. The City's consultant was engaged to model the effects of:
- a) closing Milner Road; and
  - b) connecting Raven Street; or
  - c) providing an alternative future road connection for the Forrestfield North Structure Planning area, along Littlefield Road, to alleviate impacts of closing Milner Road.
14. The conclusions that could be drawn from the modelling identified that:
- a) converting Milner Road to a cul-de-sac with no other new connections in the broader area is only feasible in the short term after which time, congestion would become unacceptable;
  - b) each proposed option will see up to 30% of the traffic initially assigned to Milner Road redistributed to Berkshire Road (i.e. shifting the problem elsewhere);
  - c) Littlefield Road as a key connection to Maida Vale Road (as an alternative to Raven Street) is not feasible for efficient traffic movements; and
  - d) Raven Street connection to Maida Vale Road presents its own challenges in terms of geometry which may be less attractive as an intersection for the long term.
15. Construction of the Raven Street connection would see a demonstrable reduction in heavy vehicles using Milner Road/Maida Vale Road intersection immediately, addressing the resident issues. However, as the City grows, it is reasonable to suggest the volume of heavy vehicle movements at the Milner Road/Maida Vale Road intersection may eventually grow back to current levels.
16. One key element needed to determine the benefit of the Raven Street extension is whether or not it is required or consistent with the long term planning for the Forrestfield Transit Oriented Development (TOD) Local Structure Plan (LSP). At this stage, planning has not progressed to the point where any certainty exists that Raven Street extension is warranted or, conversely, it compromises the land use planning for the TOD LSP. As such Council may wish to consider this in their deliberations, including the merits of delaying a decision on this matter until more certainty exists in the context of the TOD LSP.

17. It is also to be noted that a Development Application (DA) submitted by the PTA for the new train station in this area and approved by the Western Australian Planning Commission (WAPC) in May 2017 included the need to modify the intersection of Ibis Place and Maida Vale Road to suit their station development. This is being further reviewed as the decision has been made by the PTA to favour a multi storey carpark over that of an at grade carpark which will necessitate revised road layouts as part of the carpark DA assessment process. This, in itself, will have impacts on any Raven Street extension consideration.
18. It is reiterated that it appears the only feasible solution to allay the resident concerns regarding traffic at the Maida Vale Road/Milner Road intersection is to construct an alternate route that is more attractive for heavy vehicles. Raven Street was viewed as a feasible alternate, however its long term benefit is not certain.
19. It is suggested that further design investigations into the Raven Street extension occur during the 2019/2020 financial year which would also feed into the TOD LSP planning. Council can then consider whether or not to proceed to construction at a later date with this updated information.
20. Officers do note that the predominant community response was to 'do nothing' however present this report to Council for consideration of a potential solution for the affected residents concerns.

## **STATUTORY AND LEGAL CONSIDERATIONS**

21. Legislation that is relevant to this report includes:
  - a) the *Local Government Act 1995* – authority to close roads;
  - b) the *Main Roads Act 1930* – the provision of roads;
  - c) the Road Traffic (Administration) Act – closure of roads; and
  - d) the *Road Traffic Code 2000* – speed limits, permissible activities, driving, pedestrians and so on.

## **POLICY CONSIDERATIONS**

22. There are no direct policies associated with this report.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

23. The City's Strategic Planning Service area has provided input regarding the status of the Forresterfield North TOD LSP process and the implications on the options presented in this report.

### **External Referrals**

24. The report presents the results of community consultation.

## FINANCIAL CONSIDERATIONS

25. The recommended Option of constructing the Raven Street extension to Maida Vale Road is estimated to cost \$200,000. It is recommended that the project be listed for inclusion in the draft 2019/2020 Budget, with detail design and tender of works to be undertaken in 2019/2020 (\$25,000) and construction in 2020/2021 (\$175,000).

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *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 3.2.1** - Optimal management of all assets.

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

## SUSTAINABILITY

### Social Implications

27. It would not be possible at this time to forecast the social implications of implementation of the recommended Option.

### Economic Implications

28. It would not be possible at this time to forecast the economic implications of implementation of the recommended Option.

### Environmental Implications

29. It would not be possible at this time to forecast the environmental implications of implementation of the recommended Option, however it is to be noted that some clearing of trees and vegetation will need to occur to implement the Raven Street option.

**RISK MANAGEMENT CONSIDERATIONS**

30.	<b>Risk:</b> That the City receives criticism from the community who have expressed a preference to do nothing and thus impacting reputation.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Likely	Medium
	<b>Action/Strategy</b>		
	Our communications strategy expounds the benefits of reducing the triggers of significant stress suffered by members of the community.		

**OFFICER COMMENT**

- 31. It is recognised the community feedback preferences favour a do nothing approach, however this would not resolve the concerns of impacted residents.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. NOTES the preference from the community for a 'Do Nothing' outcome for the options for traffic management issues at the intersection of Maida Vale Road and Milner Road.
2. NOTES that this 'Do Nothing' preference would not resolve the concerns of affected residents in Milner Road.
3. ENDORSES the inclusion of \$25,000 for necessary design and investigations into extending Raven Street to Maida Vale Road as part of the draft 2019/2020 budget and \$175,000 for construction works in the draft 2020/2021 Budget.
4. NOTES that until planning progresses for the Forrestfield Transit Oriented Development to a further level, there is uncertainty that the Raven Street extension is warranted for the long term.

## **10.2.2. Kalamunda Environmental Advisory Committee: Review of draft Environmental Land Use Planning Strategy**

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

The City's Director Assets Services gave a presentation on this item.

Previous Items	OCM 260/2017
Directorate	Asset Services
Business Unit	Asset Services
File Reference	4.00009119
Applicant	N/A
Owner	N/A

Attachments 1. Minutes KEAC 4 April 2019 **[10.2.2.1]**

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to note the resolution of the Kalamunda Environmental Advisory Committee (KEAC) that Council endorses the Environmental Landuse Planning Strategy (ELUPS) for Council decision.
2. KEAC also provides several recommendations in the resolution for Council to consider.
3. It is recommended that Council notes the endorsement of the draft ELUPS and recommendations made by KEAC.

### **BACKGROUND**

4. KEAC is an advisory committee of Council with the main roles of making recommendations to Council regarding environmental policy and practice as well as assisting the City in raising awareness of environmental matters within the community.
5. The City sought community feedback to the draft ELUPS with consultation closing on 28 February 2019.
6. A meeting of KEAC was held on 4 April 2019 at which resolutions and recommendations regarding the ELUPS were made. As a statutory committee of Council, these resolutions and recommendations are thus presented to Council. The minutes of this meeting are provided as Attachment 1 to this report.

## DETAILS

7. The resolution of the KEAC Meeting of 4 April 2019 in consideration of the draft ELUPS was:

*That KEAC endorses the ELUPS for Council decision. KEAC notes the feedback from the community and stakeholders that stressed the importance of the protection of trees and biodiversity in the City, as was the case with the Local Environment Strategy, and therefore strongly supports those elements in ELUPS. Specifically, the Committee:*

- a) supports 8.2.4, with the preference that it be part of a Scheme Amendment, or a Local Planning Policy;*
- b) supports 8.2.5 as currently proposed;*
- c) supports 8.3.1 as currently proposed;*
- d) supports 8.3.2, as part of the consideration of how vegetation is protected and recommends expansion of the Local Biodiversity Strategy to include private properties. Mapping of vegetation is required to ensure effectiveness;*
- e) recommends an additional action, to investigate how the three separate areas identified in Section 3.1, are zoned into planning policy such as the Housing Strategy and Rural Strategy;*
- f) recommends that an environmental layer on the City of Kalamunda's Online Mapping Module be developed from the maps appended to ELUPS, and from the ecological reassessment of the reserves through the Local Biodiversity Strategy, and that the public version be made more user friendly; and*
- g) that Action 3.1.1 of ELUPS be split into two actions. 1. To promote and provide incentives for eco-friendly built forms and energy micro-grids, 2. To manage the impact of renewable energy developments.*

**Moved:**            **Cr Sara Lohmeyer**  
**Seconded:**      **Alison McGilvray**  
**Vote:**             **Unanimous**

8. In reaching their resolution KEAC noted the feedback from the community and stakeholders that stressed the importance of the protection of trees and biodiversity in the City and strongly supports those elements in ELUPS.
9. The draft ELUPS recommended that a local planning policy be prepared to address clearing of significant trees on private property. It is to be noted that KEAC has resolved a preference for a Scheme Amendment to address this issue. KEAC also recognises the key role the Local Biodiversity Strategy in this issue. This is the main point of difference between the draft ELUPS and KEAC's preferences.
10. KEAC has raised other recommendations which can be dealt with during the finalisation of the ELUPS and its roll out.
11. Council will be soon asked to consider adoption of the ELUPS which will take into consideration general community feedback as well as the KEAC resolution of 4 April 2019.

## STATUTORY AND LEGAL CONSIDERATIONS

12. Nil.

## POLICY CONSIDERATIONS

13. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

14. Nil.

### External Referrals

15. Nil.

## FINANCIAL CONSIDERATIONS

16. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

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

## SUSTAINABILITY

### Social Implications

18. Nil.

### Economic Implications

19. Nil.

### Environmental Implications

20. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

21.	<b>Risk:</b> The City suffers reputational impacts if it adopts a final ELUPS contrary to the KEAC endorsed draft.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	The final ELUPS to be considered by Council will take into account all community feedback received as well as consider the important role that KEAC plays within the City.		

**OFFICER COMMENT**

22. It is pleasing to receive the endorsement of the draft ELUPS from KEAC and believes that the recommendations also made by KEAC are worthy of further consideration.

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

That Council NOTES the endorsement of the draft Environmental Land Use Planning Strategy by the Kalamunda Environmental Advisory Committee and their recommendations made at their meeting of 4 April 2019.

### 10.3. Corporate Services Reports

#### 10.3.1. Proposed Dedication of Reserve 6853, Lot 3622 (1244) Canning Road, Canning Mills

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

The City's Director Corporate Services gave a presentation on this item.

Previous Items	OCM 172/2015
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	CN-01/1244
Applicant	Pickering Brook Heritage Group Inc.
Owner	State of Western Australia

Attachments	1. Land Acquisition Plan - Reserve 6853 <b>[10.3.1.1]</b>
	2. Upgrade Concept Plan - Canning Mills Road <b>[10.3.1.2]</b>
	3. Summary of Submissions Table - Proposed Dedication of Reserve 6853 <b>[10.3.1.3]</b>

#### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the proposed dedication of Reserve 6853, being Lot 3622 (1244) Canning Road, Canning Mills.
2. A resolution of Council is required to proceed with the proposed dedication of land as road reserve.
3. It is recommended that Council support the proposed dedication of the whole of Reserve 6853 as road reserve.

#### BACKGROUND

##### 4. Locality Plan



Reserve 6853 is outlined in red.

5. On 21 December 2015, Council resolved as follows:

*"RESOLVED OCM 172/2015*

*That Council:*

- 1. Supports the application from Pickering Brook Heritage Group to seek vesting approval from the Department of Lands for a section of the Reserves number R6583 [sic – R6853] and R6637[.]*
- 2. Authorises the Shire to commence negotiations with the Department of Lands to acquire land necessary for the road widening project.*
- 3. Considers allocating funds in the ten[-]year capital works budget to satisfy the traffic safety issues identified at the site on the basis of funding in 2016/17 for the approvals and design/documentation stages and in 2017/18 for the clearing and construction stages, noting that an amount of \$250,000 will be sourced through the Roads to Recovery program for the construction works."*

**DETAILS**

6. The Pickering Brook Heritage Group Inc. (PBHG) requested the designation of an area within the old Canning Mills townsite (corner of Canning Mills Road and Canning Road, Canning Mills) for a memorial site.
7. On 21 December 2015, Council resolved to support the PBHG's proposal for Reserves 6853 and 6637 to be vested in the PBHG for the purposes of the roadside memorial (OCM 172/2015) (extracted above).
8. The City of Kalamunda (City) is undertaking road widening actions in this area. These actions will affect the reserve area, access requirements/ability and require land tenure changes. The Department of Planning, Lands & Heritage advised to wait until the road requirements are more clearly defined before progressing the land tenure changes required for the roadside memorial.
9. The City has drafted the plans for the proposed road widening actions. It is now proposed that the whole of Reserve 6853 be dedicated as road reserve and the roadside memorial be located in this portion of the road reserve.
10. A land acquisition plan showing the area proposed to be dedicated is attached (Attachment 1).

**STATUTORY AND LEGAL CONSIDERATIONS**

11. It is proposed that Reserve 6853 be dedicated pursuant to section 56 of the *Land Administration Act 1997* (WA).

12. Section 56(1)-(2) of the *Land Administration Act 1997* (WA) states as follows:

**56. Dedication of land as road**

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

- (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
  - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
    - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
    - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*
- or*
- (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

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

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

- (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
- (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

**POLICY CONSIDERATIONS**

13. Council Policy – Asset Management C-AS-001 states that “*As part of a continuous improvement process, the City of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council.*”
14. A review of the portion of land proposed to be dedicated indicates that it is required to accommodate the realignment of Canning Mills Road and the proposed development of a roadside memorial in honour of the pioneers of Canning Mills.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. The City has assessed the proposal from an assets perspective and supports the proposed dedication of land as road in order to accommodate the realignment of Canning Mills Road and the proposed development of a roadside memorial in honour of the pioneers of Canning Mills.
16. The proposed realignment will remove vehicle impact from the historic cobblestones near the Canning Mills Road/Canning Road intersection. The location of the existing cobblestones is shown in the attached Upgrade Concept Plan (Attachment 2).

### **External Referrals**

17. The proposal was advertised in the Echo Newspaper on 8 December 2018. Comments closed on Tuesday, 29 January 2019.
18. The proposal was also referred to the service authorities for comment.
19. The submissions received from the public and the service authorities are summarised in the Summary of Submissions Table (Attachment 3).

## **FINANCIAL CONSIDERATIONS**

20. The costs of the proposal are as follows:
  - a) survey costs;
  - b) advertising by the City;
  - c) Department of Planning, Lands & Heritage document preparation fee; and
  - d) Landgate document lodgement fee.
21. The survey and advertising costs have already been paid by the City as part of the Canning Road and Canning Mills Road road reserve realignment project.
22. The Department of Planning, Lands & Heritage document preparation fee is estimated to be \$143.
23. The Landgate document lodgement fee is estimated to be \$171.
24. The City does not anticipate any other costs.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

25. *Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 3: Kalamunda Develops**

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

**Strategy 3.2.1** - Optimal management of all assets.

**Priority 3: Kalamunda Develops**

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

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

**SUSTAINABILITY**

**Social Implications**

26. The proposed dedication will provide improved road alignment and sight lines at the Canning Mills Road/Canning Road intersection once it is upgraded, with the proposed roadside memorial acknowledging the history of the local area.

**Economic Implications**

27. The proposed roadside memorial will bring historical tourism to the area.

**Environmental Implications**

28. Minimal environmental impact is envisaged. Some trees will need to be removed to accommodate the proposed works. Once the land required for the proposal has been dedicated as road reserve, the design of the proposed realignment and car parking area for the roadside memorial will be reviewed, with an application for a clearing permit to be made thereafter. The application will require a vegetation assessment to be undertaken in support, with this identifying the type and quantum of vegetation impacted.

**RISK MANAGEMENT CONSIDERATIONS**

29.	<b>Risk:</b> A memorial acknowledging the pioneers of Canning Mills is not constructed.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Dedicate Reserve 6853 to accommodate a roadside memorial in honour of the pioneers of Canning Mills.		

30.

**Risk:** The historic cobblestones near the Canning Mills Road/Canning Road intersection are damaged due to vehicle impact.

<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	Medium

**Action/Strategy**

Dedicate Reserve 6853 as road reserve to enable the realignment of Canning Mills Road (including adjustments to the intersection with Canning Road) to remove vehicle impact from the cobblestones.

Additional road dedications will be required to complete this road realignment. These dedications will be the subject of a further Council Report. The dedication of Reserve 6853 has been given priority to enable the road memorial to proceed without being held up by the other road dedications which, unlike this dedication, require Parliamentary approval.

**OFFICER COMMENT**

31. The proposed dedication is required to accommodate the realignment of Canning Mills Road and the proposed development of a roadside memorial in honour of the pioneers of Canning Mills.
32. The proposed realignment will remove vehicle impact from the historic cobblestones near the Canning Mills Road/Canning Road intersection.
33. The City advertised the proposal and did not receive any objections.
34. It is recommended that Council support the proposed dedication of the whole of Reserve 6853 as road reserve.

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

That Council:

1. REQUESTS the Minister for Lands to dedicate as road reserve the whole of Reserve 6853, being Lot 3622 (1244) Canning Road, Canning Mills, pursuant to section 56 of the *Land Administration Act 1997* (WA).
2. UNDERTAKES to comply with section 56(2) of the *Land Administration Act 1997* (WA).
3. INDEMNIFIES the Minister for Lands and the Department of Planning, Lands & Heritage against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate as road reserve the whole of Reserve 6853, being Lot 3622 (1244) Canning Road, Canning Mills, pursuant to section 56(4) of the *Land Administration Act 1997* (WA).

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

### **10.4.1. Corporate Business Plan - Quarterly Update - January to March 2019**

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

There was no presentation given on this item.

Previous Items

Directorate	Office of the CEO
Business Unit	People Services
File Reference	3.009509
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. 2018-2019 Corporate Business Plan Update for Q 3 March 2019 <b>[10.4.1.1]</b>
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#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (City) achievement against the "Kalamunda Achieving: Corporate Business Plan 2018-2022" for the period January to March 2019.
2. At an aggregate level, the Corporate Business Plan is 78.92% complete as at 30 March 2019. This is on track for completion by 30 June 2019.
3. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period January to March 2019.

#### **BACKGROUND**

4. Kalamunda Achieving: Corporate Business Plan 2018-2022 (**CBP**) was endorsed by Council on 25 June 2018.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in the 2018/19.

## **DETAILS**

8. The CBP is comprised of 4 priority areas, referred to as 'goals in this report, being:
  1. Kalamunda Cares and Interacts
  2. Kalamunda Clean and Green
  3. Kalamunda Develops
  4. Kalamunda Leads
9. There are 74 individual initiatives set out within the CBP.
10. The report reflects the management progress report against the work schedule for each of the individual initiatives, as at 30 March 2019.
11. At an aggregate level, the CBP is 78.92% complete and is on track for completion by 30 June 2019.

## **STATUTORY AND LEGAL CONSIDERATIONS**

12. All local governments are required, by legislation, to develop a Corporate Business Plan to fulfil the statutory obligations of section 5.56 of the *Local Government Act 1995 (WA)*, which is effectively the City's 'plan for the future'.
13. The *Local Government (Administration) Regulations 1996* provides detail as to the content of the Corporate Business Plan.

## **POLICY CONSIDERATIONS**

14. None.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. This report reflects input from Directors and Managers throughout the City.

### **External Referrals**

16. Various external stakeholders and community members have been involved in the achievement of the CBP.

## **FINANCIAL CONSIDERATIONS**

17. This plan is delivered within the City's approved Annual Budget and Long Term Financial Plan.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

18. *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**

19. None.

**Economic Implications**

20. None.

**Environmental Implications**

21. None.

**RISK MANAGEMENT CONSIDERATIONS**

22.

<b>Risk:</b> The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Quarterly reports are provided to Council of progress against the CBP.		

**OFFICER COMMENT**

23. In this financial year we have strengthened the alignment of the CBP to the achievement of management performance objectives.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council NOTES the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2018-2022 for the period January to March 2019.

## 10.4.2. Community Event Sponsorship 2019 2020

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

The City's Manager Customer & Public relations gave a presentation on this item.

Previous Items

Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	
Owner	

Attachments	Nil
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### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the outcome of applications received for the 2019/2020 Community Event sponsorship in accordance with the City of Kalamunda (the City) - Event Sponsorship and Donations Policy (the Policy).
2. This is the second year in which the Policy has been utilised to receive and consider applications for sponsorship.
3. It is recommended that Council endorse the applications for sponsorship recommended for approval by the City, subject to budget adoption.

### **BACKGROUND**

4. The Policy was developed to ensure that applications for sponsorship, donations and in-kind support, can be fairly assessed against criteria that ensures mutually beneficial, pre-determined community outcomes. Council adopted the Policy in 2017.
5. There are four categories of Event Sponsorship. Applicants are only eligible to apply for one sponsorship category each financial year. The benefit or return on investment to the City, increases with each category and applicants are required to provide evidence of planned promotional activity as part of their sponsorship request.

**Bronze (up to \$5000)** - sponsorships must demonstrate a good level of promotion for their event, which positively promotes and acknowledges the role of the City.

**Silver (up to \$10,000)** - sponsorships must demonstrate a high level of promotion for the event to the local community and provide a range of opportunities for positive promotion of the City.

**Gold (up to \$15,000)** - sponsorships must demonstrate an excellent level of promotion for the event to the local and wider community and provide a wide-range of opportunities for positive promotion of the City.

**Platinum (up to \$20,000)** - sponsorship is strictly limited and must demonstrate an outstanding level of organisation and promotion for the event to the local community and provide a wide-range of opportunities for positive promotion of the City.

6. Sponsorship specifically relates to covering some of the costs associated with an event program in exchange for a level of recognition.
7. Successful applicants will be provided with City branding guidelines for use in promotions. All materials must be approved before distribution.
8. Groups will be required to report on event progress and provide an Acquittal Report within 2 months of the event being held. Final 10% of sponsorship fees will only be released upon submission of a satisfactory Acquittal report

## DETAILS

9. Applications were received from the following:

Event	Requested \$	Recommendation
I AM Spring in the Hills	\$5,000	\$3,500
Freedom Fairies Annual Fairy Picnic	\$ 15,000	\$10,000
Harvest Festival	\$ 20,000	\$ 15,000
Our Town – Split Screen Productions	\$15,000	\$ -
Take a Walk on the Wine Side – Split Screen Productions	\$ 20,000	\$ 12,000
Fire Resilience and Recovery Workshop	\$ 5,000	\$ - Note - Withdrawn
Walliston 50th Anniversary Celebrations	\$ 5,000	\$ 5,000
Kalamunda Artisan Market	\$ 3,409	\$ 3,409
Pickering Brook Heritage Group 25 Year Celebration	\$10,000	\$ 7,000
Australian Cider Conference 2020	\$ 10,000	\$ 10,000

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. Section 6.2 of the Local Government Act 1995.

## **POLICY CONSIDERATIONS**

11. Applications for Community Event Sponsorship are required to be submitted in accordance with and comply with the Events Sponsorship and Donations Policy:-

All sponsorship activity should:

- a) meet the Kalamunda Events Strategy objectives;
- b) provide positive exposure for the City's brand image locally and regionally;
- c) meet mutually beneficial, reciprocal business benefits outlined in the application criteria, to provide adequate return on investment for the City;
- d) show potential toward sustainability with the development of viable long-term relationships and community outcomes; and
- e) enhance a strong sense of community to benefit residents and attract visitors.

For applications to be considered the following criteria is taken into account:

- a) Event accessible, free or low-cost;
- b) Benefits to wider community or specific group can be demonstrated;
- c) Event aligns with City values and objectives (making Kalamunda destination of choice); and
- d) Provides promotional opportunities for City relative to sponsorship.

The areas in which the City will not give donations or enter into a sponsorship agreement include, but are not limited to the following.

- a) Illegal activities;
- b) Tobacco;
- c) Alcohol focused events ie: Beer Festivals\*;
- d) Political organisations or activities;
- e) Racist organisations;
- f) Adult-related industries;
- g) Fast food;
- h) An event that directly benefits an individual person;
- i) Religious organisations or activities in whole or in part, for the purpose of furthering religious doctrine;
- j) Organisations/projects seeking City approvals or endorsements (for example: forthcoming land development application);
- k) Organisations/projects which conflict with the City's values;
- l) Organisations/projects which harm the environment; and
- m) An organisation or individual that has previously shown unsatisfactory management of donations or sponsorship received or has presented unsatisfactory or incomplete reporting.

\*Events where alcohol is served responsibly as part of your event e.g. wine tasting, stakeholder cocktail party, are permitted and will be reviewed on a case-by-case basis. Low strength alcohol and non-alcoholic choices must also be

available where alcohol is available at the event. Activities or promotions that encourage rapid consumption of alcohol (e.g. discounted drink prices, happy hours, drinking competitions) will not be supported.

Organisations are ineligible for donations and event sponsorship if the application is for:

- a) an organisation that has previously submitted, and been successful, with an application for sponsorship, contribution or donation within the same financial year;
- b) an event that has already occurred or will occur during the application assessment timeframe;
- c) the total cost of the event;
- d) general business operating expenses;
- e) costs already being covered by another sponsor or government body.

Organisations are ineligible for donations and event sponsorship if the application is for:

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- b) an event that has already occurred or will occur during the application assessment timeframe;
- c) the total cost of the event;
- d) general business operating expenses;
- e) costs already being covered by another sponsor or government body.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. An assessment Panel was set up to review applications that had been received.

### **External Referrals**

13. The City of Kalamunda held a free workshop for Community Event Organisers to assist groups to complete their Sponsorship applications.

## **FINANCIAL CONSIDERATIONS**

14. An amount of \$65,000 has been proposed as a part of the 2019/2020 Budget to provide for the funding of the Community Event sponsorships.
15. Events are very important contributors to local and regional economies.
16. A successful, well run event can provide significant value to an area by adding jobs and money to the local economy and provide cultural and social benefits.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

**Strategy 1.1.2** - Empower, support and engage 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 3: Kalamunda Develops**

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

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

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

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

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

#### **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.

## SUSTAINABILITY

### Social Implications

18. The Events Sponsorship supports local organisations/groups in running an event that has direct benefit to local community or City visitors

### Economic Implications

19. Community events have a positive economic benefit, bringing people to the region who then have the opportunity to spend funds in the City.

**Environmental Implications**

20. The City encourages all events to be Environmentally friendly and sustainable.

**RISK MANAGEMENT CONSIDERATIONS**

21.	<b>Risk:</b> An event being sponsored by the City does not go ahead.						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<b>Action/Strategy</b>						
	All applications have been assessed to ensure the necessary planning and considerations are taken into account. Should an event not be able to go ahead due to weather, the City has mechanisms in place to work with event organisers to reschedule or cancel if need be and such changes would be communicated.						

22.	<b>Risk:</b> Event Organisers do not fulfil their sponsorship requirements.						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<b>Action/Strategy</b>						
	The City will work closely with all applicants to ensure requirements are clearly understood; final release of funds is dependent on acquittal. Successful adherence to conditions is a consideration for groups wanting to apply for funding in future years.						

**OFFICER COMMENT**

23. Community events applications demonstrated a high degree of understanding of their sponsorship requirements, providing the necessary information for assessment including the background, objectives, target audience, benefits, time frame and location, budget, experience, marketing and promotion.

Supporting a range of events enhances liveability and the City’s reputation as a destination of choice. All the events put forward bring benefit to the Community and the City as an organisation.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council ENDORSE the City recommendation to approve Community Event Sponsorship, subject to the budget adoption for 2019/2020, as follows:

- a. A bronze sponsorship valued at \$3,500 for the Gem Camera Club I am Spring in the Hills Event
- b. A bronze sponsorship valued at \$5,000 for the Walliston P and C to run the Walliston Primary School 50<sup>th</sup> Anniversary Fete.
- c. A bronze sponsorship valued at \$3,409 for the Rotary Club of Kalamunda ‘Kalamunda Artisan Market’ series of events for 2019/2020.

- d. A silver sponsorship of \$7,000 to the Pickering Brook Heritage Group for their 25<sup>th</sup> Anniversary event.
- e. A silver sponsorship valued at \$10,000 for the Freedom Fairies annual Fairy Picnic Stirk Park
- f. A silver sponsorship of \$10,000 for the Australian Cider Association to run the 2020 Australian Cider Conference in the City of Kalamunda.
- g. A Gold Sponsorship valued at \$15,000 for the Kalamunda Chamber of Commerce to run the Harvest festival
- h. A Gold Sponsorship for Split Screen Productions to run the Kalamunda Take a walk on the Wine Side Event.

### **10.4.3. City of Kalamunda - Repeal of Local Law - Pest Plants**

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

No presentation was given on this item.

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Repeal Local Law - Pest Plants [ <b>10.4.3.1</b> ]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the repeal of an obsolete local law.
2. This local law was adopted in 1979 and has remained unchanged since. Its provisions are now out of date and are covered in other legislation.
3. It is recommended Council gives State-wide and local public notification it proposes to make a new local law, the *City of Kalamunda Repeal Local Law (Pest Plants)* (Attachment 1).

#### **BACKGROUND**

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

#### **DETAILS**

5. The existing local law refers to the *Agriculture and Related Resources Protection Act 1976*, which has been repealed and replaced by the *Biosecurity and Agriculture Management Act 2007* (BAM).
6. The BAM Act provides greater control and enforcement powers with respect to pest plant matters and therefore renders the need for a local law obsolete.
7. In view of this the existing local law should be repealed.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

## **POLICY CONSIDERATIONS**

10. Nil

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

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

## **FINANCIAL CONSIDERATIONS**

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

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

14. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

**Strategy 4.1.1** - Provide good governance.

**SUSTAINABILITY**

**Social Implications**

15. Nil

**Economic Implications**

16. Nil

**Environmental Implications**

17. There are no expected implications as the BAM Act provides greater control and enforcement powers with respect to pest plant matters and therefore renders the need for a local law obsolete.

**RISK MANAGEMENT CONSIDERATIONS**

18.

<b>Risk:</b> Maintaining obsolete local laws gives rise to conflicts with legislation.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Insignificant	Low
<b>Action/Strategy</b>		
Assure the community other legislative provisions provide coverage for the repealed provisions.		

**OFFICER COMMENT**

19. It is considered that there will be no impact to the City of Kalamunda or its community as a consequence of repealing the current local law.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. GIVES State-wide and local public notification that Council proposes to make a new local law, the *City of Kalamunda Repeal Local Law* (Attachment 1).
2. NOTES that:
  - a) the purpose of the proposed local law is to repeal an obsolete local law; and
  - b) the effect of the proposed local law is that the obsolete local law will be revoked and abrogated.

**11. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 8.20pm.

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

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

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