



Public Agenda Briefing Forum

14 September 2021

Our Vision



Connected Communities, Valuing Nature and Creating our Future Together

Core Values

Service: We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

Professionalism: We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

Quality: We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

Aspirational Values

Courage: We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

Diversity: We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Innovation: We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

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

kalamunda.wa.gov.au



INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. **The Briefing Session will be held at the City of Kalamunda commencing at 6.30pm.**

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

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

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

3.2. Disclosure of Interest Affecting Impartiality

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

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

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

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

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

Questions relating to reports on this agenda will be taken at the time of presentation of the report to council.

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.

Statements relating to reports on this agenda will be taken at the time of presentation of the report to council.

- 7. Public Submissions Received in Writing**
- 8. Petitions Received**
- 9. Confidential Items Announced But Not Discussed**

10. Reports to Council


10.1. Development Services Reports

10.1.1. Development Services Regulatory Service Update January - June 2021

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

Previous Items	OCM154/2020
Directorate	Development Services
Business Unit	Approval Services, Environmental Health and Community Safety
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	1. Statistics [10.1.1.1 - 11 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

Priority 4: Kalamunda Leads

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

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide a half yearly update on the regulatory services provided by the City of Kalamunda (City) with respect to Approval Services, Environmental Health and Community Safety for the period January 2021 to June 2021
2. Reporting on the regulatory services of Development Services promotes transparency and accountability in the function and operation of Approval Services, Environmental Health and Community Safety.
3. Through the reporting process, the City is able to benchmark its statistics against other local governments as part of the Western Australian Local Government Association (WALGA) Local Government Performance Monitoring annual report.
4. Council is recommended to note the report and information.

DETAILS AND ANALYSIS

5. **Approval Services – Statutory Planning**
The Statutory timeframes for the processing of development applications are as follows:
 - a) 60 days to determine development applications where no public consultation is required.
 - b) 90 days where public consultation is required.
6. Notwithstanding the statutory timeframes described above, the City operates under three categories of development applications, with the following internal target timeframes applied:
 - a) Basic Development Applications – where no advertising is required and a basic level of planning assessment is required, commonly referred to as “Fast Track Development Applications” – 20 days.
 - b) Standard Development Applications – where public advertising is required, and a standard level of assessment is required. – 60 days.
 - c) Complex Development Applications - where public advertising is required, and a comprehensive level of assessment is required. – 90 days.

7. For the 6-month period January to June 2021, the City processed a total of 338 development applications, of these 96% were approved within the agreed timeframes as indicated above. It is therefore evident that the City is achieving a very high level of compliance with respect to the processing of development applications within the statutory timeframes.
8. The results for the 6-month period January – June 2021 are as follows:
- a) A total of 102 basic development applications were processed by the City during this period with 86 (84%) approved within the 20 day timeframe.
 - b) A total of 142 standard development applications were processed during this period with 134 (94%) processed with the statutory timeframe of 60 days.
 - c) A total of 94 complex development applications were processed during this period with 90 (96%) processed with the statutory timeframe of 90 days.
9. A more detailed summary of these statistics are outlined in Attachment 1.
10. With reference to the category of 'Basic' development applications, the City is proactively seeking to fast track development applications within 20 days, which would normally be processed within a 60 day timeframe in accordance with current planning legislation. In this regard, the 102 development applications were all processed within the statutory timeframe of 60 days. When combined with the number of standard development applications, a total 244 development applications were processed with 236 (98%) processed within the 60 day statutory timeframe.
11. **Approval Services – Building**
- For the 6-month period January to June 2021, a total of 731 certified and uncertified building permits were approved within the statutory timeframes as shown in the table below:

Application Type	Number Processed	Statutory Approval Time - Days	Statutory Approval Time – Achieved %
Building Approval Certificates	9	10	100%
Certified Building Permits	449	10	100%

Uncertified Building Permits	282	25	100%
Occupancy Permits	10	10	100%

12. From the above table, it is evident that the City is meeting its statutory obligations with respect to the processing of building permits within the statutory timeframes.

13. **Customer Survey Responses**

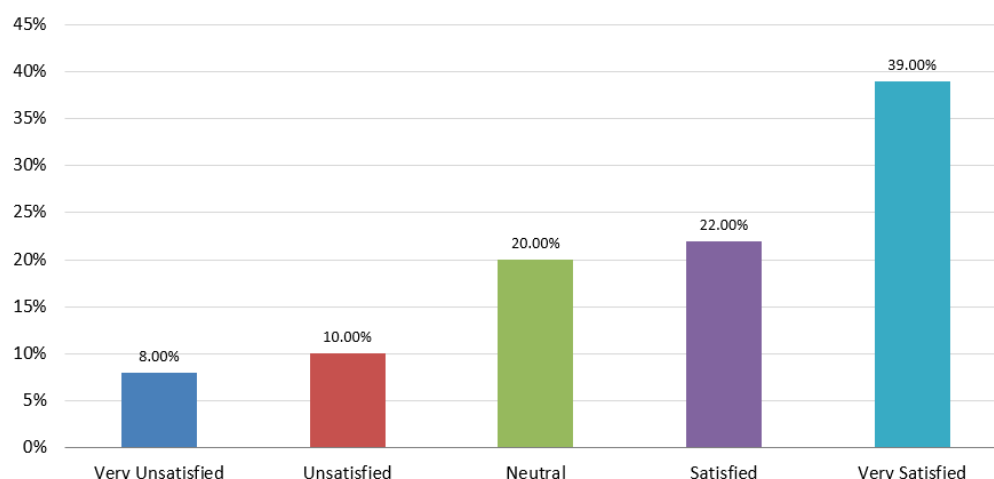
In 2018, the City commenced sending out a customer survey form for all development applications approved by the City. In 2019, the City also included all building permit approvals as part of the process. The responses received provide valuable feedback, particularly in relation to where the City can improve its customer service in the processing of planning and building applications.

14. **Statutory Planning**

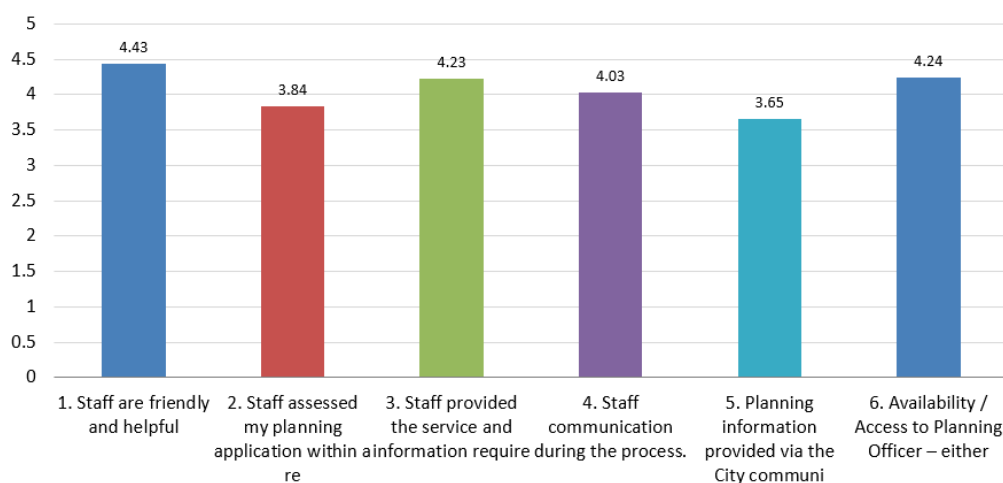
For the period January – June 2021, the City received a total of 49 responses to the principal question concerning the level of service provided. 40 (82%) of respondents stated that they were either very satisfied, satisfied or neutral, with 9 (18%) indicating that they were very unsatisfied or unsatisfied.

15. The following charts detail the responses received:

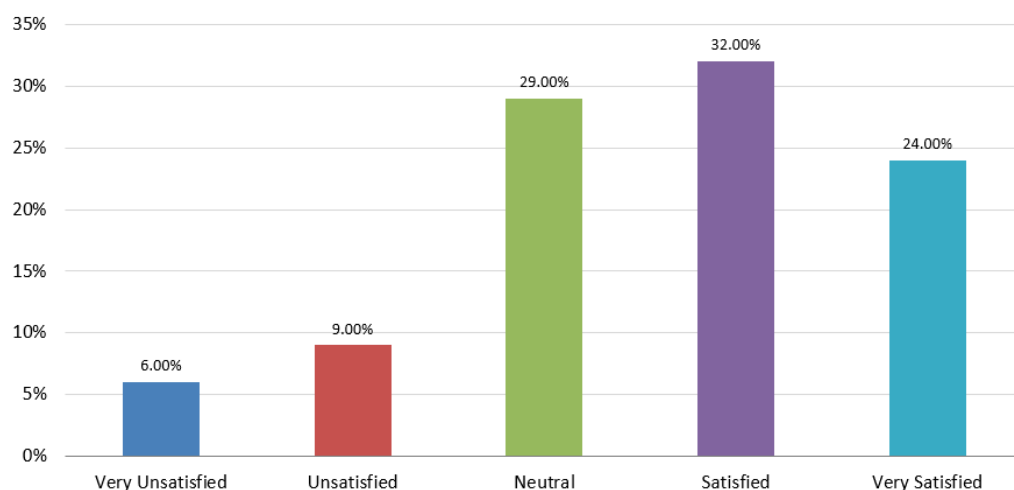
How satisfied were you with the level of service provided?



16. Please indicate the level of service received for the following services received during the development application process.



17. Previously, respondents have provided, negative comments concerning the amount of time taken by the City to approve development applications. The survey form was subsequently modified to include a question regarding satisfaction concerning the amount of time taken by the City to process development applications. The following chart details that 85% of respondents were either very satisfied, satisfied, or neutral with the amount of time taken.

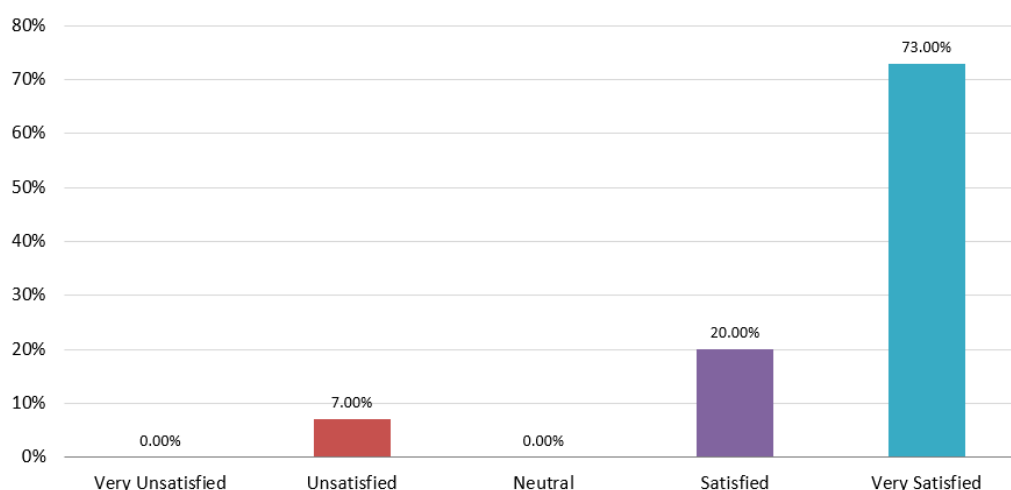


18. **Building**

For the period January – June 2021, the City received a total of 15 responses to the principal question concerning the level of service provided. 93% of respondents stated that they were either very satisfied, satisfied or neutral, with 7% indicating that they were very unsatisfied or unsatisfied.

19. The following charts detail the responses received to some of the questions asked in the customer survey:

How satisfied were you with the level of service provided?



20. Please indicate the level of service received for the following services during your application process.



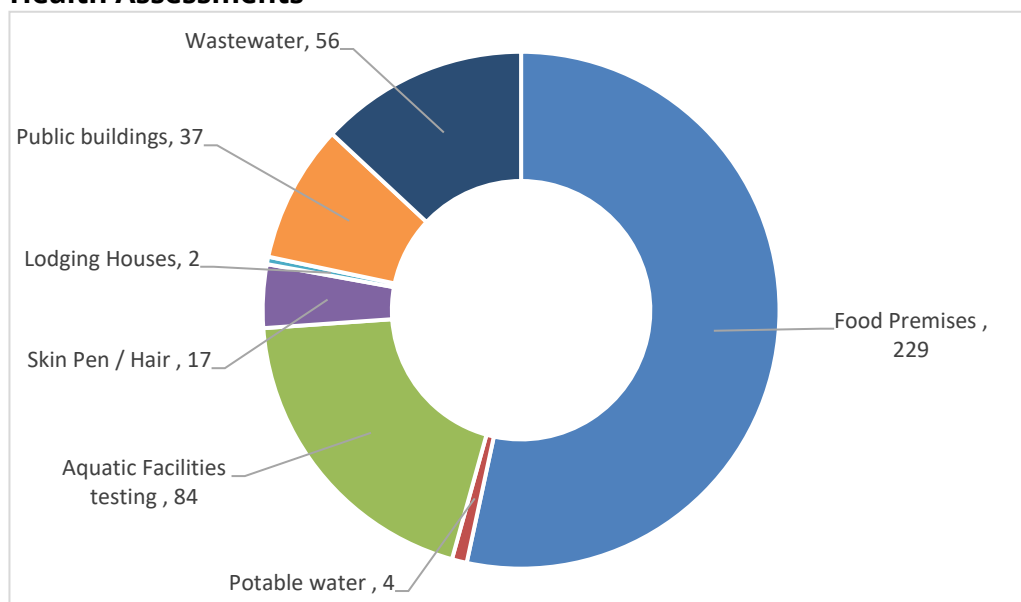
Environmental Health and Community Safety

21. Environmental Health

The City's Environmental Health team are responsible for administering a variety of legislation such as the *Food Act 2008*, *Health (Miscellaneous Provisions) Act 1911*, *Public Health Act 2016*, *Environmental Protection Act 1986* etc.

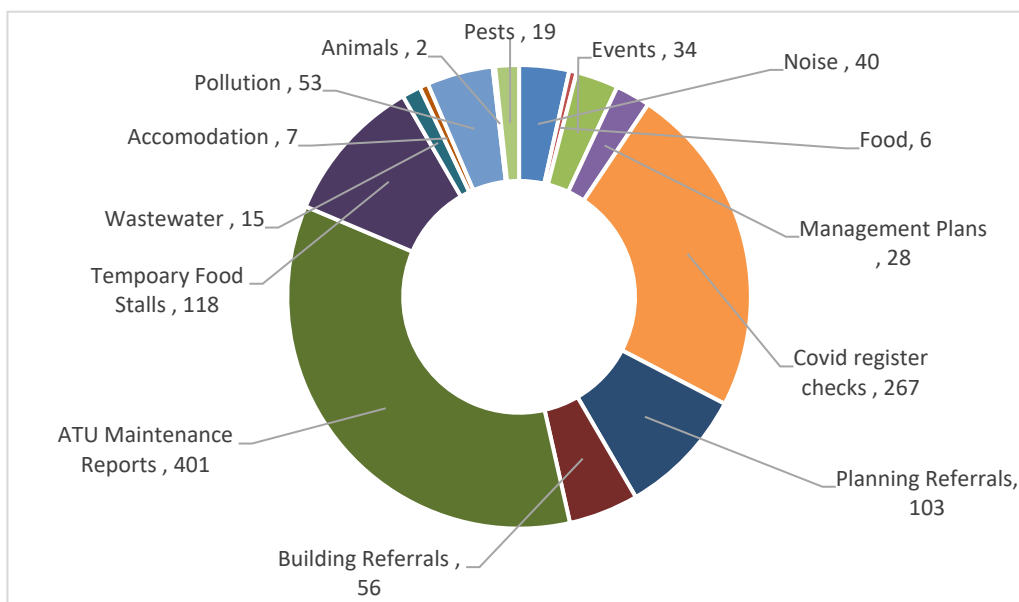
22. Environmental Health undertakes inspection of food businesses and other premises such as public buildings, lodging houses, caravan parks, tattoo parlours etc. to ensure hygiene standards are being maintained for the community.
23. The team also undertake assessment of applications for on-site wastewater treatment systems, noise and dust management plans, new food businesses, technical health advice on planning and building applications and event referrals. The team also investigate community service requests to ensure any potential public health risks are minimised.
24. Covid-19 continues to be a factor with Environmental Health Officers requested to check Covid Contact registers and QR check-ins. For the reporting period, the City has checked 267 individual checks.
25. For the January 2021 to June 2021 period, the Environmental Health team undertook 229 food safety risk assessments and 37 public buildings assessments. During this period, the Perth metropolitan and Peel area experienced further snap Covid-19 lockdowns. The team has also experienced a significant increase in wastewater applications with 56 applications being processed this reporting period compared with 29 during the last reporting period and only 15 the period before that.

26. **Health Assessments**



27. Responses were also provided to a variety of other matters; these include providing technical health advice on 159 planning and building referrals, administering 401 aerobic treatment units (ATU) maintenance reports, over 100 food stall approvals and 34 event approvals. As stated above, this also includes 267 individual checks of Covid-19 contact registers which are reported to the WA Police Force.

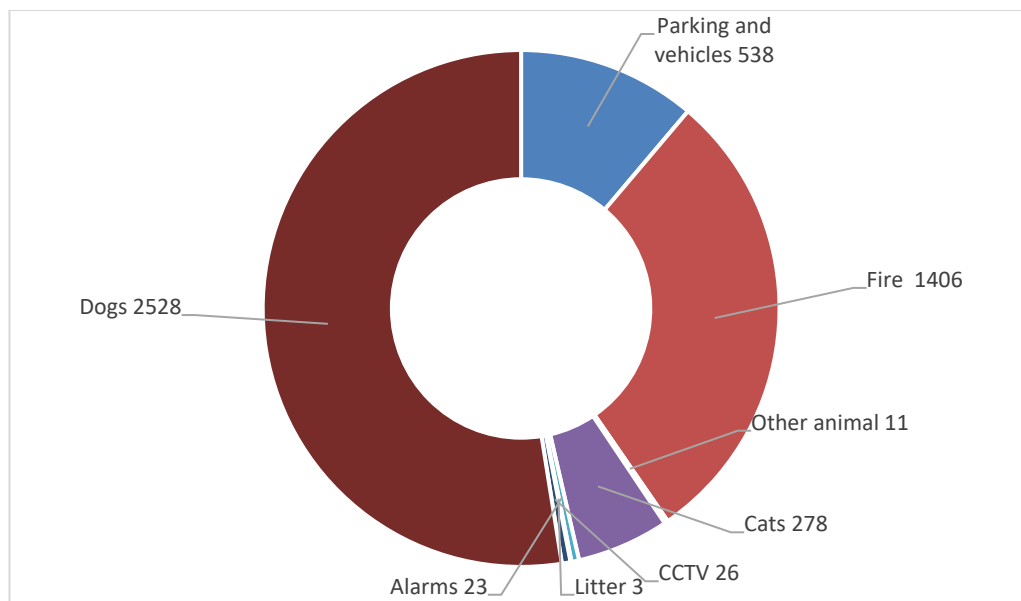
28. Below is a summary of the other health related matters dealt with by the Environmental Health team:



29. **Community Safety**

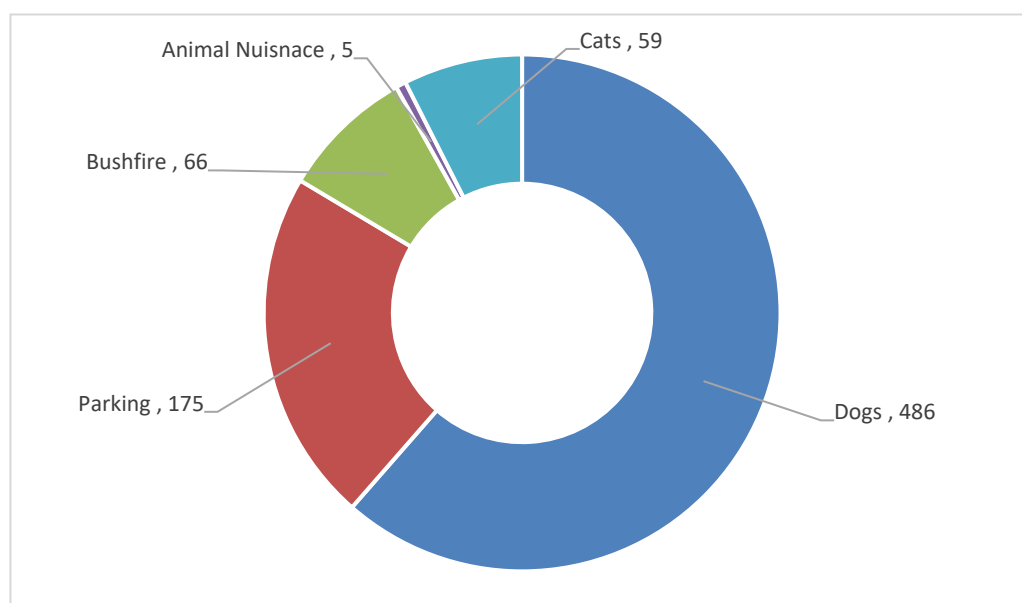
The Community Safety team consists of Rangers and Fire Control and Emergency Management Officers. The duties of the team are diverse, and they are responsible for administering a variety of legislation including but not limited to *Local Government Act 1995*, *Dog Act 1976*, *Cat Act 2011*, *Bush Fire Act 1954*, and the *Emergency Management Act 2005* etc.

30. Below is a summary of the number and nature of matters dealt with by the City's Community Safety team for the period:



31. Dog related matters continue to be the highest reported matter dealt with by the Rangers. Of all the dog related matters, 73 relate to dog attacks. These being 44 attacks of dogs on other animals and 29 dog attacks on humans.
32. Cat related matters have increased slightly to 278 from 236 in the last reporting period and 240 for the period before that.
33. Parking and vehicle related matters on the other hand at 538 has been trending downwards since last year, being 628 for the last reporting period and 745 the period before that. This may have due to a spike in parking related matters during the initial Covid-19 lockdown during March.
34. Below is a summary of the number of cautions and/or infringements issued for the period with 61% attributed to dog related matters and 22% for parking offences. Bushfire made up 8% of all infringements/cautions and cats only 7%.

35. **Cautions/Infringements**



APPLICABLE LAW

- 36. *Planning and Development (Local Planning Schemes) Regulations 2015* Clause 75 – Time for deciding applications for development approval.
- 37. Building Act 2011 Sec 59 - Certified Building Permits Sec 23(1) – Uncertified Building Permits
- 38. Health (Miscellaneous Provisions) Act 1911
- 39. Public Health Act 2016 Food Act 2008
- 40. Environmental Protection Act 1986
- 41. Caravan Parks and Camping Grounds Act 1997
- 42. City of Kalamunda Local Laws
- 43. Dog Act 1976 Cat Act 2011
- 44. Bush Fires Act 1954
- 45. City of Kalamunda Local Laws

APPLICABLE POLICY

- 46. Nil

STAKEHOLDER ENGAGEMENT

47. N/A

FINANCIAL CONSIDERATIONS

48. The City's Regulatory Services are delivered and factored into annual budgeting processes.

SUSTAINABILITY

49. N/A

RISK MANAGEMENT

50.	Risk: Regulatory services are not provided in an efficient and effective manner leading to a reduction in the amenity and quality of life for the City's community.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	Continue to review and report on the City's regulatory services.		

51.	Risk: Statutory timeframes are not met.		
	Consequence	Likelihood	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Undertake monthly regulatory performance reviews to ensure statutory timeframes are being met by service areas.		

CONCLUSION

52. Half yearly performance-based reporting provides Council and the local community with transparency and accountability regarding the City's regulatory functions and customer service standards.

53. The provision of information and statistics also assists with Council having a comprehensive understanding of the demand of services on the City's regulatory units to assist with ensuring an appropriate resource allocation to the services provided.

Voting Requirements: Simple Majority

RECOMMENDATION


That Council NOTE the Development Services - Regulatory Services Update for the period January 2021 – June 2021.

10.1.2. **Draft Local Planning Policy 33 - Tree Retention - Adoption for the Purposes of Public Advertising**

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	3.009297
Applicant	N/A
Owner	N/A
Attachments	1. Draft Local Planning Policy 33 – Tree Retention [10.1.2.1 - 16 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

Strategy 2.1.2 - Development and Implementation of the Urban Forest Strategy.

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of draft Local Planning Policy 33 – Tree Retention (LPP33) for the purpose of public advertising (Attachment 1).
2. The preparation of LPP33 is a key strategic action identified in the City's strategic environmental framework. LPP33 will provide guidance to applicants, the Council, and officers where an application for development or subdivision proposes clearing of one or more trees defined in LPP33 as a "tree worthy of retention".
3. It is recommended that the Council adopt LPP33 for the purposes of:
 - a) public advertising; and
 - b) referral to the Western Australian Planning Commission (WAPC) for the purpose of varying the relevant deemed-to-comply provisions of State Planning Policy 7.3 (SPP 7.3) Residential Design Codes Volume 1 (R-Codes).

BACKGROUND

4. The Environmental Land Use Planning Strategy (ELUPS) was adopted by the Council on 23 July 2019. Among other measures, Strategy 8.2 of the ELUPS seeks to improve urban tree canopy to address the urban heat island effect and biodiversity linkages. Action 8.2.4 identifies the preparation of a local planning policy to address the retention of significant trees on development sites. It is in response to this strategic direction that LPP33 has been prepared.
5. Action 8.2.4 has been a recurrent initiative throughout the City's strategic environmental framework, including the Kalamunda Clean and Green: Local Environment Strategy 2019 – 2029, and the Draft Urban Forest Strategy 2020 (UFS).
6. Tree loss is often a consequence of development and requires management to ensure the incremental removal of trees does not cause deleterious effects on biodiversity, amenity and human health. The benefits of managing and improving the urban forest include, but are not limited to:

- a) Providing habitat for native flora and fauna;
 - b) Reducing the Urban Heat Island effect and ambient temperatures during heatwaves;
 - c) Reducing air pollution, including carbon sequestration;
 - d) Reducing water pollution by absorbing excess nutrients;
 - e) Reducing erosion by retaining root structure;
 - f) Improving mental health;
 - g) Encourages outdoor activity and subsequently physical health; and
 - h) Provides amenity and character to suburbs.
7. The City is unique in its landform as there are a range of diverse landscape characteristics. Similarly, there are different drivers to maintaining and strengthening the urban forest in areas of different geographic characteristics in the City. For example, tree canopy may play a greater role in mitigating urban heat island effects and improving amenity in built up urban and industrial environments in the foothills and in activity centres, whereas the maintenance of tree canopy in the Darling Scarp and Darling Plateau environment may be more important in protecting landscape character and biodiversity while also balancing bushfire risk.
8. One of the most effective ways to reduce the urban heat island effect is to retain and plant trees to increase canopy cover. Trees transpire and release water from their leaves which cools the air. Results between studies vary, but generally temperature under a shade tree will be 1-3°C cooler than surrounding areas. The Cooperative Research Centre for Water Sensitive Cities publication 'Trees For a Cool City: Guidelines for optimised tree placement' found that for every 10% increase in canopy cover, the ambient temperature dropped by 1.2°C.
9. According to Royal Melbourne Institute of Technology (RMIT) research, published in the report *Where should all the trees go?*, the City experienced approximately 3.4% loss of tree canopy cover between the years 2011 and 2016. Further research produced by RMIT, published in the report *Where Will all the Trees Be in 2020* identifies approximately 4% loss of vegetated areas between 2016 and 2020. It should be noted that this latter research included understorey vegetation and is, therefore, not reflective of tree canopy in isolation.
10. It is further noted that the decline in tree canopy and vegetated areas was reported for the whole of the City including State Forest and regional reserves, and that the more recent research (2016-2020) recognises that parts of the City were affected by bushfire. This resulted in imprecise figures of vegetation loss being mistakenly attributed to land development. Information provided to the City by RMIT indicates that approximately one third of the City's assessed area was affected by bushfire during this period which influenced the results of the study.

11. Notwithstanding the impacts of bushfire on the RMIT data, tree canopy loss can also be attributed to urban and industrial development. Key factors influencing development and associated tree canopy loss include the State Government's strategic requirement for infill development and the fact that the State Government (through the WAPC and referral for assessment to the Environmental Protection Authority) approved the rezoning of land for development purposes.
12. Planning for these areas, and specifically the rezoning of these areas, occurred over the past few decades. Planning considerations at the time of rezoning would have sought to manage the growth and development requirements of the City from a social and economic perspective, with environmental considerations not being as well considered in past as they are today. This rezoning process, which has historically established the pattern of settlement areas throughout the City and the development itself, along with resultant tree canopy loss, has taken time to take place. The progressive subdivision and development of these areas has been a contributor to the incremental decline of urban tree canopy cover.
13. Notwithstanding the legacy of historic rezoning, the City and the Council are obligated to assess subdivision and development in accordance with the relevant zone and State Government planning framework. Key development areas influenced by decision making of governments at all levels include, but are not limited to, Wattle Grove and other urban areas within Forrestfield, High Wycombe and Maida Vale.
14. Governments at all levels have recognised this historic pattern of development and, in response, the City is taking steps to mitigate the impact of growth. Some of these steps include, but are not limited to, the:
 - a) Creation of new reserves with conservation vesting purposes. Many of these reserves contain State and Federally listed TECs and were purchases by the State Government around the new development surrounding the High Wycombe station.
 - b) Commencement of the development of LPP33 for retention of significant trees on private property.
 - c) Adoption of Council Policy regarding trees on verges aimed at retention.
 - d) Implementation of mapping of TEC or PEC prior to subdivision approvals.
 - e) Development of Landholder Bushland Information package to assist landowners who wish to privately conserve land.
 - f) Dedicated staff working on, and assisting the community with, natural area protection and enhancement.
 - g) Continued Plants for Residents programs.
 - h) Continued Street Tree planting programs.

- i) Continued support for 'Friends of' groups.
 - j) Review of the 2008 LBS.
 - k) Development of the Urban Forest Strategy.
 - l) Development and implementation of the Environmental Land Use Planning Strategy. The first of its kind for the City, and progressively implementing its actions.
- 15. As part of the development of the City's strategic environmental framework, in November 2020, the City endorsed, for public advertising, a draft Urban Forest Strategy 2020 (UFS). The draft UFS establishes the following vision:
"Our diverse forest is valued as an intrinsic feature of our evolving urban landscape that supports a happy, healthy and prosperous community".
- 16. The UFS includes data analysis and supporting commentary on the existing and desired level of tree canopy cover in the City. Classifications of urban forest are defined based on similar topography and land use throughout the City.
- 17. Respective canopy cover reported in the UFS for each suburb, based on CSIRO data prepared in 2018, is summarised below:
 - a) Swan Coastal Plain
 - i. High Wycombe (5-10%)
 - ii. Forrestfield (10-15%)
 - iii. Wattle Grove (15- 20%)
 - iv. Maida Vale (20-25%)
 - b) Darling Scarp
 - i. Gooseberry Hill (30 to 40%)
 - ii. Kalamunda (30 to 40%)
 - iii. Lesmurdie (25 to 30%)
 - iv. Walliston (25 to 30%)
 - c) Darling Plateau
 - i. Bickley (over 40%)
 - ii. Canning Mills (over 40%)
 - iii. Carmel (over 40%)
 - iv. Hacketts Gully (over 40%)
 - v. Pauls Valley (30 to 40%)
 - vi. Pickering Brook (30 to 40%)
 - vii. Piesse Brook (30 to 40%)
 - viii. Reservoir (30 to 40%).
- 18. The following should be noted with respect to the draft UFS canopy cover:
 - a) These figures indicate that the majority of the Swan Coastal Plain suburbs and industrial areas have less than the 20% tree canopy cover benchmark established under the UFS.

- b) Approximately 84% of the City's population growth since 2001 has occurred in the four suburbs of the Swan Coastal Plain.
 - c) The Darling Hills and Darling Plateau suburbs generally contains 30-40% or higher tree canopy cover, which may be attributed to skewed data due to the inclusion of National Parks and Regional Reserves. These areas also comprise lower density and larger lots, and established homes rather than new development areas.
19. Research into tree canopy cover targets set by other Local Government Areas has identified that 20% canopy cover is a widely adopted benchmark for urban areas. In this regard, the draft UFS outlines the following goals:
- a) Swan Coastal Plain Area
 - i. Increase canopy cover to an average of 20% with no net loss based on the 2018 baseline within residential lots and road reserves by 2028
 - ii. Maintain current canopy cover within parks and reserves.
 - iii. Retain at least 20% canopy cover within areas earmarked for, but yet to undergo, urban development
 - iv. Increase canopy cover in industrial areas to an average of 5-10% based on 2018 baseline by 2028
 - b) Darling Scarp Area
 - i. Maintain overall canopy coverage with no net loss based on the 2018 baseline
 - ii. Increase canopy coverage in areas with less than 20% canopy cover (including the Kalamunda Town)
 - iii. Increase canopy cover in industrial areas to an average of 5-10% based on 2018 baseline by 2028
 - c) Darling Plateau Area
 - i. Maintain overall canopy coverage with no net loss.

DETAILS AND ANALYSIS

20. The objectives for LPP33 can be summarised as follows:
- a) Encourage design and development that facilitates the protection and growth of trees worthy of retention;
 - b) Balance tree retention with built form and land use outcomes;
 - c) Maintain and increase canopy cover; and
 - d) Maintain and enhance neighbourhood amenity, character and sense of place through the protection and enhancement of tree canopy.
21. LPP33 provides guidance on the assessment of strategic planning proposals, subdivision or development applications which may result in the removal of a trees worthy of retention. Key sections of LPP33 include:
- a) Definition of a tree worthy of retention;
 - b) Exemptions (circumstances a tree can be removed without approval);

- c) Provisions varying the R-Codes to provide greater protection and enhancement of tree canopy;
- d) Tree retention requirements including protection of trees and information required to support an application;
- e) Tree planting requirements for private land (including replanting ratios and costs);
- f) Requirements for retention and replacement/ funding of street trees;
- g) Compliance.

22. **Definition of a Tree Worthy of Retention**

The clearing or removal of trees are considered 'works' and are subject to the requirements to obtain a development approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*. In practice, in order to determine whether tree removal requires development approval the City has historically assessed the nature of the matter on a case by case basis, including having regard to the impact of removal of trees on the amenity, character, and the environment.

23. A key component of LPP33 is to establish a consistent definition of a "tree worthy of retention". The removal of any tree worthy of retention, unless otherwise exempt under the provisions of LPP33, will generate a requirement for landowners and applicants to apply for development approval. A tree worthy of retention is defined as:

- a) Healthy specimens with ongoing viability if not disturbed; and
- b) Species is not included on a Commonwealth, State or local weed register; and
 - i. Height of at least 4m; and/or
 - ii. Trunk diameter of at least 160mm, measured 1m from the ground, and/or
 - iii. have an average canopy diameter of at least 4m.

24. The definition of a tree worthy of retention is consistent with the definition of a 'significant existing tree' under the proposed draft State Planning Policy 7.3 Residential Design Codes (R-Codes) – Volume 1 Low and Medium Density. This consistency with what is currently proposed through the State planning framework will ensure LPP33, once adopted, can assimilate with other related policy documents. The definition is also considered appropriate as it captures a range of tree shapes and sizes noting there is significant diversity in tree species throughout the City.

25. **Exemptions**

LPP33 provides a list of exemptions for clearing of trees worthy of retention. These exemptions broadly include clearing:

- a) Where the proposed deemed-to-comply requirements under design element 5.3.2 Landscaping have been achieved;

- b) For approved bushfire management measures;
- c) Of a Commonwealth, State or local weed;
- d) Where there is an immediate danger to life or property;
- e) That is causing structural damage;
- f) Near proposed or existing effluent disposal systems or piped infrastructure;
- g) Within the required clearance distance from a power infrastructure as specified in Western Power or requirements and tree pruning and management is deemed by the City not reasonably practicable;
- h) of a palm tree or fruit tree;
- i) Within an approved orchard, vineyard, or timber plantation;
- j) In accordance with planning or building approvals granted prior to the adoption of this Policy.

The complete list of exemptions is provided in Section 6 of LPP33.

26. Importantly, LPP33 will not remove any exemptions currently in place for a single house, or alterations and additions (including incidental structures such as an outbuilding and patio) to single houses and grouped dwellings under cl. 61 of the *Planning and Development (Local Planning Schemes) Regulations*.
27. **Provisions Varying the R-Codes**
LPP33 proposes a variation to the Deemed-to-comply provisions of the R-Codes under Design Element 5.3.2 Landscaping and Design Element 5.3.4 Design of car parking spaces. The proposed variations seek to:
- a) prioritise the retention of established trees worthy of retention over their replacement, where development constraints permit;
 - b) establish planting requirements based on lot size to ensure larger lots accommodate retention and planting of trees, where development constraints permit; and
 - c) increase planting requirements for carparking areas (consistent with the new draft SPP 7.3 draft Residential Design Codes Volume 1 Medium Density Code and Forrestfield / High Wycombe Industrial Area Design Guidelines).
28. A key variation to the deemed-to-comply provisions proposed by LPP33 is to increase the minimum number of trees as part of residential developments. The existing deemed-to-comply provision requires one tree for each new single house or grouped dwelling. This provision is appropriate for residential densities where lot sizes are in the order of 350m² – 500m², however the City comprises large areas with larger lot sizes ranging from 1,000m² - 2,000m². The R-Codes provision is not considered appropriate in the context of urban forest goals to retain no net loss of canopy in these environments.

29. LPP33 proposes to vary this by requiring one tree per 350m² of lot area, or where the site area per dwelling is less than 350m², one tree per dwelling. The number of trees required under this new provision can be made up of the retention of existing trees prior to the commencement of development.
30. Clause 7.3.2 of the R-Codes enable local governments to vary the deemed-to-comply provisions through the adoption of a local planning policy where it can be demonstrated, to the satisfaction of the WAPC, that:
- a) The variation is warranted due to a specific need related to that particular locality or region;
 - b) Is consistent with the objectives and design principles of the R-Codes; and
 - c) Can be properly implemented and audited by the local government as part of the ongoing building approval process.

For the reasons outlined in this report, it is considered each of the above criteria can be adequately satisfied.

31. **Tree Retention**
- LPP33 sets out the requirements relating to the protection of trees worthy of retention for all planning, development, building, and clearing proposals that do not qualify for an exemption. The requirements for the protection and retention of trees worthy of retention broadly include:
- a) Prioritising the retention of established trees over replanting, where possible;
 - b) Provision of relevant tree and proposed development information with an application
 - c) Retention of canopy cover within Asset Protection Zones
 - d) Protection measures for trees worthy of retention during works
 - e) Relocation of trees worthy of retention.
32. In instances where development is exempt under existing planning instruments (eg. a single house or additions to a dwelling), the tree retention provisions of LPP33 will apply to trees that are not impacted by development works. LPP33 will establish protection for trees worthy of retention where any part of the 'tree protection zone' (measured by multiplying the diameter at breast height by 12) is greater than two metres from exempt works. As noted in the exemptions section above, this would not prevent the establishment of an Asset Protection Zone around a dwelling in accordance with an approved Bushfire Management Plan.

33. **Tree Planting**

LPP33 sets out the minimum requirements relating to planting of trees for the various zones within LPS3. In the following zones, a minimum of two trees are required to be planted for every tree worthy of retention removed that is not exempt under the provisions of LPP33:

- a) Residential, Residential Bushland and Urban Development, Private Clubs and Institutions (additional retention/ planting is required in accordance with proposed R-Code deemed-to-comply provisions)
- b) Special Rural, Rural Composite, Rural Agriculture, Rural Landscape Interest and Rural Conservation.

Planting requirements in the following land use zones are proposed to achieve a minimum 10% tree canopy cover; Light Industry, General Industry, Industrial Development and Service Station.

34. Planting requirements in Centre, District Centre and Mixed Use land use zones are proposed to achieve a minimum 20% tree canopy cover.

35. **Street Trees**

LPP33 outlines that street trees shall be protected. The clearing of street trees as part of a Development Application will not be supported unless unavoidable development circumstances apply, and the City agrees, in writing, to the removal of a street tree. Any street trees removed will require the applicant to provide an offset payment, determined in accordance with a tree valuation methodology adopted by the City.

36. The City is currently proposing the use of a tree valuation methodology consistent with the approach used by the City of Melbourne. This includes a fee calculation with consideration of the following factors:

- a) Removal costs;
- b) Amenity values (basic value plus species, aesthetic, locality and condition values);
- c) Ecological services value (using the i-Tree valuation tool); and
- d) Reinstatement costs.

37. The finalised methodology will be adopted, subject to, and in conjunction with, the advertising process and final modifications to LPP33.

38. The provisions of LPP33 are designed to be used in conjunction with other initiatives to increase canopy cover including the annual free Plants for Residents Program, Street Tree Planting Program, and actions from the draft LBS 2020 and UFS 2020.

39. **Statutory Planning Tools**

A comparison of Local Governments within the Perth Hills region found that those with a coordinated approach to environmental sustainability were most effective at retaining and managing canopy cover. In a planning context, this means that local governments that have adopted Local Planning Scheme provisions, a Local Planning Policy and Urban Forest Strategy were considered most effective at protecting trees and vegetation worthy of retention.

40. The tools available to a local government for managing tree canopy cover on development sites are outlined in *Better Urban Forest Planning* (WAPC 2018) include:

- a) Local Planning Scheme provisions;
- b) Local Planning Policy;
- c) Local Standards (e.g. Engineering standards);
- d) Conditions of Development Approval; and
- e) Conditions of Subdivision Approval

41. *Better Urban Forest Planning* (WAPC 2018) outlines that a Local Planning Policy may specify:

- a) Landscape plan requirements
- b) Practical retention of existing trees
- c) Requirements for the removal and replacement of trees
- d) Protection of registered trees (significant or in preservation clauses)
- e) Variations to R-Code “deemed to comply” provisions
- f) Requirements for planting in street setbacks and verges
- g) Methods for valuing trees
- h) Tree Protection Zones
- i) Tree Bonds and payments.

42. LPP33 addresses each stage of the planning and development process from information required to support an application, to actions required to clear a condition of approval.

43. As an LPP is given ‘due regard’ when considering applications, the provisions and guidance of LPP33 will enable the City to apply its discretion, within the parameters set out by LPP33, with a view of balancing built form design, development and land use outcomes with tree retention. It should be noted, however, that LPP33 is not a complete solution, but rather one tool that will assist the City with its broader objectives to balance pressures from development against the need to maintain and strengthen urban canopy and biodiversity.

APPLICABLE LAW

44. LPP33 has been prepared under and in accordance with Schedule 2 Part 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations).
45. *State Planning and Development Act 2005* promotes the sustainable use and development of land in the State and the protection of natural resources including the preservation of trees.

APPLICABLE POLICY/STRATEGIES

46. The State Planning Strategy 2050 sets a high-level expectation for the demonstration of exemplary built form and environmental excellence.
47. State Planning Policy 7.0 – Design of the Built Environment includes design principles relating to landscape quality, including the protection and enhancement of existing environmental features with specific reference to tree canopy.
48. State Planning Policy 7.2- Precinct Design provides guidance on the design, planning, assessment and implementation of precinct structure plans, local development plans, subdivision and development. SPP 7.2 has provisions for retention and/or enhancement of the green network including tree canopy.
49. State Planning Policy 7.3 - Residential Design Codes - Volume 1 currently includes, within its design principles, an objective to retain existing trees and/or provide new trees to maintain and enhance the tree canopy and local sense of place.
50. Perth and Peel @3.5million promotes sustainability and urban forests to help reduce air pollution and minimise the impact of urban heat islands, plus the preservation and enhancement of existing landscape values.
51. Liveable Neighbourhoods includes improvement in urban tree canopy and support avoidance of environmental impacts and green infrastructure that contributes to a quality urban environment.
52. **Operational policy 1.1 - Subdivision – General Requirements (OP 1.1)**
OP 1.1 sets out the general principles that will guide the WAPC in determining applications for subdivision. The objectives of OP 1.1 include (but are not limited to);
 - To ensure the subdivision pattern is responsive to the characteristics of the site, including environmental features, sustainability principles and the local planning context.

- To support the maintenance and enhancement of the urban tree canopy.

53. **Development Control Policy 2.2- Residential Subdivision (DCP 2.2)**

This policy sets out the WAPC's requirements for the subdivision of land into residential lots. The objectives of DCP 2.2 include (but are not limited to) to adopt criteria for residential lots that will ensure each lot has a suitable level of amenity, services and access. The WAPC may require lot reconfiguration to facilitate retention of significant trees and mature vegetation. DCP 2.2 outlines that the WAPC may require lot reconfiguration to facilitate retention of significant trees and mature vegetation.

54. **Kalamunda Clean and Green 2019 - 2029: Local Environmental Strategy (LES)**

Included an action which states "Develop a local planning policy to protect significant trees and vegetation on private property".

55. **Environmental Land Use Planning Strategy (ELUPS)**

Included action 8.2.4 which states "Prepare a local planning policy to address retention of significant trees on development sites".

56. **Draft Local Biodiversity Strategy (LBS)**

Included action 1.5; Develop a number of Local Planning Policy/Policies, including:

- Local planning policy for Local Natural Area Conservation
- Local planning policy for Public Open Space
- Local planning policy for Ecological Linkages.

The above policies will compliment LPP33 through the common objective to protect and enhance tree canopy.

57. **Draft Urban Forest Strategy (UFS)**

Includes action 6.1; Through the implementation of the ELUPS investigate the implementation of a local planning policy to address clearing of significant trees on private property.

58. Action 7.1 is also relevant, requiring through the implementation of the ELUPS, develop a local planning policy to support the retention of urban forest on newly created lots as part of structure planning, subdivision and development, and require tree bonds to protect retained trees from damage during development. Where it is not possible to retain urban forest require replacement planting or contribution to the City (as specified in the local planning policy).

59. Council Policy Service 08 "Street Tree and Streetscape Management"

STAKEHOLDER ENGAGEMENT

60. LPP33 has been reviewed by the City through the perspective of an array of disciplines including but not limited to:
- a) Planning
 - b) Building
 - c) Engineering
 - d) Environment
61. The City has sought preliminary comment from the Department of Planning, Lands and Heritage and considered feedback in the course of developing LPP33. The following noteworthy comments were provided (summarised):
- a) The City is commended for taking steps to improve tree canopy consistent with its strategic documents. The Minister has approved a number of scheme amendments and the WAPC has approved several local planning policies that aim to support increased tree canopy;
 - b) WAPC approval will be required where LPP 33 varies the R-Codes;
 - c) LPP 33 will need to be reviewed and updated when the Medium Density Codes are finalised by the WAPC; and
 - d) The City should ensure that existing development exemptions under the Planning and Development (Local Planning Schemes) Regulations 2015 will be maintained.
62. If adopted by Council, LPP33 will be referred to the WAPC for formal comment and approval of the proposed variations to the R-Codes.
63. **Community Survey**
Respondents in the City's 2017 and 2019 community surveys found that 97% agreed that the City's bushland, trees and natural environment are important, and 96% wanted to see the integrity of the natural environment protected and enhanced.
64. Survey and community consultation results from ELUPS, LES, the annual community survey and Strategic Community Plan have consistently demonstrated that the environment is valued by the community.
65. **Kalamunda Advancing 2027 - Strategic Community Plan**
81% of respondents rated Priority 2 Kalamunda Clean and Green as Important or Very Important.

FINANCIAL CONSIDERATIONS

66. Costs of advertising are to be met through relevant service department municipal budget allocation.

67. LPP33 contains provisions for a financial offset for clearing of trees worthy of retention and street trees. In order to establish this arrangement, the City will need to create a special purpose account and adopt the requisite fees in the annual Schedule of Fees and Charges. Additional procedures will also be required for the accrual and expenditure of funds. These arrangements will be established at an appropriate time subject to the finalisation of this Policy.

SUSTAINABILITY

Social Implications

68. Retention and enhancement of tree canopy will help maintain and enhance contact with nature, which has been scientifically proven to improve people's physical and mental health, and benefit child development.
69. Research also shows being close to nature can have a calming effect, can be conducive to creative thinking and productivity, and boosts happiness and a sense of wellbeing. Increased retention or replanting of trees will help keep urban areas cooler and reduce the risk of heat related illness and death in heatwaves.
70. For these reasons, trees are an important consideration for community health and liveability.

Economic Implications

71. Suburbs with an established tree canopy generally contain higher amenity which can result in being a desirable location to reside.
72. There is significant research to support the conclusion that trees on the street verge and increased canopy cover also increases the amenity and desirability of localities which in-turn influence median property prices.
73. Working in a greener environment has been shown to improve mood, promote creative thinking and productivity.
74. This policy is not intended to prevent landowners from developing their property in accordance with the zoning and residential density, but does emphasise the importance of good design that responds to site conditions, and consideration of tree retention.

Environmental Implications

75. There is an array of positive effects associated with trees and vegetation, including:
- a) reduce the urban heat island effect, keeping urban areas cool and shady in summer
 - b) Provides essential habitat for native wildlife
 - c) Reduces air and water pollution;
 - d) Reduces flooding events in winter;
 - e) Filters and stabilises waterways and maintains healthy soil;
 - f) Improves resistance to disease;
 - g) Provides environmental resilience to a changing climate.
76. Trees on private property will collectively, with street trees, public open space and regional reserves, provide a better environment for wildlife and human health and wellbeing.

RISK MANAGEMENT

- 77.
- | | | |
|--|-------------------|---------------|
| Risk: The policy is not advertised and the City does not have an adopted approach to managing loss of tree canopy cover, and consequently amenity and biodiversity. | | |
| Consequence | Likelihood | Rating |
| Significant | Likely | High |
| Action/Strategy | | |
| Council to adopt the draft LPP33 Tree Retention for public advertising. | | |
- 78.
- | | | |
|--|-------------------|---------------|
| Risk: The policy receives strong opposition from sections of the Community. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Ensure that the advertising process highlights: | | |
| a) The justification for introducing measures to protect and enhance tree canopy; | | |
| b) The balanced approach to facilitate tree retention wherever possible during development and subdivision, which has guided the preparation of this policy; and | | |
| c) Exemptions under LPP33 for tree removal in certain situations. | | |

79.

Risk: If trees are planted under City direction in City managed areas (ie road reserves/verges or parks/reserves), the City assumes responsibility for the tree and claims for damages caused by tree (e.g. structural damage caused by roots).

Consequence	Likelihood	Rating
Moderate	Possible	Medium

Action/Strategy

Any claims for damage are addressed in the first instance through the City's insurer. There is a need to ensure future tree planting includes sufficient setback to driveways and other privately owned structures.

80.

Risk: Adoption of the policy may increase resourcing pressures in dealing with policy queries, planning and development applications and compliance.

Consequence	Likelihood	Rating
Moderate	Likely	Medium

Action/Strategy

The City have existing procedures in place for processing planning and development applications as well as compliance matters. Existing staff resources will be provided training in implementation of the policy to ensure efficiency in resourcing. Supporting guidance will be prepared including a valuation methodology procedure for tree offsets, as well as a tree planting guide detailing appropriate planting species. Resourcing requirements will be considered on an ongoing basis in line with reviews to LPP33.

CONCLUSION

81. The purpose of LPP33 is to carefully consider the need for the removal of trees and, where possible, minimise the removal of trees of a particular size and maturity through the planning and development process. LPP33 also seeks, where practical, to increase canopy cover with replanting provisions.
82. The objectives of LPP33 are consistent with the City's overarching strategic intent identified through the ELUPS and LES, together with the draft UFS. Furthermore, LPP33 is consistent with design principles established under existing and proposed State Planning Policy (R-Codes) which generally seek to retain existing trees and/ or provide new trees to maintain and enhance the tree canopy and local sense of place.
83. LPP 33 signifies the City's intention to strengthen planning processes and practices for a more sustainable outcome with respect to urban tree canopy. LPP33 is considered to represent a balanced and considered position for the City in relation to the retention of trees.

84. It is recommended Council adopt LPP33 – Tree Retention for the purposes of public advertising.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:


1. ADOPT draft Local Planning Policy 33 – Tree Retention, as provided in Attachment 1, for the purposes of public advertising in accordance with the *Planning and Development Act (Local Planning Scheme) Regulations 2015*.
2. AUTHORISE the Chief Executive Officer to refer draft Local Planning Policy 33 – Tree Retention, as provided in Attachment 1, to the Western Australian Planning Commission for the purposes of seeking approval to vary State Planning Policy 7.3 - Residential Design Codes Volume 1, deemed-to-comply provisions in Design Element 5.3.2 Landscaping and Design Element 5.3.4 Design of car parking spaces.

10.1.3. Cell 9 Wattle Grove Outline Development Plan Amendment - Lot 26 (44) St John Road, Wattle Grove

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	3.009297
Applicant	City of Kalamunda
Owner	Ms G B Fuller
Attachments	1. Proposed Cell 9 Outline Development Plan Amendment Report and Map [10.1.3.1 - 64 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider an amendment to the Cell 9 Wattle Grove Outline Development Plan (ODP amendment), as shown in Attachment 1.
2. The proposed ODP amendment seeks to consolidate the portion of Lot 226 (44) St John Road, Wattle Grove (44 St John Rd) designated as Public Open Space (POS), and increase the portion of 44 St John Rd designated Residential R20 and redesignate a portion of the Tomah Road Reservation as POS.
3. The modification will generate additional contributions within the Cell 9 Infrastructure Cost Sharing Arrangement (Cell 9 ICSA) which, subject to Council approval, may be directed to the improvement of POS in Cell 9 for the benefit of the broader community.
4. It is recommended that the Council adopts the proposed amendment to the Cell 9 Wattle Grove Outline Development Plan – 44 St John Rd for the purposes of public advertising.

BACKGROUND

5. Locality Plan:



6. The Cell 9 Wattle Grove Outline Development Plan (Cell 9 ODP) was established in the late 1990s and designates land uses, road network, and public open space (POS) in the same manner as a Local Structure Plan.
7. Schedule 11 of Local Planning Scheme No. 3 (LPS 3) provides for the collection of infrastructure contributions within the Cell 9 ODP area, hereafter referred to as the “Cell 9 Infrastructure Cost Sharing Arrangement” (Cell 9 ICSA). Included within the Schedule 11 of LPS 3 is the acquisition of POS.
8. The City prepares an annual report to review the Cell 9 ICSA (Cell 9 ICSA Review Report). This Cell 9 ICSA Review Report identifies the cost for land to be acquired for POS, and the infrastructure and administrative costs in accordance with Schedule 11.
9. There are three parcels of POS yet to be acquired through the Cell 9 ICSA being Lot 42 (12) Bruce Road, Lot 60 (7) Bruce Road and Lot 26 (44) St John Road, Wattle Grove (subject site).
10. The acquisition of the land to create the three remaining POS parcels is included in the Cell 9 ICSA, however, with the exception of improvements to the POS contiguous with the Woodlupine Brook, the Cell 9 ICSA does not provide for the improvement of any other POS within the Cell 9 ODP area. Accordingly, the improvement of Tomah Reserve POS (located to the north of the subject site) is not currently included within the Cell 9 ICSA.
11. The City initially undertook a feasibility desktop analysis of the Cell 9 ODP which identified a significant surplus of POS, calculated at approximately 14%, in lieu of the 10% required under the State Government’s policy that guides urban development; Liveable Neighbourhoods. The exact percentage of POS in Cell 9 was later calculated by the City’s consultant at 15.29%.
12. Having determined through the feasibility assessment that there was a significant surplus of POS designated in the Cell 9 ODP area, the City, engaged a planning consultant to undertake an assessment of the subject site, and consider the drainage and servicing implications of modifying the approved ODP layout. The consultant was to present their findings and recommend the optimum layout to the City (see appendix C within Attachment 1 of this report).

13. Having determined an optimum amended layout, the City, with the assistance of a planning consultant, commenced the preparation of an amendment to the Cell 9 ODP (See Attachment 1) to consolidate the POS allocated within 44 St John Rd consistent with the following objectives:
- a) To align the Cell 9 ODP with the objectives, strategic direction and actions from the City of Kalamunda Public Open Space strategy (POS Strategy).
 - b) To rationalise the remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy.
 - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
 - d) Provide additional housing opportunities within the Cell 9 ODP area.
 - e) Promote active street frontages and surveillance of POS.
14. The consolidation of POS at the subject site will result in a reduction in land acquisition costs under the Cell 9 ICSA, and will increase the dwelling yield in the Cell 9 ODP creating additional contributions to the Cell 9 ICSA. The additional funds, subject to Council approval at the annual Cell 9 ICSA review, could be allocated to improving areas of Cell 9 POS which are not currently funded by the ICSA for improvement.
15. The annual review would outline estimates for the additional POS improvements, which must be supported by the Council before funds can be expended on additional improvements, beyond what is included within the ICSA for Woodlupine Brook.

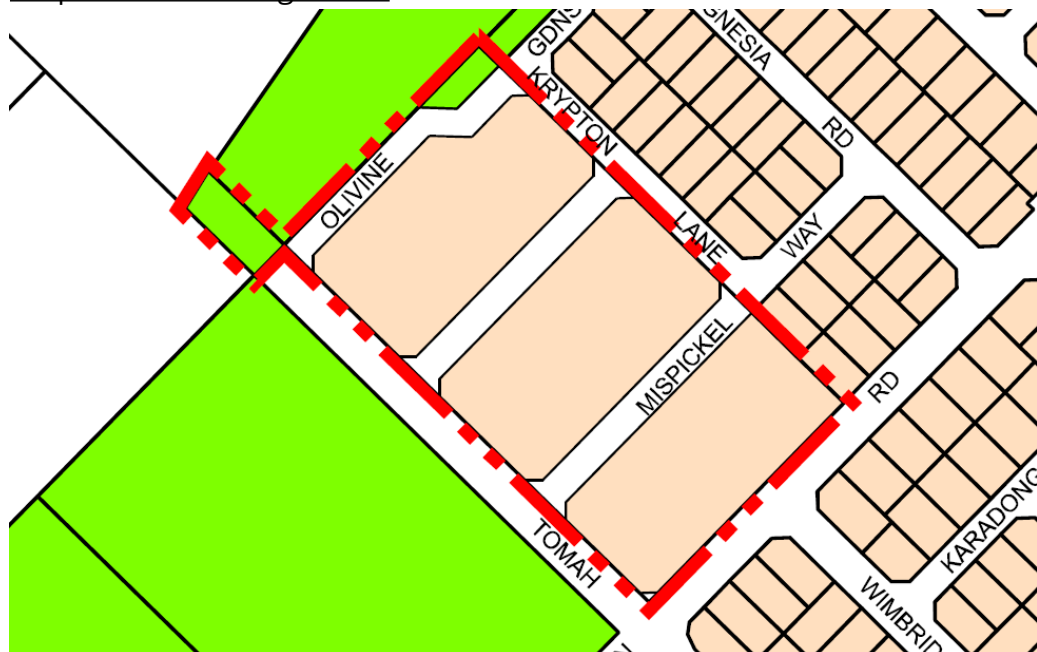
DETAILS AND ANALYSIS

16. The proposed amendment to the Cell 9 Wattle Grove ODP (Attachment 1) seeks to reduce the portion 44 St John Road designated as POS, increase the portion of designated Residential R20, and redesignate a portion of the Tomah Road reservation as POS (see existing and proposed ODP designation below).

17. Existing ODP Designation:



18. Proposed ODP Designation:



19. City of Kalamunda - Public Open Space Strategy 2018

The proposed amendment to the Cell 9 ODP is consistent with the objectives, strategic direction and actions of the City of Kalamunda Public Open Space Strategy 2018 (POS Strategy). One of the primary objectives of the POS Strategy is to *“optimise the use of the City’s resources to achieve effective and efficient POS outcomes, by prioritising the delivery of high quality POS over quantity”*.

20. Consistent with the above objective, the proposed amendment seeks to optimise the Tomah Reserve POS through consolidation. By consolidating the quantum of land required for acquisition, ICSA funds can be saved and additional contributions can be collected. Subject to Council approved, these funds can then be distributed to increase the quality of POS throughout Cell 9 for community benefit.
21. In addition, the proposed consolidation of POS is consistent with Strategic Direction 2.2 of the strategy which notes that the City is to *"potentially transfer POS that does not serve any functional benefit to the community. Ensure that any POS identified for potential transfer lacks either active, passive or environmental function"*.
22. The proposed portion of the subject site to be re-designated from POS to urban is relatively small and lacks both an environmental and active benefit to the community. The portion being redesignated is currently a paddock (grass) which has no identified ecological benefit, with the planned intent for Tomah Reserve under the ODP being passive, not active, POS. The minor reduction in the portion of land designated POS will not impact the ability for the community to enjoy Tomah Reserve in a passive manner as planned under the Cell 9 ODP.
23. Strategic Direction 2.6 of the strategy notes *"The City, as funding and resources permit increase the quality of POS for community benefit through an increase in the number of 'A' grade reservations"*. The proposed amendment is considered consistent with this strategic direction as the amendment will generate funds in the future for the use of improving POS within Cell 9 for community benefit.
24. Strategic Direction 4.1 of the strategy notes *"Improve pedestrian access traversing through existing areas of POS"*. The proposed amendment is considered consistent with this strategic direction as the amendment will enable the improvement of POS within the Cell 9 ODP subject to Council approval. This approval will be sought during the annual review of the Cell 9 ISA which will include cost estimates and details of improvements proposed within the annual report. Common improvements to POS include pedestrian pathways, lighting, and street furniture.

25. Objectives for Consolidating POS at 44 St John Road, Wattle Grove
Consistent with the objectives outlined in this report, the City is seeking to:
- a) To align the Cell 9 ODP with the objectives, strategic direction and actions the City of Kalamunda Public Open Space strategy (POS Strategy) as outlined above.
 - b) To Rationalise remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy, as outlined above.
 - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
 - d) Provide additional housing opportunities within the Cell 9 ODP area.
 - e) Promote active street frontages and surveillance of POS.
26. Reduction in Surplus POS
This amendment proposes to reduce POS within the Cell 9 ODP area from 29.4825ha to 29.1132ha representing a reduction of 0.3693ha (3,693m²/0.19%). Despite the proposed minor reduction the Cell 9 ODP will retain an oversupply of POS, and will comply with *Liveable Neighbourhoods 2009*, and the requirement to provide a minimum of 10% POS. This is consistent with Strategic Direction 2.1 of the City's POS Strategy which outlines that "*All... modified Outline Development Plans to allocate POS in accordance with Liveable Neighbourhoods requirements and address deficiencies identified in the Strategy*".
27. In addition, the reduction in surplus POS enables the Cell 9 ICSA funds that would have been used for the acquisition of land, to be allocated and used for the improvement of existing and future POS within the Cell 9 ODP area. These upgrades to POS, which are not currently funded under the Cell 9 ICSA, will provide a direct community benefit to the Wattle Grove community.
28. Increase Land Designated Residential
The proposed increased area designated 'Residential R20' within the subject site may create up to 10 additional lots, which is anticipated to generate an additional 8 vehicle movements per day during peak hours. The existing and future road network has the capacity to accommodate the minor increase in demand, with no adverse impact on road users.
29. Redesignation of Road Reservation to POS
In addition to the reduction of the portion of the subject site designated POS, and the increase of the portion of the subject site designated Residential 20, this amendment proposes the redesignation of a section of the Tomah Road Reservation to POS. This redesignation is considered

administrative in nature as the additional length of Tomah Road does not provide any additional purpose or connectivity. Redesignating this portion of reservation, extends the Tomah Reserve POS, creating a natural POS connection through the northern part of the Cell 9 ODP area.

30. The redesignation of the Tomah Road Reservation to POS and portion of the subject site from POS to Residential R20 will enable the efficient use of land within the Cell 9 ODP area, and will create a social and ecological corridor between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).
31. In addition, the redesignation will reduce Cell 9 ICSA costs associated with the acquisition of land for POS. Subject to Council approval, the savings generated could be reallocated to improving existing and future POS within the Cell 9 ODP area. These upgrades are of a direct benefit to the Wattle Grove community and will provide improved spaces for the community to recreate and enjoy.

APPLICABLE LAW

32. City of Kalamunda Local Planning Scheme No.3
Schedule 11 of the Scheme (the Schedule) provides provisions for the collection and administration of infrastructure contributions within Cell 9.
33. Planning and Development (Local Planning Scheme) Regulations 2015
Under Regulation 79 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) and the table following Regulation 79, the Cell 9 ODP is considered a Local Structure Plan (LSP).
34. Regulation 29 (2) outlines the procedure to be undertaken to amend an LSP, and Regulation 29 (3) outlines that should the Local Government and Commission determine an amendment is minor in nature, advertising may not be required.
35. The City consulted with the Department of Planning Lands and Heritage (DPLH), as to whether the commission would determine the proposed amendment as 'minor in nature'. It was determined through this consultation that the amendment is not considered 'minor in nature' and should be advertised in accordance with Regulation 29 (2) of the Regulations.

APPLICABLE POLICY

36. State Planning Policy 3.6 – Infrastructure Contributions
As the Wattle Grove Cell 9 – Schedule 11 Part 1 Infrastructure Cost Sharing Arrangement (Cell 9 ICSA) predates the gazettal of State Planning Policy 3.6 – Infrastructure Contributions (SPP 3.6), it is not subject to the provisions of SPP 3.6. Despite operating in a similar manner, the Cell 9 ICSA is not referred to as a Development Contribution Plan (DCP).
37. State Planning Policy 3.7 – Planning in Bushfire Prone Areas
A Bushfire Management Plan (BMP) has been prepared for the proposed ODP amendment consistent with the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) (see attachment 1). The prepared BMP outlines that future development consistent with the preferred subdivision layout will achieve a Bushfire Attack Level rating of 29 or less and will comply with the requirements of SPP 3.7.
38. State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning
The subject site is located in proximity to a Roe Highway, a Primary Regional Road. Accordingly, the portion of the subject site that is being designated residential by this amendment may be affected by traffic noise. It is noted there is an existing noise wall along this portion of Roe Highway, however when the subject site is subdivided in future, lots may need a notification on title to advise prospective purchasers of traffic noise and the requirement to design to quiet house standards.

STAKEHOLDER ENGAGEMENT

39. The proposed amendment will be advertised in accordance with Regulation 29 (2) and 18 of the Regulations. Advertising of the proposed amendment entails:
- a) Comments sought from any public authority or utility service provider that the Local Government considers appropriate.
 - b) Publish the proposed amendment on the website of the Local Government.
 - c) Make a copy of the document available during normal business hours.
 - d) Letters sent to owners and occupiers who in the opinion of the Local Government are likely to be affected by the approval of the proposed amendment to the LSP.

For a period of 42 days from the date the notice is published.

FINANCIAL CONSIDERATIONS

40. The operation of the Cell 9 ICSA is an administrative responsibility for the City. While the ICSA is self-funded, the City has an implicit obligation to manage the contributions and works efficiently and effectively.
41. Funding for the Cell 9 ODP Amendment has been costed against the Cell 9 ICSA.

SUSTAINABILITY

42. The proposed amendment enables the development/upgrade of existing and future POS in Cell 9. Upgrades including landscaping, pathways and public furniture would enable areas of POS to be actively enjoyed by the community.
43. The subject site includes a small watercourse which runs through the property. The feasibility of the management of this watercourse was assessed by the City's engineers and engineering consultants during the feasibility assessment of the recommended subdivision layout.
44. In the future when the subject site is developed in accordance with amended layout, this water will be diverted to both the existing living stream which runs through the Tomah Reserve POS to the north, and via a culvert under Tomah Road to the existing Tomah Swamp.
45. In addition, the redesignation of the northern portion of Tomah Road Reservation to POS will create a social and ecological corridor/connection between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).

RISK MANAGEMENT

46.	Risk: Council and/or stakeholders are dissatisfied with the reduction in Public Open Space.		
	Consequence	Likelihood	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Clearly articulate the 0.19% reduction in POS across Cell 9 enables the upgrade/development of all remaining designated POS in Cell 9.		

47.

Risk: DPLH requires additional information.		
Consequence	Likelihood	Rating
Possible	Insignificant	Low
Action/Strategy		
The City will liaise with DPLH to resolve any additional information requests.		

CONCLUSION

48. In conclusion, the primary drivers behind this ODP amendment are:

- a) The efficient designation and use of land within Cell 9,
- b) The efficient use Cell 9 ICSA funds (formerly known as Cell 9 GDS funds); and
- c) To develop POS for the benefit and enjoyment of the Cell 9 (Wattle Grove) community.

49. The proposed amendment will enable the efficient use of land within the subject site and will create surplus ICSA funds which can be used for the development of POS within Cell 9 for the enjoyment and benefit of the Wattle Grove (Cell 9) community.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT the proposed amendment to the Cell 9 Wattle Grove Outline Development Plan – (Lot 26 (44) St John Road, Wattle Grove) for the purposes of public advertising in accordance with Regulation 18 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.


10.2. Asset Services Reports

10.2.1. Container Deposit Collection Sites

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

Previous Items	OCM 214/2020
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	OR-IGR-005
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

Strategy 2.1.3 - Community engagement and education in environmental management.

Priority 2: Kalamunda Clean and Green

Objective 2.3 - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

Strategy 2.3.1 - Identify and implement strategies to reduce waste.

EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council of outcomes as a result of a Notice of Motion (NOM) adopted in October 2020 regarding Container Deposit Scheme (CDS) Collection Sites.
2. A report on this NOM has been delayed due to a commercial operator of a CDS Refund Point negotiating with the City of Kalamunda (City) to install a Refund Point within Kalamunda Town Centre, which significantly impacts any potential for a Refund Point at Walliston Transfer Station (WTS) – which was the subject of the NOM.
3. It is proposed that Council note this report and proposed actions.

BACKGROUND

4. The CDS initiative commenced in Western Australia in October 2020. According to media reports, there has been a significant number of eligible containers presented to either Refund Points or Donation Points throughout Western Australia.

5. At the November 2020 Ordinary Council Meeting a NOM on the matter was debated by Council and the following resolution OCM 214/2020 made:

That Council REQUEST the Chief Executive Officer:

1. *Prepare a report for Council consideration on the feasibility of establishing a Container Deposit Collection refund station or a community donation point at the Walliston Transfer Station*
2. *Write to community sporting clubs in North and South East Wards encouraging them to set up a Container Deposit Collection point to raise funds for their club.*

DETAILS AND ANALYSIS

6. The public can utilise the CDS through two primary methods:
 - a) Establishing themselves with a registration number and provide their eligible containers to a CDS Refund Point or Reverse Vending Machine at which the customer will receive a 10¢ credit per container.

- b) Providing the eligible containers to a donation point in which the community group / organisation collates these containers and they receive the 10¢ credit.

The NOM requested that the City examine both primary options for WTS.

- 7. The WTS is open to the public from Thursdays to Sundays each week (except for days of Total Fire Ban and specified Public Holidays). At other times it is closed with City staff attending to waste management activities behind closed doors.
- 8. In its current configuration, it is impractical to provide an area for either a CDS Refund Point or Donation Point without requiring customers to enter the Transfer Station proper, moreover space within WTS for such a facility is limited.
- 9. As part of the redevelopment of WTS, Council (July 2021 OCM report 10.2.2) endorsed the creation of a Community Re-Use Shop (Shop) which can be accessed by the Public direct from Lawnbrook Road without requiring to enter WTS proper.
- 10. The City is now finalising licence agreements for the operation of this Shop.
- 11. The City has been dealing with a Development Application with a commercial operator to open a CDS Refund Point at the Kalamunda Town Centre.
- 12. There is an existing Refund Point currently operating at Pickering Brook Sports Club.
- 13. With the likelihood of two refund points in the area, it is unlikely that a third refund point would be commercially viable at WTS.
- 14. Alternatively, this refund point could be established as a loss-making exercise for the City. This is not recommended.
- 15. However, it is noted that there is no real cost impediment to establishing a Community Donation Point at WTS. Discussions with the Shop operators have commenced regarding them managing this potential.
- 16. Subject to conclusion of discussions with the Shop operators it is proposed to establish a donation point at WTS and monitor its benefit to the community over a 12-month term.

17. In regard to the second part of the NOM requesting written communication to sporting clubs in the North and South East Wards, this matter has been addressed by the City previously through the Community Development teams contact with Clubs as CDS was being developed. It is noted that the following Clubs / Community Groups in the City currently operate Donation Points:
- a) **Carmel Adventist College Primary:** Scheme ID C10338517
 - b) Hours: During school hours
 - c) **Darling Range Sports College:** Scheme ID C10345817
 - d) Hours: During school hours - drop off outside of front office
 - e) **Falls Road Primary School:** Scheme ID C10275962 (Donating funds to Good Sammy)
 - f) Hours: During school hours - drop at the back of school admin block, next to the chalk board and uniform shop door
 - g) **Forrestfield Football Club:** Scheme ID C10283789 Inside Clubrooms during seasonal opening hours or contact Sarah 0416 253 798
 - h) **Forrestfield United Football Club:** Scheme ID C10292867
 - i) Hours: Enquire at clubrooms during operating hours
 - j) **Gooseberry Hill Primary School:** Scheme ID C10281315
 - k) Hours: All hours - located in the car park
 - l) **Kalamunda Primary School:** Scheme ID C10281422
 - m) Hours: During school hours - Bins located against the limestone wall on the chained driveway on Heath Road (between the senior classroom block and the Staff Carpark)
 - n) **Lesmurdie Mazenod Cricket Club:** Scheme ID C10287721
 - o) Hours: September to March, Tuesdays & Thursdays 5.30pm-7.30pm, Saturdays 9am-6pm, Sundays 9am-12pm
 - p) **Mary's Mount Primary School:** Scheme ID C10289693
 - q) Hours: During school hours - outside canteen
 - r) **Pickering Brook Sports Club:** Scheme ID C10274142
 - s) Drop containers in bag drop
 - t) Hours: 24/7
18. The City maintains details of both Refund Points and Donation Points on its website for the information of the community.

APPLICABLE LAW

19. *Local Government Act 1995*

APPLICABLE POLICY

20. Local Planning Policy 31: Container Deposit Scheme Infrastructure.

STAKEHOLDER ENGAGEMENT

21. Paragraph 17 above addresses this matter.

FINANCIAL CONSIDERATIONS

22. There are no substantive financial implications in support of this report.

SUSTAINABILITY

23. City residents currently are active in depositing cans, containers and bottles that can be recycled in their Yellow kerbside bins which provide a greater capability for recycling than the limited suite of approved containers under the CDS.

RISK MANAGEMENT

- 24.
- | | | |
|--|-------------------|---------------|
| Risk: The City is exposed to residents comments that they cannot access refund points to earn cash from containers. | | |
| Consequence | Likelihood | Rating |
| Low | Possible | Low |
| Action/Strategy | | |
| The City continues promotion via its media channels of available refund points as well as community drop off points. | | |

CONCLUSION

25. The City is of the view there is little or no efficacy in setting up a CDS commercial refund point at Walliston Transfer Station given the reasons outlined in the report. The City will be best placed by focusing upon encouraging the benefits of CDS through our existing media channels and establishing and promoting a community drop off point at Walliston Transfer Station.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE this report and actions.

10.3. Corporate Services Reports

No reports presented.

10.4. Office of the CEO Reports

10.4.1. Inclusive Kalamunda - Social Inclusion Plan 2021/25 - Adoption


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

Previous
Items

Directorate	Office of CEO
Business Unit	Community Development
File Reference	
Applicant	
Owner	

Attachments	1. Inclusive Kalamunda Social Inclusion Plan 2021-25 [10.4.1.1 - 12 pages]
	2. Engagement Report - Community Social Inclusion August 2021 [10.4.1.2 - 19 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

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

EXECUTIVE SUMMARY

1. This report seeks the final endorsement of Inclusive Kalamunda- Social Inclusion Plan (The Plan) 2021-2025.
2. The Plan was advertised for public comment for a period of 28 days which concluded on 4 August 2021.
3. After consideration of the public comment and guidance from Department for Communities, this report recommends that Council adopt the Inclusive Kalamunda- Social Inclusion Plan (Attachment1).

BACKGROUND

4. RESOLVED OCM 265/2020 That Council:
 1. *ENDORSE the results of Community Engagement as per the Community Engagement Report.*
 2. *NOTE the City of Kalamunda Community Directory.*
 3. *ENDORSE the proposal to develop a Community Inclusion Plan which will include deliverables related to the Disability Access and Inclusion Plan, the Age Friendly Plan, Social Inclusion and Kalamunda Connected - Active Citizenship Plan.*

DETAILS AND ANALYSIS

5. Social inclusion is about providing equal opportunities for all in our community. Everyone deserves equal access and equal opportunities to participate in society.

6. The City currently has several Plans and Strategies in place, with objectives, strategies and actions that has social inclusion focal points.

These Plans and Strategies are:

- a) Community Health and Wellbeing Plan (2018-2022)
- b) Community Safety Crime Prevention Plan (2020-2025)
- c) Youth Plan (2017 – 2022)
- d) Age Friendly Plan
- e) Disability Access and Inclusion Plan (2017 – 2022)
- f) Innovate reconciliation Action Plan (2019 – 2021)
- g) Kalamunda Advancing Strategic Community Plan 2017 – 2027
- h) Kalamunda Achieving Corporate Business Plan
- i) Kalamunda Connected – Creating Active Citizens Plan (2018 – 2020)

7. The Plan includes deliverables related to, the *Disability Access and Inclusion Plan 2017 – 2022 (DAIP)* and the *Age Friendly Strategy & Action Plan, Social Inclusion and Kalamunda Connected – Active Citizenship Plan*.

8. The City has identified four pillars of social inclusion which are:

a. Include

This pillar encourages thinking about all community when designing and organising events, programs and activities.

b. Connect

This pillar is about connecting community to local service providers who can assist. The City will create opportunities and support partnerships.

c. Educate

This pillar is about giving City staff and local community the right information about access and inclusion, ensuring events, programs and projects are welcoming to everyone in the community.

d. Advocate

This pillar is about the City's role in making sure the voices of our community are heard and listened to by other organisations and government departments and agencies who impact on the community's access and inclusion needs.

9. These pillars have been established to lead the fundamental development of goals and aims to ensure the City contributes towards achieving social inclusion.

10. The draft Plan was subsequently advertised for public comment, for a period of 28 days and concluded on 4 August 2021.

11. At the end of the public comment period, community feedback received through engagement sessions resulted in only minor suggested changes which have now been included in the final plan.

APPLICABLE LAW

12. *Local Government Act 1995*
Disability Services Act 1993 (Amended 2004)
Equal Opportunity Act 1984
Australian Human Rights Commission Act 1986 (Cth)
Disability Discrimination Act 1992 (Cth)
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Disability Discrimination Act 1992 (Cth)
Age Discrimination Act 2004 (Cth)

APPLICABLE POLICY

13. Access and Inclusion Policy

STAKEHOLDER ENGAGEMENT

14. To develop the initial Draft Plan, the City undertook extensive engagement with non-government organisations, other local governments, and the community with regard to social inclusion.
15. As part of the public comment period, the City then advertised the Plan through social media platforms, discussed at community workshops and held one on one conversations with key stakeholders (including the City's Disability and Carers Advisory Committee). Attachment 2

FINANCIAL CONSIDERATIONS

16. N/A

SUSTAINABILITY

17. Enhanced social inclusion will provide an opportunity to connect with the wider community and create opportunities for greater participation in City initiatives, operations and employment.

RISK MANAGEMENT

18.	Risk: The city has no strategic direction in relation to access and inclusion in the absence of a plan		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Council adopt the Inclusive Kalamunda - Social Inclusion Plan in consideration of the public comment received.		

CONCLUSION

19. People of all religions, ethnic backgrounds, age and gender have much to contribute, but this can only happen when there is a sense of inclusion and belonging.
20. The plan will be inclusive of all the members of the City's community. Strong community cohesion provides opportunity, promotes social harmony and ensures greater equality.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the Inclusive Kalamunda - Social Inclusion Plan as detailed in Attachment 1.

11. Closure

12. Public Information

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

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

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

- j. At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k. Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015 (City's Standing Orders)*.

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

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

- a. Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c. Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d. Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e. Members of the public are encouraged to keep their questions brief to enable others who desire to ask a question to have the opportunity.
- f. Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h. Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i. The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
 - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j. Where an Elected Member is of the opinion that a member of the public is:

- i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
- ii. making a statement during public question time, they may bring it to the attention of the Presiding Member who will make a ruling.
- k. Questions and any responses will be summarised and included in the minutes of the meeting.
- l. It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- m. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

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

Questions in Writing

- a. Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b. The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c. Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d. The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e. The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f. Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g. A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h. Questions and any response will be summarised and included in the minutes of the meeting.
- i. It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

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

- a. Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c. The period at which members of the public may ask questions of clarification must follow the presentation of reports.

- d. Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e. The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f. Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).