



Public Agenda Briefing Forum

Notes

5 December 2023



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1. Official Opening

The Presiding Member opened the meeting at 6:32pm and welcomed Councillors, Staff, Members of the Public Gallery and those watching via live stream. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

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

Margaret Thomas JP (Presiding Member)

Councillors

South East Ward

South West Ward

North West Ward

Lisa Cooper

Dylan O'Connor

North Ward

David Modolo (arrived at 8:17pm)

Kathy Ritchie

Members of Staff**Chief Executive Officer**

Gary Ticehurst - Acting Chief Executive Officer

Executive Team

Sinead McGuire - Director Asset Services

Nicole O'Neill - Director Community Engagement

Alison Egan - A/Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Regan Travers - Manager Approval Services

Chris Lodge - Manager Strategic Planning

Dale Coyne - A/Manager Waste & Fleet

Luke Hocking - Manager Asset Planning & Delivery

Staff

Cardia Mariani - Principal Statutory Planner

Scott Donaldson - Principal Strategic Planner

Cindy Robson - Senior Strategic Planner

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 2**Members of the Press Nil.****Apologies**

Cr John Giardina

Cr Geoff Stallard

Cr Mary Cannon

Cr Brooke O'Donnell

Leave of Absence Previously Approved Nil.**3. Declarations of Interest****3.1. Disclosure of Financial and Proximity Interests**

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

3.1.1 Nil.

3.2. Disclosure of Interest Affecting Impartiality

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

3.2.1 Nil.

4. Announcements by the Member Presiding Without Discussion

4.1 Nil.

5. Public Question Time

5.1 Nil.

6. Public Statement Time

6.1 Nil.

7. Public Submissions Received in Writing

7.1 Nil.

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8. Petitions Received

8.1 Nil.

9. Confidential Items Announced But Not Discussed

9.1 Item 10.2.1 RFT-2305 Transport and Disposal of Waste Streams from Walliston Transfer Station - Award of Tender – **Confidential Attachment - Tender Evaluation Report - RF T 2305 Transporting Waste Streams**

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

10. Reports to Council**10.1. Development Services Reports****10.1.1. Development Application (DA23/0185) - Lot 316 (29) Foxton Boulevard, High Wycombe***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Approval Services provided a presentation on this report.

Council sought clarification on business operations and hours. The Manager Approval Services provided clarification.

Councillors sought information in relation to decision making and the process by which appeals on decision can be made to the State Administrative Tribunal.

Information was sought in relation to the ongoing approval.

Previous Items	OCM 123/2023
Directorate	Development Services
Business Unit	Approval Services
File Reference	FX-02/029
Applicant	T Kandel
Owner	T Kandel & S Neupane

Attachments	<ol style="list-style-type: none"> 1. Development Plans - Lot 316 (29) Foxton Boulevard, High Wycombe [10.1.1.1 - 4 pages] 2. Development Report - Lot 316 (29) Foxton Boulevard, High Wycombe [10.1.1.2 - 2 pages] 3. Acoustic Assessment - Lot 316 (29) Foxton Boulevard, High Wycombe [10.1.1.3 - 23 pages] 4. Operational Management Plan - Lot 316 (29) Foxton Boulevard, High Wycombe [10.1.1.4 - 3 pages]
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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 3: Kalamunda Develops

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

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a development application for a use not listed (commercial kitchen) at Lot 316 (29) Foxton Boulevard, High Wycombe (the subject site).
2. The development application was advertised in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which included a letter being sent to all owners and occupiers within a 200m radius of the site.
3. During the consultation process, the City of Kalamunda (City) received a total number of five submissions comprising four objections and one non -objection to the proposal. A petition against the proposal which contained 45 signatures was received and this was presented to Council for noting at the September Ordinary Council Meeting OCM 123/2023.
4. The proponent has submitted an Acoustic Assessment and Operational Management Plan to support the application. The City is satisfied the potential amenity impacts have been adequately addressed through the assessment process and the conditions imposed will ensure ongoing compliance is achieved.
5. It is recommended that Council approve the application for the proposed commercial kitchen at Lot 316 (29) Foxton Boulevard, High Wycombe subject to appropriate conditions and advice notes.

BACKGROUND6. **Land Details:**

Land Area	741m ²
Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Urban Development

7. **Site History**

The table below provides a summary of the historical approvals for the site.

Application	Date	Details
24/5465-3	11/06/2002	Home Store
24/5465-5	05/08/2004	Delicatessen
24/5465-10	08/05/2009	Change of use from 'D' to 'Offices'

8. **Locality Plan:**

9. The subject site is zoned 'Urban Development' under Local Planning Scheme No.3 (Scheme) and is subject to the High Wycombe Outline Development Plan (ODP) Cell 2 Structure Plan.

10. The site is bounded by residential development to the south, west and east and to the north there is an existing childcare premises and residential development.
11. The objectives of the 'Urban Development' zone state:
 - a) To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
 - b) To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.

DETAILS AND ANALYSIS

12. The landowner is seeking approval to operate a commercial kitchen which constitutes a 'use not listed' under Local Planning Scheme No.3 (the Scheme). The details of the application comprise the following:
 - a) Operate a commercial kitchen to prepare food on site and wholesale to restaurants, cafes etc.
 - b) The kitchen proposes to operate seven (7) days a week 24 hours a day with core business hours between 7am to 6pm.
 - c) Closed to the public.
 - d) Maximum number of four (4) staff.
 - e) The existing car parking bays on site will be used for staff parking and deliveries.
 - f) The owners reside in the dwelling that is attached to the commercial kitchen that is located on Upwood Circle.
13. In support of the application, the proponent has submitted an Acoustic Assessment that has been prepared by an qualified Acoustic Engineer. The Acoustic Assessment has been assessed and the proposal complies with the *Environmental Protection (Noise) Regulations 1997*.
14. The proponent has prepared an Operational Management Plan (OMP) that details the proposed daily operations of the commercial kitchen and includes food and safety protocols, waste management, odour management, noise management, pest control, cleaning and maintenance, emergency procedure, neighbour and community consultation and supplier details. The City requires modifications to the OMP to include a complaint management process, further details on filtration and maintenance of waste bins to ensure they are regularly washed and waste is always bagged and enclosed. A condition has been imposed requiring the plan to be modified and submitted to and approved by the City prior to commencing operations.

15. The Western Australian Planning Commission (WAPC) Transport Impact Assessment Guidelines have been prepared to assist land use planners assess the transport aspects of a development proposal. The Guidelines are used in determining land use and transport integration, the transport infrastructure required to support their development and the potential transport impacts on the surrounding area. The Guidelines advise when a Traffic Impact Assessment (TIA) may be required to support a development proposal.
16. The proposal has been assessed against the guidelines and given the low scale impact of the development, it does not meet the WAPC threshold for a TIS or a TIA to be prepared. The existing layout of the subject site can accommodate all parking generated by the proposed land use. The City is satisfied that its recommendation to impose conditions to manage parking, staff numbers and deliveries - the potential transport-related impacts of the proposed commercial kitchen will be adequately controlled.
17. The objectives of the 'Urban Development' zone allow for a mixture of commercial and residential land uses to be considered. The proposal is commercial in nature and given the small scale of the development, it is considered unlikely to negatively impact on the amenity of the locality and surrounding development – provided that the ongoing operation is subject to conditions that ensure standards are maintained.
18. The proposal constitutes a 'complex' application as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* by virtue of the land use not being listed in Table 1 Zoning table of LPS 3.
19. The below table provides a summary of the key concerns raised by the submitters and the City's comments in accordance with Clause 67(2)(y), of the Regulations.

Issues Raised	Officer Comments
<p>Land Use Compatibility</p> <ul style="list-style-type: none"> Not appropriate within a residential area The proposed use is industrial and not residential. 	<p>Noted.</p> <p>The site is located within the High Wycombe ODP Cell 2 Structure Plan and is zoned 'Urban Development'. The objectives of the 'Urban Development' zone allow for a mixture of commercial and residential land uses that are associated with residential development.</p> <p>Applications are taken on their merits and assessed against the statutory framework which includes</p>

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	<p>an assessment against clause 67 of the Regulations - Matters to be Considered.</p> <p>In response to submissions and at the City's request, the landowner has submitted an Acoustic Assessment that has been prepared by a suitably qualified Acoustic Engineer and an Operational Management Plan detailing the daily operations of the business.</p> <p>The development is small scale and will not negatively impact on the amenity of the locality and the adjoining landowners and therefore is compatible with the objectives of the zone.</p>
<p>Traffic/ Safety</p> <ul style="list-style-type: none"> Increased traffic volumes, it is hard to turn right onto Kalamunda Road off Stirling Crescent currently. Children and families live within the area the increase traffic poses a risk. Frequent recurring heavy vehicle deliveries 	<p>Noted.</p> <p>The Transport Impact Assessment Guidelines prepared by the Western Australian Planning Commission (WAPC) provides guidance on when a development proposal triggers a Transport Impact Assessment (TIA) and Transport Impact Statement (TIS) to be prepared.</p> <p>Due to the scale of the development, a TIA or TIS is not required in support of the application.</p> <p>The development does not trigger additional car parking under the Scheme and all car parking generated by the proposed commercial kitchen can be accommodated for on site. The site has three car parking spaces to accommodate employees and the owners/operators reside in the attached dwelling which has a garage and driveway. To ensure car parking does not overflow onto the street, the City has recommended a</p>

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	<p>condition requiring all car parking to be accommodated for onsite and a condition restricting the number of employees to four.</p> <p>To ensure the development will not generate high volumes of traffic that negatively impact on the surrounding road network, the City has imposed the following condition:</p> <ol style="list-style-type: none"> i. Limiting the frequency and times deliveries can occur. <p>The City considers that the applicant has demonstrated that parking and deliveries can be effectively managed, and based on recommended limits to deliveries and numbers of staff - that the development will not result in a significant increase in traffic volumes.</p>
<p>Odour/ Noise Amenity Concerns</p> <ul style="list-style-type: none"> • Cooking 24 hours the constant odours • Waste disposal and attracting vermin and rodents. • On street bays being exclusively used by the staff when they are for local residents. 	<p>Noted.</p> <p>The proponent has submitted an Acoustic Assessment that has been prepared by suitably qualified Acoustic Engineer. The report details the following:</p> <ol style="list-style-type: none"> i. Clearly identifies the main sources of noise generated from the proposal. ii. Noise predictions calibrated with noise measurement undertaken on site and iii. Provides recommendations that will set basis for noise management where required. <p>The report recommends the following measures be implemented to ensure compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>

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	<ul style="list-style-type: none"> i. Schedule waste deliveries between the hours of 7am and 7pm Monday-Saturday ii. Install the quietest Kitchen Exhaust Fan (KEF) with a decibel rating of no greater than 77 DBA or use a in line fan concealed in the ceiling. iii. Only use a single KEF between the hours of 7pm and 7am. iv. Install noise barriers on the roof next to the mechanical plan units. v. External doors to have air tight seals. <p>The Acoustic Assessment has been assessed by the City's Environmental Health Department and the City is satisfied the noise impacts have been adequately addressed.</p> <p>The City has recommended a condition requiring all recommendations outlined in the Acoustic Assessment to be implemented and maintained in perpetuity to the satisfaction of the City of Kalamunda.</p> <p>The proponent has prepared an Operational Management Plan (OMP) that details the daily operations and how waste and odour can be managed.</p> <p>The City has recommended a condition requiring a modified OMP to be submitted to and approved by the City prior to commencing operation. The modifications required to the OMP are outlined below:</p>
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	<ul style="list-style-type: none"> i. Times for deliveries and bin servicing to be included; ii. Complaint management process iii. Further information on appropriate filtration required to mitigate odours, the City will recommend carbon filters be installed iv. How bins are maintained (ensure they are regularly washed), confirmation on the size of the bins and ensure the lids are always closed and all waste is bagged. <p>The City's Officers will work with the proponent to ensure the above-mentioned points are adequately addressed in the revised plan.</p>
Devalue residential properties.	<p>Noted.</p> <p>Planning law indicates that the impact on property values is not a valid planning consideration. All the matters which must be considered by a decision maker are listed in Clause 67 of the Deemed Provisions.</p>

APPLICABLE LAW

- 20. *Planning and Development Act 2005*
- 21. *Planning and Development (Local Planning Schemes) Regulations 2015*
- 22. Local Planning Scheme No.3
- 23. *Environmental Protection (Noise) Regulations 1997*

APPLICABLE POLICY

- 24. Local Planning Policy - 11 Public Notification of Planning Proposals

STAKEHOLDER ENGAGEMENT

25. The development application was advertised to all landowners and occupiers within a 200m radius of the subject site.
26. Detail of the key concerns and responses received are discussed in the details and analysis section of this report.
27. Should Council not support the officer recommendation and refuse the application, the proponent may exercise their rights to appeal the decision through the State Administrative Tribunal (SAT). In which case, the City would need to engage legal representation.

SUSTAINABILITY

28. N/A

RISK MANAGEMENT

29.

Risk: If the development application is not supported by Council, the applicant may appeal the decision through the State Administrative Tribunal (SAT)		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Demonstrating to Council through the report the planning merits of the proposal.		
30.

Risk: The proposal may impact on the amenity of the adjoining properties.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
The City to provide appropriate conditions of planning approval to ensure potential amenity impacts are managed and adhered to.		

CONCLUSION

31. The landowner has adequately addressed the concerns raised by the community and the City by providing the technical documentation relating to amenity and ongoing management.

32. The proposal has been assessed against the relevant statutory framework and the proposal is compatible with the objectives of the zone and is therefore capable of support.
33. It is recommended that Council approve the application for the proposed 'use not listed' commercial kitchen at Lot 316 (29) Foxton Boulevard, High Wycombe subject to appropriate conditions and advice notes.

Voting Requirements: Simple Majority
RECOMMENDATION

That Council APPROVE the application for the proposed commercial kitchen at lot 316 (29) Foxton Boulevard, High Wycombe subject to the following:

Planning Conditions

- 1) This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 2) The development being carried out in accordance with the plan(s)/drawings(s) and document(s) (including any recommendation made) listed below, including any amendments to those plans as shown in red.

Drawing No	Title	Date	Prepared By
A01	Site Plan	June 2002	Tulasi Kandel
A01	New Floor Plan	15/05/2023	Tulasi Kandel
10.00580R-01	Acoustic Assessment	07/09/2023	Acoustic Consultants Australia

3. Prior to occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 2 car parking spaces, shall be designed, constructed sealed, kerbed, drained and line marked in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking Facilities, Part 1: Off street carparking.
 - ii. Vehicle parking, manoeuvring and circulation areas must be suitably constructed, sealed, kerbed, drained and line marked to the specification and satisfaction of the City of Kalamunda and Australian Standard AS AS2890.
4. All parking associated with the development must be contained on site.

5. A maximum of four staff are permitted at any one time for the duration of the development, to the satisfaction of the City of Kalamunda.
6. Prior to occupation of the development, the landowner must submit a modified Operational Management Plan to the satisfaction of the City of Kalamunda. Once approved, the Operational Management Plan must be implemented and complied with for the duration of the development.
7. Prior to occupation of the development the applicant must implement all recommendations set out in the Acoustic Report prepared by Acoustics Consultants Australia dated the 7 September 2023. The implementation of the recommendations must occur for the duration of the development, to the satisfaction of the City of Kalamunda.
8. All deliveries must occur between 7am to 7pm Monday to Saturday and not occur at any other times for the duration of the development, to the satisfaction of the City of Kalamunda.
9. A maximum of six deliveries are permitted to occur each week for the duration of the development, to the satisfaction of the City of Kalamunda.

Advice Notes

In addition to the conditions, the applicant is to have regard to the following:

- a) All development must comply with the provisions of Council's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.
- b) Prior to occupation of the site the landowner may need a permit from the City's Building services.
- c) The landowner is advised that the food premises must comply with the *Food Act 2008 and Food Standards Code*. Further advice on these requirements is available from the City's Health Department. The application must be approved prior to the storage and preparation of food to the public.
- d) The landowner is reminded of their obligations to comply with the "Land and development sites and impacts on air quality a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Water and Environmental Regulation.
- e) With regard to condition 6, the landowner must liaise with the City's Environmental Health and Statutory Planning teams to ensure the modifications are to the satisfaction of the City.

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10.1.2. Local Planning Policy Omnibus Amendment 2023 for Final Adoption*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Approval Services provided a presentation on this report.

Council sought clarification as to the significance of changes made to the policies. The Manager advised they were mainly insignificant.

Previous Items	OCM 107/2023
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	Nil
Owner	Nil
Attachments	<ol style="list-style-type: none"> 1. Amendment Table Omnibus 2023 [10.1.2.1 - 31 pages] 2. Local Planning Policy 10 (LPP 10) Family Day Care and Child Care Premises [10.1.2.2 - 8 pages] 3. Local Planning Policy 12 (LPP12) Place of Worship [10.1.2.3 - 9 pages] 4. Local Planning Policy 17 (LPP17) Planning Administration [10.1.2.4 - 4 pages] 5. Local Planning Policy 25 (LPP25) Interim Developer Contributions [10.1.2.5 - 5 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

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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

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 adoption of modifications to the following existing local planning policies for the purposes of adoption:
 - a) Local Planning Policy 10 – Family Day Care and Child Care Premises
 - b) Local Planning Policy 12 – Places of Worship
 - c) Local Planning Policy 17 – Planning Administration; and
 - d) Local Planning Policy 25 – Interim Development Contribution Arrangements.
2. The modified policies will ensure that the City of Kalamunda (City) has an up-to-date objective-based framework which streamlines the assessment of development applications.
3. It is recommended Council adopt the policies for the purpose of final adoption.

BACKGROUND

4. The City periodically reviews, revokes, and adds new policies to provide a level of consistency and transparency in decision-making and to ensure the City has a clear policy position regarding various planning matters.
5. Considering four Policies under the one Omnibus report reduces the administrative burden on staff and Council and is no less effective than considering each modified Policy individually. It also reduces advertising costs.
6. The proposed modifications do not represent departure from the original intent of the Policies. The modifications can be summarised into the following categories:
 - a) Wording and structure changes which result in concise and clear policy provisions and consistent policy formatting.

- b) Minor grammatical and numbering changes to improve reading legibility and update references where documents have changed.
- c) Delete provisions which are considered superfluous or duplicate provisions within other more appropriate planning documents such as the Planning and Development (Local Planning Schemes) Regulations 2015 – deemed provisions.
- d) Add provisions which ensure the intent of the Policy is achieved, which have been identified through application of the Policy.

DETAILS AND ANALYSIS

- 7. The City has a suite of Local Planning Policies. Each policy provides detail and guidance on specific planning matters for which the same level of guidance is not provided by higher order documents in the planning framework.
- 8. The higher order documents typically exist at state government level and are subject to review and refinement as required.
- 9. The State Government has moved forward with its planning reform agenda over recent years. As regulations and policies have been updated, there have been flow-on impacts to the City's policies. In some instances, topics dealt with by the City's policies are now dealt with at the state level, and thus no longer need to be within the City's policies. These are detailed in Attachment 1 and are referred to as 'duplications' and are recommended to be deleted.
- 10. The City drafts policies to be accessible to the audience using plain English and simple, logical document structures.
- 11. With the exception of Local Planning Policy 25 (LPP25), the remaining policies subject to this report have been modified to simplify the structure and change complicated wording for plain English. These modifications are detailed in Attachment 1.
- 12. Through the application of the policies to development applications and related enquiries, the City has also identified some objectives and provisions of the policies which benefit from addition clarification. Proposed modifications which add provisions do not alter the purpose or intent of the policies, instead they ensure that the original intent will be achieved when the policy is given the required due regard. These modifications primarily relate to Local Planning Policy 25 are detailed in Attachment 5.

APPLICABLE LAW

13. The City's Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period, having regard to any submissions received.

(Schedule 2 Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015)

APPLICABLE POLICY

14. The proposed updates reflect the City's updated planning policy template structure as best as possible, while ensuring the intent of the existing policies is maintained or enhanced.

STAKEHOLDER ENGAGEMENT

15. As the modifications to the policies are not intended to change their intent, the changes have not been subject to engagement with other internal areas such as health or community development. The changes relate to statutory planning interpretation and have been reviewed within the Development Services directorate.
16. The policies were advertised for public comment in accordance with local Planning Policy 11 Public Notification of Planning Proposals and Schedule 2, Part 2 Clause 5(2) of the Regulations, via the following methodology:
- a) 21-day period from 22 November 2023 – 13 October 2023
 - b) Notice on the City's Social Media Platform;
 - c) An advertisement in the local newspaper; and
 - d) Display of documents at the City's Administration Centre.

No submissions were received on the proposed amendments.

FINANCIAL CONSIDERATIONS

17. All costs incurred during the advertising of the policies were met through the Development Services budget.

SUSTAINABILITY

18. If the policies are adopted as modified, the City and Council will be provided with guidance in the assessment and determination of related planning matters which ensure the objectives of the policies, and by extension the Scheme and wider City of Kalamunda planning framework are achieved.

RISK MANAGEMENT

- 19.
- | | | |
|--|-------------------|---------------|
| Risk: The policies are not adopted as amended resulting in planning guidance which does not represent best practice. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure Council is aware of the importance of having sound and robust planning policies which assist Officers to assess applications in a manner which achieves relevant planning objectives. | | |
- 20.
- | | | |
|---|-------------------|---------------|
| Risk: The policies are not adopted as amended resulting in planning guidance which does not fit well within the wider planning framework. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure Council is aware of the importance of having policies which do not duplicate or conflict with other higher order planning documents and result in potential confusion for landowners and Officers. | | |
- 21.
- | | | |
|---|-------------------|---------------|
| Risk: The policies do not achieve their stated objectives. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure policies are periodically reviewed in the context of changes in other documents within the planning framework to maintain a clear relationship between the provisions of the policies and stated objectives. | | |

CONCLUSION

- 22. The City's Local Planning Policies are important guiding documents which shape planning assessments and ultimately development which occurs within the City's Scheme area.
- 23. It is vital existing policies are updated to reflect changes in the wider planning framework, particularly due to the state government's recent planning reform agenda.
- 24. The proposed amended policies ensure planning processes and planning assessments will align with the City's broad strategic objectives relating to development outcomes.
- 25. It is recommended Council adopt the revised LPP10, 12, 17, and 25 for the purposes of final adoption.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT revised Local Planning Policies as provided in attachment 2-5

- a) Local Planning Policy 10 – Family Day Care and Child Care Premises;
- b) Local Planning Policy 12 – Places of Worship;
- c) Local Planning Policy 17 – Planning Administration; and
- d) Local Planning Policy 25 – Interim Development Contribution Arrangements.

10.1.3. Adoption of Scheme Amendment 114 - Lot 4 (81) Canning Road, Kalamunda for the Purpose of Public Advertising*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Approval Services provided a presentation on this report.

Council sought clarification in relation to possible development on the site in relation to "Recreation – Private". The Manager Approval Services provided clarification on the land use category.

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/114; CN-01/081
Applicant	Altus Planning
Owner	IO GROUP PTY LTD
Attachments	<ol style="list-style-type: none"> 1. Supporting Planning Assessment - Lot 4 (81) Canning Road, Kalamunda [10.1.3.1 - 8 pages] 2. Tree Retention Plan - Lot 4 (81) Canning Road, Kalamunda [10.1.3.2 - 2 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 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.**Priority 3: Kalamunda Develops****Objective 3.3** - To develop and enhance the City's economy.**Strategy 3.3.1** - Facilitate and support the success and growth of businesses.**Strategy 3.3.3** - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider whether to adopt Amendment 114 (A114) to Local Planning Scheme 3 for the purpose of public advertising.
2. A114 proposes to amend Local Planning Scheme No. 3 (the Scheme) to amend the existing 'Special Use' No. 13 for 'Gymnasium/Health Studio' use to include 'Recreation – Private', 'Consulting Rooms' and 'Restaurant/Café'. The proposed additional land uses would be in addition to the primary land use of 'Gymnasium/Health Studio'.
3. The subject lot is located within a walkable catchment of the Kalamunda Activity Centre with good access to local open space, services, and infrastructure necessary to support A114.
4. It is recommended that Council adopts A114 for purposes of public advertising.

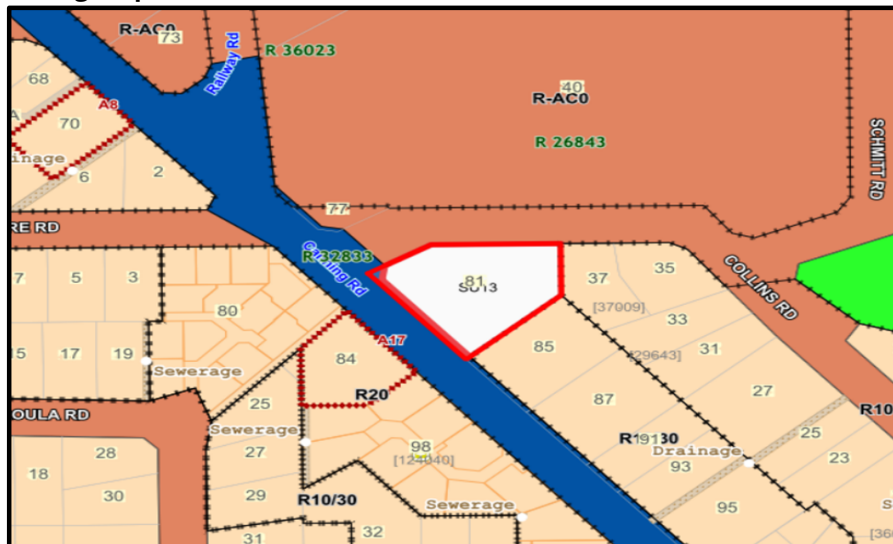
BACKGROUND

5.	Land Area	3214m ² (total)
	Metropolitan Region Scheme Zone	Urban, Other regional Roads (reserve)
	Local Planning Scheme Zone	Special Use 13 'Gymnasium/Health Studio'

6. **Locality Plan:**



7. Zoning Map:



8. The land to the north of the subject site is characterised by the Kalamunda Activity Centre incorporating land reserved for Civic uses (Local Government offices and Water park). East of the site is land reserved for open space. Land to the West and South of the lot is zoned residential with a variety of residential densities including R20, R10/30 and R10 lots. The subject site is 800m south of the Kalamunda Town Centre and 500m north of the commercially zoned Kalamunda Glades Shopping Centre. In the wider context Canning Road has another special use zoned property being Lot 9 (115) Canning Road zoned Special Use (Consulting Rooms and Professional Office's), in addition there are a number of residential zoned properties that have additional use designations:

- a) Lot 109 (182) Canning Road, Kalamunda – Addition Use A55 Consulting rooms (Medical Centre).
 - b) Lot 600 (84) Canning Road, Kalamunda – Additional Use A17 Veterinary Clinic or Surgery (small animals).
 - c) Lot 102 (70) Canning Road, Kalamunda – Additional Use 8 Local Shop.
9. The lot historically housed ‘squash courts’ under a Special Purpose zoning with development applications to progress minor modification over the years mirroring trends in the fitness industry and supporting services until it was rezoned to ‘Gymnasium/Health studio’ Special purpose land use in 2004. Refer to Attachment 1 – Supporting Planning Assessment for a copy of the historical aerials and site photos.
10. The subject site contains three trees “Worthy of Retention” (refer to Attachment 2 – Site Survey) located across the site. Currently no development plans have been prepared, but it is anticipated the retention of the tree could be determined at the development application stage.
11. The topography of the site rises by approximately 5m from the corner of Canning Road and Collins Road to a peak at the eastern corner of the lot. The concept drawings submitted by the applicant, which will be subject to development approval, anticipate the bulk of the redevelopment will be oriented to Canning Road to maximise the street legibility and improve the street scape.
12. The subject lot abuts Canning Road, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS) and Category 2 per Plan Number SP 694/6. The site is affected by the ORR reservation. Access to the site will be maintained from an existing driveway from Collins Road, a lower order road with no access proposed to the ORR. This is in accordance with the Commission's Regional Roads (Vehicular Access) Development Control Policy (D.C. 5.1), which seeks to minimise the number of crossovers onto regional roads.

DETAILS AND ANALYSIS

13. The applicant is seeking an amendment to the Scheme to amend the existing 'Special Use' No. 13 for 'Gymnasium/Health Studio' use to include 'Recreation – Private', 'Consulting Rooms' and 'Restaurant/Café'.

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
SU 13.	81 CANNING ROAD (CNR COLLINS ROAD) KALAMUNDA, Canning Loc 457, Lot 4	<ul style="list-style-type: none"> Gymnasium/Health Studio • Recreation – Private • Consulting Rooms • Restaurant/Café 	'Gymnasium/ Health Studio' shall remain the predominant land use of the zone.

Figure 1 – Proposed modification to Special Use 13

14. The applicant notes the following in support of the proposal:
- The gymnasium (gym) is one of only a small number in the area and considered the largest of the local offerings.
 - Incidental uses such as café and massage therapist have provided services to Gymnasium patrons in the past, but the limited scale meant the gym patronage could not sustain the services.
 - The 1970's building is aging, with the existing form and function limiting the capacity for gym patrons and any service provider wishing to utilise the space(s) to provide a wraparound service (massage, crèche etc).
 - The current building fronts the carpark with no legibility or activation of the streetscape to Canning Road.
 - The proposed rezoning would facilitate a holistic cohesive redevelopment, rationalising the gym layout, extending the floor area for one or more of the proposed additional land uses to operate in conjunction with but subordinate to the gymnasium.
 - An indicative floor area allocation was prepared with the final proposal to be determined via development application in consideration of parking and other planning requirements:

Land Use	Anticipated Floor Space
Gymnasium / Health Studio	1,000m ² – 1,200m ²
Recreation – Private (Kids Indoor Playground)	100m ² – 200m ²
Consulting Rooms	50m ² – 100m ²
Restaurant/Café	50m – 100m ²
Total	~1,500m²

Figure 2: likely maximum floor space table extracted from the Planning report.

15. Furthermore, in support of A114, the applicant has also provided the following:
- a) Planning report addressing the key policy issues; and
 - b) Concept Redevelopment Plans.
 - c) Transport impact statement
16. In reviewing the application documentation, it is considered that the proposal is capable of being considered as a Standard Amendment based on the existing Special use on site and:
- a) The additional land uses proposed are considered consistent with the objectives of the zone.
 - b) The amendment only relates to the subject site therefore it can be seen to have minimal environmental, social, economic and governments on the land in the scheme area.
 - c) The amendment is not considered basic or complex.
17. **Zone Objectives**
The proposed scheme amendment needs to be considered in the context of the Special Use Zones objectives, which are:
- a) To make provision for a specific use or combination of uses on particular land where provisions of the Zoning Table would otherwise restrict this, or to prevent the establishment of a use or a combination of uses where the provisions of the Zoning Table would otherwise allow this;
 - b) To ensure that any use or development of land which is considered to have significant impact, takes place only after the amendment process has been undergone; and
 - c) To allow for the inclusion of specific uses or combinations of uses on particular land either with or without a base zoning (from the Zoning Table) of that land.
18. **Zone Objectives**
The proposed scheme amendment needs to be considered in the context of the Special Use Zones intent, which states that the local government shall only make such special provisions by creation of a special use zone when it considers that the special provisions:
- a) Will satisfy a specific need(s) in the locality where the subject land is situated;
 - b) Would enhance the amenity and the interest of the orderly and proper planning of the locality; and Shire of Kalamunda Local Planning Scheme 3

c) Would be specifically appropriate or desirable.

19. The "Gymnasium/Health Studio" on the subject lot is considered to satisfy the specific needs of the surrounding locality, however, in conjunction with one or more of the proposed additional land uses ('Recreation – Private', 'Consulting Rooms' and 'Restaurant/Café'), it will provide a more diverse service provision, noting the scale of additional land uses is low based on the subordinate nature of the additional uses proposed and unlikely to impact on the wider and higher tier commercial areas or affect their economic viability. Therefore, the first zone objective is considered to be achieved by A114.
20. The compatibility of the redeveloped "Gymnasium/Health Studio" in relation to the adjoining residential zone is not, at this stage, fully understood. Ultimately, however, the redeveloped "Gymnasium/Health Studio" along with the proposed additional land uses will need to demonstrate through the development application process its operational and design compatibility with the surrounding residential zone. This has potential to satisfy the second objective of the zone.
21. The addition of the proposed land uses 'Recreation – Private', 'Consulting Rooms' and 'Restaurant/Café' while subordinate to the primary land use of "Gymnasium/Health Studio" will afford greater development capacity of one or more of the proposed additional land uses. This will facilitate the combination of land uses that would provide a more holistic offering for patrons which enhances the amenity of the primary land use "Gymnasium/Health Studio". This not only achieves the third objective of the special use zone, but draws on the substantive intent of the zoning.
22. The additional land uses would afford more flexibility and adaptability for the landowner in the potential redevelopment of the "Gymnasium/Health Studio". This supports the future viability of the land use which as demonstrated above and throughout its years of operation addresses a specific local need which is Intent a) of the Special use Zoning.
23. The redevelopment of the subject lot would enhance the building design and street appeal, the internal functionality of the space and provision for wrap-around services for patrons to enjoy satisfying Intent b) and c). In the context of the benefits, it meets the intent of the location, Intent c).
24. **Land Use Permissibility**
Further to the zoning of the land, it is relevant to consider the land use permissibility and the changes which would occur as a result of the proposed additional uses.

25. As shown in the indicative table (Figure 1) of this report, the proposed additional land uses would be incidental to the main land use of "Gymnasium/Health Studio".
26. Having the option of three additional uses enables the landowner the flexibility to re-configure the existing incidental uses and to adapt the uses depending upon the specific needs of the community.
27. Any redevelopment proposal that includes a component of one or all of the proposed land uses would be assessed at the development application stage in line with the normal principles of orderly and proper planning.
28. Whilst the planning system has the capacity to address amenity consideration including traffic, design and noise, the City must consider at the scheme amendment stage whether these potential increased amenity issues would be in keeping with the strategic intent of the planning framework.
29. **Activity Centres**
State Planning Policy 4.2 – Activity Centres (SPP4.2) provides the City direction on the distribution, hierarchy and purpose of activity centres with the aim to meet the needs of communities through the appropriate provision of employment opportunities, housing densities, retail and commercial needs, and the access to transport other than by private car.
30. The subject site is identified to be outside of and adjacent to the boundary of Kalamunda Activity Centre Plan Area.
31. This scheme amendment proposal would be considered "out-of-centre" development by virtue of its location. SPP4.2 provides guidance in the assessment of "out-of-centre" development in its capacity to align or undermine the hierarchy of the adjacent Activity Centre proper.
32. Kalamunda Activity Centre is identified as a District Centre under SPP4.2. See wider context location plan below with the subject site annotated in blue:

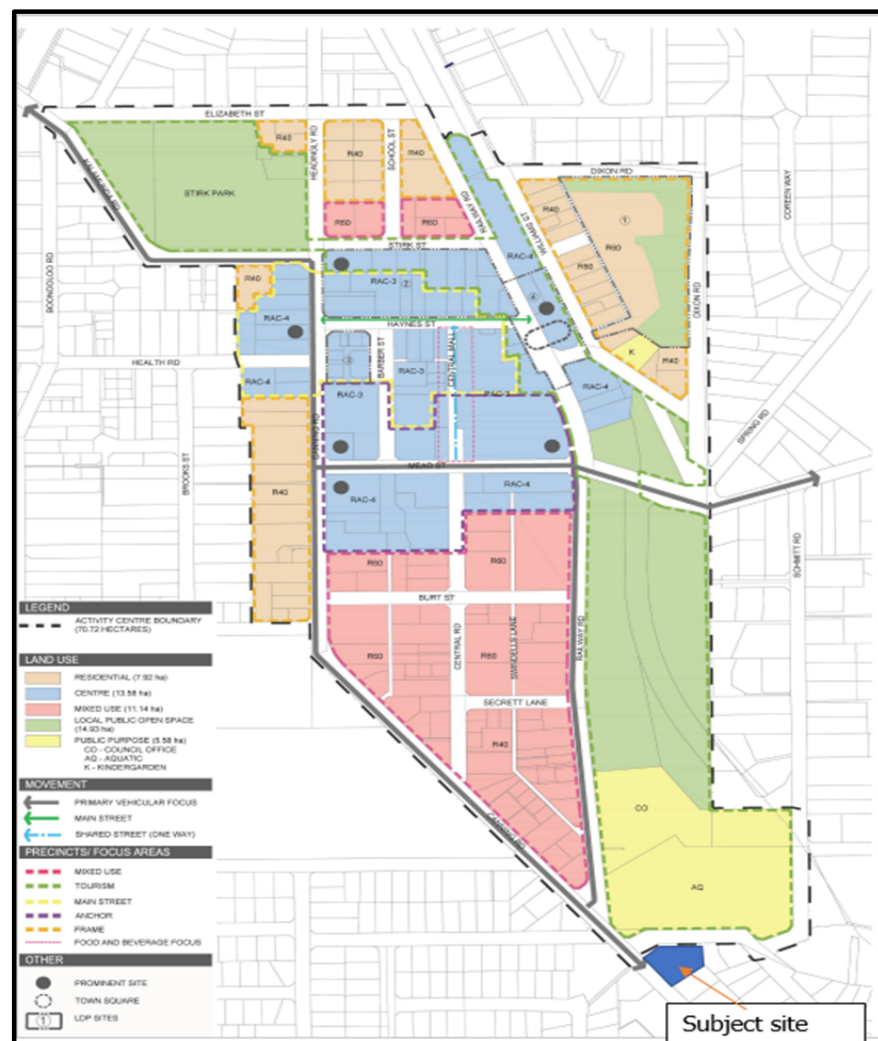


Figure 3: Location of Subject site relative to Kalamunda Activity Centre – Source City of Kalamunda

33. The impacts of an out of centre modification to a planning instrument should be considered in reference to a 'Needs Assessment'.

A needs assessment provides information in relation to the projected land use needs of communities in a local government area.

34. A needs assessment is prepared as part of a Local Planning Strategy to guide future development. Exemptions apply to the requirement for a needs assessment in consideration of a modification to a planning instrument based on the Needs Assessments availability and the scale of the proposed development.

- a) It is noted that the City of Kalamunda Local Planning Strategy 2010 has not been updated in the last five years and does not include a needs assessment.
 - b) It is identified in SPP4.2 that a Needs Assessment is not a prerequisite in the consideration of or support of a Scheme Amendment.
 - c) It is noted that a Needs Assessment is not required to support a Development Application.
 - d) SPP4.2 details that in circumstances where the relevant strategy or structure plan does not include a Needs Assessment, development applications should be accompanied by a Net Benefit Test.
 - e) Additionally, it is noted that the subject site is 3124sqm but given the subordinate nature of the proposed additional land uses and the low level of likely floor area of any potential individual proposed land use component it is not considered a major development.
35. A major development is considered to be in excess of 500sqm for a Restaurant/Café land use and over 1500sqm for a 'Recreation Private' land use. Consulting room do not have a threshold land area for consideration. As indicated in the anticipated floor areas detailed in Figure 1 the Proposed additional land uses of 'Recreation – Private', 'Consulting Rooms' and 'Restaurant/Café' are individually and collectively below the threshold to trigger a Needs Assessment.
36. This would be further managed during the development application stage, considering lot boundary setbacks and plot ratio for Special use zoned lots are at the discretion of the local government. This provides controls on the ultimate floor area that can be developed and should variations to thresholds be proposed additional supporting documentation in the form of a Need assessment can be requested.
37. Given its upper limitation on likely land use development potential, it can be considered that the proposed rezoning to include additional land uses as an enhancement of the existing zoning and a Net Benefit test to support the Development Application in due course will facilitate a more exacting approach. A Needs Assessment is not required to accommodate A114.

38. The proposed additional land uses to be incorporated as incidental uses into the Special Purpose zoning on the subject site appear to be supporting the adjacent Kalamunda Activity Centre.

The landowner, as part of a future development application - will be required to demonstrate that the proposal meets the purpose of the Special use zone given the wider context. However, the Officers opinion is that the scale of the subject site will likely facilitate the site to provide an appropriate supporting function for the Activity Centre.

39. The applicant contends that A114 will not undermine the adjoining District Centre due to the site area constraints. Given a Needs Assessment is not required, and the amenity considerations (noise, design, traffic) would need to be adequately addressed through the development application stage.

40. **Future Design Outcomes**

State Planning Policy 7.0 – Design of the Built Environment (SPP7.0) provides the framework for considering good design outcomes. Given the subject site will be highly visible from a regionally significant road, due consideration to SPP7.0 will be undertaken.

41. SPP7.0 requires assessment against the design principles of:

- a) Context and character;
- b) Landscape quality;
- c) Built form and scale;
- d) Functionality and build quality;
- e) Sustainability;
- f) Amenity;
- g) Legibility;
- h) Safety;
- i) Community; and
- j) Aesthetics.

42. SPP7.0 also may require the City's design review panel to assess the development proposal in accordance with Local Planning Policy 16 – Design Review Panel (LPP16) to ensure independent and impartial evaluation of the design against the design principles are undertaken. SPP7.0 calls for design skill to be integral to achieving good design outcomes and as such a design statement may be necessary for future development.

43. **Activity Centre Strategy**

The City's Activity Centres Strategy (ACS), adopted by Council in 2021

44. Action 1.1.1 of the ACS states to 'undertake community engagement for catchments surrounding activity centres to investigate future development options for the catchments. The activity centre areas to be investigated will be determined through the implementation of actions coming out of the Local Housing Strategy 2020.'
45. The landowner of the subject site has liaised with the City to commence a Scheme Amendment process to facilitate the consideration of whether the inclusion of additional land uses in the Special use zoning of the subject site is an appropriate outcome for the site.
46. **Local Housing Strategy**
The site is located within 'The Glades – Investigation Area' under the Local Housing Strategy (LHS), adopted by Council 2021.
47. Community consultation and site analysis is required to inform future opportunities in the area with consideration to the following factors; location near an activity centre, access to public transport, access to and capacity of the sewerage network, tree canopy cover, larger lot sizes, aged care provision, and the general character of the area.
48. Action 14 Investigation Areas requires the City to progress studies for investigation areas as part of the new Local Planning Strategy and Local Planning Scheme No. 4
49. **Concept Plans**
The applicant has provided conceptual plans for the development of a land uses of 'Recreation – Private', 'Consulting Rooms' and 'Restaurant/Café' on the subject site.

As part of any future development application, the proposal will be subject to a range of local planning policies which will address the amenity outcomes including considerations against signage, retaining walls design, public art requirements, and tree retention provisions.

The normal application of the planning framework which applies to the site will ensure an appropriate development outcome for the subject site in line with proper and orderly planning.
50. **Planning and Development (Local Planning Schemes) Regulations 2015**
Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme, as well as justification for the type of amendment proposed (basic, standard, or complex).

51. **Internal Referrals**

A114 was referred to relevant internal departments at the City. Internal departments are satisfied with the proposal in accordance with the above assessment.

The City's Environmental Health Services have noted the lot is on sewer.

52. The City's Officers have noted that the application has not provided supporting documentation in relation to the site's environmental values, but this can be addressed at Development application stage.

53. Kalamunda South Investigation Area:

The site is in the Kalamunda South Investigation area, as defined in the Local Housing Strategy 2021. However, the investigation has not significantly progressed and will not impact the site during the amendment process.

54. Out-of-Centre Development

Under SPP4.2 the amendment would be considered Out-of-Centre Development – SPP4.2 s7,9 as noted in the justification report pg. 10. This triggers the requirement for a Net Benefit Test (NBT) - SPP4.2 Guidelines s5 to determine the impact development would have on existing activity centres, most notable Kalamunda District Activity Centre and the Kalamunda South Neighbourhood Activity Centre.

55. SPP4.2 Section 7.9g)

Out-of-Centre development may only be appropriate where it is:

- a) Sufficiently separated from nearby activity centres to minimise negative impacts to those activity centres (as demonstrated through the NBT).
- b) In proximity to existing housing at an average dwelling density of at least 25 dwellings per gross Urban Zone (Region Schemes) hectare within a 400m walkable catchment of the development; and
- c) Accessible to its catchment community by walking and cycling, minimising the need for additional private vehicle trips.

56. Consideration to the site's proximity to the Kalamunda District Activity Centre could place it within the 'frame' of the centre. SPP4.2 Implementation Guidelines Table A indicate Mixed Use and/or Service Commercial Zone for district frames. Again, this would be identified in an NBT.

57. Kalamunda Activity Centres Strategy 2021

The City's Activity Centre Strategy s5.6.5 states:

Assessing out-of-centre development should be undertaken in accordance with SPP4.2 and Implementation Guidelines.

58. SPP3 – Urban Growth and Settlement

As noted in the Justification Report pg. 9, SPP3 section 5.1 - Creating sustainable communities speaks to clustering activities within existing activity centres.

clustering retail, employment, recreational and other activities which attract large numbers of people in existing and proposed activity centres at major public transport nodes so as to reduce the need to travel, encourage non-car modes and create attractive, high amenity mixed use urban centres;

This is in line with the requirement for a NBT.

59. Local Planning Strategies

Comments in the Justification Report s2.2.3 regarding the City's Local Planning Strategy 2013 should be considered being aware that:

- a) The LPS predated SPP4.2
- b) Population projections have not been realised and have underperformed.
- c) It is currently being reviewed.

60. Strategic Recommendations

Current Amendments needs to be accompanied by a NBT for rezoning under SPP4.2 for out-of-centre development.

No further comments of note were raised through referral process.

APPLICABLE LAW

- 61. State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- 62. State Planning Policy 4.2 – Activity Centres for Perth and Peel
- 63. State Planning Policy 7.0 – Design of the Built Environment

APPLICABLE POLICY

- 64. City of Kalamunda Activity Centres Strategy
- 65. City of Kalamunda Local Housing Strategy
- 66. Local Planning Policy 2 – Advertising Signage
- 67. Local Planning Policy 11 – Public Notification of Planning Proposals
- 68. Local Planning Policy 18 – Requirement of Local Planning Scheme Amendments
- 69. Local Planning Policy 26 – Public Art Contributions
- 70. Local Planning Policy 33 – Tree Retention

STAKEHOLDER ENGAGEMENT**71. Social**

The proposed zoning changes will provide development opportunities which can service the needs of the local community, whilst at the same time these services generally require an increase in noise, traffic and built form.

72. These amenity outcomes may be considered unacceptable to surrounding landowners and be inconsistent with the expected amenity outcomes of the locality.

Advertising in line with the *Planning & Development (Local Planning Schemes) Regulations 2015* would involve:

- a) Advertising the Applicants documentation on the City's website – Engage
- b) Letters to adjoining landowners (100m radius)
- c) Sign on site.

FINANCIAL CONSIDERATIONS**73. Economic**

The proposed additional Special Use categories will expand the commercial opportunities for the subject site and lead to increased employment opportunities within the Kalamunda suburb, and increase the services available to the wider community.

74. The modification to the Special use zoning is unlikely to impact on the viability of any existing services within the Kalamunda District Activity Centre, given the proposed subordinate nature of the proposed uses.**75.** The rezoning has the potential to support the existing public recreation facilities across the road at the Kalamunda Water Park and Kalamunda Skate Park, with the scale of development possible at the subject site relatively limited.**SUSTAINABILITY****76. Environment**

The subject site includes three trees worthy of retention and some remnant native vegetation. The ecological value of the on-site vegetation is unknown. Any requirement to remove vegetation will be determined in accordance with local planning policies at the development stage.

RISK MANAGEMENT

77.	Risk: The rezoning of the subject site will lead to increased noise and traffic from future development.		
	Consequence	Likelihood	Rating
	Moderate	Almost Certain	High
	Action/Strategy		
	Advertise the amendment to allow for public submissions to be made. Submissions will be assessed to determine if the increased amenity impact is acceptable to landowners, taking into consideration the existing amenity from existing Special use on site.		
78.	Risk: The subject sites remain as is if the scheme amendment is not accepted noting the current amenity is limited by the building façade and dated design and layout.		
	Consequence	Likelihood	Rating
	Moderate	Almost certain	High
	Action/Strategy		
	Allow the scheme amendment to proceed to public advertising and consider the most appropriate outcome based on the submissions. If not accepted, the City to then assess if a better rezoning is appropriate for the subject site through our scheme review and strategic planning processes.		

CONCLUSION

79. The applicant is seeking an amendment to the Scheme to rezone the subject site from Special Use "Gymnasium/Health Studio" to Special Use "Gymnasium/Health Studio with additional land uses of 'Recreation – Private', 'Consulting Rooms' and 'Restaurant/Café'.
80. Whilst the planning framework does not specifically identify the subject site for rezoning, the City's Activity Centre Strategy does facilitate investigation of future development options on surrounding sites. The scheme amendment process is appropriate for allowing the City to give due consideration to the rezoning and future impacts of land uses consistent with the proposed zone and engage in meaningful consultation with the community.

81. Advertising of the proposed amendment will provide the City the opportunity to fully consider the implication of the proposed special use zoning modification and determine the suitability of the additional subordinate Special use land uses on the subject site as proposed to be undertaken in accordance with Action 1.1.1 of the City's Activity Centre Strategy.
82. The subject site has an existing Special use of "Gymnasium/Health Studio" this amendment proposed to include the additional subordinate land uses of 'Recreation – Private', 'Consulting Rooms' and 'Restaurant/Café' on the subject site.
83. Noting the above, it is recommended that Council adopts A114 for purposes of public advertising.

Voting Requirements: Simple Majority**RECOMMENDATION**

That Council:

1. ADOPT proposed Local Planning Scheme Amendment No.114 to Local Planning Scheme No.3 –Lot 4 (81) Canning Road, Kalamunda in accordance with Attachment 2, pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of public advertising.
2. CONSIDER proposed Local Planning Scheme Amendment No.114 to Local Planning Scheme No.3 as a Standard amendment under Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - (a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - (b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - (e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - (f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - (g) Any other amendment that is not a complex or basic amendment
3. FORWARD proposed Scheme Amendment No.114 to Local Planning Scheme No.3 to the Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.

Public Agenda Briefing Forum - 5 December 2023

4. ADVERTISE proposed Scheme Amendment No.114 to Local Planning Scheme No.3 for a period of 42 days pursuant to Regulation 47 (3) (Standard) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Policy 11 – Public Notification of Planning Proposals and sec 81 an 82 of the *Planning and Development Act 2005*.

10.1.4. Amendment 113 to Local Planning Scheme No. 3 – High Wycombe South Residential Precinct Development Contribution Plan – Adoption of Modifications Prior to Advertising

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

The Manager Strategic Planning provided a presentation on this report.

Council sought clarification on various aspects of the Development Contribution Plan (DCP).

Cr O'Connor expressed his view in relation to the cost of the DCP and enquired into options available to the City to reduce the rate. The Director Development Services advised the City maintains a position, at this point in time, that the amounts put together in the DCP are appropriate, supported by the Commission, however that does not prohibit the opportunity to seek State Government investment to enable this residential area to grow and occur in a more timely fashion.

Mr David Downing queried opportunities available. The Manager Strategic Planning provided responses to Mr Downing's query.

Previous Items	OCM 14/2015, SCM 05/2015, OCM 15/2017, SCM 67/2018, SCM 231/2018, OCM 280/2019, OCM 243/2019, OCM 304/2021, OCM 37/2022, OCM 45/2022, OCM 46/2023, OCM 103/2023
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-LPS-003/113
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Notice of Consent to Advertise - City of Kalamunda Local Planning Scheme No. 3 Amendment No. 113 [10.1.4.1 - 2 pages] 2. Proposed Scheme Amendment 113 [10.1.4.2 - 8 pages] 3. High Wycombe South Development Contribution Plan Report - December 2023 [10.1.4.3 - 372 pages] 4. Development Contribution Plan Analysis Report [10.1.4.4 - 80 pages] 5. Development Contribution Plan Report April 2023 [10.1.4.5 - 355 pages]

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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.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 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.

Priority 3: Kalamunda Develops

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

Strategy 3.3.3 - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

Priority 4: Kalamunda Leads**Objective 4.1** - To provide leadership through transparent governance.**Strategy 4.1.1** - Provide good governance.**EXECUTIVE SUMMARY**

1. The purpose of this report is for the Council to consider the Western Australian Planning Commission's (WAPC) encouraged modifications (Attachment 1) to proposed Amendment 113 to the City of Kalamunda (City) Local Planning Scheme No. 3 (Attachment 2) and draft Development Contribution Plan (DCP) Report (Attachment 3) for the High Wycombe South Residential Precinct (HWS Residential Precinct).
2. In summary, the WAPC recommended modifications, the Officer recommendation, and the cost impact to the DCP are as follows:

WAPC Suggested Modification	Cost Contribution Impact	Officer Recommendation
(i) Remove references to infrastructure item RD07 – Brae Street from the amendment document and Development Contribution Report.	-\$0.15/m ²	Supported
(ii) Modify cost apportionment associated with infrastructure item RD09 – Sultana Road West in the Development Contribution Plan Report to correct an administrative error.	+\$0.86/m ²	Supported
(iii) Substitute existing LOS improvement costs for POS land acquisition within the 'Green Link'.	-\$0.43/m ²	Not Supported
(iv) List drainage infrastructure items under remaining 'POS improvements costs in the amendment document and Development Contribution Report.	No impact	Supported
(v) Identify POS improvement items to be funded by remaining POS allocations and update the amendment document and Development Contribution Plan Report accordingly.	No impact	Supported (no modification required)
(vi) Replace all references to the DCP operational lifespan as 'Thirty	-\$1.30/m ²	Not Supported

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Years' with 'Twenty Years' and update priority and timing of infrastructure accordingly, across the amendment document and Development Contribution Plan Report.		
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3. Four of the modifications are deemed minor or administrative, however modifications (iii) and (vi) warrant detailed consideration for potential risks, long term consequences and impacts on the City. These are discussed in the Details and Analysis and Risk Management sections of this report.
4. It is recommended that the Council resolve to support to the following modifications to Amendment 113 and draft DCP Report prior to advertising, as suggested by the WAPC:
 - a) (i) Remove references to infrastructure item RD07 – Brae Street from the amendment document and Development Contribution Report;
 - b) (ii) Modify cost apportionment associated with infrastructure item RD09 – Sultana Road West in the Development Contribution Plan Report to correct an administrative error;
 - c) (iv) List drainage infrastructure items under remaining 'POS improvements costs in the amendment document and Development Contribution Report; and
 - d) (v) Identify POS improvement items to be funded by remaining POS allocations and update the amendment document and Development Contribution Plan Report accordingly.
5. It is also recommended however to not support the following modifications as suggested by the WAPC:
 - a) (iii) Substitute existing LOS improvement costs for POS land acquisition within the 'Green Link'; and
 - b) (vi) Replace all references to the DCP operational lifespan as 'Thirty Years' with 'Twenty Years' and update priority and timing of infrastructure accordingly, across the amendment document and Development Contribution Plan Report.
6. Having regard to all staff recommended modifications, the updated DCP Report for advertising identifies a forecast contribution rate of \$72.07/m².

BACKGROUND

7. The HWS Residential Precinct is an area historically used for rural-residential land uses, now identified for residential development, and therefore requiring the provision of new and upgraded infrastructure. Due to fragmented land ownership, and the need to achieve infrastructure provision in an equitable and coordinated manner to enable development, the City has prepared Amendment 113 and the draft HWS DCP Report.
8. The draft DCP proposed for the HWS Residential Precinct comprises two key parts:
 - a) Proposed Amendment 113 to provide the statutory provisions to operationalise the DCP, including a Special Control Area on the LPS3 map and provisions in Schedule 12; and
 - b) Draft DCP Report to provide details on needs analysis, estimated infrastructure and administration costs, timing and priority principles for delivery, and cost apportionment.
9. The DCP is a planning tool that helps to manage the collection of funds (cost contributions) and the delivery of infrastructure for the HWS Residential Precinct. A DCP is designed to support landowners and developers in an area that is identified for, or currently undergoing, subdivision and development.
10. The April 2023 Ordinary Council Meeting minutes (OCM 46/2023) provides a comprehensive overview of Amendment 113 and the supporting draft DCP Report. In July 2023 the Council noted an update regarding Amendment 113 and the extended assessment by the Department of Planning, Lands and Heritage (DPLH).

The April 2023 DCP Report (Attachment 5) has since been revised pursuant to modifications as outlined in this report.

11. **Location**

Amendment 113 and the draft DCP apply to the HWS Residential Precinct, proposed to be marked on the LPS3 Scheme Map as Development Contribution Area 2 (DCA2), with an area of approximately 121.7 hectares bounded by the Transit Oriented Development (TOD) Precinct, Poison Gully Creek, Roe Highway, and Sultana Road West, as highlighted in red on the Locality Plan below.

12. **Locality Plan**

13. Amendment 113 and the DCP for the HWS Residential Precinct were considered at the April 2023 Ordinary Council Meeting, whereby Council resolved (OCM 46/2023) the following:

"That Council:

1. *CONSIDER Amendment 113 to the City of Kalamunda Local Planning Scheme No. 3 a complex amendment, pursuant to Regulation 35 (2) and 72 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
 - a) *The amendment proposes a Development Contribution Plan.*
 - b) *The amendment is not a standard or basic amendment.*
2. *FORWARD proposed Scheme Amendment No.113 to Local Planning Scheme No.3 to the Western Australian Planning Commission pursuant to Regulation 37(2) and 37(3) of the Planning and Development (Local Planning Schemes) Regulations 2015. Ordinary Council Meeting 18 April 2023 City of Kalamunda 47*
3. *FORWARD proposed Scheme Amendment No.113 to Local Planning Scheme No.3 to the Environmental Protection Authority for comment pursuant to Section 81 of the Planning and Development Act 2005.*
4. *Subject to Points 2 and 3, PROCEED to advertise Amendment 113 to the City of Kalamunda Local Planning Scheme No. 3 as at Attachment 1 and with supporting Attachment 2, pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 37 (1) (a) of the Planning and Development (Local Planning Schemes) Regulations 2015.*
5. *REQUEST the Western Australian Planning Commission amend the Metropolitan Region Scheme, to reclassify areas identified as Local Open*

Space on the High Wycombe South Residential Precinct Local Structure Plan within the 'Green Link' identified in Attachment 13, from Urban to a Parks and Recreation Reserve.

6. *REQUEST continued support and cooperation from the Department of Planning, Lands and Heritage to finalise Amendment 113 and the Development Contribution Plan, to ensure an understanding of the need to minimise the costs and maintain the rate within the recommended Development Contribution Plan Analysis range.*
 7. *AGREE to list for consideration as part of the 2023/24 Budget preparation process funds to undertake detailed designs to 85% for the Development Contribution Plan Infrastructure to inform final adoption."*
14. Amendment 113 and the draft DCP were referred to the DPLH seeking consent advertise as a complex amendment, however an extensive assessment and a subsequent peer review by the DPLH delayed formal consideration by the WAPC, discussed further below.
 15. Pursuant to the April 2023 resolution (OCM 46/2023), the City also lodged a Metropolitan Region Scheme (MRS) Amendment request with the DPLH to reclassify areas of Local Open Space areas in the 'Green Link' from Urban to 'Parks and Recreation Reserve'.
 16. The DPLH is yet to progress the MRS Amendment, pending WAPC consideration of A113 and DCP (now completed), plus the City's submission of further information. City staff are in liaison with the DPLH with a view to progressing the MRS Amendment request, which has significant relevance to A113 and the DCP.
 17. At the Ordinary Council Meeting in July 2023, in the context of the DPLH's extended assessment of Amendment 113, the Council considered an update on Amendment 113 and resolved (OCM 103/2023) as follows:

"That Council:
 1. *NOTE the information contained in this Report and attachments.*
 2. *REQUEST continued support and cooperation from the Department of Planning, Lands and Heritage to finalise Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 and the Development Contribution Plan, to ensure an understanding of the need to minimise the costs and maintain the rate within the recommended Development Contribution Plan Analysis range.*
 3. *REQUEST a response from the Western Australian Planning Commission regarding the timing to complete a review of Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 and the Development Contribution Plan, to enable the City of Kalamunda to communicate with the affected community and prepare to finalise the Development Contribution Plan preparation."*

18. Amendment 113 and draft DCP Report were presented to the Statutory Planning Committee (SPC) meeting of the WAPC on 10 October 2023.
19. The City received confirmation from the WAPC on 17 October 2023, that it had completed its examination of Amendment 113, advising that Amendment 113 is suitable to be advertised, and encouraging the City to undertake six modifications prior to commencing advertising (Attachment 1). Further discussion on these modifications is provided in the Details and Analysis section below.

DETAILS AND ANALYSIS

20. The correspondence from the WAPC (Attachment 1) advises that Amendment 113 and the DCP Report are suitable to be advertised, however the WAPC encourages the following modifications prior to the commencement of advertising:
 - i. Remove references to infrastructure item RD07 – Brae Street from the amendment document and Development Contribution Report;
 - ii. Modify cost apportionment associated with infrastructure item RD09 – Sultana Road West in the Development Contribution Plan Report to correct an administrative error;
 - iii. Substitute existing LOS improvement costs for POS land acquisition within the 'Green Link';
 - iv. List drainage infrastructure items under remaining 'POS improvements costs in the amendment document and Development Contribution Report;
 - v. Identify POS improvement items to be funded by remaining POS allocations and update the amendment document and Development Contribution Plan Report accordingly; and
 - vi. Replace all references to the DCP operational lifespan as 'Thirty Years' with 'Twenty Years' and update priority and timing of infrastructure accordingly, across the amendment document and Development Contribution Plan Report.
21. For completeness, each of the modifications are discussed below including commentary on the potential risks, long term consequences and impacts associated with the WAPC modifications on the transition of the HWS Residential Precinct.

22. **Modification (i) – Remove RD07 Brae Road (portion)**

Amendment 113 and the draft DCP Report included a minor incidental upgrade for realignment of an existing portion of Brae Road (Item RD07 Brae Street) in the context of a tie-in for a realigned Transit Oriented Development (TOD) Connector road.

23.

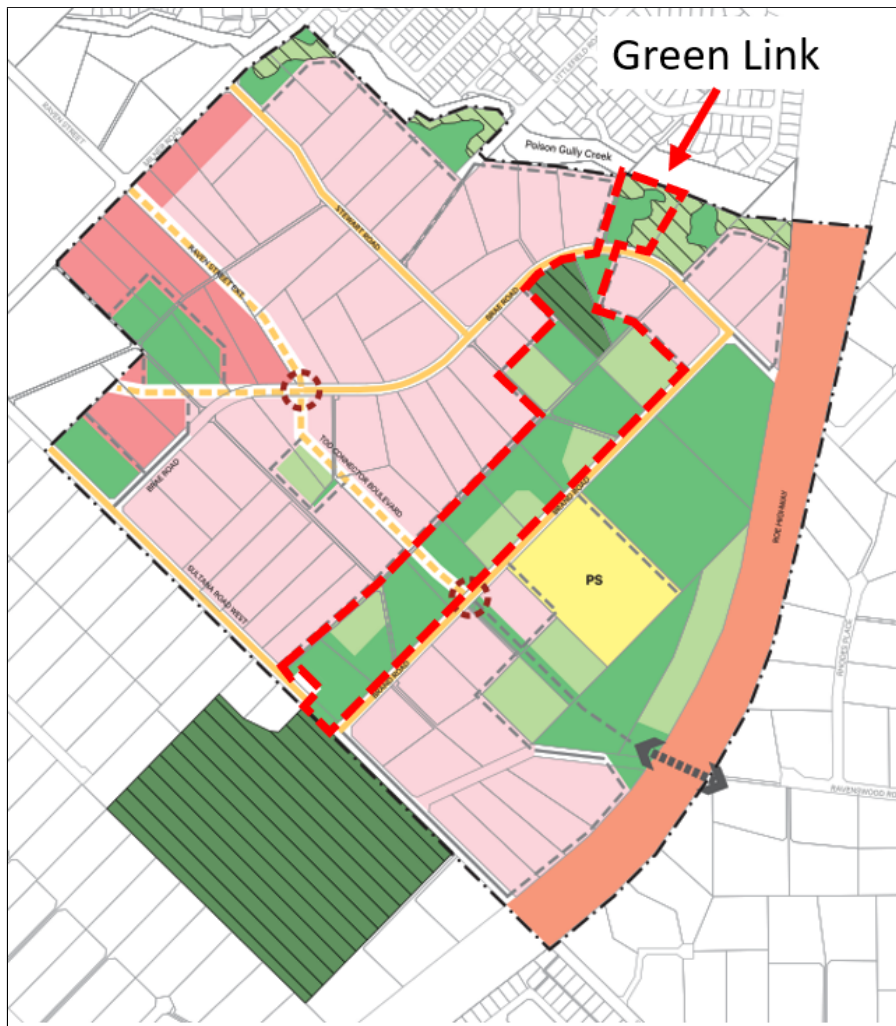


Subject Portion of Brae Road (Item RD07 Brae Street)

24. The draft DCP forecasts a cost of \$9,114.30 for this item to facilitate pram ramps, signage and traffic management/overheads. The DPLH and WAPC have formed a view that, having regard to the principles of need and nexus, the upgrading of this local road is a reasonable cost to be borne by developers at the subdivision stage. The WAPC recommended all references to Infrastructure Item RD07 – Brae Street are removed from A113 and the DCP Report.

25. The impact on the cost contribution rate is minor, reducing the rate by approximately \$0.15/m².
26. Support is recommended for the WAPC's modification prior to advertising and is reflected in the updated draft DCP Report in Attachment 3.
27. **Modification (ii) - Sultana Road West Upgrade Apportionment**
- The draft DCP includes upgrades for Sultana Road West, south of Milner Road (Item RD09 Sultana Road West).
28. The total forecast cost for upgrades for the segment of Sultana Road West is \$2,045,455.52, however the apportionment of the costs should result in \$1,022,727.76 (50%) being apportioned to the draft DCP.
29. During the DPLH's assessment of Amendment 113, an administrative error was identified in the DCP Report (section 2.1 – Roads and Appendix B – Bill of Quantities) with a duplication of the 50% apportionment being applied to Item RD09. The WAPC recommended that the DCP be modified to rectify the error prior to advertising.
30. This modification results in a \$0.86/m² increase to the cost contribution rate.
31. Support is recommended for the WAPC's modification prior to advertising and is reflected in the updated draft DCP Report in Attachment 3.
32. **Modification (iii) – Substitute LOS Improvement Costs for 'Green Link' LOS Land Acquisition Costs**
- The draft DCP includes improvement costs for all LOS land within the HWS Residential Precinct however does not include the land acquisition costs for the LOS land within the 'Green Link'.
33. The 'Green Link' is a 11.28ha ecological corridor generally along the northern side of Brand Road and connecting Poison Gully Creek and an existing Bush Forever site on Sultana Road West. A significant cost initially identified for potential inclusion in the DCP is land for LOS that makes up a portion of the 'Green Link', and a portion of the 10% POS provision required under the WAPC's Liveable Neighbourhoods policy and Development Control Policy 2.3.

34.



35. While there are pockets of land within the 'Green Link' identified as Environmental Conservation (approximately 3.93ha), which provides a funding mechanism through the Metropolitan Region Improvement Fund (MRIF), the remaining 7.35ha of the Green Link LOS is not currently funded.
36. Based on the City's review, given the regionally significant biodiversity values that exist within the Green Link, and in the context of the need to manage the cost contribution rate for the forecast DCP, the City identified that all remaining portions of the Green Link (approx. 7.35ha) warrant being reserved under the MRS as Parks and Recreation Reserve. This would enable future purchase by the State Government through the MRIF.

37. The draft DCP initiated by the Council in April 2023 did not include approximately 7.35ha of land acquisition costs identified as LOS within the Green Link. The total estimated cost for this land is estimated to be approximately \$10.29m.
38. A request was included in the Council's April 2023 resolution for the WAPC to commence the initiation of an MRS Amendment to recognise the LOS areas within the Green Link as Parks and Recreation Reserve.
39. A Strategic Conservation Management Plan and Management Agreement were prepared in July 2020 to guide the long-term preservation of biodiversity values in the HWS Residential Precinct. These instruments were prepared in the context of satisfying the Environmental Protection Authority, and ensuring areas of high conservation value, particularly concentrations of Threatened Ecological Communities, are protected and transferred into public ownership over time. The Management Agreement recognises the purchase of land classified as Environmental Conservation by the WAPC funded by the MRIF, and purchase of LOS by the City of Kalamunda funded through a future DCP.
40. Notwithstanding, it is noted that in 2019 the Department of Communities acquired one lot identified as LOS, and since mid-2020, the WAPC has progressively acquired eight lots within the Green Link, all containing areas classified as LOS. Of the thirteen lots within the Green Link identified for LOS and Environmental Conservation purposes, nine have been acquired by the State Government, representing approximately 8.63ha of land. The WAPC established special budget allocations in 21/22 and 22/23 financial years to facilitate these purchases, focussed on the purchase of Environmental Conservation and LOS land and hardship cases on compassionate grounds, on the basis that costs would be recouped through a future DCP. The City has not been a party to these negotiated purchases.
41. Approximately 76.5% of the 'Green Link' has been acquired by the State Government. A summary of the land acquired within the Green Link is provided in the following table:

	Acquired by the State Government	Remaining in Private Ownership	Total
Local Open Space	5.9ha	1.45ha	7.35ha
Environmental Conservation (Parks and Recreation)	2.73ha	1.2ha	3.93ha
Total	8.63ha	2.65ha	11.28ha

42. To recoup the costs associated with the purchase of land in the HWS Residential Precinct, the WAPC's recommendation is to substitute the LOS land acquisition costs only within the Green Link, with all LOS improvement costs throughout the Residential Precinct.
43. The draft DCP initiated by the Council in April 2023 included improvement costs for all LOS (including the Green Link) at a total estimated cost of approximately \$10.04m.
44. A summary of the two items the subject of the WAPC's recommended substitution, including the impact on the forecast cost contribution rate is provided in the following table:

	Estimated Cost	Impact on Cost Forecast Contribution Rate
Local Open Space Land Costs within the Green Link	\$10.29m	\$17.33/m ²
Local Open Space Improvements	\$10.04m	\$16.89/m ²

On balance, if the Council accepts the WAPC's recommended modification, the forecast cost contribution rate would increase by \$0.43/m².

45. The DPLH's report to the SPC acknowledges that if the LOS acquisition costs for the Green Link were reintroduced to the draft DCP it would result in an increase to the cost contribution rate to approximately \$17.33/m². The DPLH solution, endorsed by the WAPC, is to substitute the LOS acquisition costs in the Green Link only with the LOS improvement costs throughout the precinct. While different figures are cited in the DPLH's report (representing the WAPC's investment in land purchases), the comparison in the table above is considered to represent the total cost estimates applicable to the draft DCP, representing a like-for-like replacement if the modification is implemented.
46. Regarding the potential impact on the forecast cost contribution rate, the City commissioned a DCP Analysis Report (Attachment 4) as an evidence-based approach to satisfy the State Planning Policy 3.6 - Infrastructure Contributions (SPP 3.6) requirements against the core principle of ensuring reasonable cost for the DCP. It provides a guide for an appropriate threshold for the forecast cost contribution levy while maintaining feasibility and supporting densities and development product in line with the high Wycombe South Residential Precinct Local Structure Plan.

47. Whilst the DPLH and the WAPC did not form a position on the cost contribution rate having regard to the DCP Analysis Report, it is evident from the WAPC's recommendations to substitute the LOS acquisition (Green Link only) and LOS improvement costs that further rate increases are not reasonable.
48. Should the LOS acquisition/improvement substitution costs be considered, the WAPC encourages the City to seek alternative approaches for funding such as grant or municipal funding, or rating mechanisms for delivery of LOS improvements, consistent with SPP 3.6. While these funding avenues are acknowledged it is considered highly impractical, and inconsistent with DCP principles under SPP 3.6 (particularly certainty), to apply an assumption that there will be sufficient alternative funds available to fulfil the LOS improvement requirements to meet the future needs of residents.
49. To reasonably secure contributions towards LOS improvements the City would need to negotiate agreements with developers through recommended subdivision conditions on an ad-hoc basis. This would create a potentially inconsistent and uncertain environment for both the City and future developers, while adding to the contribution liabilities (development cost). There is a significant risk that the recommended modification would result in poor levels of service in parks, and associated social and amenity impacts on the future community.
50. SPP 3.6 provides that the scope of infrastructure items in a DCP should not be expanded to therefore ensure that the principle of certainty is upheld, unless amended by due process. Removing POS Improvement costs from the DCP for future funding by developers and other sources is inconsistent with the SPP 3.6 principles of equity, certainty, consistency and accountability.
51. Having regard to the above, it is considered that the WAPC's recommended modification is not appropriate and is inconsistent with SPP 3.6 policy guidance, and support for the modification is not recommended.
52. It is recommended that the City proceed with advertising the draft DCP without LOS land acquisition costs and including LOS improvement costs, as per proposed Amendment 113 initiated by the Council in April 2023. Furthermore, it is recommended that the City reiterate its request to the WAPC to initiate an MRS amendment to facilitate the Parks and Recreation Reserve over the remaining LOS portions of land in the Green Link.

53. Modification 4 – List Drainage Infrastructure in POS Improvement Costs

The DCP provides for the land acquisition and construction of six drainage basins required for overflow drainage, predominantly integrated within LOS area. Given the design considerations and cost estimates for drainage infrastructure was prepared by civil engineers, and the LOS improvement costs prepared by landscape architects and quantity surveyors, and to enable costs to be easily distinguished, the cost estimates are presented separately in the DCP Report.

54. The WAPC recommendation is for the drainage infrastructure costs to be listed under LOS improvements costs in the DCP Report, to satisfy the provisions of SPP 3.6, which specifies that the development of POS includes drainage elements.

55. This recommended modification is administrative in nature and does not result in any change to the estimated cost of infrastructure or the forecast cost contribution rate.

56. Support is recommended for the WAPC's modification prior to advertising and is reflected in the updated draft DCP Report in Attachment 3.

57. Modification 5 – Identify POS Improvement Items for Funding by Remaining POS Allocations

The DPLH report to the SPC refers to a potential surplus of LOS improvement costs following the substitution of LOS acquisition (Green Link only) and improvement costs. The City officer analysis concludes that this substitution, should it be implemented, would be like-for-like in terms of the cost impact on the DCP.

58. Given the officer recommendation regarding the substitution of LOS land and improvement costs, support is recommended for the WAPC's modification as it has no material implications on the draft DCP and Amendment 113.

59. Modification 6 – Reduce Operational Period from 30 Years to 20 Years

Amendment 113 was initiated by the Council in April 2023 with a proposed 30-year operational period, reflecting the scale and complexity of development and infrastructure provision for the HWS Residential Precinct, and the anticipated build out horizon.

60. The selected timeframe of 30 years has been considered to correspond to, and balance, the projected and desired build out rates for future development in the Residential Precinct LSP. It also meets the SPP 3.6 requirements for a longer lifespan given that it is for a specific strategic urban precinct that has a minimum anticipated lifespan of 30 years.
61. The Population Yield Analysis Report (Attachment 3, Appendix N), provides strong technical rationale supporting the proposed 30-year timeframe with 77% (1871 dwellings) forecast to be developed by 2053, representing a critical mass demand for DCP infrastructure and a strong base for contributions.
62. The DPLH's report to the SPC notes that SPP 3.6 outlines a maximum 10-year lifespan, with a longer lifespan possible in limited circumstances if justification can be demonstrated. The WAPC's suggested modification recommends a reduced operational period from 30 years to 20 years to reflect stated infrastructure items, anticipated timeframes for delivery, and projected user demand.
63. The DPLH refers to the HWS Traffic Modelling Report (Attachment 3, Appendix A) supporting the DCP which identifies that development will occur at such a rate that will necessitate most road infrastructure within the Residential Precinct to be constructed by 2041. While this is correct, the implementation of the DCP would necessitate prefunding for road infrastructure from the City, developer or other party, that would need to be reimbursed as part of the residual operational life of the DCP. Furthermore, a reduction of the operational life of the DCP would require prioritisation of road infrastructure over other items identified in the DCP (e.g., POS land / improvements and drainage) which reduces certainty for the delivery of those items once the DCP ceases to operate.
64. The DPLH refers to required five yearly reviews of the DCP to reconsider timing and priority of infrastructure. In this regard, if the 20-year operation life is implemented it would be possible to seek approval from the Minister for Planning to extend the life of the DCP in the future. There is however no assurance that the relevant Minister of the day will approve an extension.
65. Based on the available analysis a 20-year timeframe is insufficient to collect funds necessary for substantial infrastructure delivery to service the HWS Residential Precinct. A period less than 30 years does not reflect the anticipated development growth rate and will not provide the required certainty for delivery of infrastructure items, therefore inconsistent with SPP 3.6. A 30-year period is justified and provides for capital expenditure planning to forecast prefunding arrangements for road infrastructure, while providing a greater level of certainty to developers and future residents in the precinct regarding the scope of infrastructure for delivery.

66. The WAPC's recommended modification would reduce administration costs from \$2.3 million over a 30-year period to \$1.5m over a 20-year period, reducing the overall cost contribution rate by \$1.30/m². However, as noted above, it is likely that there would be future requests for extension to the operational life, which would re-introduce those administration costs later. This creates inequity with contributions made earlier in the DCP's operational life, at the expense of later contributors. Should development occur at a rate faster than forecast then the DCP can be closed / terminated earlier than forecast.

67. Given the above, support is not recommended for the WAPC's modification to reduce the operational life from 30 years to 20 years.

68. **Detailed Designs**

As noted in the April 2023 report to the Council, the DCP Report embeds a concept level of design (15% design status) to inform cost estimates of infrastructure. Concurrent with advertising of the DCP Report, the City will commission detailed designs and investigations, particularly for road infrastructure (to 85% design standard) to provide further confidence regarding the cost estimates included in the DCP. The City's 2023/24 Budget includes \$300,00 for detailed planning in High Wycombe South to undertake these further investigations and design work.

69. Detailed designs for roads and civil infrastructure provide an opportunity to determine cost implications with greater confidence. This process enables more meaningful engagement with servicing authorities (e.g., Western Power, Water Corporation and ATCO Gas) and could identify alternative design solutions that impact on estimates costs in the DCP.

70. Given the current recommendations of the WAPC to not include LOS improvement costs, it is considered premature to undertake detailed design of LOS until greater certainty is provided regarding the inclusion or otherwise in the DCP.

71. **High Wycombe South Advocacy Priority**

Through effective advocacy and planning, Council is creating a future for High Wycombe and broader district that supports employment opportunities, good connections and liveability for its residents.

72. The City's Advocacy Strategy – Kalamunda Advocates is a structured process of influencing others to create change. It is often aimed at decision makers to make positive changes to public policy or resourcing for community benefit. The strategy seeks to drive effective change at Government policy and steer investment towards ensuring local priorities are supported.
73. There is a strong evidence base of Council strategies and plans that support this initiative being considered as a strategic priority for the City, including the Local Planning Strategy, Strategic Community Plan and suite of technical documents.
74. Having regard to the potentially significant risks, long term consequences and impacts on the City's current and future community enabled via the draft DCP, there is a role for the City to detail this project as a priority project for its future advocacy strategy, particularly as it relates to the transition and early activation of the HWS Residential Precinct.
75. The development of appropriate supporting documentation and approach to help make positive decisions and changes will require expenditure on consultant services and development of advocacy material.
76. This forecast budget allowance can be embedded within Council's existing project budget of \$300,000, set aside for detailed planning in High Wycombe South in 2023/24. Reducing scope for detailed design on LOS (given the uncertainty with this line item) provides budget capacity to undertake these necessary works. Any expenditure on advocacy material is unlikely to be cost recovered through the DCP.
77. **Other Minor Modifications**
- While not identified by the WAPC as a suggested modification, the City has identified minor refinements to the calculation of preliminaries in two intersection items INT04 (TOD Connector / Brae Road) and INT05 (Brae Road / Brand Road), which contributes to an increase to the estimated costs for those items. These refinements are reflected in the updated draft DCP Report in Attachment 3.

APPLICABLE LAW

78. **Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)**
- Part 7 of the LPS Regulations establishes that a DCP must set out the development contribution area, items of infrastructure included, method

of determining the cost contribution, priority and timing for infrastructure, review frequency and the operation period.

79. Regulation 37(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) required the WAPC to examine Amendment 113 documents and advise the City if the Commission considers that any modification to the documents is required before the amendment is advertised.
80. Scheme amendments for DCPs are required to be progressed as a 'complex amendment', requiring additional approval requirements from the WAPC prior to an extended advertising period (normally 60 days). It is noted that the City has sought, and received approval from the WAPC for, an extended advertising period of 90 days.
81. Once Amendment 113 is approved and published in the Government Gazette, it will have effect of law and will enable the levying of contributions triggered by development, for infrastructure identified in the DCP.
82. Should the City determine development or subdivision applications within DCA2 prior to the gazettal of A113, Regulation 73 of the *LPS Regulations* further supplemented by *Local Planning Policy 25 (Interim Development Contribution Arrangements)*, enables the City to require interim development contribution arrangements to secure a future contribution upon gazettal of Amendment 113.
83. **City of Kalamunda Local Planning Scheme No. 3 (LPS 3)**

Clause 6.5 (Development Contribution Areas) of LPS3 sets out the establishment, implementation and operation of DCPs operable within the City.
84. A113 proposes to establish the DCP through:
 - a) Introducing a Special Control Area on the LPS3 Scheme Map which establishes a Development Contribution Area (DCA) over the HWS Residential Precinct, known as DCA2; and
 - b) Amending Schedule 12 of LPS3 to include the DCP for the HWS Residential Precinct as DCA2.

APPLICABLE POLICY**85. State Planning Policy 3.6 – Infrastructure Contributions**

SPP 3.6 provides the State's policy control and guidance, setting out a framework for the coordination and delivery of infrastructure in new and established urban areas throughout WA. The central intent of SPP 3.6 is to establish the eight (8) core principles to be applied when preparing and administering a DCP.

86. WAPC Development Control Policy 2.3 – Public Open Space in Residential Areas

DC 2.3 establishes the principles of 10% of gross subdividable area being provided as Public Open Space (POS), and seeks to ensure that all residential development is complemented by adequate areas of POS that will enhance the amenity of development and provide for recreational needs of residents.

87. WAPC Development Control Policy 2.6 – Residential Road Planning

DC 2.6 outlines the WAPC's specifications and requirements for the planning and design of roads in residential areas.

88. WAPC Operational Policy 1.1 – Subdivision of Land (General Principles)**89. City of Kalamunda Local Planning 11 – Public Notification of Planning Proposals****90. City of Kalamunda Local Planning Policy 24 - Development Contribution Arrangements****91. City of Kalamunda Local Planning Policy 25 - Interim Development Contribution Arrangements****STAKEHOLDER ENGAGEMENT**

92. The City has been preparing for community engagement to enable advertising of Amendment 113 and the draft DCP to commence as soon as confirmation is provided.

93. The City lodged a request with the WAPC for an extended advertising period of at least 90 days, with the DPLH confirming support for the request on 15 November 2023.

94. The City will concurrently advertise Amendment 113 (Attachment 2) and the modified draft DCP Report (Attachment 3) in early 2024 for a period of 90 days via the following methods:
- a) A publication on the City's website;
 - b) A copy of documents available for inspection at the City's Administration Centre;
 - c) Letters to all landowners within and adjacent to DCA2;
 - d) Letters to all relevant public authorities and utility agencies; and
 - e) A newspaper advertisement.
95. The advertising material for Amendment 113 and draft DCP Report will include the modified draft DCP, and articulate the modifications encouraged by the WAPC to ensure the community are provided with clear information about the Council initiated and modified documents.
96. Following closure of formal advertising, all submissions and Officer responses will be presented to the Council for consideration to support A113 and the DCP Report, with or without modifications, or to not support. A113 and the DCP Report, submissions and Council's resolution will then be forwarded to WAPC for consideration and determination by the Minister for Planning.

FINANCIAL CONSIDERATIONS

97. Costs associated with public advertising will be met through the Development Services annual budget.
98. There are significant long term financial uncertainties discussed in the Details and Analysis and Risk Management sections of this Report. In summary, these uncertainties include:
- a) Future costs of acquiring land within the Green Link
 - b) Future costs of improving LOS
 - c) Long term financial and capital expenditure planning regarding the operational life of the DCP.
99. The City's 2023/24 Budget identifies \$300,00 to undertake further investigation and design work for infrastructure and implementing advocacy in support of the DCP.

SUSTAINABILITY

100. The DCP will create a framework for the facilitation of infrastructure to service new development in the HWS Residential Precinct. The planning and coordination of infrastructure through a DCP is important for the long term economic and social development of the community.

RISK MANAGEMENT

- 101.
- | | | |
|--|-------------------|---------------|
| Risk: The WAPC / Minister for Planning does not support Amendment 113 and DCP Report as advertised and requires further modifications and re-advertising. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Ensure that the WAPC and Minister for Planning understand the consequences of requiring the outstanding suggested modifications. | | |
- 102.
- | | | |
|---|-------------------|---------------|
| Risk: The approach to not accept WAPC modifications relating to the Green Link and the operational period results in delays to finalise the DCP. | | |
| Consequence | Likelihood | Rating |
| Significant | Likely | High |
| Action/Strategy | | |
| Continue to engage with the DPLH to reach key decisions and consensus when finalising its assessment on Amendment 113. | | |
| Ensure that the WAPC and Minister for Planning understand the consequences of requiring the unsupported modifications. | | |
- 103.
- | | | |
|--|-------------------|---------------|
| Risk: Uncertainty regarding the outcome of Amendment 113 delays the activation of development in the precinct. | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| Ensure that the WAPC and Minister for Planning understand the consequences of requiring the outstanding suggested modifications. | | |
| Ensure appropriate communication with stakeholders. | | |
| Continue to support landowners and prospective developers to facilitate due diligence and planning with as much certainty as possible at this stage of the planning process. | | |

- 104.
- | | | |
|---|-------------------|---------------|
| Risk: The forecast cost contribution rate increases above the recommended threshold, resulting in an undue impact on development viability in the precinct. | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| Seek grant funding and support prospective developers with their application for grant funding, for enabling infrastructure for development in the precinct.
Ensure appropriate communication with stakeholders.
Advocate for the State and any other interested parties to prefund items of infrastructure to mitigate future financial risk.
Investigate alternative ways to fund additional Local Open Space costs. | | |
- 105.
- | | | |
|--|-------------------|---------------|
| Risk: If Green Link costs or local open space improvement costs are not funded by the State or the proposed DCP, the City will need to find alternative funds. | | |
| Consequence | Likelihood | Rating |
| Critical | Possible | High |
| Action/Strategy | | |
| Investigate alternative ways to fund additional Local Open Space costs including the possibility of implementing a development agreement plan and potentially special area rating mechanisms.
Ensure appropriate communication with stakeholders. | | |
- 106.
- | | | |
|---|-------------------|---------------|
| Risk: A reduced DCP operational period of 20 years results in uncertainty about infrastructure funding and delivery and potential financial risks to the City. | | |
| Consequence | Likelihood | Rating |
| Critical | Possible | High |
| Action/Strategy | | |
| Illustrate long term capital expenditure implications to the WAPC and Minister for Planning as part of the finalisation of Amendment 113.
Advocate for the State to prefund items of infrastructure to mitigate future financial risk. | | |

107.

Risk: If WAPC requires that the DCP fund Green Link land costs, at the expense of local open space improvements costs, this could result in poor levels of service in parks, and associated social and amenity impacts on the future community.

Consequence	Likelihood	Rating
Major	Possible	High

Action/Strategy

Ensure appropriate communication with stakeholders.
Ensure that the WAPC and Minister for Planning understand the consequences of requiring the outstanding suggested modifications.

108.

Risk: The WAPC / Minister for Planning does not support Amendment 113 and DCP Report and alters the forecast contribution rate.

Consequence	Likelihood	Rating
Critical	Possible	High

Action/Strategy

Ensure appropriate communication with stakeholders.
Ensure that the WAPC and Minister for Planning understand the consequences of requiring the outstanding suggested modifications.

CONCLUSION

109. City staff have been in regular communication with senior officers at the DPLH, and deputations made directly to the WAPC and WAPC Chairman, for a timely response and review of Amendment 113 and consent to commence public advertising for a fair and equitable DCP.
110. DCPs by are complex planning instruments. Given the number of stakeholders involved and affected by DCPs, there is inherent risk that not all stakeholders will be satisfied with the outcomes of the DCP. It is important for Council to be cognisant of this and balance the outcomes of the DCP against the requirements of SPP 3.6, development viability throughout the HWS Residential Precinct and the broader interests of the community.
111. There are potential risks, long term consequences and impacts associated with the WAPC's suggested modifications on the transition of the HWS Residential Precinct. It will be important that the City to work collaboratively with the DPLH and engage with the WAPC and Minister for Planning to facilitate a clear understanding of the issues and outcomes sought by the City. An advocacy approach is also considered necessary as it could support State Government investment and development opportunities, particularly as it relates to the transition and early activation of the precinct.

112. Ultimately and as prescribed in legislation, the decision to finally adopt or otherwise the DCP lays with the Minister for Planning. The Council plays a part in that process by providing recommendations however is not the ultimate decision maker.
113. It is recommended that the Council resolve to support to the following modifications to Amendment 113 and draft DCP Report prior to advertising, as suggested by the WAPC:
- a) (i) Remove references to infrastructure item RD07 – Brae Street from the amendment document and Development Contribution Report;
 - b) (ii) Modify cost apportionment associated with infrastructure item RD09 – Sultana Road West in the Development Contribution Plan Report to correct an administrative error;
 - c) (iv) List drainage infrastructure items under remaining 'POS improvements costs in the amendment document and Development Contribution Report; and
 - d) (v) Identify POS improvement items to be funded by remaining POS allocations and update the amendment document and Development Contribution Plan Report accordingly.
114. It is also recommended however to not support the following modifications as suggested by the WAPC:
- a) (iii) Substitute existing LOS improvement costs for POS land acquisition within the 'Green Link'; and
 - b) (vi) Replace all references to the DCP operational lifespan as 'Thirty Years' with 'Twenty Years' and update priority and timing of infrastructure accordingly, across the amendment document and Development Contribution Plan Report.
- Prior to commencing public advertising of Amendment 113 and the draft DCP Report.
115. Having regard to all staff recommended modifications, the updated DCP Report for advertising identifies a forecast contribution rate of \$72.07/m².

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the advice from the Western Australian Planning Commission that it:
 - a) Has completed its examination of Amendment 113;
 - b) Considers Amendment 113 is suitable to be advertised; and
 - c) Encourages modifications to Amendment 113 and the draft Development Contribution Plan for the High Wycombe South Residential Precinct.
2. SUPPORT the following modifications to Amendment 113 and the draft Development Contribution Plan prior to advertising as suggested by the Western Australian Planning Commission:
 - a) (i) Remove references to infrastructure item RD07 – Brae Street from the amendment document and Development Contribution Report;
 - b) (ii) Modify cost apportionment associated with infrastructure item RD09 – Sultana Road West in the Development Contribution Plan Report to correct an administrative error;
 - c) (iv) List drainage infrastructure items under remaining 'POS improvements costs in the amendment document and Development Contribution Report; and
 - d) (v) Identify POS improvement items to be funded by remaining POS allocations and update the amendment document and Development Contribution Plan Report accordingly.
3. DO NOT SUPPORT the following modifications to Amendment 113 and the draft Development Contribution Plan prior to advertising as suggested by the Western Australian Planning Commission:
 - a) (iii) Substitute existing LOS improvement costs for POS land acquisition within the 'Green Link'; and
 - b) (vi) Replace all references to the DCP operational lifespan as 'Thirty Years' with 'Twenty Years' and update priority and timing of infrastructure accordingly, across the amendment document and Development Contribution Plan Report.
4. REQUEST the Acting Chief Executive Officer advertise modified Amendment 113 to the City of Kalamunda Local Planning Scheme No. 3 as

at Attachment 2 and Development Contribution Plan Report as at Attachment 3, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 37 (1) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5. REQUEST the Acting Chief Executive Officer continue to make representations to the Western Australian Planning Commission to amend the Metropolitan Region Scheme, to reclassify areas identified as Local Open Space on the High Wycombe South Residential Precinct Local Structure Plan within the 'Green Link', from Urban to a Parks and Recreation Reserve.
6. REQUEST the Acting Chief Executive Officer to undertake an advocacy campaign focussed on minimising infrastructure cost to the DCP, encouraging government pre-funding for enabling infrastructure, and supporting the transition of landowners and activation of development in the High Wycombe South Residential Precinct.
7. NOTE the 2023/24 Budget allocation for High Wycombe South is identified to facilitate detailed designs and investigations for road and drainage DCP infrastructure, and to support the implementation of an advocacy campaign.

10.2. Asset Services Reports**10.2.1. RFT-2305 Transport and Disposal of Waste Streams from Walliston Transfer Station - Award of Tender***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The A/Manager Waste & Fleet provided a presentation on this report.

Previous Items	OCM 107/2018
Directorate	Asset Services
Business Unit	Waste & Fleet
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<u>Reason for Confidentiality:</u> Local Government Act 1995 s5.23 (c) "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

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 2.3** - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.**Strategy 2.3.1** - Implement the City's Waste Plan aligned to the State Waste Avoidance and Resource Recovery Strategy.**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the award of RFT 2305 Transport and Disposal of Waste Streams from Walliston Transfer Station.
2. The nature, scale and the duration of these services are such that they were split into four (4) Separable Portions, to attract the maximum number of potential contractors who could make submissions for any or all of the following services listed and provide best value to the City of Kalamunda (City):

Separable Portion A – Class III Mixed Construction Waste/Construction and Demolition (C&D) Transport and disposal of materials. This includes but is not limited to; bricks, building rubble, bitumen, concrete, plaster board, tiles, ceramics, rebar and porcelain.

Separable Portion B – Class III: Road and Footpath Sweeping Waste Transport and disposal of materials. This includes but is not limited to dried and wet leaves, green waste, grit litter, glass, oils, plastics, metals and honky nuts. These items can be mixed.

Separable Portion C – Class III - Gully Educting Waste. This includes but is not limited to mixed, dried and wet materials including leaves, green waste, sand, soil, grit litter, glass, oils, plastics and metals.

Separable Portion D - Mixed contaminated waste. This includes but is not limited to sand, road construction waste, limestone, general fill, clay, stones, vegetation, green waste and concrete.

3. The approximate estimated Total Value of the Tender per annum based on historical tonnage amounts:

Separable Portion A: (Mixed Construction/C&D): \$110,000

Separable Portion B: (Road/Footpath Sweepings): \$180,000

Separable Portion C: (Gully/Open Drain Waste): \$300,000

Separable Portion D: \$50,000

Total Contract Value: \$640,000

This amount is split across various accounts due to multiple business units utilising the Transport and Disposal of Waste Services tender.

4. It is recommended Council accepts the tender from:

a) Farfield Holdings T/A Capital Recycling

As per the schedule of rates set out in the Confidential Attachment 1 to this report for Separable Portions A, B, C and D.

BACKGROUND

- 5 The City sought to engage a suitable, experienced and qualified organisation/s to undertake the transportation and disposal of waste from the Walliston Transfer Station and the disposal of these materials at the Contractors nominated accredited waste or recycling facility.

- 6 The City issued RFT 2305 through tender link and the West Australian on 6 September 2023 to transport and dispose of waste streams from Walliston Transfer Station to various waste management facilities. The Tender closing date was advised as no later than 2:00pm AWST 4 October 2023.

5. The waste is generated from City maintenance activities and will require removal on a fortnightly basis. The frequency for current removals and tonnages for each stream are outlined below.

Separable Portion A – Mixed Construction Waste/C&D, 2 trucks 1 full day fortnightly, around 2500 tonnes each year.

Separable Portion B – Road and Footpath Sweeping, 2 trucks 1 full day fortnightly around 1500 tonnes each year.

Separable Portion C – Gully Educting/Open Drain Waste is currently collected 2 trucks 1 full day monthly, around 3500 tonnes each year.

Separable Portion D – This portion is included to make sure if for any reason the waste was to be mixed or have a wrong material dropped off then the City has the option to remove contaminated waste, estimate around 1000 tonne each year.

6. The tenderer must have access to a weighbridge approved by a licensee which can accurately and reliably weigh in metric weight measurements. The weighbridge must be electronically linked to a docket system that will produce a duplicate docket for each user vehicle load received at the Facility.
7. The disposal site had to be able to provide evidence of the appropriate Department of Water and Environmental Regulation (DWER) license.
8. This contract is in force for a period of three (3) years from the date of award with two (2) sole discretion single year extensions subject to satisfactory performance by the contractor.

DETAILS AND ANALYSIS

9. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.
10. The City received five (5) submissions.
Tender submissions for all portions were received from:
 1. Supplier A
 2. Supplier B
 3. Supplier C
 4. Supplier D
Tender submissions for Separable B & C Portion were received from:
 5. Supplier E
The City General Compliance Criteria was used with all five tenderers meeting the criteria set.
11. The submissions were assessed against the City General Compliance Criteria. The qualitative assessment requirements were such that a thorough understanding and relevant experience were to be demonstrated specific to the Project requirements. The qualitative assessment for each Tender submission was completed by Panel members on 6 November 2023.

The summary assessment outcome in ranked order is detailed in the following table below:

Company Name	Qualitative Total Score (Weighted @ 100%)	Rank
Supplier A	32.5%	N/A
Supplier B	72.50%	1
Supplier C	65%	2
Supplier D	65%	2
Supplier E	62.50%	3

This assessment demonstrated that Supplier A has not exceeded the required QPM of 60% and their tender was not included in further assessments.

12. Four conforming Tender submissions met the required QPM and were advanced to the price assessment stage of the evaluation process. Each tenderers price submission is outlined per tonne in the following table for each portion of the contract.

Tenderer	Rank
Supplier B	4
Supplier C	3
Supplier D	1
Supplier E	2

NOTE: These prices are given on a scheduled rates basis per tonne

13. The RFT 2305 Tender Evaluation Report is provided as Confidential Attachment 1 to this report.
14. The recommended tenderer submissions best satisfied the City's requirements by:
- Meeting or exceeding the qualitative assessment benchmark.
 - Proven capacity and capability to provide the transportation from the Walliston Transfer Station and the disposal of these materials at the Contractors nominated accredited waste or recycling facility.
 - Hold the applicable criteria to be conforming to carry out the Waste Services requested in this contract.
 - Providing the best value for money assessment.

15. The Evaluation Panel recommendation as follows:

Farfield Holdings T/A Capital Recycling is the recommended Tenderer for all portions of the contract, based on having satisfied all criteria in the Evaluation Process. Farfield Holdings T/A Capital Recycling submitted a competitive schedule of rates for each separable portion, for the duration of the five-year contract.

APPLICABLE LAW

16. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

APPLICABLE POLICY

17. Policy C-PP01 – Purchasing has been followed and complied with.

FINANCIAL CONSIDERATIONS

18. The anticipated annual spend on waste services over the life of this contract will vary from year-to-year dependent on:
- a) Changes in government fees notably the Landfill Levy.
 - b) Annual CPI increases.
 - c) Changes in the amount of waste disposed.
19. The use of Waste Services under this contract will form part of approved annual expenditure budgets in Waste Services and Income will be generated through the City's Waste Services Fee.

SUSTAINABILITY

20. The City of Kalamunda Waste Plan June 2020 has actions to meet the States Waste Avoidance Strategy Targets through measures to generate less waste, to recover more value and resources from waste and protect the environment by managing waste responsibly.
- Farfield Holdings T/A Capital Recycling capability of turning waste materials into sellable materials.

RISK MANAGEMENT

21.	Risk: The City accepts a Tender for Transport and Disposal of Waste Streams from the Walliston Transfer Station, and the Contractor is unable to fulfil their contractual requirements.		
	Consequence	Likelihood	Rating
	Critical	Unlikely	High
	Action/Strategy		
	a) RFT assessment criteria are properly documented and appropriately assessed. b) An alternative contractor could be sourced to provide services – many options available.		

CONCLUSION

22. The delivery of RFT-2305 Transport and Disposal of Waste Streams from Walliston Transfer Station will allow the City to carry out its role in the provision of these essential services relating to waste collection and disposal.
23. The City is satisfied that the recommended tenderer has the demonstrated experience, the capability, capacity, along with experienced staff and resources available to provide the City with the required Waste Management Services.
24. It is recommended that Council award RFT 2305 as set out in the Recommendation clause of this report.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council APPOINT Farfield Holdings T/A Capital Recycling as the recommended Tenderer for all portions of the contract, based on having satisfied all criteria in the Evaluation Process. Farfield Holdings T/A Capital Recycling submitted a competitive schedule of rates for each separable portion, for the duration of the five-year contract.

10.2.2. Maida Vale (Norm Sadler) Pavilion: Adoption of Final Design

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

The Director Asset Services provided a presentation on this report.

Council sought additional information in relation to costings. This information would be provided.

Project cost have escalated and clarity was sought.

Previous Items	OCM 251/2018; OCM 100/2020; OCM 122/2022
Directorate	Asset Services
Business Unit	Asset Planning & Delivery
File Reference	3.010346
Applicant	N/A
Owner	N/A
Attachments	1. Attachment 1 - Maida Vale (Norm Sadler) Pavilion [10.2.2.1 - 7 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 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.

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek endorsement of the tender issued drawings and funding strategy for the redevelopment of Norm Sadler Pavilion at Maida Vale Reserve.
2. The project has progressed to tender documentation stage which includes tender issued drawings and a Pre-Tender Estimate (PTE).
3. The tender issue design for Norm Sadler Pavilion was endorsed by user groups at a meeting held on 6 November 2023.
4. The PTE has identified that the cost to deliver the Maida Vale Pavilion is \$3,678,242. The funding difference of \$1,278,242 is proposed for consideration at the mid-year budget review.
5. It is recommended that Council endorse these designs such that tenders can be called for construction. It is also recommended that Council review the funding strategy as part of the City's mid-year budget review process in March 2024 before proceeding with contract award.

BACKGROUND

6. Council endorsed the Maida Vale Reserve Master Plan at the Ordinary Council Meeting held in December 2018 (OCM 251/2018). The Master Plan provides a strategy to guide development in a sustainable manner to maximise opportunities for active and passive recreation for the community. The Norm Sadler Pavilion works were identified as a key project within the Master Plan.
7. Through the 2021 State Election, the City was successful in securing a \$2.4 million dollar grant through the Department of Local Government, Sport and Cultural Industries (DLGSCI) towards the project.

DETAILS AND ANALYSIS

8. The City engaged a design consultant Donovan Payne Architects to progress the detailed design development.
9. The design for Norm Sadler Pavilion is provided as Attachment 1.
Key elements include:
 - New internal toilets;
 - New meeting room;
 - Refurbishment to existing kitchen, servery and social spaces;
 - New first aid room;
 - New umpire's change room;
 - New publicly accessible Universal Accessible Toilets (UAT);
 - 3 x new and 4 x refurbished changerooms;
 - Secure sports storage with vehicle accessibility; and
 - Extension to viewing platform area.
10. The key user groups identified which the Pavilion will service include the Kalamunda Rangers and Kalamunda United Football Club. These user groups were invited to a meeting on 6 November 2023 where the designs were reviewed and endorsement provided.

11. The PTE for the Norm Sadler Pavilion project is as follows:

Element	Cost (ex GST)
Construction	\$3,097,000
Design / Documentation	\$152,000
Contract Management	\$67,886
Other Costs	\$26,971
Contingency	\$334,385
Total Project Budget	\$3,678,242

12. The design has now reached the issue for tender milestone and is presented to Council for endorsement to continue through to a Request for Tender process.
13. It is anticipated that construction (from award of contract to completion) of Norm Sadler Pavilion will take approximately twelve (12) months.

APPLICABLE LAW

14. *Local Government Act 1995.*

APPLICABLE POLICY

15. Risk Management Policy C-HR06
Purchasing Policy C -PP01

STAKEHOLDER ENGAGEMENT

16. Extensive consideration has been undertaken to identify the requirements of the development for the Pavilion via the Master Plan and further User Group consultation. A consultation summary is as follows:

- Master Plan – 2017/18
- Functional brief – January 2022
- Concept Design consultation – 14 December 2022
- Schematic Design consultation– 7 June and 15 June 2023
- Final Design and Club Endorsement – 23 November 2023

As part of the consultation process with the User Groups, the club contribution towards components of the fit-out have been discussed.

17. The DLGSCI as the grant funding body has been engaged through regular progress reporting inclusive of updates on the City's current timeframes and funding strategy.

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FINANCIAL CONSIDERATIONS

18. The anticipated funding strategy for the Norm Sadler Pavilion project is as follows:

Element	Costs
Total Project Cost	\$3,678,242
Total Project Funding	-\$2,400,000
Total Project Difference	\$1,278,242
Funding Proposed to be Allocated as part of Budget Review	\$1,278,242

19. The City's mid-year budget review is proposed to be presented to the Ordinary Council Meeting (OCM) in March 2024. During this process, Officers will review and propose a funding strategy for Council consideration on how the funding difference of \$1,278,242 can be considered.
20. A future report will be presented for Council's consideration following the completion of the Request for Tender (RFT) process. At this time Council will have the outcome of the mid-year budget review so that the funding strategy can be confirmed prior to proceeding with the award of the contract.

SUSTAINABILITY

21. **Social Implications**
Investment in Maida Vale with updated sporting and recreational facilities increases the City's assets, provides benefits to the local community, improves community safety and enhances the user and player experiences for their training competitions.
22. **Economic Implications**
The implementation of this project will assist in providing local benefit to local businesses with possible benefits of employment opportunities. It may provide increased economic activity to the Maida Vale community during the construction phase.
23. **Environmental Implications**
All existing trees will be retained and protected where possible.
- A new in-ground sewage treatment system has been proposed to meet the capacity requirements of the additional change rooms.

Solar PV connection shall be incorporated into the switchboard unit for future solar PV.

RISK MANAGEMENT

24.

Risk: That sufficient budget is not allocated as part of the Mid-Year Budget review in March 2024 to allow project delivery.		
Consequence	Likelihood	Rating
Critical	Likely	Extreme
Action/Strategy		
That an in-depth Capital Works budget review will be undertaken to identify opportunities for the additional money to be identified for the Council's consideration. This review will be undertaken prior to the award of the tender contract, allowing Council to make an informed decision on the funding strategy before the contract to the works is signed.		

Risk: Delays result in not meeting Grant body deadlines.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
Regular quarterly reports to DLGSCI, the main funding group have been notified and briefed on all reports. This shall be transparent to the Grant body with project construction updates. Contractor to provide fortnightly program updates and report potential delays immediately once construction begins.		

CONCLUSION

25. The endorsement of the issue for tender designs and estimate will allow the project to proceed to the Request for Tender process.
26. The delivery of this project will provide much needed updating of sporting and recreational facilities to the surrounding communities.

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Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSE the designs for Norm Sadler Pavilion, at Maida Vale Reserve (Attachment 1) for the purposes of finalising tender documents.
2. PROCEED to final design and call construction tenders for this Project.
3. NOTE that the funding strategy for the works will be presented to Council for consideration following the Mid-Year Budget Review process prior to the tender being awarded.

10.2.3. Scott Reserve Pavilion: Adoption of Final Design

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

The Director Asset Services provided a presentation on this report.

Council sought additional information in relation to costings. This information would be provided.

Previous Items	OCM 251/2018; OCM 100/2020; OCM 122/2022
Directorate	Asset Services
Business Unit	Asset Planning & Delivery
File Reference	3.010346
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> Attachment 1 - Scott Reserve Pavilion [10.2.3.1 - 7 pages] Attachment 2 - Revised Scott Reserve Master Plan Concept [10.2.3.2 - 1 page]

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 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.

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek endorsement of the tender issued drawings and funding strategy for the redevelopment of the Scott Reserve Pavilion.
2. The project has progressed to tender documentation stage which includes tender issued drawings and a Pre-Tender Estimate (PTE).
3. The tender issue design for Scott Reserve Pavilion was endorsed by user groups following a meeting held on 6 November 2023.
4. The PTE has identified that the cost to deliver the Scott Reserve Pavilion is \$5,529,576. As a result, in September 2023 the City submitted a Community Sporting and Recreation Facilities Fund (CSRFF) grant application to the Department of Local Government, Sport and Cultural Industries (DLGSCI) for an amount of \$1,300,000. The funding difference of \$179,575 is proposed for consideration at the mid-year budget review, following feedback on the success of the CSRFF grant.
5. It is recommended that Council endorse these designs such that tenders can be called for construction. It is recommended that Council review the funding strategy following the City's mid-year budget review process and the outcome of the on CSRFF grant in March 2024 before proceeding with contract award. It is also recommended that Council adopt the revised Scott Reserve Master Plan as per Attachment 2.

BACKGROUND

6. Council endorsed the Scott Reserve Master Plan (SRMP) at the Ordinary Council Meeting held in June 2020 (OCM 100/2020). The Master Plan provides a strategy to guide development in a sustainable manner to maximise opportunities for active and passive recreation for the community. The new Scott Reserve Pavilion was a key project identified within the SRMP.
7. Through the 2021 State Election, the City was successful in securing a \$2 million grant through DLGSCI towards the new Scott Reserve Pavilion. At the August 2023, OCM Council (122/2022) approved a co-contribution through a \$2m loan. During this time the City also secured a \$50,000 grant from the Western Australian Football Commission (WAFC) towards the project.
8. During the new Scott Reserve Pavilion design process, the City were successful in securing a \$60m funding commitment for the High Wycombe Community Hub (HWCH), which includes a new community centre.
9. As a result of securing funding for both projects, the City undertook a review of the SRMP, which identified the need to:
 - Remove the proposed new Community Centre and its associated users from Scott Reserve, in favour of the HWCH development; and
 - The outdoor fitness equipment and youth space in favour of planned upgrades at Fleming Reserve.
10. A revised SRMP incorporating the above is included as Attachment 2.

DETAILS AND ANALYSIS

11. The City engaged a design consultant Donovan Payne Architects to progress the detailed design development.
12. The design for Scott Reserve Pavilion is provided as Attachment 1.
Key elements include:
 - 6 x change rooms, 4 of which contain operable walls;
 - Function room;
 - Kitchen and servery;
 - Internal toilets and external UAT;
 - External store rooms;
 - Meeting room;
 - First aid and umpire rooms;

- Undercover spectator area.

13. The key user groups identified which the Pavilion will service includes: High Wycombe Cricket Club (HWCC), High Wycombe Amateur Football Club (HWAFC) and High Wycombe Junior Football Club (HWJFC). These user groups were involved in several stakeholder meetings throughout the design process. All user groups endorsed the detailed design of the Scott Reserve Pavilion following a meeting held on 6 November 2023.

14. The PTE for the Scott Reserve Pavilion project is as follows:

Element	Cost (ex GST)
Construction	\$4,481,000
Design / Documentation	\$394,000
Contract Management	\$105,509
Other Costs	\$46,378
Contingency	\$502,688
Total Project Budget	\$5,529,575

15. The design has now reached the issue for tender milestone and is presented to Council for endorsement to continue through to a Request for Tender process.

16. It is anticipated that construction (from award of contract to completion) of Scott Reserve pavilion will take approximately 18 months.

APPLICABLE LAW

17. *Local Government Act 1995.*

APPLICABLE POLICY

18. Risk Management Policy C-HR06
Purchasing Policy C-PP01

STAKEHOLDER ENGAGEMENT

19. Extensive stakeholder consultation has been undertaken to identify the requirements of the project via the SRMP and engagement with key User Groups being HWCC, HWAFC and HWJFC. A consultation summary is as follows:

- SRMP – 2019/20
- Functional brief – Included within SRMP
- Concept Design consultation – 14 December 2022
- Revised SRMP consultation – 13 March 2023

- Schematic Design consultation – 7 June 2023
- Final Design – 23 November 2023

As part of the consultation process with the User Groups, the club contribution towards components of the fit-out have been discussed.

20. The DLGSCI and WAFC as the grant funding body has been engaged through regular progress reporting inclusive of updates on the City's current timeframes and funding strategy.

FINANCIAL CONSIDERATIONS

21. The anticipated funding strategy for the Scott Reserve Pavilion project is as follows, it should be noted that all costs are for project costs incurred to date:

Element	Cost (ex GST)
Total Project Cost	\$5,529,575
Total Project Funding DLGSCI	-\$2,000,000
Total Project Funding WAFC	-\$50,000
City of Kalamunda Loan	-2,000,000
Total Project Difference	1,479,575
CSRFF Grant	-1,300,000
Total Project Difference with Successful CSRFF Grant	\$179,575

22. The City currently has a CSRFF grant application submitted for an amount of \$1,300,000. It is anticipated that the outcome of the grant will be available to the City in March 2024. It should be noted that CSRFF is a competitive grant application process. Through the assessment process, the CSRFF could elect to approve the grant in full, partially, or not to support.
23. If the CSRFF funding submission is successful for the amount of \$1,300,000 a difference of \$179,575 is proposed for consideration at the mid-year budget review.
24. The City's mid-year budget review is proposed to be presented to the Ordinary Council Meeting (OCM) in March 2024. During this process, Officers will review and propose a final funding strategy for Council consideration on how the funding difference can be considered. The amount of funding sought at the mid-year review process is dependent on the outcome of the CSRFF grant funding application success.

25. A future report will be presented for Council's consideration following the completion of the Request for Tender (RFT) process. At this time Council will have the outcome of the CSRFF funding application and mid-year budget review process. At this time a final funding strategy can be confirmed prior to proceeding with the award of the contract.

SUSTAINABILITY

26. **Social Implications**
Investment in Scott Reserve with updated sporting and recreational facilities increases the City's assets, provides benefits to the local community, improves community safety and enhances the user and player experiences for their training and competitions.
27. **Economic Implications**
The implementation of this project will assist in providing local benefit to local businesses with possible benefits of employment opportunities. It may provide increased economic activity to the High Wycombe community during the construction phase.
28. **Environmental Implications**
All existing trees will be retained and protected where possible. It should be noted that one tree is nominated for removal due to extension of the carpark located in the South East corner.
- The Pavilion will be connected to the Water Corporation main sewage line.
- Solar PV connection shall be incorporated into the switchboard unit for future solar PV.

RISK MANAGEMENT

29. **Risk:** That sufficient budget is not allocated as part of the Mid-Year Budget review in March 2024 to allow project delivery.
- | Consequence | Likelihood | Rating |
|-------------|------------|---------|
| Critical | Likely | Extreme |
- Action/Strategy**
- The City has submitted a CSRFF grant for the amount of \$1.3 million to reduce the financial risk likelihood and impact to the City's municipal budget.
- In addition to the CSRFF funding submission, an in-depth Capital Works budget review will be undertaken to identify opportunities for the additional money to be identified for the Council's consideration.

This review and the outcome of the CSRFF grant will be undertaken prior to the award of the tender contract, allowing Council to make an informed decision on the funding strategy before the contract to the works is signed.

30.

Risk: Delays resulting in not meeting Grant body deadlines.

Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
Regular quarterly reports to DLGSCI, the primary funding body, has occurred. This shall be transparent to the Grant body with project construction updates. Contractor to provide fortnightly program updates and report potential delays immediately once construction begins. The City is submitting a variation request to ensure all parties are aware of project construction timeframes.		

CONCLUSION

31. The endorsement of the issue for tender designs and estimate will allow the project to proceed to the Request for Tender process.
32. The delivery of these projects will provide much needed updating of sporting and recreational facilities to the user groups of Scott Reserve and the surrounding communities.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSE the designs for the new Scott Reserve Pavilion (Attachment 1) for the purposes of finalising tender documents.
2. PROCEED to final design and call construction tenders for this Project.
3. NOTE that the funding strategy for the works will be presented to Council for consideration following the Mid-Year Budget Review and outcome of CSRFF funding process prior to the tender being awarded.
4. ADOPT the revised Scott Reserve Master Plan as per Attachment 2.

10.3. Corporate Services Reports**No reports presented.****10.4. Community Engagement Reports****10.4.1. Innovate Reconciliation Action Plan 2023-2025***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Director Community Engagement provided a presentation on this report.

Council sought clarification on the community engagement. The Director Community Engagement explained facets of the engagement.

Council requested clarification as to how some of the actions within the document would occur. The Director Community Engagement provided information on any processes to be undertaken.

Previous Items	OCM 34/2017 OCM 15/2017 OCM Feb 2019 OCM 53/2023
Directorate Business Unit File Reference Applicant Owner	Community Engagement Directorate Economic & Cultural Services City of Kalamunda City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. Draft Innovate Reconciliation Action Plan [10.4.1.1 - 34 pages] 2. Community Engagement Report Draft Innovate Reconciliation Action Plan [10.4.1.2 - 5 pages] 3. Appendix A to Community Engagement Report - Workshop feedback [10.4.1.3 - 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 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.

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

EXECUTIVE SUMMARY

1. This report seeks the endorsement of the City of Kalamunda (City) Innovate Reconciliation Action Plan (IRAP).
2. A Reconciliation Action Plan is recognised as a significant commitment towards building better awareness, understanding and relationships between the wider Australian community and First Nations people for the benefit of all Australians.
3. This report recommends the City of Kalamunda endorse the Innovate Reconciliation Action Plan 2023-2025 (As per attachment 1).

BACKGROUND

4. A Reconciliation Action Plan is recognised as a significant commitment towards building better awareness, understanding and relationships between the wider Australian community and First Nations people for the benefit of all Australians.

5. Reconciliation Australia is the lead not-for-profit body for reconciliation in Australia. Reconciliation Australia's Reconciliation Action Plan Framework provides organisations with a structured approach to advance reconciliation.
6. There are four different types of Reconciliation Action Plan that an organisation can develop:
 - a) Reflect;
 - b) Innovate;
 - c) Stretch; and
 - d) Elevate.Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey.
7. All RAP's include four key outcome areas with actions, deliverables and timelines identified under each of these categories:
 - a) Respect;
 - b) Relationships;
 - c) Opportunities;
 - d) Governance.
8. The City has commenced their Reconciliation journey through their initial RAP endorsed in 2019.
9. Earlier this year the City worked with the Community to evaluate the City's first RAP, identifying areas which were well progressed and those that potentially need further investigation.
10. The City undertook two draft Reconciliation Action Plan workshops:
Monday 13 February 2023;
Wednesday 22 February 2023.
These workshops were open to both city Staff and the community.
11. At the Ordinary Council Meeting (OCM) of 18 April 2023, Council adopted the draft of the IRAP for the purposes of advertising for public comment.

DETAILS AND ANALYSIS

12. The City's draft Innovate Reconciliation Action Plan was advertised from 24 May 2023 to 14 July 2023.
13. A variety of outreach methods were employed to inform the community about the draft IRAP and encourage participation.

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14. The City published a local newspaper advertisement at the commencement of the consultation to raise awareness. Several social media posts were published and details of engagement were included in the monthly newsletter, both hard copy and digital.
15. Copies of the City's draft IRAP and feedback forms were made available at the City's many NAIDOC week events and accessed via the Library network and all City front facing facilities.
16. The City's engage portal received a total of 135 visits, with the document available for download being accessed 24 times.
17. The City consulted with members of the community at events held during the 2023 NAIDOC celebrations with strong support for the draft document. Key areas of focus for Aboriginal Community members in the discussions focused on opportunities for education and knowledge sharing, health and well ness and employment opportunities. A copy of the Engagement report is provided as Attachment 2. Attachment 3 also details feedback from the early engagement workshop.
18. A total of six people completed a feedback form on the draft IRAP. Feedback was predominantly positive.
19. Additional comments centred around the practical implementation of the plan:
 - "Make sure it's meaningful to the First Nations Community
 - "What's most important to me is that the City of Kalamunda sees through with this."
 - "Following through with all the aspects of the plan and not making it a forgotten document."
20. The sentiment around the draft IRAP highlighted the community's desire for meaningful action towards reconciliation and inclusivity.

APPLICABLE LAW

21. *Local Government Act 1995*

APPLICABLE POLICY

22. Community Engagement Policy

STAKEHOLDER ENGAGEMENT

- 23. The City undertook community engagement with workshops and also utilising community events which took place during NAIDOC 2023.
- 24. Advertising was also undertaken in the local newspaper and via social media posts encouraging community members to review and comment on the draft RAP.
- 25. The City provided information at libraries, recreation centres and cultural facilities as well as at the City administration.
- 26. A dedicated page was set up on the City of Kalamunda engagement portal.

FINANCIAL CONSIDERATIONS

- 27. An allocation of \$14, 000 has been approved within the 2023-2024 budget to deliver key projects and objectives to meet the IRAP's key deliverables.

SUSTAINABILITY

- 28. Implementation of the RAP is beneficial from a social sustainability point of view.

RISK MANAGEMENT

- 29.

Risk: The Innovate Reconciliation Action Plan is not adopted and therefore the City does not have an agreed strategic direction in relation to reconciliation.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure the purpose and importance of the Reconciliation Action Plan is understood.		

CONCLUSION

- 30. Community members have showcased support for the development of the new RAP, with positive feedback at Community meetings held, via feedback gathered during NAIDOC Week and in formal submissions.

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Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT the Innovate Reconciliation Action Plan as detailed in Attachment 1.
2. NOTE the Community Engagement Report and Workshop Feedback (Attachment 2 and 3)
3. THANK community members who have provided input into the development of the 2023 Reconciliation Action Plan.

10.4.2. Service Policy 6: Sponsorship and Donations*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Director Community Engagement provided a presentation on this report.

Previous Items	NA
Directorate	Community Engagement
Business Unit	Economic & Cultural Services
File Reference	
Applicant	NA
Owner	Arts and Culture Coordinator
Attachments	1. Service Policy 6: Sponsorship and Funding Partnerships [10.4.2.1 - 6 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 1.3 - To support the active participation of local communities.

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

Priority 3: Kalamunda Develops

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the adoption of the revised and retitled Service Policy 6 – Sponsorships and Funding Partnerships, previously titled Sponsorship and Donations.
2. Service Policy 6 – Sponsorships and funding partnerships prescribes how the City of Kalamunda (City) engages in sponsorship and philanthropic partnerships with other organisations.
3. Sponsorship is the contribution of financial and/or “in kind” support that the City receives or provides for the purpose of, partnering in the provision of community infrastructure, a service or program, event or activity that may contribute to the economic, social, sporting, environmental or cultural development of the City.
4. It is recommended that Council adopt the revised Service Policy 6 – Sponsorship and Funding Partnerships.

BACKGROUND

5. The City of Kalamunda reviews its policies on a regular basis to ensure that they are up-to-date and aligned with City priorities and strategic direction.
6. As part of this review, the name of this policy has been updated to ‘Service Policy 6 – Sponsorship and Funding Partnerships’ to better reflect the policy’s intent.
7. The City wishes to explore the prospect of entering into sponsorship and partnership opportunities to mutually benefit both the City and the partnering organisations.

DETAILS AND ANALYSIS

8. The City has looked to other local government authorities within Western Australia and the Perth area to create a best-practice approach to Sponsorship and Philanthropic Partnerships.
9. Service Policy 6 has been updated to provide guidance on how the City will both provide and receive sponsorship for the purposes of providing community infrastructure, a service or program, event or activity that may contribute to the economic, social, sporting, environmental or cultural development of the City.

APPLICABLE LAW

10. *Local Government Act 1995*

APPLICABLE POLICY

11. *Service Policy 6 –Sponsorship and Donations*

STAKEHOLDER ENGAGEMENT

12. NA

FINANCIAL CONSIDERATIONS

13. The Policy aims to provide a clear framework to increase revenue for community and cultural initiatives.

SUSTAINABILITY**Social Implications**

14. Adoption of this policy will allow the City to deliver higher quality and quantity of community events, arts, sports, recreation, and cultural activities for the community. These activities provide opportunities for social connections and inclusion, leading to increased self-belief, self-empowerment and a sense of belonging and other outcomes that contribute to the improvement and social well-being of people and their communities.

Economic Implications

15. Adoption of this policy will assist in ensuring a sustainable approach to Community programming budgets across the City.

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RISK MANAGEMENT

16.	Risk: The City of Kalamunda does not up-date policies that reflect the operational activities of the City resulting in poor governance and increased financial and reputational risk.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	The City of Kalamunda regularly reviews and amends their policies to ensure that they are up-to-date and aligned with City priorities and strategic direction. Instilling good governance, minimising financial and reputational risk.		

CONCLUSION

17. It is recommended Council adopt the revised Service Policy 6 – Sponsorship and Funding Partnerships

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the revised Service Policy 6: Sponsorships and Funding Partnerships.

10.4.3. Service Level 9 Sporting and Community Group Leases*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Director Community Engagement provided a presentation on this report.

Council sought information on respondents rating of the policy during consultation. The Director Community Engagement spoke to the terms of the leases.

Council sought clarification on actions to be undertaken if the costs associated with this policy put undue financial pressure on groups. The Director Community Engagement provided information on various mechanisms open to users and lease holders.

Mr Darrell Downing provided a deputation, which formed part of the submission he provided during public consultation on the proposed policy. The Director Community Engagement provided clarification of matters raised within Mr Downing's deputation.

Previous Items	OCM 62/2023
Directorate	Community Engagement
Business Unit	Economic & Cultural Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. Service 9 Sporting and Community Group Leases [10.4.3.1 - 5 pages] 2. Service 9 - Sporting and Community Group Leases Engagement Report [10.4.3.2 - 35 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.

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

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

Strategy 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent 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.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek endorsement for the revised "Service 9 Sporting and Community Group Leases" (Attachment 1).
2. The draft Policy was advertised from 23 July 2023 to 22 September 2023.
3. It is recommended that Council adopts revised "Service 9 Sporting and Community Group Leases" (Attachment 1).

BACKGROUND

4. Policies form part of the Governance and Policy Framework. Section 2.7 (2)(b) of the *Local Government Act 1995* states that the Council is to 'determine the local government's policies.
5. The existing Policy, Service 9 Community Group Leases was adopted in October 2021.
6. The City is committed to providing leased facilities to sporting clubs and community organisations within the City to support their activities for the benefit of the community.
7. The City undertook a leases and licenses review between December 2022 and February 2023, receiving feedback from all sporting clubs and community organisations that currently have leases in the City of Kalamunda. The review concluded with feedback from over 50 lease holders.
8. An updated draft Policy was written based on input from the review, with a focus on shared facilities and colocation where appropriate to maximise usage for the City of Kalamunda wider community.
9. It was resolved at the May 2023 Ordinary Council to adopt the policy for the purposes of public advertising.

DETAILS AND ANALYSIS

10. This Policy recognises the City's commitment to providing leased facilities for sporting groups and community organisations, to support their activities for the benefit of the community. The Policy has strong links to the Kalamunda Advancing Strategic Community Plan to 2031, ensuring that the entire community has access to information, facilities and services and are empowered, supported and engaged. The City is committed to providing high quality and accessible recreational and social space and facilities.
11. The key points for the Policy include:
 - a) That Sporting Clubs and Community Groups demonstrate their need for a lease;
 - b) The City encourages co-location and multiuse community facilities;
 - c) Exclusivity would be determined on a case by case basis, where a strong business case showing the benefit to the community, economic and environmental sustainability would be required;

- d) In recognition of the community benefit a lease fee applicable of \$1000 per location or as agreed on a negotiated basis.
12. The engagement portal had 240 unique visits to the page, 91% of whom were a resident or ratepayer.
13. Responses on the draft Policy were received from representatives of the following clubs:
- Forrestfield Flyers Teeball Club;
Forrestfield United Football Club;
Girl Guides WA;
Hartfield Country Club;
High Wycombe Cricket Club;
Kalamunda Community Radio;
Kalamunda Governor Stirling Archers Archery Club;
Kalamunda Pistol Club;
Kalamunda Tennis Club;
Lesmurdie Tennis Club;
Pickering Brook Sports Club;
Rise;
Woodlupine Family Centre.
14. Stakeholder engagement included direct emails to all clubs and lessees, electronic direct mail, e-news publications and engage portal.
15. Promotion of the draft Policy was weighted towards direct interface with lease holders as they are primarily impacted by the Policy.
16. The City provided a list of "Frequently Asked Questions" which were downloaded via the engage portal 31 times during the period of advertising.
17. 52% of the respondents rated the draft Policy as "Great" or "Good" with themes such as:
- Clarity on user access and maintenance;
 - Encourages co-location.
18. 22% of respondents rated the draft Policy as "Poor" with themes such as:
- Payment of Lease fee
 - Term of Lease
19. Sentiment towards the new policy was predominantly positive:
- "Proposed conditions are clearly laid out".
- "Articulates the policy clearly and promotes multi-use of facilities".

"Short and easy to understand".

"It is consistent with previous documents and in line with what the community and the associations would want".

"A variety of different leasing opportunities seem to be available with the COK. Whilst co-location is a preferred model there does appear to be a recognition that in some circumstances there will be flexibility in this regard. This is quite different to the perceived necessity of co-location arrangements which appeared to be being presented as an ultimatum to sporting clubs in recent times. Flexibility and the opportunity for negotiation is the key".

APPLICABLE LAW

- 20. *Local Government Act 1995*
- 21. *Associations Incorporation Act 2015*

APPLICABLE POLICY

- 22. Service 9 – Community Group Leases

STAKEHOLDER ENGAGEMENT

- 23. The City of Kalamunda undertook a review into the way the Leases and Licences process operates between December 2022 and February 2023, this involved contacting all Lessees to ascertain information and input into the way the Leases and Licences process operates. 54 Lease holders were approached for input.
- 24. At the Ordinary Council Meeting on 23 May 2023, Council resolved to release the draft policy for public comment, this occurred on 23 July 2023.
- 25. Electronic direct mail were sent to sporting clubs and organisations for feedback on the draft policy via the July and August 2023 Clubs4Life e-newsletter this went out to 30 club representatives.
- 26. Direct emails were sent to 55 lease holders on 23 July 2023.
- 27. E-News promotion to over 1957 subscribers via the City's September 2023 e-newsletter.
- 28. Engage Portal was live from 23 July 2023 to 22 September 2023 garnering 23 responses from club representatives and community members.

FINANCIAL CONSIDERATIONS

29. The management and maintenance of sporting and community facilities provided by the City of Kalamunda represents a significant ongoing investment.
30. In recognition of the community benefit provided by sporting clubs and community organisations, the draft Policy proposes the lease fee applicable will be set at \$1,000 per annum per location or as agreed via an expressions of interest process and report to Council. In response to feedback City has clarified sporting and community groups on shared lease arrangements will share in the cost of the annual lease fee.

SUSTAINABILITY

31. The draft Policy aims to ensure the management of community buildings is as sustainable as possible, noting a significant contribution for the provision of such facilities by local government, for the benefit of community.

RISK MANAGEMENT

32.	Risk: The policy is not supported leaving a dated policy position not aligned with preferred option of shared/colocation of groups in facilities where appropriate.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Consider further review of the policy provision to align with Council direction.		

CONCLUSION

33. The policy has been reviewed with robust engagement options for the community. The policy is reflective of most respondents and has considered all information provided by current sporting and community organisations.

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Voting Requirements: Simple Majority

RECOMMENDATION

That Council: ADOPT Service 9 – Sporting and Community Group Leases (Attachment 1).

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10.5. Office of the CEO Reports

No reports presented.

11. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:20pm.