



# Public Agenda Briefing Forum

Notes

12 September 2023



Public Agenda Briefing Forum 12 September 2023

---

**INDEX**

<b>1. Official Opening.....</b>	<b>3</b>
<b>2. Attendance, Apologies and Leave of Absence .....</b>	<b>3</b>
<b>3. Declarations of Interest .....</b>	<b>4</b>
<b>4. Announcements by the Member Presiding Without Discussion .....</b>	<b>5</b>
<b>5. Public Question Time .....</b>	<b>5</b>
<b>6. Public Statement Time .....</b>	<b>5</b>
<b>7. Public Submissions Received in Writing .....</b>	<b>5</b>
<b>8. Petitions Received .....</b>	<b>5</b>
<b>9. Confidential Items Announced But Not Discussed .....</b>	<b>5</b>
<b>10. Reports to Council .....</b>	<b>6</b>
<b>10.1. Development Services Reports .....</b>	<b>6</b>
10.1.1. Cell 9 Outline Development Plan (ODP) Amendment for Adoption .....	6
10.1.2. Draft Local Biodiversity Strategy 2023 .....	17
10.1.3. Response to Petition - Lot 316 (29) Foxton Boulevard, High Wycombe .....	26
<b>10.2. Asset Services Reports .....</b>	<b>32</b>
<b>10.3. Corporate Services Reports .....</b>	<b>32</b>
<b>10.4. Community Engagement Reports .....</b>	<b>32</b>
10.4.1. Roe Highway Logistic Park Development Stage 4, Public Art Proposal .....	32
10.4.2. Community Health and Well Being Plan 2023 - 2028.....	38
<b>10.5. Office of the CEO Reports .....</b>	<b>43</b>
10.5.1. Advisory Group Terms of Reference Review 2023/2025 .....	43
<b>11. Closure.....</b>	<b>49</b>

**1. Official Opening**

The Presiding Member opened the meeting at 6:29pm and welcomed Councillors, Staff and Members of the Public Gallery. 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****Councillors****South East Ward**

John Giardina  
Janelle Sewell  
Geoff Stallard (Presiding Member)

**South West Ward**

Mary Cannon  
Brooke O'Donnell

**North West Ward**

Sue Bilich  
Lisa Cooper  
Dylan O'Connor

**North Ward**

Kathy Ritchie  
Margaret Thomas JP (Mayor)

**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  
Nathan Ritchie - Director Development Services

**Management Team**

Freya Ayliffe - Manager Environmental and Community Safety

**Administration Support**

Darrell Forrest - Governance Advisor  
Donna McPherson - Executive Assistant to the CEO

**Members of the Public 5****Members of the Press Nil.****Apologies**

Rhonda Hardy - Chief Executive Officer

**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 A written submission was received from Kathryn Thomas, High Wycombe, in relation to the Response to Petition - Lot 316 (29) Foxton Boulevard, High Wycombe. A copy of the submission was provided to all Councillors and relevant staff by email.

**8. Petitions Received**

8.1 Nil.

Public Agenda Briefing Forum 12 September 2023

---

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

- 9.1 Item 10.1.2 Draft Local Biodiversity Strategy 2023 – Confidential  
Attachment – Confidential Submitters List Draft Local Biodiversity Strategy  
2023

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

- 9.2 Item 10.1.3 Response to Petition - Lot 316 (29) Foxton Boulevard, High  
Wycombe – Confidential Attachment - Petition - Lot 316 (29) Foxton  
Boulevard, High Wycombe

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

Public Agenda Briefing Forum 12 September 2023

---

**10. Reports to Council****10.1. Development Services Reports****10.1.1. Cell 9 Outline Development Plan (ODP) Amendment for 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 additional information in relation to Public Open Space provisions within Wattle Grove.

Bev Dornan made a statement in relation to Public Open Space and spoke in support of the recommendation.

Previous Items	OCM 279/2021, OCM 75/2022
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	City of Kalamunda
Owner	G B Fuller

Attachments	1. Proposed Amendment to the Cell 9 Outline Development Plan [ <b>10.1.1.1</b> - 1 page]
	2. Submission Table [ <b>10.1.1.2</b> - 12 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 3.2** - To connect community to key centres of activity, employment and quality amenities.**Strategy 3.2.2** - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider an amendment to the Cell 9 Wattle Grove Outline Development Plan (ODP amendment), for final approval following advertising as shown in Attachment 1.
2. The proposed ODP amendment seeks to consolidate the portion of Lot 226 (44) St John Road, Wattle Grove, designated as Public Open Space (POS), and increase the portion of 44 St John Rd designated Residential R20 and redesignate a portion of the Tomah Road Reservation as POS.
3. In February 2023, (OCM 22/2023) Council resolved to adopt the ICOSA review for Cell 9 for the purpose of public advertising. The item is listed for adoption at the September 2023 OCM. The review allocated \$302,777 for improvements to the Willow Lake POS. The funding allocation has meant the funds arising from the proposed the Cell 9 modification are no longer required.
4. Having regard to Point 3 above, it is recommended the Council not approve the proposed amendment to the Cell 9 Wattle Grove Outline Development Plan for 44 St John Road.

**BACKGROUND**

5. The Cell 9 Wattle Grove Outline Development Plan (Cell 9 ODP) was established in the late 1990s and designates land uses, road network, and public open space (POS) in the same manner as a Local Structure Plan.

6. Schedule 11 of Local Planning Scheme No. 3 (LPS 3) provides for the collection of infrastructure contributions within the Cell 9 ODP area, hereafter referred to as the "Cell 9 Infrastructure Cost Sharing Arrangement" (Cell 9 ICSA). Included within the Schedule 11 of LPS 3 is the acquisition of POS.
7. The City prepares an annual report to review the Cell 9 ICSA (Cell 9 ICSA Review Report). This Cell 9 ICSA Review Report identifies the cost for land to be acquired for POS, and the infrastructure and administrative costs in accordance with Schedule 11.
8. There are three parcels of POS yet to be acquired through the Cell 9 ICSA, these are located at Lot 42 (12) Bruce Road, Lot 60 (7) Bruce Road and Lot 26 (44) St John Road, Wattle Grove (subject site).
9. Having determined through the review that there was a surplus of POS designated in the Cell 9 ODP area, the City reviewed the Cell 9 ODP with consideration to the drainage and servicing implications of modifying the layout. The review resulted in a recommended layout outlined in Appendix C of Attachment 1.
10. Having considered the recommendations, the City commenced the preparation of an amendment to the Cell 9 ODP to consolidate the POS allocated within 44 St John Rd consistent with the following objectives:
  - a) To align the Cell 9 ODP with the objectives, strategic direction and actions from the City of Kalamunda Public Open Space strategy (POS Strategy).
  - b) To rationalise the remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy.
  - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
  - d) Provide additional housing opportunities within the Cell 9 ODP area.
  - e) Promote active street frontages and surveillance of POS.
11. The consolidation of POS at the subject site will also result in a reduction in land acquisition costs under the Cell 9 ICSA, and will increase the dwelling yield in the Cell 9 ODP creating additional contributions to the Cell 9 ICSA. The additional funds, subject to Council approval at the annual Cell 9 ICSA review, could be allocated to improving areas of Cell 9 POS which are not currently funded by the ICSA for improvement.
12. In June 2022, (OCM 75/2022) Council resolved to defer consideration of the proposed modification to the Cell 9 Outline Development Plan.



Public Agenda Briefing Forum 12 September 2023

**Details and Analysis**

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

14. Existing ODP Designation



15. Proposed ODP Designation



16. The proposed modification to the Cell 9 Outline Development Plan results in a reduction in land (POS) acquisition costs under the Cell 9 ICSA, and will increase the dwelling yield, potentially 10 additional lots, in the Cell 9 ODP creating additional contributions to the Cell 9 ICSA.
17. The proposed amendment to the Cell 9 ODP is consistent with the objectives, strategic direction and actions of the City's POS Strategy. One of the primary objectives of the POS Strategy is to "optimise the use of the City's resources to achieve effective and efficient POS outcomes, by prioritising the delivery of high-quality POS over quantity".
18. The reduction in surplus POS would enable the Cell 9 ICSA funds that would have been used for the acquisition of land, to be reallocated and used for the improvement of existing and future POS within the Cell 9 ODP area.
19. At the time the proposed modification to the Cell 9 Outline Development Plan was prepared, there was no funding available under the ICSA to deliver upgrades to POS. This has since changed with annual ICSA review scheduled for the September 2023 OCM, now including costs enabling improvements for three POS sites including Willow Lakes, making the planned expenditure arising from the modifications to the Cell 9 Outline Development Plan redundant.

**APPLICABLE LAW**

20. City of Kalamunda Local Planning Scheme No.3 - Schedule 11 (the Schedule) provides provisions for the collection and administration of infrastructure contributions within Cell 9.
21. Planning and Development (Local Planning Scheme) Regulations 2015 Under Regulation 79 of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) and the table following Regulation 79, the Cell 9 ODP is considered a Local Structure Plan (LSP).
22. cl29 (2) outlines the procedure to be undertaken to amend an LSP, and cl29 (3) outlines that should the Local Government and Commission determine an amendment is minor in nature, advertising may not be required.
23. Cl19(1) and 20(1)(2) of the Regulations the Local Government is required to consider submissions made to the structure plan amendment and provide a response to the Western Australian Planning Commission with its recommendation.

**APPLICABLE POLICY**

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

**STAKEHOLDER ENGAGEMENT**

27. The proposed amendment was advertised for a period of 42 days in accordance with cl29 (2) and 18 of the Regulations. Advertising of the proposed amendment involved the following:
- a) Letters were sent to landowners and occupiers who in the opinion of the Local Government are likely to be affected by the approval of the proposed LSP.
  - b) A copy of the documentation was available at the City's Administration Office during normal business hours.
  - c) Comment was sought from relevant public authorities and utility service providers.
  - d) An A0 sign was placed out the front of the subject site for the duration of the advertising period.
  - e) The proposal was published on the City's website.

28. The City received 16 submissions on the proposal. Five submissions were in support, 10 submissions were objections and one a comment only on the proposal. Four of the submissions received were from relevant public authorities including Perth Airport, the Water Corporation, the Department of Fire and Emergency Services (DFES) and the Department of Education. Submissions can be viewed at Attachment 2.
29. The submissions received from the community objecting to the proposal raised the following key concerns:
- a) The proposed modification will result in the clearing of native bushland.
  - b) The current condition of the existing POS being poorly maintained and has a lack of facilities/play equipment.
  - c) The reduction of POS in the area will not be sufficient to cater for the increased number of dwellings/residents.
  - d) Increasing the number of dwellings will result in increased traffic volumes.
30. **a) Clearing of native bushland**  
The portion of land being redesignated is currently a privately owned semi-rural property that contains little to no vegetation and can be best described as a paddock or grassed area. The area currently identified for public open space has no identified ecological value. The redesignation of the Tomah Road Reservation to POS and the portion of the subject site from POS to Residential R20 will enable sufficient use of land within the Cell 9 ODP area creating a social and ecological corridor between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).
31. **b) Current condition of POS within the area**  
A key concern raised throughout the submissions was the current condition of the existing POS to the north of the subject site (Willow Lake Estate). Willow Lake Estate is currently graded as a C grade reserve under the City's POS Strategy, which means the reserve is currently rated relatively low in its location, usage value, care and maintenance and environmental value.
32. It is acknowledged that the current condition of the Willow Lake POS requires funding allocation through the ICSA to enable infrastructure improvements.

33.       **c) The reduction of POS**  
Whilst the proposed modification seeks to reduce the amount of POS prescribed under the original proposed Cell 9 ODP, the reduction of POS is considered minor in the context of the overall public open space allocated in the structure plan. The current amount of POS within the Cell 9 ODP area has been calculated at 15.29% in excess of the 10% required under Liveable Neighbourhoods. The amendment proposes to reduce the POS within the Cell 9 ODP area from 29.4825 ha to 29.1132 representing a 0.19% reduction.
34.       **d) Increased traffic volumes**  
The proposed amendment has been supported by an independent planning report (refer attachment 1) which outlines that the anticipated change to the total daily traffic volumes associated with the amendment is minimal.
35.       It is estimated that this proposal will generate an additional 8 vehicular movements during peak periods based on the Western Australian Planning Commission's (WAPC) Transport Impact Assessment Guidelines Volume 3 – Subdivision which can be accommodated through the local road network.
36.       **Water Corporation Submission**  
The Water Corporation's submission outlined concerns regarding the concept plan not appropriately accounting for the relocation of the open drain into the subdivision area and that the layout concept does not indicate any POS or compensating basins within the subdivision to attenuate drainage flows within the development site. The open drain currently runs along the unconstructed Tomah Road Reserve before crossing into the Tomah Swamp.
37.       The City directly liaised with the Water Corporation regarding the relocation of the open drain and it was determined that the relocation or piping of the open drain can be addressed during the subdivision stage with the provision of an Urban Water Management Plan (UWMP). Water Corporation advised that the developer will need to pipe the open drain for public safety reasons. Preliminary drainage modelling indicates that a 1,200mm reinforced concrete drainage pipe would be needed to meet Water Corporation Drainage Licence requirements.
38.       The proposed piped drainage solution is consistent with other drainage solutions throughout the Cell 9 ODP area.

**39. Perth Airport Submission**

Perth Airport raised concerns pertaining to the impact of future Aircraft Noise Exposure Forecast (ANEF) contours on the site. Noting that the site currently does not fall within ANEF contours, the City acknowledges that the site may be subject to ANEF contours changes in the future with the development of Perth Airports new runway. Development of the site will be consistent with the density of the surrounding area that is subject to the same airport noise. The amendment will result in a minor increase in dwellings.

**40. Perth Airports submission recommended the following conditions should the proposal be approved:**

- a) Dwellings are to be constructed to meet Australian Standard AS2021:2015 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction; and
- b) A notification be placed on the Certificate of Title informing prospective landowners of potential aircraft noise impacts; and
- c) A full aircraft noise impact assessment of the ODP area be undertaken.

**41. At subdivision stage, the abovementioned recommendations will be taken into consideration including a full assessment against SPP 5.1 – Land Use Planning in the Vicinity of Perth Airport (SPP 5.1) will be undertaken to determine relevant conditions to be imposed on the subdivision.****FINANCIAL CONSIDERATIONS****42. The operation of the Cell 9 ICSA is an administrative responsibility for the City. While the ICSA is self-funded, the City has an implicit obligation to manage the contributions and works efficiently and effectively.****43. Factoring both the reduction in acquisition costs and the increase in contributions, the Amendment could create approximately \$1 million in funds for POS improvements.****44. Through the ICSA review scheduled for adoption at the September 2023 OCM, the City is proposing to utilise ICSA funds to the amount of 302,777 for POS infrastructure which will deliver improvements to the Willow Lake POS.****SUSTAINABILITY****45. The proposed amendment enables the development/upgrade of existing and future POS in Cell 9. Upgrades including landscaping, pathways and public furniture would enable areas of POS to be actively enjoyed by the community.**

46. The subject site includes a small watercourse which runs through the property. The feasibility of the management of this watercourse was assessed by the City's engineers and engineering consultants during the feasibility assessment of the recommended subdivision layout.
47. In addition, the redesignation of the northern portion of Tomah Road Reservation to POS will create a social and ecological corridor/connection between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).

**RISK MANAGEMENT**

48.	<b>Risk:</b> The ICSA has insufficient funds to undertake works in Willow Lakes POS.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b>		
	Undertake regular reviews of the ICSA to ensure there are sufficient contributions to cover the cost of the POS improvements.		

**CONCLUSION**

49. In conclusion, the primary drivers behind this ODP amendment area are:
- a) The efficient designation and use of land within Cell 9,
  - b) The efficient use Cell 9 ISCA funds (formerly known as Cell 9 GDS funds); and
  - c) To develop POS for the benefit and enjoyment of the Cell 9 (Wattle Grove) community.
50. It is acknowledged that the proposed amendment will create surplus ICSA funds which can be used for the development of POS within Cell 9 for the enjoyment and benefit of the Wattle Grove (Cell 9) community. However, the ICSA review scheduled for September 2023 OCM is recommending the allocation of \$302,777 for improvements to the Willow Lake Reserve which means the planned expenditure arising from the modifications to the Cell 9 Outline Development Plan is no longer required.
51. Having regard to the above, it is recommended that Council not support the proposed modification to the Cell 9 Wattle Grove Outline Development Plan as shown in Attachment 1 and forward the recommendation to the Western Australian Planning Commission for determination.

Public Agenda Briefing Forum 12 September 2023

---

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

**RECOMMENDATION**

That Council:

1. NOTE the submissions received on the modification to the Cell 9 Outline Development Plan as shown in Attachment 1.
2. RECOMMEND to the Western Australian Planning Commission that pursuant to Clause 20(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposed modification to the Cell 9 Outline Development Plan as shown in Attachment 1 not be approved.



**10.1.2. Draft Local Biodiversity Strategy 2023***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 expressed concern in relation to the time it will take for final adoption of the Strategy if community consultation is undertaken.

Bev Dornan made a statement in relation to this report.

Previous Items	GS 67/2004; EMC PS 3.14/2006; OCM 23/09; OCM 262/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Draft Local Biodiversity Strategy 2020 - Summary [10.1.2.1 - 23 pages]</li> <li>2. Draft Local Biodiversity Strategy 2020 - Technical Report [10.1.2.2 - 144 pages]</li> <li>3. Community Engagement Report - Draft Local Biodiversity Strategy 2020 [10.1.2.3 - 71 pages]</li> <li>4. Draft Local Biodiversity Strategy 2020 - Schedule of Submissions [10.1.2.4 - 106 pages]</li> <li>5. Draft Local Biodiversity Strategy 2023-2043 - Part 1 Summary Report [10.1.2.5 - 23 pages]</li> <li>6. Draft Local Biodiversity Strategy 2023-2043 - Part 2 Technical Report [10.1.2.6 - 117 pages]</li> </ol>

**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
<input type="checkbox"/> 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 2: Kalamunda Clean and Green

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

**Strategy 2.1.3** - Development and implementation of the Local Biodiversity Strategy

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

**Strategy 2.1.5** - Community engagement and education in environmental management.

### Priority 2: Kalamunda Clean and Green

**Objective 2.2** - To achieve environmental sustainability through effective natural resource management.

**Strategy 2.2.1** - Manage the forecast impacts of a changed climate upon the environment.

### Priority 3: Kalamunda Develops

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of the Draft Local Biodiversity Strategy (LBS) 2023-2043 for the purpose public consultation.
2. This LBS is intended to replace the existing 2008 LBS recognising that circumstances have significantly changed in the ensuing 15 years since it was adopted.
3. At the Ordinary Council Meeting of 15 December 2020, Council endorsed the Draft LBS 2020 for the purpose of public consultation.

4. Following the public consultation period, a review of the Draft LBS 2020 was undertaken, and a revised Draft LBS 2023-2043 prepared in response to submissions received and the outcomes of the review.
5. Several improvements were made to the Draft LBS as a result of community consultation and the review processes. These are detailed below.
6. It is recommended that the Council endorse the Draft LBS 2023-2043 for the purpose of public consultation.

### **BACKGROUND**

7. At the Ordinary Council Meeting of 15 December 2020, Council resolved (OCM 262/2020) to ENDORSE the Draft 2020 Kalamunda Local Biodiversity Strategy for the purpose of community consultation. The Draft LBS 2020 Summary is included as Attachment 1. The Draft LBS 2020 Technical Report is included as Attachment 2.
8. Public consultation occurred from 12 February 2021 to 13 April 2021. The *Community Engagement Report 2021* for consultation on the Draft LBS 2020 is contained in Attachment 3. The City's response to submissions on the Draft LBS 2020 is provided at Attachment 4.
9. In November 2021, the City commenced a review of the Draft LBS 2020. The scope of the review was to assess the content, statistics, and recommendations of the Draft LBS 2020 and provide independent commentary and recommendations, having regard to the objectives of the LBS as well as other City adopted strategies and policies.
10. The review identified several opportunities for improvement and, accordingly, a revised Draft LBS 2023-2043 was developed which also considered submissions received during the consultation period.
11. The Draft LBS 2023-2043 is presented in two parts, Part 1: Summary Report (Attachment 5) and Part 2: Technical Report (Attachment 6).

### **DETAILS AND ANALYSIS**

12. The LBS is a non-statutory document that guides the City on how to retain, conserve and manage natural areas with the a core aim to protect and grow local biodiversity. The LBS helps the City identify conservation priorities and methods to improve biodiversity, and encourage and support landowners and land managers to do the same on private land.

13. Following community engagement of the draft LBS 2020, it was clear a significant majority of respondents considered biodiversity conservation as either important or very important. Of the responses that identified improvement for the Draft LBS 2020, the following key comments/ queries were noted:
- a) Queries about how will it be implemented.
  - b) Commentary on the City's record regarding tree canopy.
  - c) Heat Island Effect is acknowledged but then ignored.
  - d) Numerous comments on planning in Wattle Grove and impacts on its biodiversity.
  - e) Assertions that actions that won't be achieved.
  - f) commentary on the delivery of the past LBS 2008, and questions regarding the future performance under the new LBS.
14. The review commenced in November 2021 and identified a number of opportunities for improvement. Following advertising of the Draft LBS 2020 and review process, the City enacted a number of changes to improve the Draft LBS. The key modifications made to the Draft LBS as a result of stakeholder engagement and the review include:
- a) Simplified report structure;
  - b) Increase in implementation timeframe from 10 to 20 years, with review of the LBS every four years;
  - c) Inclusion of additional City achievements relating to biodiversity;
  - d) Revised wording of target *"to increase the conservation protection status of 500ha land, containing approximately 270ha of native vegetation."*
  - e) Removal of certain measurable targets which require further assessment and are to be determined by the proposed working group (e.g. quantum of City land able to be rehabilitated);
  - f) Minor updates to proposed actions;
  - g) Updates to reflect changes in legislation and policy;
  - h) Section added regarding "measuring biodiversity";
  - i) Native vegetation extent statistics updated;
  - j) Erroneous data regarding changes in native vegetation extent removed and clarified;
  - k) Revision of the methodology of prioritising City reserves for management (natural area prioritisation score/ viability score ratio used instead of adding these scores together);
  - l) Framework for monitoring, reporting and adaptive management added, including the establishment of a working group to oversee this process, as well as implementation of the LBS.
15. The vision of the Draft LBS 2023-2043 remains the same as the Draft LBS 2020; *"The City of Kalamunda and its community will protect, manage and value the local biodiversity to ensure lasting legacy for future generations"*.

16. To achieve this vision, the Draft LBS 2023-2043 has revised the objectives of the Draft LBS 2020. Four revised goals have been developed which link to specific actions and deliverables. These are:
  - a) **Investigate** and actively pursue new resourcing (human, funding, and data) and research opportunities enabling further investment and improvement in on-ground actions on public and private land to manage and protect local biodiversity.
  - b) **Retain and protect** Local Natural Areas (LNAs) on City-managed land and private land.
  - c) **Manage, enhance, and rehabilitate** LNAs on City-managed land to improve the quality and quantity of biodiversity values.
  - d) **Maintain and improve** local and regional ecological linkages facilitating flora and fauna species movement and the flow of genetics throughout the landscape.
17. The Kalamunda Environmental and Sustainability Advisory Committee (KESAC) reviewed the revised Draft LBS 2023-2043 at their Committee meeting of 6 July 2023 and at a Special Committee meeting on 8 August 2023. KESAC recommended that the Draft LBS be adopted for the purposes of implementation subject to minor corrections and improvements. These changes have now been made.
18. Prior to finalisation of the Draft LBS 2023-2043 for adoption, a list of City managed reserves and local open space which intersect with mapped ecological linkages (Figure 4 of the Draft LBS 2023-2043) will be included to assist with identifying land for rehabilitation/ enhancement of ecological linkages.
19. It is noted that the Draft LBS 2020 erroneously quoted a loss of 630 ha of native vegetation between 2008 and 2020. This figure was the result of comparing two State government "native vegetation extent" spatial datasets that were not comparable, due to modifications made to the way in which native vegetation extent was mapped/ refined across different data capture years. For example, in the 2020 spatial dataset, large plantation areas within the State Forest, that were included in the 2008 data, were removed from the dataset as they do not meet the definition of native vegetation. This resulted in a perceived loss of native vegetation when viewing the data, however there was no physical loss of vegetation relating to those areas. Given these datasets are incomparable, this information has been clarified in Section 3 the Draft LBS (Part 2: Technical Report). The native vegetation extent data used for the Draft LBS 2020 and Draft LBS 2023-2043 is considered appropriate for providing a snapshot in time, however, is not currently suitable for the purpose for ongoing monitoring of change in vegetation extent over time.

**APPLICABLE LAW**

20. ***Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)***  
The EPBC Act outlines environmental approval requirements that relate to natural environment and biodiversity matters.
21. ***Environmental Protection Act 1986 (EP Act)***  
Is for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with these matters. The EP Act comes into play for land use planning where environmental matters are considered.
22. ***Biodiversity Conservation Act 2016 (BC Act)***  
The BC Act was enacted to limit impacts on the state's remarkable biodiversity by establishing a mechanism for protecting WA's native plant and animal taxa. The BC Act replaces the *WA Wildlife Conservation Act 1950* and parts of the *WA Sandalwood Act 1929*.
23. ***Planning and Development Act 2005 (P&D Act)***  
The P&D Act is legislation that establishes Western Australia's land use planning system and promotes the sustainable use and development of land in the State. Within WA, legal advice and recent case law on the protection of trees confirms tree removal can be considered "development" under the P&D Act, requiring planning approval.
24. ***Local Planning Scheme No. 3***  
LPS3 is the primary document for controlling land use and development within the City.

**APPLICABLE POLICY**

25. Perth and Peel @ 3.5million (WAPC 2018)
26. State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region
27. State Planning Policy 2.9 Water Resources
28. State Planning Policy 3.7 Planning in bushfire prone areas
29. State Planning Policy 7.0 Design of The Built Environment
30. Native vegetation policy for Western Australia

- 31. Local Planning Policy 33 Tree Retention
- 32. Draft Local Planning Policy 34 Wetlands and Waterways

**STAKEHOLDER ENGAGEMENT**

- 33. Community engagement was conducted through the City's website, the local newspaper; EDM (eNewsletters) to all registered members of Friends Groups (124 email addresses) and City subscribers (1754 email addresses). Information was shared with stakeholders, such as local schools for placement in their newsletters, and the Strategy was promoted at the City's Environmental Showcase, held on 11 April 2021.
- 34. As summarised in the *Community Engagement Report 2021* (Attachment 3). Summary points of the community engagement process are as follows:
  - a) The survey and submission period for the Draft LBS 2020 was conducted from 12 February 2021 to 13 April 2021.
  - b) Social Media received over 15,956 impressions and 407 engagements. Sentiment was positive in response to the draft Local Biodiversity Strategy campaign.
  - c) There was a total of 16 responses to the survey.
  - d) In addition to the survey feedback, there was a total of 18 written submissions.
- 35. As outlined in the *Community Engagement Report 2021* (Attachment 3), consultation undertaken for the City's *Kalamunda Advancing 2031 Strategic Community Plan* and various environmental strategies has highlighted the importance of biodiversity to the community.
- 36. Feedback from the 2020 survey's closed questions indicated that a significant majority of respondents considered the importance of biodiversity conservation as either important or very important. Feedback from the survey's closed questions showed that nine of the 16 respondents rated the Draft LBS 2020 as "good". Six respondents rated the Draft LBS 2020 as "needs work".
- 37. The key modifications made to the Draft LBS as a result of the community consultation are outlined above (see Details and Analysis).
- 38. Internal stakeholders were engaged throughout the process with including City Officers as well as KESAC representatives.
- 39. The KESAC has recommended endorsement of the LBS, subject to minor modifications outlined at the special committee meeting held on 3<sup>rd</sup> August 2023. These modifications have been actioned.

40. However, noting that modifications to the LBS 2020 have been made and two years have passed since the previous consultation, it is recommended that Council proceeds to adopt the Draft LBS 2023-2043 for the purpose of further public consultation, to ensure the community are engaged on the latest version of the Strategy, prior to final adoption for the purpose of implementation.

#### **FINANCIAL CONSIDERATIONS**

41. The actions of the Draft LBS 2023-2043 will require the future allocation of budget and resources to facilitate the various programs, projects and community engagement activities.
42. It is proposed that as part of the development of the Annual Implementation Plan, the LBS working group will identify the resources required to facilitate specific actions.

#### **SUSTAINABILITY**

43. The Draft LBS 2023-2043 is an integral step toward protecting and enhancing the City's local biodiversity and engaging the community and other stakeholders to contribute to achieving the goals of the LBS.
44. At a time of a declared climate emergency, the LBS includes an action to understand impacts of climate change on local biodiversity.
45. Management of natural resources provide for a range of local job opportunities, including opportunities for employment for Aboriginal people whether in knowledge sharing or direct on-ground management.
46. Access to diverse natural areas is linked to increased human health and wellbeing.
47. Protection, management and enhancement of ecological linkages will facilitate the retention and safe movement of local fauna species throughout the City.
48. Protection, management and enhancement of native vegetation will sequester carbon and reduce the impacts of greenhouse gas emissions.



**RISK MANAGEMENT**

49.	<b>Risk:</b> Significant degradation of City's biodiversity profile occurs through inappropriate or not properly managed development process.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Possible	High
	<b>Action/Strategy</b>		
	Development of appropriate strategies and actions will provide a systematic response to the risk.		

  

50.	<b>Risk:</b> Implementation of the LBS may be incompatible with other City development strategies or regulatory planning regime.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Likely	Medium
	<b>Action/Strategy</b>		
	City to maintain a balanced approach between conservation and clearing of existing vegetated lands taking this strategy into consideration.		

**CONCLUSION**

51. A thorough process was successfully implemented for the production and review of the Draft LBS. Community and internal stakeholder engagement, as well as a peer review was successfully implemented. This has led to the production of an improved final LBS which is considered suitable for further public consultation.

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

**RECOMMENDATION**

That Council:

- NOTE the submissions received during the advertising of *Draft Local Biodiversity Strategy 2020*.
- ENDORSE the Draft 2023-2043 Local Biodiversity Strategy for the purpose of public consultation.

**10.1.3. Response to Petition - 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.

Kathryn Thomas provided a written submission to councillors. A spoke in relation to the petition.

Councillors sought clarification in relation to the determination of the application. Council was advised the assessment process was being worked through and the City did not yet have a clear pathway as to how the assessment would be dealt with under delegation or by the decision of council.

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	FX-02/029
Applicant	N/A
Owner	S Neupane
Attachments	Nil

**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
<input type="checkbox"/> 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 City of Kalamunda (City) has received a petition raising several concerns with respect to a current development application for a use not listed (commercial kitchen) at Lot 316 (29) Foxtan Boulevard, High Wycombe (the subject site). The petition has been signed by forty-five residents who reside in the immediate vicinity of the site objecting to the development application.
2. The City received a development application for a use not listed (commercial kitchen) that was advertised in accordance with Clause 64 of the *Planning and Development Regulations*. Methods of advertising included a letter that was sent to all landowners and occupiers within a 200m radius of the site.
3. The recommendation is That Council NOTE the matters raised in the Petition and the City's response.

## BACKGROUND

4. The subject site is zoned 'Urban Development' under Local Planning Scheme No.3 and is subject to the High Wycombe ODP Cell 2 Structure Plan and comprises an area of 741m<sup>2</sup>.

5.



6. The site contains an existing single house with an attached commercial kitchen that was approved as part of a previous application for a delicatessen in 2004. Whilst the predominant use of the site was for a Delicatessen, the commercial kitchen was considered incidental to the predominant use. The application included the provision of on street carparking bays to offset a car parking shortfall.
7. The City received a development application for a use not listed (commercial kitchen). 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 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.

A number of approvals have been issued for the site, primarily consisting of commercial uses including a delicatessen, home store and professional offices.

8. 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**

9. The petition objected to the development application on the following grounds:
- a) The area is residential.
  - b) Devalue our residential areas.
  - c) Commercial production kitchen belongs in a light industrial area.
  - d) The continuous 24/7 smells/ stench of cooking.
  - e) Noise of exhaust fans running 24/7.
  - f) Waste concerns - industrial bins, vermin/rats and transport collection concerns.
  - g) Frequent heavy delivery vehicles on residential street.

- h) Street car bays not for the exclusive use of kitchen staff, they are for all local residents.
- i) The building should return to being a cafe coffee shop/ice-creams etc. breakfast & lunch.

10. 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.

Petition Comments	Officer Comments
The area is residential	<p>Noted.</p> <p>The site is located within the High Wycombe ODP Cell 2 Structure Plan 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. The proposed use is a small scale in the context of the site and the application does not trigger additional carparking requirements.</p> <p>The development is ultimately compatible with the objectives of the zone.</p>
Devalue our residential areas	<p>Noted.</p> <p>Not a valid planning concern.</p>
Commercial production kitchen belongs in a light industrial area	<p>Noted.</p> <p>The use is not industrial in nature it is commercial. The commercial kitchen will operate as a wholesale premises and will not be open to the public. The kitchen proposes to operate 7 days a week with core business hours between 7am to 6pm and a maximum of four staff will be on site. The existing car parking bays on site will be used for staff parking and deliveries.</p>

## Public Agenda Briefing Forum 12 September 2023

	As part of the assessment for the development application, a Noise Management Plan, (NMP) Operational Management Plan (OMP) and Acoustic Assessment have been requested to adequately deal with noise, odour, and waste and address amenity concerns.
The continuous 24/7 smells/ stench of cooking	Noted.  This will be addressed in the Operational Management Plan.
Noise of exhaust fans running 24/7.	Noted.  This will be addressed in the Operational Management Plan and Acoustic Assessment.
Waste concerns - industrial bins, vermin/rats and transport collection concerns.	Noted.  This will be addressed in the Operational Management Plan.
Frequent heavy delivery vehicles on residential street.	Noted.  The proponent has advised there will be 4-6 weekly deliveries of meats and produce, the NMP and Acoustic Assessment would need to include provisions for deliveries and comply with the Noise Regulations. The development will not result in an increase in the volume of traffic.
Street car bays not for the exclusive use of kitchen staff, they are for all local residents.	Noted.  The on-street bays are not for exclusive use of the residents they were installed as part of the 2004 application for the delicatessen for the subject site to provide parking.
The building should return to being a cafe coffee shop/ice-creams etc. breakfast & lunch	Noted.

**APPLICABLE LAW**

11. *Planning and Development (Local Planning Schemes) Regulations 2015*
12. Local Planning Scheme No.3

**APPLICABLE POLICY**

13. N/A.

**STAKEHOLDER ENGAGEMENT**

14. The development application was advertised to all landowners and occupiers within a 200m radius of the site.

**FINANCIAL CONSIDERATIONS**

15. N/A

**SUSTAINABILITY**

16. N/A

**RISK MANAGEMENT**

17.
 

<b>Risk:</b> The development application does not adequately address amenity impacts such as noise, odour, and traffic.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Ensure during the assessment phase of the application, the potential amenity implications are adequately addressed through the requisite technical documents and ensuring ongoing compliance through appropriate conditions.		

**CONCLUSION**

18. The City is currently assessing the development application and working through the objections raised in the petition with the proponent.
19. Further information is required to be submitted to the City and assessed before determination.
20. The City will notify all submitters in writing the outcome of the development application once a determination has been made.

Public Agenda Briefing Forum 12 September 2023

---

21. The City's response to the matters raised in the petition is for Council's information and noting.

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

**RECOMMENDATION**

That Council NOTE the matters raised in the Petition and the City's response.



**10.2. Asset Services Reports****No reports presented.****10.3. Corporate Services Reports****No reports presented.****10.4. Community Engagement Reports****10.4.1. Roe Highway Logistic Park Development Stage 4, Public Art Proposal***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*Previous  
Items

Directorate	Community Engagement
Business Unit	Economic & Cultural Services
File Reference	
Applicant	Hesperia
Owner	

Attachments	1. Roe Hwy Logistic Park Public Art Plan [ <b>10.4.1.1</b> - 22 pages]
	2. Row Hwy Logistic Park Public Art Contribution Breakdown Site Map [ <b>10.4.1.2</b> - 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 (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
<input type="checkbox"/> 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

Public Agenda Briefing Forum 12 September 2023

---

**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.

**Priority 1: Kalamunda Cares and Interacts**

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

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

**Priority 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 3.1** - 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 3.2** - 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 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.

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider Hesperia's (the applicant) public art proposal for the Roe Highway Logistic Park Development Stage 4 –
  - a) DA22/0495
  - b) DA22/0122
  - c) DA22/0309
  - d) DA22/0329
  - e) DA21/0618
2. The recommendation is that Council endorse Hesperia's Roe Highway Logistic Park Development Stage 4, Public Art Proposal and APPROVE a variation from Local Planning Policy 26 – Public Art Contribution and note the key artwork from the cash contribution will recognise Hesperia's contribution and will be placed on land managed by the City of Kalamunda.

## BACKGROUND

3. As part of the Roe Highway Logistics Park Development Stage 4, Hesperia submitted five (5) individual Development Applications (DAs) across the development site.
4. As per the City of Kalamunda's Local Planning Policy 26 – Public Art Contribution (LPP26) Section 5.1b) – Policy Provisions, Public Art Contributions: *"Art Contributions are to be of a value equating to at least one percent (1%) of the total estimated cost of development (including the budgeted costs for contingencies) and up to a maximum contribution of \$250,000 ex GST"*.

## DETAILS AND ANALYSIS

5. Under LPP26, the five (5) DAs across the site triggered a total investment of \$670,000.00 in Public Art Contributions. This calculation would have varied if one development application had been submitted for the site.
6. The applications and values are as follows:

DA #	Address	Cost of Development	LLP26 Contribution
DA21/0618	32,28, 44 Coldwell Road & 29 & 23 Courtney Place	\$25,000,000	\$250,000
DA22/0329	4,12, 16 Courtney Place & 12 Coldwell Road	\$20,000,000	\$200,000
DA22/0309	12,16, 24, 28 Courtney Place & 4 Coldwell Road	\$10,000,000	\$100,000

## Public Agenda Briefing Forum 12 September 2023

DA22/0122	24, 28, 30 Courtney Place	\$4,000,000	\$40,000
DA22/0495	28, 30, 40 Courtney Place	\$8,000,000	\$80,000
Total		\$67,000,000	\$670,000

7. The Developer has put forward a proposal that is alternate the City's policy position in Local Planning Policy 26 in terms of the proposed financial contribution, noting the uniqueness of the site, their role in the development of the Roe Highway Logistics and public art plan developed by their consultant.
8. The total value was discussed with the Developer, to request an increase in the Public Art Contribution.
9. Hesperia presented their Public Art Plan for the site to the City of Kalamunda Arts Advisory Committee (KAAC) for comment. They proposed three works to a total value of \$300,000. The Committee provided comment to the City on what could be considered a reasonable compromise, noting all parties would like to achieve a high quality public art outcome.
10. The idea of both public art within the industrial area, along with a contribution for public art in a public space was discussed as a best possible outcome for community, allowing a more public piece, along with ensuring quality public art in the development zone via the large mural.
11. Hesperia then formally presented the City with an alternate proposal for their public art contribution for the Roe Highway Logistic Park Development Stage 4.
12. Under LPP26, the five (5) DAs across the site triggered a total investment of \$670,000.00 in Public Art Contributions. This calculation would have varied if one development application had been submitted for the site.
13. Roe Highway Logistic Park Development Stage 4, Public Art Proposal (Attachment 1), consists of a combination of onsite contributions and cash contribution.
14. The onsite contribution will be a large mural artwork painted directly onto the façade of the warehouse situated at 28 Coldwell Road (DA 21/0618).  
The mural will include integrated and conceptually designed lighting to enhance and showcase the painting to its maximum capacity.

15. The cash contribution will go to the cash-in-lieu Public Art Contributions pool, with \$240,000 going specifically towards an identified project in the Draft Public Art Masterplan, recognising Hesperia.

16.

Item	Previous	New Proposal	Variance
On-Site Contribution Painted Mural	\$131,035	\$131,035	\$0
On-Site Contribution Vinyl	\$52,500	\$0	-\$52,500
On-Site Contribution Sculpture	\$70,000	\$0	-\$70,000
Cash in-lieu General	\$46,465	\$46,465	\$0
Cash in-lieu Play-based Public Art	\$0	\$240,000	\$240,000
Total	\$300,000	\$417,500	\$117,500

17. Hesperia's Roe Highway Logistic Park Development Stage 4, Public Art Proposal, has taken feedback on board given by the City of Kalamunda. The proposed Public Art Contribution will directly benefit the business community in the immediate vicinity of the development with the on-site contribution, as well as the wider community of the City of Kalamunda with funds going directly towards projects identified in the Public Art Masterplan.
18. The cash-in-lieu contribution to play-based art public art piece, would be suitably located in our Wattle Grove Residential development and would directly benefit the young families in the area, and make a direct contribution to the community where the development is situated.

#### APPLICABLE LAW

19. *Local Government Act 1995*

#### APPLICABLE POLICY

20. Local Planning Policy 26 – Public Art Contribution

**STAKEHOLDER ENGAGEMENT**

21. On Monday 10 July 2023, Hesperia presented its original Public Art Plan for Roe Highway Logistic Park Development Stage 4, to KAAC. KAAC provided feedback through City officers, suggesting that Hesperia provided a combination of an onsite and cash contribution.

**FINANCIAL CONSIDERATIONS**

22. Hesperia submitted a total of five (5) DAs across the site triggering a total investment of \$670,000 of Public Art Contributions in the City under LPP26.
23. Hesperia has proposed a total investment of \$417,500 in Public Art through a combination of on-site and cash contributions.
24. As part of this proposal, the City would receive \$286,465 as a cash contribution to go directly for public art, which is proposed to be installed in the Wattle Grove Area.

**SUSTAINABILITY**

25. **Social Implications**  
Public Art can help to foster social cohesion and provide a means to engage with the community.
26. **Economic Implications**  
The provision of public art will generate economic opportunities for artists and local industry.

**RISK MANAGEMENT**

27.	<b>Risk:</b> An agreed outcome is not reached with Hesperia resulting in a poor-quality Public Art outcome.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Likely	High
	<b>Action/Strategy</b>		
	The City to work with Hesperia to come to an agreed outcome.		

Public Agenda Briefing Forum 12 September 2023

---

## CONCLUSION

28. The proposed Public Art Contribution will directly benefit the business community in the immediate vicinity of the development with the on-site contribution. As well as the wider community of the City of Kalamunda with funds going directly towards projects identified in the Public Art Masterplan.
29. Officers reviewed the original proposal, and the policy, providing feedback which has been acknowledged by Hesperia. The Developers resubmission provides an improved public art outcome in the City's opinion.
30. The City notes the scale of the development and application of the policy present a unique case.

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

## RECOMMENDATION

That Council:

1. ENDORSE Hesperia's Roe Highway Logistic Park Development Stage 4, Public Art Proposal and APPROVE a variation from Local Planning Policy 26 – Public Art Contribution.
2. NOTE the key artwork from the cash contribution will recognise Hesperia's contribution and will be placed on land managed by the City of Kalamunda.



**10.4.2. Community Health and Well Being Plan 2023 - 2028**

*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 various aspects of the Plan. The Director advised these items can be update during the consultation process and included in the final Plan prior to presentation to Council for final adoption.

Previous Items	OCM 223/2020
Directorate	Community Engagement
Business Unit	Health
File Reference	
Applicant	
Owner	
Attachments	1. Draft Safe Healthy Kalamunda Plan 2023 2028 [10.4.2.1 - 47 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
<input type="checkbox"/> 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 3: Kalamunda Develops**

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

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

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

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

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

**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 seek Council approval to advertise the draft Safe & Healthy Kalamunda Plan 2023-2028 (the Plan).
2. The Plan guides how the City will improve the health and wellbeing of its residents and replaces the City's previous Community Health and Wellbeing Plan 2018-2022.
3. It is recommended that Council adopts the Safe & Healthy Kalamunda 2023-2028 plan for public advertising.

**BACKGROUND**

4. Part 5 of the Public Health Act 2016 introduces the requirement for the preparation of a:
  1. State public health plan prepared by the Chief Health Officer, and a
  2. Local public health plan prepared by each local government.
5. The State Public Health Plan establishes high level strategic directions that focus on prevention, health promotion and health protection which aim to prevent disease, illness, injury, disability and premature death in WA.
6. This State Public Health Plan guides local governments commencing or continuing the public health planning process. The Plan provides a framework for local governments to consider and adapt as necessary to reflect the particular risks prevailing in their local district.
7. This is the second iteration of the City of Kalamunda's Local Health Plan.
8. The Act encompasses a much broader definition of health than the prevention of disease. Local authorities are tasked with improving the health and wellbeing of their residents.
9. The health and safety of the WA community has been maintained to a high standard due to the long standing public and environmental health services managed by State and local governments across WA.

**DETAILS AND ANALYSIS**

10. The Public Health Act 2016 defines public health as:
  - a) the wider health and wellbeing of the community and
  - b) the combination of safeguards, policies and programs designed to protect, maintain, promote and improve the health of individuals and their communities and to prevent and reduce the incidence of illness and disability.
11. The purpose of the Plan is: "Healthy, Safe, Vibrant and United: A Thriving Community where Every Individual Flourishes".

12. The Plan was developed after analysing the Australian Bureau of Statistics' demographic data, and epidemiological information from the Department of Health.

The Plan identifies the public health needs of the community and establishes objectives and priority areas (focus areas) for;

- The promotion, improvement and protection of public health and;
- The development and delivery of public health services to support the community

The key focus areas of the Plan include;

- Healthy living
- Healthy communities
- Safe and healthy environments
- Healthy partnerships and health economy.

13. Generally, the health metrics assessed showed that the City was at or above state averages.
14. It should be noted that the plan recognises targeted interventions to reduce health inequities and to assist those in the community who have a higher risk of exposure to health risk factors are essential.
15. It is important to acknowledge the Plans actions require a collaborative approach across multiple sectors, local government, non-government organisations, businesses and the general community, in order for their successful implementation.

#### **APPLICABLE LAW**

16. *Local Government Act 1995*  
 17. *Public Health Act 1996*

#### **APPLICABLE POLICY**

18. Service 5: Communication and Engagement

#### **STAKEHOLDER ENGAGEMENT**

19. City officers ran two community workshops (14 June at the Kalamunda Community Centre and Wednesday 21 June at Woodlupine Community Centre) to share information and collect valuable feedback.
20. Attendees from both workshops provided City officers with supplementary feedback around public health policy and shared ideas on how the City could collaborate more effectively to spread positive messages with the community.

21. The workshops included a short Powerpoint presentation followed by an open forum of questions and responses.
22. An online feedback survey was published on the City's Engage portal and hard copies of the survey were also made available to the community via City buildings and outreach at shopping centres. The survey ran for three weeks and closed 26 June 2023.
23. A total of 14 people submitted responses to the online survey. Feedback was shared with the project team and this was used to pulse check the draft Plan prior to being shared with Council for review.

#### **FINANCIAL CONSIDERATIONS**

24. The plan will be enacted within current budget parameters.

#### **SUSTAINABILITY**

25. The plan positively impacts social sustainability, via improved health and wellbeing outcomes.

#### **RISK MANAGEMENT**

26.
 

<b>Risk:</b> Public Health Plan not adopted.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Low
<b>Action/Strategy</b>		
Ensure community consultation in development of the plan, and clear understanding of its importance		

#### **CONCLUSION**

27. Public health planning is essential to improve health and wellbeing and prevent disease, injury, disability and premature death within the community. The City's Safe and Health Kalamunda Plan identifies public health objectives and priorities, and further provides a framework to assist the City to deliver the strategies and actions within the plan over a five-year period.
28. The City proposes to undertake a final round of advertising to seek further feedback and then finalise the Plan for Council endorsement.

Public Agenda Briefing Forum 12 September 2023

---

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

**RECOMMENDATION**

That Council ADOPT Safe & Healthy Kalamunda 2023-2028 for the purposes of public advertising.

**10.5. Office of the CEO Reports****10.5.1. Advisory Group Terms of Reference Review 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.

Previous Items	September 2021 (OCM 300/2021)
Directorate	Chief Executive Officer
Business Unit	Governance
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> <li>1. Kalamunda Environmental and Sustainability Advisory Group [<b>10.5.1.1</b> - 7 pages]</li> <li>2. Bushfire Advisory Group [<b>10.5.1.2</b> - 6 pages]</li> <li>3. Kalamunda Arts Advisory Group [<b>10.5.1.3</b> - 6 pages]</li> <li>4. Kalamunda Economic &amp; Tourism Development Advisory Group [<b>10.5.1.4</b> - 5 pages]</li> <li>5. Disability &amp; Carers Advisory Group [<b>10.5.1.5</b> - 6 pages]</li> <li>6. Strategic Sport &amp; Recreation Advisory Group [<b>10.5.1.6</b> - 5 pages]</li> <li>7. Ray Owen Sports Centre Management Committee [<b>10.5.1.7</b> - 6 pages]</li> <li>8. Lesmurdie School Community Library Management Committee [<b>10.5.1.8</b> - 4 pages]</li> </ol>

**TYPE OF REPORT**

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

issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

## **STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance

## **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to review the Terms of Reference of Advisory and Management Committees and to make recommendations about changes.
2. It is good practice to review the Terms of Reference to ensure advisory committees are relevant.
3. The City has undertaken a full review of all existing Advisory Committees and updated aspects no longer relevant, aligned all Terms of Reference under a standard template.
4. This report recommends Council adopt the revised Membership and Terms of Reference for Advisory Groups for the period November 2023 to October 2025.

## **BACKGROUND**

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

This review ensures the Committees and Groups:

- a) remain relevant,
  - b) are aligned with the direction and requirements of the Council.
  - c) have current and applicable terms of reference.
  - d) enables a refreshing of Membership; and
  - e) Reassesses the need for a committee to continue.
6. The purpose of biennial review of committees of Council is to ensure the committees are providing efficacy, are relevant and are operating efficiently. Over time advisory committees will exhaust their purpose or may no longer be aligned with Council's strategic objectives. The review provides an opportunity to refresh and reset direction where required to ensure alignment with new or emerging strategic objective is being derived from the advisory groups.



**DETAILS**

7. All Terms of Reference have been aligned to the Strategic Community Plan 2031 to ensure greater consistency across the operations of all advisory committees.
8. **Key Changes Recommended**  
  
**Formation of Advisory Groups**  
An “Advisory Group” will not be a formal committee established under section 5.8 of the Local Government Act 1995. An “Advisory Group” is to meet as and when required and membership is to vary dependent on the issues to be addressed.  
  
The Officer responsible for the “Advisory Group” will report any outcomes from working group meetings direct to Council via an Officer’s Report.
9. **Kalamunda Environmental Sustainability Advisory Group**  
Minor Administrative changes, as per Attachment 1.
10. **Bush Fire Advisory Group**  
Change to Staff representation reflective of current City Structure  
Minor Administrative changes, as per Attachment 2.
11. **Kalamunda Arts Advisory Group**  
Minor Administrative changes only, as per Attachment 3.
12. **Kalamunda Tourism Advisory Group**  
Proposed to merge with Kalamunda Economic Development Advisory Committee (KEDAC) to become the Kalamunda Economic Development Tourism Advisory Group (KEDTAG), as per Attachment 4.
13. **Kalamunda Economic Development Advisory Group**  
Proposed to merge with Kalamunda Tourism Advisory Committee to become the Kalamunda Economic Development Tourism Advisory Group (KEDTAG).  
Minor Administrative changes, as per Attachment 4.
14. **Disability and Carers Advisory Group**  
Minor Administrative changes, as per Attachment 5.
15. **Strategic Sport & Recreation Group**  
Minor Administrative changes as per Attachment 6.

16. **Ray Owen Management Committee**  
Minor Administrative changes as per Attachment 7.
17. **Lesmurdie Library Management Committee**  
Minor Administrative changes as per Attachment 8.

**APPLICABLE LAW**

18. *Local Government Act 1995.*
19. *s67 of the Bushfire Act 1954.*

**APPLICABLE POLICY**

20. Governance 13 – Appointment of Community Members to Advisory Committees and Reference Groups.

**STAKEHOLDER ENGAGEMENT**

21. Once Council has approved the establishment of the Committee and Terms of Reference, nominations from appropriate community representatives for appointment to the Group will be sought through a public advertising process in accordance with Governance 13.

**FINANCIAL CONSIDERATIONS**

22. The cost to administrate an advisory committee is in the order of \$5,000 to \$6,000 per annum based on four meetings a year.

Meeting agenda preparation	4 hours/meeting	\$ 400.00
Briefing Papers prepared and research	16 hrs/meeting	\$ 1,600.00
Meeting attendance x 2-3 staff	2 hours/meeting	\$ 1,000.00
Minutes	3 hours/meeting	\$ 300.00
Senior Officers review and signoff	3 hours/meeting	\$ 600.00
Ongoing Liaison	4 hours/meeting	\$ 400.00
Reporting to Council	4 hours/meeting	\$ 800.00
<b>Total estimate</b>		<b>\$ 5,100.00</b>

**SUSTAINABILITY**

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

**RISK MANAGEMENT**

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

25.	<b>Risk:</b> Advisory Group goals do not align with Council's objectives and strategies.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Provide guidance to the Chair and at the first meeting communicate the City's strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference.		

**CONCLUSION**

26. Every two years in line with Council election the City undertakes a review of the efficacy of its advisory committees and the relevance of the terms of reference for each committee. It is important to do so to ensure the advisory committees are refreshed and are adding value to the Council in terms of the advice and support the Council requires.
27. Upon endorsement by Council of all the Terms of Reference and the establishment of all Advisory Groups, advertisements seeking nominations from the community for appointment to the various committees will be placed in the local newspapers and other medians. Following the advertising process, a report will be brought to Council to formalise the appointments in November 2023.

Public Agenda Briefing Forum 12 September 2023

---

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

**RECOMMENDATION**

That Council:

1. ADOPT the reviewed Terms of Reference for:
  - Bushfire Advisory Group
  - Disability & Carers Advisory Group
  - Kalamunda Arts Advisory Group
  - Kalamunda Environmental & Sustainability Advisory Group
  - Strategic Sport & Recreation Group
  - Kalamunda Economic & Tourism Development Advisory Group
  - Ray Owen Management Committee
  - Lesmurdie Library Management Committee
2. REQUEST the Chief Executive Officer to advertise positions for all Groups for 30 days and establish the Advisory Groups for 2023/2025.

Public Agenda Briefing Forum 12 September 2023

---

**11. Closure**

There being no further business, the Presiding Member declared the Meeting closed at {time}.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2023.