



Ordinary Council Meeting

MINUTES

Tuesday 18 April 2023

INDEX

1. Official Opening.....	3
2. Attendance, Apologies and Leave of Absence Previously Approved	3
3. Public Question Time	4
4. Petitions/Deputations	6
5. Applications for Leave of Absence	6
6. Confirmation of Minutes from Previous Meeting	7
7. Announcements by the Member Presiding Without Discussion	7
8. Matters for Which the Meeting may be Closed	7
9. Disclosure of Interest.....	8
10. Reports to Council.....	9
10.1. Development Services Reports	9
10.1.1. Amendment 113 to Local Planning Scheme No.3 - High Wycombe South Development Contribution Plan - Adoption for the Purposes of Requesting Certification to Advertise from the Western Australian Planning Commission.....	9
10.1.2. Development Assessment Panels - Nomination of Members	49
10.2. Asset Services Reports	53
10.2.1. Metropolitan Regional Roads Group Roads Rehabilitation Projects Program - Submissions for the 2024-2025	53
10.3. Corporate Services Reports	59
10.4. Community Engagement Reports.....	59
10.4.1. Keeping and Control of Cats Local Law 2023 - Draft.....	59
10.4.2. Fire Hazard Assessment Plan 2023 - 2028 and Fire Hazard Reduction Notice 2023/24	65
10.4.3. Kalamunda Futures: Youth Plan 2023-2028	73
10.4.4. Hartfield Park Master Plan Stage 2 - \$5.4 Million Funding Strategy.....	79
10.4.5. Reconciliation Action Plan 2023	88
10.4.6. Community Engagement Review 2022	93
10.4.7. Kalamunda Chamber of Commerce - Partnership Agreement.....	99
10.5. Office of the CEO Reports	106
10.6. Chief Executive Officer Reports	106
10.6.1. Code of Conduct Complaint (50413).....	106
11. Motions of Which Previous Notice has been Given	108
12. Questions by Members Without Notice	108
13. Questions by Members of Which Due Notice has been Given.....	108
14. Urgent Business Approved by the Presiding Member or by Decision.....	108
15. Meeting Closed to the Public	109
16. Tabled Documents	109
17. Closure	110

1. Official Opening

The Presiding Member opened the meeting at 6:20pm 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 Previously Approved

Councillors

South East Ward

John Giardina

Janelle Sewell

Geoff Stallard

South West Ward

Mary Cannon

Kellie Miskiewicz

Brooke O'Donnell

North West Ward

Sue Bilich

Lisa Cooper

Dylan O'Connor

North Ward

Kathy Ritchie

Margaret Thomas JP (Mayor) Presiding Member

Members of Staff

Chief Executive Officer

Peter Varelis - Acting Chief Executive Officer

Executive Team

Gary Ticehurst - Director Corporate Services

Chris Thompson - A/Director Asset Services

Nathan Ritchie - Director Development Services

Nicole O'Neill - Director Community Engagement

Management Team

Amberley Bradley - Coordinator Community Services

James Wickens - Manager Environmental Health & Community Safety

Chris Lodge - Manager Strategic Planning

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 4

Members of the Press Nil.

Apologies

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 Bev Dornan, Wattle Grove

Q. What formal training is required to assist a councillor to be able to fulfill their obligation to exercise their discretionary powers as decision makers in a responsible and impartial manner?

A. In accordance with the *Local Government Regulations Amendment (Induction and Training) Regulations 2019* Council members are required to undertake and pass mandatory training – *Council Member Essentials* – in a 12 months period beginning the day on which the council member is elected.

Council Member Essentials consists of the following modules:

- i. Understanding Local Government;
- ii. Serving on Council;
- iii. Meeting Procedures;
- iv. Conflicts of Interest;
- v. Understanding Financial Reports and Budgets;

The City also undertakes a comprehensive induction program with new and continuing council members.

3.1.2 David Downing, High Wycombe

Q1. The construction of a shared path linking Berkshire Road with the train station commenced in July 2022 and was advertised to be completed within 6 weeks. It is now 38 weeks since the commencement of construction has the City any idea when the path will be completed?

A1. The City suffered unavoidable delays in starting the project and getting timely completion. The City's works are complete. We understand that Water Corporation are also conducting their own works in and around the path.

Q2. Has the contractor applied for or been paid for any variations to the original tender price?

A2. There have been 7 valid variations paid to the contractor.

Q3. Why are there 12 black asphalt patches in the red asphalt surface before the path has been completed.

- A3. These patches were not undertaken by the City or its Contractor. We believe it was Water Corporation and steps are in train to request that they restore the proper asphalt colour.
- Q4. Is this the standard that should be expected for the upcoming major projects in High Wycombe?
- A4. No comment.
- 3.3 Geoff, High Wycombe (taken on notice Public Agenda Briefing Forum 4 April 2023)
- Q1. What area of the bridle paths are included in the 59.4ha?
- A1. Bridle trail are not included within the Net Contribution Area prepared under draft Amendment 113 and the Development Contribution Plan Report. Bridle paths are State owned land under the City's Management and are not proposed to be subject to development contributions.
- Q2. Why was the area reduced by 20,000 sqm to 59.4 ha from the area the City notified WAPC?
- A2. The Development Plan (Plan 2) included in the draft Residential Precinct Local Structure Plan (LSP) identified a total area of 61.4992Ha for all Cells within the LSP Area. This figure was measured by the City's consultants and includes a portion of road reserve and bridle trails. The figure informing the draft Development Contribution Plan (DCP) Net Contribution Area - 594,129m² - has been sourced using Landgate cadastral data. As noted in 4.2.1 of the draft DCP Report, this figure excludes:
- a. Classification as 'Environmental Conservation';
 - b. Classification as 'Local Open Space';
 - c. Existing and approved local roads, inclusive of widening and realignment requirements.
 - d. Drainage basins required in accordance with the approved Local Water Management Strategy;
 - e. Identified for public purposes – Primary School;
 - f. Portions of land which are otherwise constrained for development due to their size, shape, tenure and access limitations.

3.2. Public Question Time

3.2.1 Charles Dornan - Wattle Grove

Q1. What landscaping plans do the City have to beautify the southern side of Welshpool Road East between Courtney Place and Hale Road in Wattle Grove following the development of the Maddington Kenwick Strategic Employment Area?

A1. The City has design guideline plan for the Kenwick Strategic Employment Area which include minimum landscaping requirements and each development is to demonstrate compliance with the guidelines. As part of the subdivision there has been a requirement to create new verges and landscape plans have been developed for the verges.

Q2. Recent upgrades to Hale Road, between Welshpool Road East and Tonkin Highway, have seen an increase in asphalt and concrete. Could the City consider planting an understory to the deciduous trees planted in this area?

A2. The City will consult with the Parks and Environment Departments to understand the feasibility of this request.

Q3. Once developments are completed within the Maddington Kenwick Strategic Employment Area will the City re-survey the area to ensure developers have not encroached on City land?

A3. Taken on notice.

Q4. Do Councillor's get paid when they don't attend meetings?

A4. The City has elected to pay annual fees and the annual fee is paid whether a councillor attends a meeting or not.

4. Petitions/Deputations

4.1 Nil.

5. Applications for Leave of Absence

5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

6.1 RESOLVED OCM 45/2023

That the Minutes of the Ordinary Council Meeting held on 28 March 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

7. Announcements by the Member Presiding Without Discussion

7.1 Farewell Peter Varelis

Tonight I have one announcement, I would like to thank our Acting CEO Mr Peter Varelis for his time at the City of Kalamunda.

Peter first started with the City as Manager Strategic Planning on 15 August 2016, before being promoted to the Director Development Services in March 2018, a position he has held for the past 5 years. He has also worked tirelessly as our Acting CEO over recent months.

I would like to sincerely thank Peter for his service to Kalamunda, his commitment to the role, his integrity and work ethic are to be commended.

Congratulations on everything you have achieved in your time at the City Peter.

We wish you all the best for the future.

8. Matters for Which the Meeting may be Closed

8.1 Item 10.6.1 Code of Conduct Complaint (50413)

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

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."*

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

- a) Members must disclose the nature of their interest in matters 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*.)

9.1.1 Nil.

9.2. 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.

9.2.1 Peter Varelis declared an Interest Affecting Impartiality on Item 10.1.1 Amendment 113 to Local Planning Scheme No 3 - High Wycombe South Development Contribution Plan - Adoption for the Purposes of Requesting Certification to Advertise from the WAPC. Mr Varelis has personal association with a prospective landowner withing the project area as he trains and competes martial arts at the same academy.

9.2.2 Cr Janelle Sewell declared an Interest Affecting Impartiality on Confidential Item 10.6.1 Code of Conduct Complaint (50413). The complaint was made against Cr Sewell.

9.2.3 Cr Geoff Stallard declared an Interest Affecting Impartiality on Confidential Item 10.6.1 Code of Conduct Complaint (50413). Cr Stallard was involved in the dispute or complaint and had to be a witness or give evidence and was indirectly involved.

10. Reports to Council

10.1. Development Services Reports

10.1.1. Amendment 113 to Local Planning Scheme No.3 - High Wycombe South Development Contribution Plan - Adoption for the Purposes of Requesting Certification to Advertise from the Western Australian Planning Commission


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

Peter Varelis declared an Interest Affecting Impartiality on Item 10.1.1 Amendment 113 to Local Planning Scheme No 3 - High Wycombe South Development Contribution Plan - Adoption for the Purposes of Requesting Certification to Advertise from the WAPC. Mr Varelis has personal association with a prospective landowner withing the project area as he trains and competes martial arts at the same academy.

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
Directorate Business Unit	Development Services Strategic Planning
File	PG-LPS-003/113
Reference	
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Proposed Scheme Amendment 113 - High Wycombe South Development Contribution Plan and Area [10.1.1.1 - 8 pages] 2. Development Contribution Plan Report [10.1.1.2 - 355 pages] 3. District Structure Plan Map [10.1.1.3 - 1 page] 4. Current and Draft Amended Residential Precinct Local Structure Plan [10.1.1.4 - 2 pages] 5. Draft Transit Oriented Development Activity Centre Structure Plan [10.1.1.5 - 1 page] 6. High Wycombe DCP Traffic Modelling Report [10.1.1.6 - 48 pages] 7. Road and Intersection Concept Designs [10.1.1.7 - 42 pages] 8. Public Open Space Concept Plans [10.1.1.8 - 15 pages] 9. Stormwater Catchment Layout Plan [10.1.1.9 - 1 page]

10. Land Valuation Report [**10.1.1.10** - 41 pages]
11. Yields Analysis Report [**10.1.1.11** - 31 pages]
12. Development Contribution Plan Analysis Report [**10.1.1.12** - 80 pages]
13. Metropolitan Region Scheme Amendment Request Map [**10.1.1.13** - 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
 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.

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 the Council to consider:
 - a) Adopting Amendment 113 to Local Planning Scheme No. 3 (A113) (Attachment 1), and the associated Development Contribution Plan Report (DCPR) (Attachment 2) for the purpose of requesting certification from the Western Australian Planning Commission (WAPC) for public advertising; and
 - b) Requesting the WAPC to amend the Metropolitan Region Scheme (MRS) to reclassify specific areas identified as Local Open Space (LOS) on the High Wycombe South (HWS) Residential Precinct Local Structure Plan (LSP) within the 'Green Link', from Urban to Parks and Recreation Reserve.
2. A113 applies to the HWS Residential Precinct, an area historically used for rural-residential land uses, which is identified for residential development, therefore requiring the provision of new and upgraded infrastructure. Due to fragmented landownership, and the need to achieve infrastructure delivery, to enable development, the City has prepared the draft High Wycombe South Development Contribution Plan (DCP) to facilitate infrastructure provision in an equitable and coordinated manner.
3. 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 Development Control Plan (DCP) for the HWS Residential Precinct as Development Contribution Area 2 (DCA2) as outlined in Attachment 1.
4. The DCPR (Attachment 2) calculates a forecast contribution rate of \$70.41/m², to fund approximately \$41.8m of road, open space and drainage infrastructure and DCP administration costs.
5. It's recommended that the Council:
 - a) Adopt, for the purpose of requesting certification from the WAPC for public advertising, A113 and the associated draft DCPR.
 - b) Request the WAPC to amend the MRS, to reclassify specific areas identified as LOS on the HWS LSP within the 'Green Link', from Urban to Parks and Recreation Reserve.

BACKGROUND

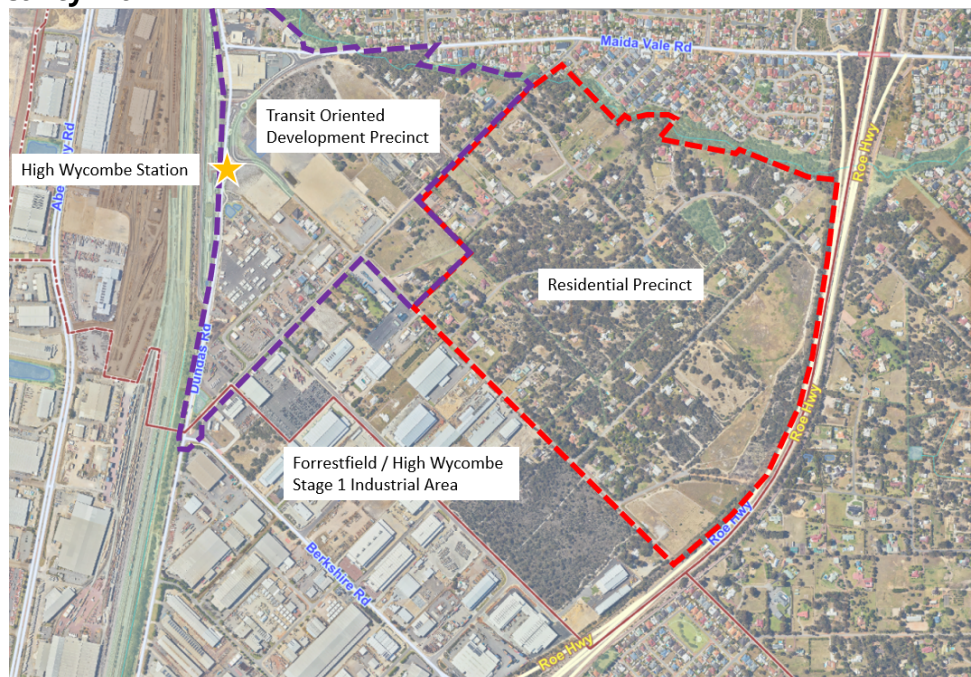
6. Land Details

Land Area:	Total Area: 121.7ha (1,217,462m ²) Net Contribution Area: 59.4ha (594,129m ²)
Metropolitan Region Scheme Zone/Identification:	Urban Parks and Recreation Bush Forever
Local Planning Scheme Zone:	Urban Development Additional Uses 19 and 20
Local Structure Plan Classification:	Environmental Conservation Local Open Space Public Purposes – Primary School Residential Medium Density (R30-R60) Residential High Density (R60-R100)

7. Location

The DCP proposed under A113 applies to the HWS Residential Precinct, proposed to be marked on the LPS3 Scheme Map as DCA2; an area of approximately 121.7 hectares bounded by the Transit Oriented Development (TOD) surrounding the High Wycombe Train Station, Roe Highway, Poison Gully Creek and Sultana Road West. The area is highlighted in red on the Locality Plan below.

8. Locality Plan



9. **Relevant Planning History**

In June 2014, the State Government announced its decision to proceed with the Forrestfield Airport Link project (FAL project) and subsequently communicated that the City of Kalamunda (City) investigate land use opportunities, including the preparation of a District Structure Plan (DSP) around the future High Wycombe Train Station.

10. In 2016, the Residential Precinct and a portion of the TOD Precinct was rezoned from 'Rural' to 'Urban' under the MRS in accordance with MRS Amendment 1282-57.

11. In September 2018, Amendment 75 to LPS3 was gazetted, which rezoned the HWS Residential Precinct to Urban Development. This established the zone for which LSPs would be prepared to designate land use, coordinate development and infrastructure, and establish the overall design principles for the area.

12. ***District Structure Plan***

In 2015, the City commenced (OCM 14/2015) the preparation of a DSP (Attachment 3) in order to identify new land use opportunities, guide the urban structure, vision and objectives of future urban development for the area, arising from the FAL project and the High Wycombe Station. The DSP identified the need to introduce a DCP to service the proposed levels of development and range of infrastructure required.

13. In February 2017, the City commissioned the preparation of detailed planning for three precincts outlined in the DSP; TOD Precinct, Activity Centre Precinct and the Residential Precinct. The three precincts were subsequently reduced to two to enable efficiencies in the preparation of the planning framework. The Activity Centre Precinct was divided and amalgamated into the TOD and Residential Precincts, consistent with the Locality Plan above.

14. The DSP has been further refined by the preparation of the following plans:

- a) The HWS LSP, the area subject to A113, DCA2 and consequently this report; and
- b) TOD Activity Centre Structure Plan (ACSP).

15. ***HWS Residential Precinct LSP***

The LSP was approved by the WAPC in July 2020 (Attachment 4).

16. In 2021, the City prepared an amendment to the LSP (Attachment 4). The modifications were prepared to align the LSP with the spatial layout of the ACP, to have regard for projected residential and commercial development (further discussed in the Details and Analysis below), and regard to traffic investigations undertaken since the approval of the LSP. Key modifications include changes to the residential density ranges and the road network.
17. The Amended LSP was supported by the WAPC, subject to modifications in October 2022. The City is currently making the required modifications and expects the final LSP to be provided to the WAPC in April 2023 for final approval.
18. The LSP has been prepared to facilitate the coordinated development of high-quality residential development, expected to encompass single houses, grouped dwellings and apartments. This residential area will be supported by:
 - a) Over 30 hectares of green public spaces in the form of local open space, environmental conservation areas and pre-existing Bush Forever bushland reserves. These green spaces will support the vision to create a 'Forest Neighbourhood' in a residential area with a 'bush character'.
 - b) A primary school site.
 - c) District open space on Brand Road, to form a future combined education and sporting precinct.
19. ***Transit Oriented Development Precinct Activity Centre Structure Plan***
In October 2021, the Council resolved to adopt the TOD Precinct ACSP (Attachment 5) for the purposes of forwarding the documentation to DevelopmentWA, and for DevelopmentWA to initiate their assessment and subsequent public advertising. As at March 2023, the assessment of the ACSP has not been completed.
20. The draft ACSP incorporates planning for a new activity centre and commercially focused, transit-oriented area based around the new High Wycombe train station.
21. In May 2021, the Metronet East Redevelopment Scheme (Redevelopment Scheme) Amendment was gazetted for the TOD Precinct. This established a Redevelopment Area and provided the framework for DevelopmentWA to assume planning authority with broad responsibilities to prepare a vision to inform the intended planning outcomes for the area, to guide future development, and determine Development Applications.

22. The Redevelopment Scheme, operates under a separate legislative planning framework and incorporates powers for DevelopmentWA to establish development contribution arrangements. Accordingly, while the City works in collaboration with DevelopmentWA and the inputs supporting the DCP will be shared to support infrastructure planning across the precinct, A113 and the DCP does not apply to the TOD Precinct.
23. In parallel with the above processes, the City has been working through the preparation of a DCP to support the coordination and delivery of infrastructure required to support the development envisaged by the LSPs.
24. **Why is a DCP required?**
A DCP provides for the implementation of a cost-sharing arrangement, to levy contributions for planned infrastructure that is required to be shared across a development area. The purpose of the DCP is to coordinate the equitable sharing of costs for infrastructure that is reasonably required by development and subdivision in a prescribed area. A DCP is required to be prepared to stipulate the cost contributions (also known as development contributions) for landowners in a DCA.
25. As the subject site has historically been used for rural and rural lifestyle land uses, the future urban development of the area will generate the need for the provision of new infrastructure and upgrades to existing infrastructure. Given the fragmented nature of land ownership, and the need to achieve the coordinated delivery of infrastructure, a DCP is required to facilitate infrastructure in an equitable manner.
26. In April 2022, the City provided a progress report to the Council regarding the status of the HWS DCP (OCM 37/2022) and the Council Resolved as follows:

"That Council:

- 1. NOTE the information contained in this report and attachments.*
- 2. REQUEST the Chief Executive Officer to continue to actively pursue the finalisation of cost estimates to inform further consideration of the High Wycombe South - Development Contribution Plan. "*

27. Since the April 2022, the following has taken place:

- a) A review of the rates of estimated costs for all common infrastructure (Appendix B, C, F, & H of Attachment 2).
- b) An independently prepared DCP Analysis of the draft DCP (Attachment 12) was commissioned by the City which modelled the timeliness and feasibility of residential development in the HWS Residential Precinct LSP, engaged with stakeholders in the development industry, and provided recommendations regarding parameters and a financial threshold for establishing a DCP rate.
- c) The Yields Report (Attachment 11) was reviewed and finalised.
- d) Completion of a recent Land Valuation (Attachment 10).
- e) Engagement with State Government with the purpose of identifying cost re-apportionment mechanisms to reduce the total infrastructure cost to the DCP, utilising the aforementioned DCP Analysis as a guide for an appropriate contribution rate.
- f) In 2021, the State Government announced funding to progress enabling works to assist with delivering key road, servicing and drainage infrastructure to activate development opportunities in the TOD Precinct.
- g) In 2022, the Federal and State Government affirmed a \$60 million pledge toward Community Infrastructure – the proposed High Wycombe Community Node - proposed to be located in the TOD Precinct. While this infrastructure is needed and will benefit the future population of the Residential Precinct, the City has not incorporated these costs in the draft DCP.
- h) All information has been used to develop the DCPR (Attachment 2) and progress a report with a view of initiating A113.

28. **MRS Amendment - Conservation Areas**

In response to the City's request in December 2020, MRS Amendment 1377-57 was approved by the Minister for Planning and took effect in October 2021. MRS Amendment 1377-57 transferred approximately 10.2ha of land located within the HWS Residential Precinct from the Urban zone (and a small area zoned Rural) to Parks and Recreation under the MRS.

29. With relevance to A113, areas Reserved as Parks and Recreation contained significant environmental values that warranted protection and acquisition through State Government funding sources, in this instance the Metropolitan Region Improvement Fund (MRIF). Accordingly, the finalisation of MRS Amendment 1377-57 provided a mechanism to bring the subject land into public ownership for conservation purposes. The DCP does not incorporate these land requirements.

30. As noted in the Details and Analysis section of this Report, recommendations have been made to expand the Parks and Recreation Reserve area to include the 'Green Link' corridor through the Residential Precinct containing significant environmental values that surround the Parks and Recreation reservations created as part of MRS Amendment 1377-57.

DETAILS AND ANALYSIS

31. A113 will establish the statutory framework for the DCP by:
- a) Introducing a Special Control Area on the LPS3 Scheme Map as DCA2; and
 - b) Amending Schedule 12 of LPS3 to include the model requirements for the DCP in accordance with Attachment 1.
32. Schedule 12 of LPS3 proposes to establish the following details in respect to the DCP:
- a) The area name;
 - b) Relationship to other planning instruments;
 - c) Infrastructure and administrative items to be funded;
 - d) Methodology for calculating contributions;
 - e) Period of operation;
 - f) Timing and priority principles for infrastructure delivery; and
 - g) Review, process and reporting obligations.
33. Schedule 12 is to be read in conjunction with Clause 6.5 of LPS3, which provides statutory provisions that guide the administration of the DCP.
34. The City has prepared a DCPR (Attachment 2) to accompany A113 and inform the DCP. Collectively, these documents set out the calculation of the cost contributions for landowners in the DCA, in accordance with the methodology outlined in LPS3. The DCPR is intended to be a dynamic document that is reviewed annually and accordingly does not form part of LPS3.
35. **Operation Period**
State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6) establishes that the lifespan of a DCP should be linked to the completion of development or subdivision, and includes a recommendation that the maximum lifespan is 10 years.

36. Notwithstanding the maximum lifespan, SPP 3.6 does outline that a lifespan longer than 10 years can be considered in certain circumstances and if justification for such a timeframe can be demonstrated and linked to a capital works and staging program. Extended lifespans are also subject to the principle of equity being upheld.
37. The DCP is proposed to operate for a period of 30 years from date of gazettal of A113 to LPS3.
38. 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 TOD ACSP and 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.
39. Justification for a 30 year DCP timeframe is summarised as follows:
 - a) Scale of the precinct – there are projected to be over 1,800 dwellings that could be developed across the precinct with only 50% of these being single residential lots. This is more supply than could be created or sold out in 10 years and may take a number of years before any lots are initially created.
 - b) Fragmented landownership – development will take a period of time to begin while developers contend with fragmented ownership and try to amalgamate a large enough land parcel for viable development. The rate of future development will be somewhat dependent on the ability of developers to be able to amalgamate viable developable land parcels.
 - c) Infrastructure to service the future development is triggered over the course of 30 years in line with the needs and demand assessment, traffic modelling and yield forecasts.
 - d) In accordance with SPP 3.6, infrastructure is required to be shared equitably amongst all beneficiaries. Accordingly, the DCP is required to have a sufficient timeframe to capture and distribute these costs in a fair and equitable manner.
 - e) A period of less than 30 years does not reflect the anticipated development growth rate for the area and will not provide the required certainty for which the identified infrastructure items can be delivered. This would be inconsistent with SPP 3.6.
40. The DCPR and the associated Bill of Materials it appends will be reviewed at least annually, with the DCP's LPS3 provisions required to be reviewed every five (5) years. These reviews will ensure that the capital works and staging program is linked to the evolving nature of development in DCA2, ensuring the principles of equity are upheld as required by SPP3.6.

41. The Traffic Modelling Report (TMR) (Attachment 6) utilises assumed development yields to identify the infrastructure requirements at 3 milestones – 10 years, 20 years and 30 years. Given the long-term nature of the DCP, this is considered to provide an appropriate degree of structure behind the timing of an important component of the DCP.
42. **Net Contribution Area**
Cost contributions are payable for all developable land within the DCA. Developable land is all land within the DCA, exclusive of land as outlined below. This figure is referred to as the Net Contribution Area (NCA).
43. The following land is identified as unavailable for development and therefore excluded from the NCA:
- a) Environmental Conservation and Reserved under the MRS for Parks and Recreation;
 - b) Local Open Space;
 - c) Existing and new local road reserves, inclusive of widening, intersections and realignment requirements;
 - d) Drainage basins required in accordance with the approved Local Water Management Strategy; and
 - e) Bridle trails.
44. The DCP assumes a total NCA of 594,129m². It should be noted the NCA is informed by both legal and measured land areas, and incorporates deductions for infrastructure based on information from LSPs and concept plans, which will be reviewed and validated annually through reviews to the DCPR.
45. **Infrastructure Items**
The DCP provides for the collection of cost contributions to assist with the coordinated delivery of:
- a) Upgrades to existing road infrastructure and delivery of new road infrastructure (roads and intersections).
 - b) Improvements to public open space (POS).
 - c) Coordinated stormwater drainage.
 - d) Land required to facilitate the delivery of the infrastructure (roads, POS, and drainage).
 - e) Administration costs.
46. The DCPR includes within its appendix, an independently prepared Bill of Quantities that provides an itemised breakdown of the estimated cost of individual infrastructure items. These are summarised in sections below.

47. **Apportionment of Costs**

To inform the DCP and to ensure compliance with the requirements outlined in SPP3.6, apportionment analysis of the infrastructure items was required to be undertaken.

48. The principles of need and nexus established under SPP3.6 provide clear guidance for the apportionment of infrastructure. That is, the need for the infrastructure included in the DCP must be clearly demonstrated and the connection between the development and the demand created should be clearly established.

49. The TMR (Attachment 6) modelled the origin of demand or generator for upgrades to, or the provision of, the various road infrastructure items. The DCP has been drafted using this information and only includes the portion of infrastructure contributions that are attributed to the demand generated by the development envisaged by the LSP. The apportionment analysis considered the distribution of demand as follows:

- a) Apportionment between the TOD (ACSP) and Residential (LSP) precinct;
- b) Background traffic (i.e. existing traffic);
- c) Development generated traffic (i.e. traffic generated by the development envisaged by the LSP and ASP); and
- d) Traffic generated by key attractors (i.e. train station, community facilities).

50. With exception of three road items (RD01, RD02 and RD09) and two intersection items (INT01 and INT02), all infrastructure are wholly apportioned to the draft DCP, meaning 100% of cost estimates associated with those items are included. The tables below under Road and Intersection Infrastructure, summarise the items subject to apportionment, informed by the findings of the TMR. Where apportionment is identified for a particular item, it has been applied to both construction and land costs under the DCP.

51. All POS and drainage improvement costs are proposed to be 100% apportioned to the DCP.

52. **Road and Intersection Infrastructure**

Road and intersection infrastructure upgrades are required to service the future development envisaged by the LSP. While the majority of the local road infrastructure will be the responsibility of the landowners abutting the infrastructure, as a condition of development or subdivision approval, two new roads and the upgrading of several existing roads and intersections are required to service the future development envisaged by the LSP.

53. The HWS TMR (Attachment 6) was developed by traffic engineers in consultation with Main Roads WA and the City to:
- a) Estimate vehicle movements per day;
 - b) Inform the form and function of transport infrastructure in accordance with Liveable Neighbourhoods (2009);
 - c) Identify land acquisition requirements;
 - d) Forecast the likely timing of upgrades with projections to 2031, 2041 and 2051; and
 - e) Inform apportionment of infrastructure in accordance with traffic modelling outcomes.
54. The TMR reviews all road and intersection infrastructure impacted by the LSP, both internal and external to the LSP/DCA2 boundaries. Having regard to the following factors, the DCP is proposed to only collect funds to provide for the proportionate share of infrastructure located within and directly adjoining the DCA2 boundaries:
- a) There is a demonstrable nexus for this infrastructure given it is located within or directly adjoining DCA2;
 - b) The TMR modelling outputs indicate a majority of demand on, and need for, these roads and intersections is generated by the Residential Precinct;
 - c) Infrastructure planning and funding for roads and intersections located within the TOD Precinct to be managed under the provisions of the Redevelopment Scheme and coordinated by DevelopmentWA;
 - d) Other peripheral roads (eg. Berkshire Road, Dundas Road and Maida Vale Road) are expected to generate relatively lower demand from the Residential Precinct and therefore are less aligned to the principles of 'need and nexus' required by SPP3.6 for inclusion in the DCP.
55. The road and intersection configurations (eg. cross sections) established by the TMR have been used to inform 15 per cent designs (Attachment 7) and associated costs estimates.
56. For the purposes of the draft DCPR and public advertising, the City will rely on the 15% designs and estimates. As the DCPR progresses through the statutory planning approval process and more certainty is provided as to the list of roads and intersections to be included, the City will commission 85% detailed designs and cost estimates.
57. The quantum of work and costs to prepare 85% designs is significant and it would not be an appropriate use of resources to progress a draft DCPR with that level of design. Those resources are better utilised towards the later phases of the statutory consideration process where infrastructure items are identified for inclusion in the DCPR with higher degrees of finality.

58. The cost estimates associated with road upgrades have been forecast assuming full road reconstruction. Further investigations will be undertaken following adoption of A113 and the associated DCPR for advertising and prior to finalisation of A113 for adoption.
59. The table below provides a summary of road infrastructure items included in the DCP. Refer to the DCPR (Attachment 2) and the Bill of Quantities (Roads) it appends, for a detailed breakdown of the estimates.

Road Item		Apportionment (%) and Estimated Cost (\$) to DCP
RD01	Milner Road (Sultana Road West – Stewart Road)	54.17% Total cost: \$1,943,371.26 ¹ Apportioned Cost: \$1,052,724.20
RD02	Milner Road (Sultana Road West – Stewart Road)	52.67% Total cost: \$718,447.97 ² Apportioned Cost: \$378,406.55
RD03	Raven Street Connector	100% \$1,431,151.98
RD04	TOD Connector (Edge of TOD Precinct – Brae Road)	100% \$2,598,583.44
RD05	Stewart Road (Milner Road – Brae Road)	100% \$2,359,353.65
RD06	Brae Road (TOD Connector – Brand Road)	100% \$3,654,426.02
RD07	Brae Road (between Sultana Road west and TOD Connector)	100% \$9,114.30
RD08	Brand Road (TOD Connector – Brae Road)	100% \$2,960,459.10
RD09	Sultana Road West (Edge of TOD Precinct – Cul-de-sac)	100% Total Cost: \$1,022,727.76 ³ Apportioned Cost: \$511,363.88
TOTAL DCP ROADS CONSTRUCTION COST		\$14,955,583.12
Notes <ol style="list-style-type: none"> RD01 - The DCP is proposed to provide for 54.17% of the required costs for the portion of Milner Road adjoining DCA 2 (398m). RD02 - The DCP will provide for 52.67% of the required costs for the portion of Milner Road adjoining DCA 2 (142m). RD09 – The DCP will provide for 50% of the required costs for Sultana Road West upgrades. The balance will be provided for through DCA1. 		

4. Estimated land costs are estimated as a separate item.

60. The table below provides a summary of intersection infrastructure proposed to be included in the DCP. Refer to the DCPR (Attachment 2) and the Bill of Quantities (Intersections) it appends, for a detailed breakdown of the estimates.

Intersection Item		Apportionment (%) and Estimated Construction Cost (\$) to DCP
INT01	Milner Road / Stewart Road	64.72% Total cost: \$868,159.61 Apportioned Cost: \$561,872.90
INT02	Milner Rd / Raven Street	61.43% Total cost: \$1,080,277.09 Apportioned Cost: \$663,614.22
INT03	TOD Connector / Brand Road	100% \$520,764.65
INT04	TOD Connector / Brae Road	100% \$219,337.73
INT05	Brae Rd / Brand Rd	100% \$360,723.63
INT06	TOD Connector / Brae Road / Raven Street	100% \$626,596.27
INT07	Brae Rd / Stewart Rd	100% \$404,065.23
TOTAL DCP INTERSECTION CONSTRUCTION COSTS		\$3,356,974.63
Note: Estimated land costs are estimated as a separate item.		

61. As noted in the tables above, costs for three roads (RD01 and RD02, RD09) and two intersections (INT01 and INT02) are apportioned based on the findings of the TMR (Attachment 6). The apportionment percentage is representative of the demand expected to be generated by traffic to and from the Residential Precinct. Funds of the balance of the cost will be provided for through funding mechanisms other than the proposed DCP.

62. The DCP will provide a clear and accountable instrument for the City to seek external grant funding from third parties (eg. Government) to support the delivery of all infrastructure identified in the DCP and to supplement municipal funding. In particular, there's strong justification to advocate for State and Federal funding to facilitate affordable and diverse housing in this precinct leveraging off significant infrastructure investment including Gateway WA and the Metronet Airport Link railway.
63. **Coordinated Drainage**
The acquisition and construction of various drainage basins throughout DCA2 is required to provide for overflow drainage in accordance with the Local Water Management Strategy and Infrastructure Servicing Report adopted as part of the Residential Precinct LSP.
64. The management of stormwater is planned to be predominantly integrated within LOS throughout the Residential Precinct, in accordance with Liveable Neighbourhoods. Given this drainage infrastructure is located within the Residential Precinct and wholly required to facilitate development in proposed DCA2, the costs for this infrastructure are proposed to be apportioned 100% to the DCP. Refer to the Stormwater Catchment Layout Plan (Attachment 9) and the POS Concept Plans (Attachment 8).
65. The DCP provides for construction requirements associated with drainage infrastructure; this generally includes earthworks and landscaping, underground drainage storage areas, traffic management, overheads and contingencies. Where drainage infrastructure is integrated with roads, these costs will be assimilated into road items in the DCP. All drainage infrastructure is located within POS, however, costs specific to drainage construction have been presented as separate costs to POS improvements.
66. The table below provides a summary of drainage basin infrastructure proposed to be included in the DCP. Refer to the DCPR (Attachment 2) and the Bill of Quantities (Drainage) it appends, for a detailed breakdown of the estimates.

Drainage Item		Estimated Construction Cost (\$) to DCP
DB01	Drainage Ecological Corridor	\$989,142.53
DB02	Drainage Poison Gully East	\$92,107.77
DB03	Drainage Poison Gully Central	\$230,536.33
DB04	Drainage Poison Gully West	\$237,191.80

DB05	Drainage Residential Precinct Town Park	\$503,264.32
DB06	Drainage Sultana Road West	\$137,398.54
TOTAL		\$2,189,641.29
Note: Estimated land costs are estimated as a separate item.		

67. **Improvements to POS**

The WAPC Liveable Neighbourhoods Policy requires that a minimum contribution of 10% of the gross subdivisible area must be given up free of costs by the subdivider for POS.

68. In areas of highly fragmented landownership such as High Wycombe South, this would result in uncoordinated and smaller parcels of dispersed POS. To avoid this undesirable outcome, the establishment of POS is coordinated and planned through the structure planning process with the DCP collecting the necessary funds required to deliver the coordinated POS in lieu of a ten per cent cash in lieu payment.

69. The Residential Precinct LSP provides for approximately 33ha of POS in the form of LOS, environmental conservation areas and pre-existing Bush Forever. This includes the coordinated development of 11 LOS sites throughout DCA2 that will be provided for through the DCP in accordance with the POS Concepts (Attachment 8).

70. In the context of WAPC Liveable Neighbourhoods Policy requirements, the POS areas for the LSP are calculated as follows:

Description	Area
Total Residential Precinct Site Area	121.75 Ha
Deductions (i.e. Regional Road, Primary School, Bush Forever, Environmental Conservation, Drainage)	28.51 Ha
Gross Subdivisible Area	93.2ha
Total Local Open Space required (10%)	9.32 Ha
Local Open Space Provision	21.78ha (23.4% of Gross Subdivisible Area)

	<p>Minus green link 14.43ha (15.5% of Gross Subdivisible Area)</p> <p><u>Note:</u></p> <p>1. 9.95 Ha of LOS is located on the old Brand Road Landfill site owned by the City.</p>
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71. Approximately 9.95Ha of the LOS provision is owned by the City and the DCP will not incorporate land and improvements for this section. Rather, the City plans to progress contaminated site investigations and remediation of the Brand Road site and provide this land for future use as playing fields and recreation. Consistent with the City's practise for other master planned sporting precincts, alternative funding mechanisms such as grant funding will be sought for improvements to supplement potential municipal funding.

72. *POS Concepts*

POS Concept Plans (Attachment 8) have been prepared for all areas of POS. The Concept Plans were guided by the following principles:

- a) Develop a continuous urban forest;
- b) Support the areas existing bush character;
- c) Retain existing vegetation wherever possible;
- d) Management and enhancement of environmental values in open spaces adjacent to Environmental Conservation areas;
- e) The utilisation of cleared areas for future turfed areas;
- f) The retention of mapped Carnaby's Cockatoo habitat trees;
- g) The retention of *Conospermum undulatum* populations (Smokebush); and
- h) The utilisation of irrigated planting in high impact locations.

73. The table below provides a summary of POS improvement costs recommended for inclusion in the DCP. It is proposed that 100% of the improvement costs for POS improvements are apportioned to the DCP. Refer to the DCPR (Attachment 2) and the Bills of Quantities (POS) it appends, for a detailed breakdown of the estimates.

POS ITEM		Estimated Construction Cost (\$) to DCP
POS02	Smokebush Place POS	\$345,462.80

POS03	Ecological Corridor (Sultana Road West – TOD Connector)	\$1,480,083.81
POS04	Ecological Corridor (TOD Connector – BF01 & EC08)	\$3,258,981.13
POS05	Ecological Corridor (BF01 & EC08 – Brae Road)	\$484,771.26
POS06	Poison Gully Creek POS (Brae Road)	\$566,995.73
POS07	Poison Gully Creek POS (Milner Road)	\$75,240.46
POS08	Residential Precinct Town Park	\$1,855,013.24
POS09	TOD Connector POS	\$36,493.93
DB02	Ecological Corridor	\$192,024.04
DB03	Poison Gully Creek POS (Littlefield Road)	\$251,794.38
DB04	Poison Gully Creek POS (Stewart Road)	\$203,575.17
DB06	Sultana Road West POS	\$746,540.86
TOD BLVD	TOD Boulevard	\$538,870.81
TOTAL		\$10,035,847.63
Note: Estimated land costs are estimated as a separate item.		

74. Liveable Neighbourhoods recommends that newly created POS is maintained by the precinct land developer for 2 years post development. The standard 2 year post development maintenance cost of POS is included within the POS estimates in accordance with Liveable Neighbourhoods.
75. The Sporting Precinct has been excluded from the POS concepts and estimates. Environmental Conservation, Bush Forever and Conservation Category Wetland lots have also been excluded, except for a critical pedestrian connection through the Bush Forever site at Lot 78 (67) Brae Road, High Wycombe.

76. POS concepts and cost estimates assume a basic development standard outlined in Liveable Neighbourhoods (2009) and City of Kalamunda – Local Planning Policy 32: Public Open Space. This includes:
- a) Earthworks;
 - b) Reticulation.
 - c) Grassing of key recreation areas;
 - d) Pathways that form part of the overall pedestrian and/or cycle network;
 - e) Trees;
 - f) Drainage;
 - g) Lighting;
 - h) Basic seating; and
 - i) Maintenance for two summers.
77. Additional facilities for POS may be provided at the discretion of the landowner/developer.
78. It is important to note the DCP coordinates the funds required for improvement works for the 11 POS sites. The recommendations outlined below regarding the 'Green Link' influence the land requirements identified to be funded by the DCP. All costs associated with the management of conservation areas and the acquisition of land required to be reserved for Parks and Recreation will be funded through alternative funding sources.
79. **MRS Amendment – Green Link**
The 'Green Link' is an ecological corridor generally along the northern side of Brand Road and connecting Poison Gully and an existing Bushforever 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 Liveable Neighbourhoods.
80. Approximately 3.9ha of the land comprising fragmented pockets within the Green Link are Reserved for Parks and Recreation under the MRS and approximately 7.4ha is classified as LOS under the Residential Precinct LSP.

81.



82. Based on the City's review, and in the context of seeking to manage the cost contribution rate for HWS, the City has identified that all remaining portions of the "Green Link" (approx. 7.4ha) warrant being reserved under the MRS as Parks and Recreation, thus, enabling potential future purchase by the State Government through the MRIF. As such, this cost is not included as an item in the proposed DCP. The notion of reserving the land has merit given the significant environmental values that exist throughout the Green Link.
83. The Strategic Conservation Management Plan (SCMP) and Environmental Assessment and Management Strategy prepared to support the Residential Precinct LSP highlights the retention of key biodiversity values within the LSP area, including:
- a) *Conospermum undulatum* (Wavy-smoke bush) – Listed as vulnerable under the Federal *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and State *Biodiversity Conservation Act 2016* (BC Act);
 - b) Banksia Woodlands – Swan Coastal Plain Threatened Ecological Community (TEC);
 - c) TEC Floristic Community Type 20a Banksia attenuate woodlands over species rich dense shrublands (FCT 20a) – identified as endangered in the WA Ministerially endorsed list of TECs. These TECs will be afforded statutory protection within WA under the BC Act when they are declared by the Minister.
 - d) Foraging / potential breeding habitat for Carbaby's cockatoo (*Calyptorhynchus latirostris*) and forest redtailed black cockatoo (*Calyptorhynchus banksia naso*), listed as endangered and vulnerable respectively under both the EPBC Act and BC Act.
84. Protection is afforded to *C. undulatum* within the environmental conservation areas (MRS Reserve as Parks and Recreation) on the advice of the Department of Water and Environmental Regulation as part of the preparation of the Residential Precinct LSP. The retention of these values together with others listed above also would not be possible without the immediately surrounding LOS.
85. The planning response for managing areas containing key biodiversity values was developed in consultation with DPLH, the Office of the Environmental Protection Authority (OEPA) and DWER; representing a linear corridor comprising areas of Regional and LOS supported by a SCMP to guide the preservation of biodiversity values.
86. Mitigation objectives identified in the SCMP include buffers for the TEC that extend to LOS within the Green Link. In addition, it is noted large areas of Banksia Woodlands, TEC and foraging and habitat trees are located within the LOS. Key biodiversity values that are contained throughout the Green Link, over both the Parks and Recreation MRS reserve and areas currently

identified on the LSP as LOS, should be identified as regionally significant bushland.

87. State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8) recognises the protection and management of significant bushland areas as a fundamental consideration in the planning process and requires the WAPC to protect and manage environmental resources where it has regional significance. SPP 2.8 defines 'Regionally Significant Bushland' as *"all bushland (which may include wetland areas) within a Bush Forever area, and other bushland outside a Bush Forever area that meets the Bush Forever criteria for regional significance"*.
88. The areas currently reserved as Parks and Recreation within the Green Link are fragmented pockets containing biodiversity values that are defined as Matters of National Environmental Significance (MNES) under Commonwealth legislation. It is important to note that the MNES, a key factor in determining Regionally Significant Bushland, extend beyond the specific Parks and Recreation reserve boundaries, and together with buffers and other key biodiversity values under the Biodiversity Conservation Act should also be recognised.
89. Having regard for the above justification, a recommendation is included for the Council to request the WAPC to commence the initiation of an MRS Amendment to recognise the remaining LOS areas within the Green Link as Parks and Recreation.
90. The reservation of the LOS within the Green Link as Parks and Recreation under the MRS serves a secondary yet critical purpose for reducing land acquisition costs to the DCP.
91. The construction of the DCP has needed to balance the total infrastructure costs and cost contribution rate against the need to maintain development feasibility and support densities and a development product envisaged by the LSP. It is also important that the planning for the area encourages affordable and diverse housing for the future HWS community, providing sustainable growth and critical mass to support the existing public infrastructure investment and commercial development in the HWS precinct.
92. It is noted the recommendation referred to above will not have an undue impact on the provision of actual open spaces for recreation in the locality. As noted in earlier sections of this report, it is proposed that the open spaces for passive and active recreation be provided in accordance with the LSP and POS Concept Plans.

93. It is not uncommon for open spaces to incorporate areas of recreation which coexist with areas of significant environmental values (eg. Hartfield Park, Maida Vale Reserve, Ray Owen Reserve and Kalamunda Railway Heritage Trail). Notwithstanding, the measured areas of POS within the precinct still exceed the 10% provision required under Liveable Neighbourhoods.
94. **Land Acquisition**
The provision of land for certain public purposes is required to facilitate the coordinated and equitable development of the DCA. The infrastructure required, including land, will correspond with the rate and needs of development. Some of this infrastructure - particularly roads, drainage, and LOS - will require land to be brought into public ownership to fulfill the spatial and functional requirements identified for each infrastructure item.
95. For example, some roads will need to be widened to construct new streetscapes, land will be required for stormwater drainage, and LOS will need to be established to provide future residents with amenity and recreational opportunities.
96. The DCP identifies land that will, over the course of the 30-year operational period, be required for:
- a) New or upgraded roads, including road widening;
 - b) New or upgraded intersections; and
 - c) LOS and drainage areas identified outside of the Green Link, and which is not already in public ownership (eg. Brand Road).
97. Where land has been identified for LOS, drainage, or road reserve there will, at a future stage, be the requirement for the portion of land that is identified as one of these items to be purchased for that particular purpose through the DCP or alternative mechanism. This process occurs at the time the infrastructure is required. If the land is required to be purchased by the DCP or a developer, it will usually be instigated by negotiations between parties. If the City is seeking to purchase the land utilising DCP funds, the City's practise is to seek a land valuation to inform the process.
98. The timeframes around when these negotiations will be required are not certain as it will depend on a need arising from the pattern and staging of development/subdivision in the area together with funds being available and committed through a future DCP.

99. **Land Valuation**

SPP3.6 provides broad guidance regarding the establishment of land value for the purposes of estimating costs for land to be acquired for infrastructure included in a DCP. The value of land is required to be undertaken by a licenced valuer to determine the fair market value of the land.

100. For the purposes of the HWS Residential Precinct DCA, the englobo land value, based on a hypothetical lot, will apply to the entire High Wycombe South Residential Precinct DCA. Land values are based on advice received from an independent land valuer (Attachment 10). As at 9 February 2023, the following valuation rates are applied for estimating the cost of land under the DCP:

- a) \$140/m² for the Residential Medium Density lots (R30-R60)
- b) \$145/m² for the Residential High Density (R60-R100)

101. *Methodology for Apportioning Acquisition for New Roads*

It is a longstanding practice and policy position of the WAPC to require, where access streets (also referred to as local roads) are needed, subdividers to dedicate, construct and drain these roads at their cost as part of the subdivision process. In this regard, it is not proposed to include access streets as DCP funded infrastructure.

102. The DCP will provide for Neighbourhood Connector Roads and above, or existing roads that require upgrading as recommended through the TMR and road concept designs.

103. A similar methodology is applied to the acquisition of land associated with road infrastructure. The draft DCP assumes the land, that would have otherwise been provided as an access street (15m width), is to be ceded free of cost, with acquisition beyond this reservation width acquired through the DCP. Therefore, only apportioning costs in the DCP for land required, over and above what otherwise should have been provided for, by the subdivider.

104. In calculating the estimated costs for road land, this methodology has been applied to the new roads RD03 (Raven Street) and RD04 (TOD Connector). For example, Raven Street requires a 24.4m road reserve width, however 15m of that road reserve width, calculated proportionately for each lot, will be ceded free of cost and will not form a cost to the DCP.

105. The following table outlines the total land requirements and estimated costs included in the draft DCP, having regard to the land valuation and approach discussed above.

Infrastructure Type	Land Requirements	Estimated Land Cost To DCP
Road Infrastructure	16,171.94m ²	\$2,309,221.60
Public Open Space	44,830.00m ²	\$6,427,190.00
Total	61,001.94m ²	\$8,736,411.60

106. **Administration Costs**

The City contributes a significant amount of financial and human resources towards the preparation and administration of DCPs. For the most part, financial resources and the cost of human resources are sourced from general municipal funds. It is therefore considered reasonable, and supported by SPP3.6, for the City to be reimbursed for administrative costs associated with the administration of the DCP.

107. The DCP has a total administration cost of \$2,560,000.00 over the 30 year lifetime of the DCP. This includes:

- a) DCP preparation costs;
- b) Annual DCP management and reviews; and
- c) Land valuations;
- d) Legal expenses; and
- e) Review of cost estimates for infrastructure.

108. With regard to the DCP preparation costs, given the need to minimise costs, the previous expenses for the preparation of the DSP, Residential Precinct LSP and the TOD ACSP have not been included as an administrative cost. However, it is proposed to include costs for further refinement of designs and estimated costs, particularly for road and intersection items, to occur post advertising of A113 and prior to finalising the DCP.

109. **Community Facilities**

There are three broad elements of community infrastructure planned within the HWS DSP area, these are:

- a) Community Hub – Incorporating an aquatic centre, branch library, multipurpose community facilities, childcare centre, and associated facilities including parking and services. The final layout, make-up and design of the community hub is to be determined through further investigations and planning.
- b) Sports Precinct – Incorporating playing fields, changerooms and clubrooms over the old Brand Road landfill site.

- c) Town Park – Incorporating a centralised high quality urban green space with areas for civic and social events, play equipment, parking, and necessary supporting facilities.
110. While the need for these facilities is justified and are permitted to be included as apportioned DCP items under SPP3.6, these costs (excluding the Town Park, which is a POS item) are **NOT** included as community infrastructure for the following key reasons:
- a) A total of \$60m of funding has been confirmed to undertake the design and construction of the High Wycombe TOD Precinct Community Node (\$30m pledged by the Commonwealth Government, matched by \$30m of funding by the State Government). It is intended that the City will oversee this project through grant funding arrangements, within the funding and budget parameters without necessitating further funds from the DCP;
 - b) The Sports Precinct is located on the City's freehold land on Brand Road, which is required to undergo contaminated site investigations and remediation. This land will be provided by the City for future use as playing fields and recreation. With regard to costs to improve the land, consistent with the City's practise for other master planned sporting precincts, alternative funding mechanisms such as grant funding will be sought for improvements to supplement municipal funding.
 - c) In order to minimise the cost contribution rate and maintain development viability in the precinct.
111. Concept level plans have been prepared for POS 08 - Town Park (Attachment 8) and further refined with landscape concepts and estimated costs. These costs are included as a separate POS item.
112. **Method of Calculating Cost Contributions (\$/m²)**
There are two conventional approaches to calculating a unit of charge under a DCP:
- a) Per dwelling/lot unit; or
 - b) Per land area unit.
113. SPP 3.6 recommends that cost apportionment for residential areas is based on a per dwelling unit of charge, rather than per land area unit, to scale the contribution according to the demand on infrastructure. This methodology provides a greater degree of equity applying a strict principle of 'beneficiary pays'. For example, a higher density development would generate more residents/users than a medium or low density development, which would generate higher demand on roads, POS and community facilities.

114. This methodology may be appropriate in a DCP where there is greater certainty regarding development yields and the rate of development. However, in the context of a 30-year DCP, and the range of densities provided for under the LSP, there is a risk that varying development yields will result in a surplus or deficiency of development contribution funds over time.
115. This uncertainty also has the potential to create an inequitable environment for landowners and developers, and a financial risk to the City if additional municipal funds are required to supplement the provision of infrastructure.
116. On the other hand, the NCA will not change over the lifetime of the DCP and will therefore create a consistent unit of charge to be applied through each review.
117. The NCA will not change significantly over the life of the DCP and will therefore create a consistent unit of charge to be applied through each review and re-calculation period. This will reduce the risks of under or over collecting contributions. DCPs should be simple to administer and apply. A single rate per square metre, would provide a single contribution rate for landowners and developers to apply.
118. For the above reasons, there is strong justification under the principles established under SPP3.6 – certainty and consistency - for a per developable square metre unit of charge.
119. This methodology is therefore favoured for the purposes of progressing the DCP. For the reasons outlined above, the DCP proposes a per square metre unit of charge.
120. Utilising the ‘per square metre’ unit of charge, the recommended calculation methodology is consistent with the approach adopted for DCA1 in the Forrestfield / High Wycombe Stage 1 Industrial Area, as follows:

‘Contribution rate’ = Cost of infrastructure items + cost of administrative items (\$)
Net lot area of DCA (m ²)

121. Timing and priority of infrastructure delivery

The infrastructure included in the DCP will be delivered via one or a combination of the following methods:

- a) Delivered by the City as part of its capital works program utilising funds from the DCP and alternative funding from grants and municipal sources;
- b) Delivered by a developer under agreement with an offset against the developer's cost contribution liability, and where necessary under a pre-funding agreement.

122. The delivery of infrastructure is triggered by subdivisions and delivered by subdividers. Notwithstanding, to plan for infrastructure to be delivered by the City, the DCP will, in the first instance, establish a planning and construction program incorporating the broad thresholds for traffic infrastructure consistent with the needs analysis in the TMR. Delivery programs for drainage and public open space will be guided by the pattern and timing for subdivisions in the precinct.

123. It will be necessary for the DCP to remain agile to effectively and efficiently stage infrastructure that meets the needs of the subdivisions and future residents. The assessment of the priority and timing of infrastructure will constantly evolve over the life of the DCP and will be assessed at each annual DCP review. Critical considerations include the rate and pattern of development together with the value of contributions collected, to ensure the essential infrastructure is provided for development, and acts to facilitate development of the precinct.

124. In this regard, the following key considerations will guide, and need to be balanced, through the identification of priorities for the provision of infrastructure and land acquisition:

- a) Ensuring a constant turnover of funds – by managing the cash flow of the DCP, the City can optimise the use of funds between land acquisition and civil works and recoupment for developer pre-funding.
- b) Prioritising the purchase of land identified for public purposes that encompassed all of, or a substantial portion of, one landholding.
- c) Constructing infrastructure on an “as needs” basis to facilitate development – this is especially apparent in the context of road upgrades.
- d) Undertaking works and land acquisition in areas of fragmented ownership – this assists in the successful and coordinated development of these areas. In areas of consolidated ownership, most infrastructure and land is provided by the developer as offsets to cost contributions.

- e) Grant funding opportunities – the City will actively seek grant funding to assist in the provision of DCP infrastructure. In most instances, the use of grant funding is reliant on the City providing matching or partial contribution. The City may utilise DCP funds to elevate the priority and timing of an infrastructure item to capitalise on grant funding opportunities. This approach is beneficial to the long-term financial viability of the DCP.

125. **Development Feasibility**

Since the DCP update presented to the Council in April 2022, the City has been taking steps to finalise the inputs necessary to progress the DCP. A key consideration has been the suitability of the cost contribution rate having regard to development feasibility.

- 126. The City engaged the services of an independent property advisory consultancy, to investigate and test the viability of the preliminary DCP applicable to these areas and to identify options for consideration by the City in further refining and formalising the DCP.
- 127. The Development Contribution Plan & Feasibility Analysis (Attachment 12) examined the supporting documents informing the preparation of the draft DCP. As part of this process, the consultant independently engaged with developers active in the local area to ascertain opportunities and constraints regarding infrastructure funding, and completed financial modelling to test the sensitivity of a preliminary cost contribution rate prepared in early 2022. The DCP Analysis also provides discussion on alignment with SPP3.6 and consideration of scenarios, risks, options and recommendations.
- 128. The following noteworthy findings and recommendations were provided:
 - a) It was viewed by stakeholders that fragmented land ownership and land price expectations are the biggest constraints to development in the area. Advice received indicated a cost contribution rate of between \$25/m² and 75/m² would be acceptable, subject to timely delivery of infrastructure and stable land costs.
 - b) The DCP Analysis included financial sensitivity analysis utilising a discounted cash flow model, having regard to development scenarios. The analysis demonstrates that development in the precinct will be highly sensitive to land value and construction cost increases.
 - c) The DCP Analysis indicates a cost contribution rate in the order of \$60/m² as a target rate but did provide an upper threshold of 75/m².
 - d) Recommendations from the DCP Analysis included updating the Yields Assessment, Land Valuation Report, and identifying cost savings/alternative funding outside of the DCP. Other recommendations to stage or defer the introduction of the DCP and instead seek to

negotiate contributions from developers is not considered an appropriate option in this instance given the significant administrative requirements for such arrangements, and the need to comply with the requirements of SPP3.6.

129. While the proposed cost contribution rate is higher than \$60/m² target rate within the DCP Analysis, it is within the range indicated as potentially acceptable.
130. The completion of the DCP Analysis has supported an evidence-based approach in satisfying the SPP3.6 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 LSP.
131. The City has applied scenarios recommended by the DCP Analysis, in particular:
 - a) Including infrastructure that is located within and adjoining DCA2 with strong justification under the principles of need and nexus.
 - b) the reduction of land requirements within the 'Green Link' as discussed above.
 - c) the removal of community infrastructure costs associated with the High Wycombe Community Node and Brand Road Sporting Precinct.
132. The costs presented in the DCP Analysis associated with these scenarios were based on preliminary information available at the time of preparing the report and have been further refined and validated for the purposes of presenting A113 and the draft DCPR. The discrepancies are noted and reflect information at a "point-in-time", however the appropriate detail associated with the DCP, the subject of the Council's consideration, are contained in the DCPR.
133. A113 and its supporting documentation will be referred to the WAPC/DPLH for consideration as part of the certification to advertise requirement for 'complex' scheme amendments. In referring this to the DPLH, it will be important that the DPLH fully understand the issue around ensuring costs align with the recommended target range and the risks/influence on development viability as indicated in the DCP Analysis report. In this regard, it's noted that the Minister for Planning has recently announced the creation of a dedicated team within the DPLH to assist with streamlining and providing greater oversight to the assessment and implementation of DCPs.

134. As part of this work, DPLH will be investigating how local governments could be supported to prepare and administer both future and DCPs respectively. This represents an opportunity for the City to work collaboratively with the DPLH to ensure that understanding is followed through the consideration process.
135. This engagement with DPLH will highlight the shared objectives for sustainable growth and critical mass which underpins the prior investments in regional transport infrastructure, and future community and commercial development envisaged to activate the TOD Precinct.

APPLICABLE LAW

136. **Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)**
Part 7 of the Regulations establishes that a DCP must set out the following:
- a) The development contribution area to which it applies;
 - b) The infrastructure and administrative items to be funded through the DCP;
 - c) The method of determining the contribution of each owner of the land;
 - d) The priority and timing for the provision of infrastructure;
 - e) The review frequency and method; and
 - f) The term for which the plan is to have effect.
137. 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 (60 days).
138. DCPs are shown as a Special Control Area on the LPS3 map (refer Attachment 1).
139. Development contributions can be managed as interim development contribution arrangements once A113 has been advertised, in accordance with Local Planning Policy 25.
140. Once A113 is approved and published in the Government Gazette, it will have the effect of law and will enable the levying of contributions triggered by development, for infrastructure identified in the DCP.
141. **City of Kalamunda Local Planning Scheme No. 3**
Clause 6.5 (Development Contribution Areas) of LPS3 sets out the establishment, implementation and operation of DCAs and DCPs operable within the City.

APPLICABLE POLICY

142. ***Liveable Neighbourhoods***

Liveable Neighbourhoods (2009) (Liveable Neighbourhoods) is an operational policy of the Western Australian Planning Commission for the design and assessment of new urban development within Western Australia. The Policy has guided specifications for infrastructure forecast by the DCP, for instance road classifications.

143. ***State Planning Policy 3.6 – Infrastructure Contributions***

SPP3.6 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 SPP3.6 is to establish the eight (8) core principles to be applied when preparing and administering DCPs, these are:

- a) *Need and nexus*: the need for the infrastructure must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- b) *Transparency*: Both the method for calculating the infrastructure contribution and the manner in which it is applied should be clear, transparent, and simple to understand and administer.
- c) *Equity*: Infrastructure contributions should be levied equitably from identified stakeholders within a contribution area, based on the relative contribution to need.
- d) *Certainty*: The scope, timing, and priority for delivering infrastructure items, and the cost of infrastructure contributions and methods of accounting for escalation, should be clearly identified.
- e) *Efficiency*: Contribution should be justified on a whole-of-life capital cost basis consistent with maintaining financial discipline on service providers by precluding the over-recovery of costs.
- f) *Consistency*: The system for infrastructure contributions for apportioning, collecting and spending contributions should be consistent, efficient and transparent.
- g) *Accountable*: That there is accountability in the manner in which infrastructure contributions are determined, collected and expended.
- h) *Right of consultation and review*: Landowners and developers have the right to be consulted on the manner in which development contributions are determined, and the opportunity to seek a review by an independent third party regarding the calculation of costs, and return of funds.

144. ***WAPC Development Control Policy 1.7 – General Road Planning***
[Development Control Policy 1.7 \(DC 1.7\)](#)

145. ***WAPC Development Control Policy 2.2 – Residential Subdivision***
[Development Control Policy 2.2 \(DC 2.2\)](#)

146. *WAPC Development Control Policy 2.3 – Public Open Space in Residential Areas*
[Development Control Policy 2.3 \(DC 2.3\)](#) establishes the principles of 10 per cent of gross subdividable area being provided as POS.
147. *WAPC Development Control Policy 2.6 – Residential Road Planning*
[Development Control Policy 2.6 \(DC 2.6\)](#) outlines the WAPC's specifications and requirements for the planning and design of roads in residential areas.
148. *WAPC Operational Policy 1.1 – Subdivision of Land (General Principals)*
[Operational Policy 1.1 \(OP 1.1\)](#)

STAKEHOLDER ENGAGEMENT

149. Should Council resolve to adopt A113 for the purposes of public advertising, it will be concurrently submitted to the Environmental Protection Authority (EPA) for review and the WAPC for consent to advertise.
150. Where no environmental assessment is required, and consent to advertise has been granted by the EPA/WAPC, A113, it is required to be advertised as a complex amendment for a period of 60 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 the area affected by A113;
 - d) Letters to all relevant public authorities and utilities agencies; and
 - e) A newspaper advertisement.
151. The City may request a longer advertising period with the approval of the WAPC. Given the significance of the documentation, the City will request an extended advertising period for at least 90 days.
152. The City will concurrently advertise the DCPR with A113.
153. Following the submission period, the Council is required to consider all submissions made and pass a resolution either supporting A113, with or without modification, or not to support A113.

FINANCIAL CONSIDERATIONS

154. All costs associated with the future administration of the DCP are intended to be reimbursed through the allocated administration costs of the DCP.

- 155. DCP preparation costs associated with the preparation of the DSP, Residential Precinct LSP and the TOD ACSP, which total approximately \$1.5m, will form a strategic investment in this precinct to establish the planning framework and activate investment in the HWS project area. Furthermore, consideration is required to reduce costs on the DCP given the sensitivity of the contribution rate and potential impact on development feasibility. It is proposed that future DCP preparation costs that will further refine designs and estimates, particularly for road and intersection items, should be considered as administrative times.
- 156. It is also noted that planning framework preparation costs have not been included within the neighbouring Forrestfield / High Wycombe Industrial Area Stage 1 DCP.
- 157. The operation of the DCP presents a major administrative responsibility for the City. While the DCP is proposed to be self-funded, the City has an implicit obligation to efficiently and effectively manage the revenue and works.
- 158. The area the subject of DCA2 is reliant on the DCP to provide for the necessary infrastructure to facilitate development. In particular, the timely provision of roads and drainage infrastructure is critical as development relies on these improvements for suitable access and servicing.
- 159. There are infrastructure items within the DCP that are not proposed to be wholly funded. The City may be required to partially fund these infrastructure items through municipal or alternative funding sources (i.e. grant funding opportunities). Further detailed consideration of these items are to occur as part of the refinement and review of the DCP and consideration as part of the City's Long Term Financial Plan.

SUSTAINABILITY

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

RISK MANAGEMENT

- 161.
- | | | |
|---|-------------------|---------------|
| Risk: The DCP is not adopted for the purpose of public advertising resulting in prolonged uncertainty for landowners within the precinct. | | |
| Consequence | Likelihood | Rating |
| Major | Unlikely | Medium |
| Action/Strategy | | |
| Ensure that Council is aware that given the fragmented nature of the land, in the absence of the DCP, the area may never be developed as envisaged by the vision in the LSP, thereby not taking advantage of the proximity of the new train station and rail link and the proposed TOD. | | |
- 162.
- | | | |
|---|-------------------|---------------|
| Risk: The rate of development is slower than envisaged by the DCP due to land fragmentation and market factors, resulting in delayed infrastructure delivery or prolonged DCP timeframes. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Undertake annual reviews of the DCPR to review the funds held, rates of development, and infrastructure priorities, and continually adjust the strategic approach of the City. In consultation with the State Government, continue to seek alternative funding for infrastructure to activate development in line with the densities and typologies envisaged by the LSP. | | |
- 163.
- | | | |
|---|-------------------|---------------|
| Risk: The costs estimated for infrastructure items change over time resulting in an increased development contribution rate beyond development feasibility. | | |
| Consequence | Likelihood | Rating |
| Major | Unlikely | Medium |
| Action/Strategy | | |
| Undertake annual reviews of the DCPR and BOQ's utilising appropriate indexation and evidence to maintain the currency of the cost of infrastructure, land and administration costs. | | |

164.	Risk: The City's request for the WAPC to Reserve the 'Green Link' under the MRS, and provide an appropriate acquisition arrangement is unsuccessful resulting in significant increases to the DCP rate.		
	Consequence	Likelihood	Rating
	Major	Possible	High
	Action/Strategy		
	Ensure adequate justification is provided to the WAPC and the City continues to liaise with the Department of Planning, Lands and Heritage to reach an appropriate decision on the MRS Amendment Request. Should the WAPC not agree with the City, alternative infrastructure funding or land use arrangements may be required.		

165.	Risk: There is not enough money collected in the DCP to fund the required infrastructure upgrades resulting in delayed development.		
	Consequence	Likelihood	Rating
	Major	Unlikely	Medium
	Action/Strategy		
	Undertake annual reviews of the DCPR to review the funds held and future priorities. Continue to refine the priority and timing of infrastructure delivery and actively seek grant funding to assist in the provision of DCP infrastructure.		

CONCLUSION

166. The City has committed considerable resources towards the preparation of the DSP, LSP and ultimately the DCP for the High Wycombe South Precinct.
167. Given the constraints, including fragmented landownership, that exist in the Residential Precinct, it's required the City and Council to undertake a 'proponent style' role in the establishment of the planning framework for the area.
168. The City has sought expert advice and engaged extensively with relevant State Government stakeholders in the progression of the DCP to enable presentation to Council for the purposes of initiating the statutory planning approval process.

169. DCPs by their very nature 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 SPP3.6 and the broader interests of the community.
170. Having regard for the varying effects the DCP has on stakeholders, it's important that the DCP is formally advertised providing an opportunity for detailed review and input by interested parties.
171. Through the statutory planning and consideration process; Council, the WAPC and the Minister for Planning will have an opportunity to consider the views of the varying stakeholders that make submissions. This will place decision makers in a position to make informed determinations as to the final form and function of the DCP for HWS. This may include modifications or further refinements to the inclusions and composition of infrastructure.
172. Ultimately and as prescribed in legislation, the decision to finally adopt or otherwise the DCP lays with the Minister for Planning. The City's Council plays a part in that process by providing recommendations but is not the ultimate decision maker.
173. From the City's perspective, the DCP is now at a point where its satisfied that the DCP is in an appropriate form to be presented to commence the statutory advertising process and as such, it's recommended that Council proceed with adopting A113.

Voting Requirements: Simple Majority

RESOLVED OCM 46/2023

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.

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.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.2. Development Assessment Panels - Nomination of Members

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

Previous Items	SCM 249/2019, SCM 315/2021, OCM 85/2022, OCM 105/2022
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 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 resignation of former Councillor Andrew Osenton resignation from council has resulted in a position becoming vacant on the Metro Outer Joint Development Assessment Panel (JDAP).

2. The Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations) commenced on 24 March 2011. DAPs commenced operation on 1 July 2011. The role of DAPs is to determine significant development applications to simplify planning approvals.
3. It is recommended council nominate a sitting council to the Metro Outer Joint Development Assessment Panel and request the CEO advise the Minister for Planning of the decision.

BACKGROUND

4. A DAP comprises a membership of three technical experts and two local government representatives with the authority to determine applications for development approval. The local government representatives will only be required to sit on the DAP where, for the purposes of the City's members, the application is for a development within the City's local government area.
5. Cr Andrew Osenton has resigned from his Councillor position and DAP nomination and as such, the City is required to nominate a replacement for the Metro Outer Joint Development Assessment Panel.

DETAILS AND ANALYSIS

6. The City's current members on the DAP are Cr Margaret Thomas and Cr Andrew Osenton, with Cr Kathy Ritchie and Cr Brooke O'Donnell as alternate members.
7. All members will be required to attend a training workshop on planning law in relation to matters to be considered in the assessment, decision making, and appropriateness of conditions for approval or reasons for refusal, as well as the Code of Conduct. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.
8. Should the Council not nominate the required members for the DAP, the DAP Regulations allow for the Minister for Planning to appoint community representatives in their place.
9. It has become mandatory to refer a development proposal which has a total value of more than \$10 million to a DAP for determination. Exclusions to this mandatory requirement are for a single house, less than 10 grouped or multiple dwellings and development by the local government or WA Planning Commission.

10. When an application is lodged with the City, which has a value between \$2 million and \$10 million, the applicant may nominate it be determined by a DAP rather than the responsible authority.
11. In February 2023, the State Government introduced the final regulatory changes to reform the Development Assessment Panel (DAP) process, including:
 - a) The reduction in the number of district panels from 5 to 3.
 - b) The DAP system being complete opt in for any development over \$2 million.
 - c) The appointment of DAP experts under a fixed term arrangement.

It is anticipated that the regulatory changes will have effect later this year.

12. It is important to have Councillor representation on the DAP to represent the community. The DAP considers some of the more significant development applications within the City and therefore it is important to ensure an understanding and representation of the local issues.

APPLICABLE LAW

13. The Planning and Development (Development Assessment Panels) Regulations 2011 provide for the operation, constitution, and administration of DAP's.
14. The DAP Regulations prevent a DAP member from attending a meeting without first completing mandatory training.

APPLICABLE POLICY

15. Nil.

STAKEHOLDER ENGAGEMENT

16. Nil.

FINANCIAL CONSIDERATIONS

17. Any DAP member who successfully completes training is entitled to be paid for their attendance at DAP training and DAP meetings.

SUSTAINABILITY

18. Nil.

RISK MANAGEMENT

19.	Risk: Nomination for a member on the Metro Outer Joint DAP is not made.		
	Consequence	Likelihood	Rating
	Low	Unlikely	Moderate
	Action/Strategy		
	Action/Strategy Ensure Council is aware of the implications for development approvals if there are not sufficient members appointed to the DAP.		

CONCLUSION

20. Members on a DAP will be provided with the training and the opportunity to consider development applications of a significant nature.
21. New members and alternative members nominated will be appointed to 26 January 2024.

Voting Requirements: Simple Majority

RESOLVED OCM 48/2023

That Council:

1. NOMINATE Cr Sue Bilich as Member 2 for the Metro Outer Joint Development Assessment Panel.
2. NOMINATE Cr Lisa Cooper as an alternate Member for the Metro Outer Joint Development Assessment Panel.
3. REQUEST the Chief Executive Officer to write to the Minister of Planning to endorse the nominated Councillor at the earliest opportunity to void vacancy for an extended period of time.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2. Asset Services Reports

10.2.1. Metropolitan Regional Roads Group Roads Rehabilitation Projects Program - Submissions for the 2024-2025

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

Previous Items	OCM 06/2022; OCM 39/2021; OCM 34/2020; OCM 92/2019; OCM 60/2018; OCM 85/2016
Directorate	Asset Services
Business Unit	Asset Planning and Delivery
File Reference	4.00011767
Applicant	N/A
Owner	N/A

Attachments	1. Metropolitan Regional Roads Group Program 2024 2025 Summary of Projects [10.2.1.1 - 1 page]
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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 (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 3: Kalamunda Develops

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

Strategy 3.2.1 - Ensure existing assets are maintained to meet community expectations.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement of submissions for funding as part of the 2024/25 Metropolitan Regional Roads Group (MRRG) Road Rehabilitation Projects Program.
2. The MRRG program provides the opportunity for local governments to seek a grant from the state government of two-thirds of the cost of projects for road rehabilitation projects. Funding is capped at \$750,000 per local government authority. The City of Kalamunda (City) has undertaken technical assessments across the road network and identified suitable projects that meet the grant criteria.
3. Council endorsement is requested for the six projects being parts of Abernethy Road, Mundaring Weir Road, Kalamunda Road, Canning Road, Kelvin Road and Newburn Road.

BACKGROUND

4. Each year, Main Roads WA (Main Roads) invites future project submissions for funding consideration as part of the MRRG Road Rehabilitation Projects Program. This report is to consider projects for the 2024/25 financial year.

DETAILS AND ANALYSIS

5. Road Rehabilitation Projects are those proposed for existing roads where road conditions have fallen below acceptable levels and forms of roadworks are needed. This can be through milling, resealing, reconstruction, and resurfacing.
6. The City prepares grant submissions using the MRRG scoring system that includes the technical assessment of road conditions (roughness, cracking, deformation, and other road defects). Due to the need for technical condition assessment, the City engages specialist consultants to prepare the submissions.
7. When received by the MRRG, the submissions are reviewed, and a priority listing of all metropolitan local government authority projects is prepared. The list of projects is then reviewed by a sub-group of the MRRG, and the final list is returned to Main Roads. Main Roads then makes recommendations to the State Road Funds to the Local Government Advisory Committee.

8. MRWA require proposals submitted in any financial year for projects to be undertaken 2 financial years later. Advice of successful projects to be funded in 2024/2025 will only be known in the latter part of the 2023/2024 financial year.
9. It is practice to submit bids for projects which exceed the cap allowable on the basis that during assessment phase, bids from all Councils are ranked and some projects may not be initially funded. What does occur during the operative financial year however is that some Councils may not proceed with their allocated projects and opportunities exist for other projects elsewhere to be funded.
10. The Minister for Transport and Planning ultimately approves the funding for the projects.
11. Funding is capped at \$750,000 per local government authority. Funding for projects is on the basis of two-thirds from the state and one-third from the City, however the project estimates are based on 'core' construction costs only and not ancillary costs or overheads. The City would therefore be required to fund at least \$375,000 (with a notional total project value of approximately \$1,125,000) prior to the application of overheads.
12. The following six road rehabilitation projects have been prepared for submission to Main Roads, with further details in Attachment 1:
 - a) Abernethy Road, North Bound slow lane, just South of Hudswell Road;
 - b) Mundaring Weir Road, from Railway Road to Crescent Road;
 - c) Kalamunda Road, from Gray Road to Terrigal Place;
 - d) Canning Road, from Orangedale Road to Pomeroy Road;
 - e) Kelvin Road, Wattle Grove, from Crystal Brook Road to the boundary of the City of Gosnells;
 - f) Newburn Road from Macao Road to Sorensen Road.
13. The proposed treatments are all "mill and fill". This is where the existing surface and some pavement material are milled out using a type of grinding machine, and then new asphalt layers are placed. In Attachment 1, the abbreviations used are:
 - a) PMB – polymer-modified bitumen, a type of bitumen with elastic properties;
 - b) DGA - dense graded asphalt, an asphalt designed for high and heavy traffic loads;

- c) SMA - stone mastic asphalt, asphalt with a higher bitumen content for flexibility; and
 - d) SLK - straight line kilometre, a distance measure for roads.
- 14. Council's endorsement of these proposed projects is required to support the submissions for funding consideration. Submissions are due on 21 April 2023.
- 15. Advice on the successful projects for the 2024/25 financial year is normally issued early in the calendar year, in this case, early 2024. The City will then list the projects in the capital works program for consideration in the 2024/25 budget.

APPLICABLE LAW

- 16. There is no relevant legislation.

APPLICABLE POLICY

- 17. The assessment and renewal of infrastructure assets is undertaken in accordance with policy Service 4 – Asset Management.

STAKEHOLDER ENGAGEMENT

- 18. Being a technical assessment of road rehabilitation needs, no public consultation is normally undertaken. Owners, residents and businesses directly affected by the project will be contacted in advance of the works.

FINANCIAL CONSIDERATIONS

- 19. The list of Road Rehabilitation Projects for 2024/25 outlined in Attachment 1 indicates a total estimated MRRG contribution of \$835,581 to undertake all projects. This exceeds the \$750,000 cap. The MRRG grant process requires further assessments and outcomes which result in the submissions being prioritised to fall within the \$750,000 cap.
- 20. Should the City be successful in achieving grant funding totalling in the order of \$750,000 as part of the 2024/25 program, then it will need to contribute in the order of \$375,000 plus overheads from municipal funding.
- 21. The 2024/25 and future years of the City's Capital Works Program include the maximum grant of \$750,000 and the City's contribution of \$375,000.

22. The MRRG process requires the use of MRWA approved cost rates (applicable for 2022/23) with some allowance for cost escalation. Given the current uncertainty around future cost escalations, especially for two years away, there is a risk of approved budgets for 2024/25 being insufficient. This risk can be ameliorated through MRRG mechanisms to access additional funding, additional Council contributions or at worst cancellation of the project.

SUSTAINABILITY

23. Well-maintained roads contribute to transport efficiency and reduce the economic cost to the community.

RISK MANAGEMENT

- 24.
- | | | |
|---|-------------------|---------------|
| Risk: The City fails to secure grant funding leading to additional rates funding needs to undertake necessary road renewal projects. | | |
| Consequence | Likelihood | Rating |
| Major | Unlikely | Medium |
| Action/Strategy | | |
| The City continues to plan in a timely fashion for submissions for grant funding under the MRRG program. | | |
- 25.
- | | | |
|--|-------------------|---------------|
| Risk: Failure to undertake road renewal projects leads to reputational impact on the City. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| The City continues to plan in a timely fashion for submissions for grant funding under the MRRG program. | | |

26.

Risk: Approved funding for projects is insufficient to undertake projects in 2024/2025 due to cost escalation beyond contingencies and placing projects at risk of not being undertaken.

Consequence

Moderate

Likelihood

Possible

Rating

Medium

Action/Strategy

Processes exist for seeking approval from MRRG for additional funding if required.

CONCLUSION

27.

As part of an ongoing, annual process, the City has assessed six projects for consideration with the MRRG Road Rehabilitation Project Program. The projects required specialist technical assessments of road conditions such as rutting and deformation.

28.

The resulting projects all meet the criteria for funding and will be shortlisted by the MRRG Eastern Sub-group with formal advice ultimately received from the Minister for Transport and Planning. Council endorsement is required for the submissions, with the final list of projects to be considered as part of the 2024/25 capital works program budget.

Voting Requirements: Simple Majority

RESOLVED OCM 47/2023

That Council ENDORSE the City of Kalamunda submission of projects for the 2024/25 Metropolitan Regional Roads Group Road Rehabilitation Projects Program, as set out in Attachment 1.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.3. Corporate Services Reports

No reports presented.


10.4. Community Engagement Reports

10.4.1. Keeping and Control of Cats Local Law 2023 - Draft

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

Previous Items	OCM149/2020, OCM/342/2021, OCM
Directorate	Community Engagement
Business Unit	Community Safety
File Reference	
Applicant	N/a
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. Keeping and Control of Cats Local Law 2023 2. Draft Keeping and Control of Cats Local Law 2023 Engagement Report

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

Strategy - 1.2.1 Facilitate a safe community environment.

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 consider the outcome of the public submissions with respect to the draft City of Kalamunda Keeping and Control of Cats Local Law 2023 (Local Law) (Attachment 1).
2. The statutory process commenced on 21 December 2021 at the Ordinary Council Meeting when Council resolved to give public notice of its intention to make the new Local Law and seek submissions on the proposal.
3. It is recommended Council note the Community Engagement report and public submissions outlined in Attachment 2 and make the proposed City of Kalamunda Keeping and Control of Cats 2023.

BACKGROUND

4. At the Ordinary Council Meeting on 28 July 2020, a Notice of Motion was passed to prepare a report, by December 2020 with details and recommendations regarding the potential to introduce Local Laws in relation to cat ownership and regulations within the City.
5. Council received a report at the Ordinary Council meeting on 24 November 2020 and Council requested that the Chief Executive Officer progress with the preparation of the City of Kalamunda - Cat Local Law.

DETAILS AND ANALYSIS

6. On 21 December 2021, Council received the draft City of Kalamunda Keeping Control of Cats Local Law 2022 and resolved to advertise for public submissions.
7. On 22 November 2022, Council received the redrafted City of Kalamunda Keeping and Control of Cats Local Law 2023 and resolved to re-advertise for public submissions due to significant changes.

8. The City gave local public notice of the proposed Local Law between 9 December 2022 and 3 February 2023 allowing an extra period for the Christmas and New Year period.
9. During this period of Community Consultation, the City received 45 written Submissions on the City's Community Engagement Portal. 5 Social Media Comments. These submissions are collated in the Draft Keeping and Control of Cats Local Law 2023, Community Engagement Report 2023 (Attachment 2).
10. Public sentiment differed slightly to the previous consultation period where the Community's sentiment was relatively split. Out of the 45 written submissions, 14 were listed as comment only, 21 supported the proposed Local Law and 10 did not support the Local Law. Majority of the submissions commented that the Local Law does not go far enough in assisting with the fundamental protection of the native wildlife.
11. Some of the submissions suggested that the penalties were not enough and should be higher for a reasonable deterrent. It should be noted that penalties stated in Schedule 2 are only modified penalties. The maximum penalty under the Local Law should an offence go to court is \$5,000.
12. Submissions had concerns with the meaning of nuisance and would have liked the definition to cover private properties, again pertaining to cats being restricted from wandering entirely.
13. Some commentary surrounding cats should have to be sterilised, microchipped, and registered, further comments about cat breeding and conditions for cats under 6 months of age, however these provisions are covered under the *Cat Act 2011*, cats' reproductive periods are from 6 months onwards.
14. Several submissions would like to see cats contained to the property entirely and in line with the *Dog Act 1976*.
15. There were concerns with the removal of section 2.3 'Control of cats in places that are not public' however, the City was required to remove this clause by recommendation of Department of Local Government Sport and Cultural Industries (DLGSCI) due to this clause being rejected previously by the Joint Standing Committee on Delegated Legislation (Committee) to other Local Governments restricting cats from wandering.

16. In recent media articles many Local Governments including the City of Kwinana have tried to pass laws surrounding the containment of cats to enclosures/ properties however, the proposed local laws have been disallowed by the Committee.
17. The reasons surrounding the disallowing of the Local Laws is based on the previous advice received from DLGSCI which is to remove clauses restricting cats from wandering due to the fact that the Local Government Act 1995 cannot authorise local laws that are repugnant with another Act, in this case the *Cat Act 2011*. Therefore, this clause was removed based on advice.
18. Further information from the news article suggests the Cat Act would be reviewed next year (2024) as scheduled. The City's recommendation is for the Mayor to write to the Minister for Local Government with respect to progressing reforms of the *Cat Act 2011*.
19. Submission received from the DLGSCI outlined in Attachment 3 advised they were unable to identify any new or unaddressed issues and the City is to ensure that the references and cross-reference receive a final check before the final draft goes to council, particularly if any last-minute changes are made.
20. The City also received a submission regarding the Yule Brook Creek line to ensure this is included on the prohibited areas. Majority of the creek line is already mentioned in the schedule of prohibited areas; however, 1 reserve was not and this has been included which is reserve number 47406.
21. The City's Parks and Environment business unit has supported this reserve be included and advice received from the City's Governance Advisor has stated this change is considered minor and therefore the City is proceeding with making the Local Law.

APPLICABLE LAW

22. *Local Government Act 1995*
23. *Cat Act 2011*
24. *Cat Regulations 2012*
25. *Cat (Uniform Local Provisions) Regulation 2013*

APPLICABLE POLICY

26. NIL

STAKEHOLDER ENGAGEMENT

27. The advertisement commenced on the 9 December 2022 and concluded on the 3 February 2023 with a total of 48 Submissions.

FINANCIAL CONSIDERATIONS

28. Administrative costs associated with the creation of the Local Law are met through the annual budget.

SUSTAINABILITY

29. Cats are companion animals and can have positive impacts on people's health and wellbeing. However, Regulation is required to ensure cats behaviours can be controlled to an extent so as not to create a nuisance and protect further damage to native fauna.

RISK MANAGEMENT

30.	Risk: The absence of a Local Law limits the ability for control of cats causing destruction to native wildlife, as well as impacts upon amenity within neighbourhoods.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	Implementation of the new local Law which will limit and allow enforcement for cats not being contained effectively.		

CONCLUSION

31. The City has considered submissions received from the Public and the Department of Local Government, Sport and Cultural Industries on the draft *City of Kalamunda Keeping and Control of Cats Local Law 2023*.
32. Following review of the submissions there is only 1 minor change to the proposed Local Law which includes 1 reserve added to the prohibited areas.
33. It is recommended council make note of the Community Engagement Report (Attachment 2) and make the proposed *City of Kalamunda Keeping and Control of Cats Local Law 2023*.

Voting Requirements: Absolute Majority

RESOLVED OCM 49/2023

That Council:

1. NOTE the submissions received from the public and the Department of Local Government, Sport, and Cultural Industries.
2. MAKE the *City of Kalamunda Keeping and Control of Cats Local Law 2023*.
3. REQUEST the Mayor write to the Minister for Local Government requesting the State progress reforms of the *Cat Act 2011* to include stronger provisions about the keeping and containing of cats.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Mary Cannon**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**


10.4.2. Fire Hazard Assessment Plan 2023 - 2028 and Fire Hazard Reduction Notice 2023/24

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

Previous Items	OCM 181/2018, OCM 221/2019, OCM 197/2020, OCM 294/2021, OCM176/2022
Directorate	Community Engagement
Business Unit	Community Health & Safety
File Reference	RA-BFC-002
Applicant	N/A
Owner	N/A

Attachments	1. Fire Hazard Assessment Plan 2023 2028 2. Fire Hazard Reduction Notice 2023-2024
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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 (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 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.1 Facilitate a safe community environment.

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 be advised of:
 - a) The City of Kalamunda (City) approach to the fire hazard management for the period 2023 to 2028 and to;
 - b) Endorse the Fire Hazard Assessment Plan 2023 – 2028 (Plan) (Attachment 1) and Fire Hazard Reduction Notice 23/24 (Notice) (Attachment 2).
2. The City has prepared the Plan for a 5-year period from 2023 to 2028 to support the requirements of the Notice which will continue to be issued annually.
3. It is recommended that Council endorse the Plan and the Notice.

BACKGROUND

4. Bushfire prevention and preparedness planning is critical to the implementation of the City's strategic objective to provide a safe and healthy environment for the community to enjoy.
5. Pursuant to Section 33 of the *Bush Fires Act 1954*, the City issues a Fire Hazard Reduction Notice each year to put measures in place to prevent the outbreak, spread or extension of bush fires.
6. In support of the Notice, the City prepares a Plan. The purpose of the Plan is to outline the City's approach in regard to education, and enforcement of the Notice.
7. This report follows a Notice of Motion which was presented to Council at the December ordinary council meeting, regarding Fire Hazard Reduction Notice Inspections. Council resolved, in summary, to introduce workorders without infringements on first inspections for non-compliance, requested the CEO to review all infringements issued, requested the Bush Fire Advisory Committee (BFAC) to advise on the standard of firebreaks, form a community working group to provide advice on community engagement strategies and appoint the Mayor and BFAC Chair to the working group.

DETAILS AND ANALYSIS

10. The Notice and Plan has been prepared in consultation with the community working group which had been established following the resolution of Council in December 2022 to provide advice on strategies regarding private property preparedness.

The Notice and Plan was endorsed by the City's Bush Fire Advisory Committee (BFAC) at their meeting on the 16 March 2023.
11. The Plan utilises findings from previous seasons, including non-compliance, complaints, and comprehensive risk assessments to determine the priority of assessment throughout the City.
12. Some of the key outcomes and observations from the 2022/23 season include:
 - a) 4,247 assessments being completed.
 - b) 3,718 properties being identified as compliant on the first inspection which equates to 88% of all assessments.
 - c) 406 work orders were issued which is 9%.
 - d) 123 properties were inaccessible which is 3%.
 - e) 195 variations to the Notice were approved.
 - f) 124 permits to burn were issued to landowners during the restricted burning period.
 - g) 17 illegal burns were reported and attended to by City authorised Fire Control Officers.
 - h) 14 total fire bans were declared throughout the season.
13. Further breakdowns based on property size, suburb and by type of issue can be found in the Plan contained in Attachment 1. It is acknowledged in previous years a full summary report has been prepared, however due to the Notice and Plan being finalised earlier in the year and the data has been summarised with the Plan itself and covers the period of 1 November 2022 to 3 March 2023.
14. It is positive to note the vast majority of properties inspected are compliant with the Notice, with less than 10% of assessments resulting in a work order.
15. The Notice and Plan has been workshopped with a community working group which has been formed to guide strategies on private property preparedness. This group was formed following engagement with the leadership of Kalamunda Volunteer Bushfire Brigade. The group consists of private landowners across the City from areas such as Pickering Brook, Bickley, Lesmurdie, Wattle Grove, and Kalamunda. They all have a variety

of experience in managing land such as Orchards or have extensive experience in firefighting and fire mitigation.

15. Furthermore, the Notice and Plan were presented to the City's BFAC at their meeting on 16 March 2023. Specifically, BFAC was tasked with advising Council on the standard of Fire breaks. A comment in relation to the Plan were received from the City's Chief Bush Fire Control Officer regarding the position titles, which have been changed to Community Bushfire Preparedness Officer.
16. Some of the key changes as a result of this consultation and advice from BFAC include.

Fire Hazard Reduction Notice

- a) Definition of firebreak amended to 'A strip of land free of all flammable and combustible material with the intention of preventing the outbreak of a bush fire and provides a visible safe access on the property for emergency vehicles and other firefighting operations. It is acceptable to install a firebreak around naturally occurring obstacles. Fire breaks may be constructed by one or more of the following methods; ploughing, cultivating, scarifying, racking, chemical spraying, or another method as approved by an Authorised Officer
 - i. Clearance must be no less than 3-metre wide and 4-metres in height inside and along all boundaries (including boundaries adjacent to roads, rail and drain reserves and all public open spaces reserves).
 - ii. Must not be more than 4-metre wide (further width extensions may be considered upon written application for approval to the City). Maintained reticulated living lawns are lawns considered to be kept completely green. Driveways may be acceptable in conjunction with, or in lieu of, fire breaks. Contact a City Fire Officer for further assistance.
 - iii. Must have a turning radius of up to 10 metres.
 - iv. Must be a continuous trafficable surface for a 4WD vehicle, be clear of any obstructions and must not terminate in a cul-de-sac (dead end).
- b) Land size increasing from 4,000m² to 5,000m².
- c) Variations changing from annual to a lifetime.
- d) Measures put in place recognising certain properties such as commercial orchards and vineyards as being a low threat, minimal fuel vegetation as per Australian Standard 3959 clause 2.2.3.2.

- e) Additional clause included for properties over 50,000m² (5 hectares) to allow pasture to be maintained and only slash grass to 50mm within 10m from the firebreak.

Fire Hazard Assessment Plan

- a) The plan has been expanded from an annual plan to a 5-year plan with a review each year. The rationale for the change was to ensure the community have consistency around the requirements of the Notice. Landowners will better understand property preparedness and mitigation methods that should be applied.
- b) The City proposes to no longer employ Casual's to carry out fire inspection works. The City currently budgets \$60,000 to employ 3 casuals on fixed term contracts to complete property inspection. These saving along with savings from no longer needing to hire three vehicles it is proposed the City employs a full time Bushfire Preparedness Officer. This will provide resources to maintain an all-year round community engagement approach to fire safety building better relationships with community stakeholders.
- c) As a result, an additional phase of the Plan has been introduced Community Engagement Events and Education Phase which will provide an innovative approach to community engagement and education programs that will be delivered by full time community safety staff all year round. This program is aimed at providing consistent information throughout each year on fire and storm safety, build stronger community relationships and provide more opportunity for the community to obtain one on one assistance in preparing themselves and properties should a catastrophic fire or storm events occurs.
- d) Risk identification areas have also been reviewed. The City have broken down its suburbs into smaller zones identifying extreme and very high-risk areas through the Bushfire Risk Management System (BRMS). This means the City can pre advise resident of when assessments will be undertaken in their respective areas through pre advertising utilising the City's electronic message boards.
- e) Feedback regarding the Officers uniforms and markings on the vehicles will also be reviewed. The City will continue to provide adequate protective clothing and equipment however will ensure uniforms are commensurate with a community engagement led approach and be less authoritarian.

- f) The approach to assessments will revert back to previous years whereby following the first inspection if further works are required a work order will be issued with a timeframe of 21 days to complete the works. The 21 days is an increase from 14 days to allow for any delays with Australia Post. Infringements will only be considered on follow up inspections where little to no work has been completed.
- g) The City will undertake a review of the workorder to ensure they are written in plain English and also include photos of any areas of non-compliance.

17. Further to the Community working group the Notice and Plan has been circulated to members of the City's Bush Fire Advisory Committee who endorsed the plan.

APPLICABLE LAW

18. *Bush Fires Act 1954*

APPLICABLE POLICY

19. Nil

STAKEHOLDER ENGAGEMENT

20. The Plan and Notice have been prepared in consultation with the Department of Fire and Emergency Services (DFES).
21. Further engagement has also occurred with the City's Bushfire Advisory Committee and Community Working Group.

FINANCIAL CONSIDERATIONS

22. Provision for the proposed Plan and Notice have been allocated in the 2023/24 operational budget. No increase in budget from 2022/203 is proposed as part of this process.

SUSTAINABILITY

23. The City's implementation of the Assessment Plan throughout the entire year is also a key initiative in ensuring the City and its residents are prepared for the risks and dangers that accompany a changing and drying climate.

RISK MANAGEMENT

- 24.
- | | | |
|---|-------------------|---------------|
| Risk: The City does not appropriately implement the Assessment Plan and there is a significant increase in fuel loads including an increase of noncompliance on private land resulting in an increase in the bushfire risks throughout the City. | | |
| Consequence | Likelihood | Rating |
| Critical | Almost Certain | Extreme |
| Action/Strategy | | |
| Through introducing the Notice each year and the implementation of the Assessment Plan, the City may reduce the risk in the most high-risk areas. | | |
- 25.
- | | | |
|--|-------------------|---------------|
| Risk: The City sustains reputational risk as a result of a fire event resulting in loss of property and/or life | | |
| Consequence | Likelihood | Rating |
| Major | Likely | Extreme |
| Action/Strategy | | |
| The processes out lined in the assessment plan, if followed correctly, may reduce the impact of incidents, and should also assist with answering enquiries from external sources, should that be required. | | |
- 26.
- | | | |
|--|-------------------|---------------|
| Risk: The City sustains health and safety risk if the City is impacted by a fire event resulting in loss of property and/or life. | | |
| Consequence | Likelihood | Rating |
| Critical | Almost Certain | Extreme |
| Action/Strategy | | |
| The plans will increase community awareness and preparedness through a better approach to engage with residents. This will assist in treating the risk by making residents fire safe ready and build stronger overall resilience of the community. | | |

CONCLUSION

27. The City is using the Notice and Assessment Plan as an opportunity to engage with the community and educate residents on how to prepare and protect their properties. The implementation of the assessment plan is one of the City's largest face-to-face interactions with the community.
28. The City has included a summary of last season with the Plan in Lieu of a full summary report. This data helps to improve and inform the following years assessment and activity schedule.

29. The Notice and Plan has been guided by a comprehensive community engagement process and advice sought for the City's BFAC.
30. It is recommended that Council acknowledge the recommendation from the City's Bush Fire Advisory Committee and endorse the Fire Hazard Assessment Plan 2023 – 2028 and Fire Hazard Reduction Notice 2023 - 2024.

Voting Requirements: Simple Majority

RESOLVED OCM 50/2023

That Council:

1. ENDORSE the City of Kalamunda: Fire Hazard Assessment Plan 2023 – 2028.
2. ENDORSE the Fire Hazard Reduction Notice 2023/24.

Moved: **Cr John Giardina**

Seconded: **Cr Janelle Sewell**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.4.3. Kalamunda Futures: Youth Plan 2023-2028

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

Previous Items	OCM 161/2022
Directorate Business Unit	Community Engagement Community Development
File Reference	
Applicant	
Owner	
Attachments	1. Youth Plan Final 2023 2. Youth Plan Community Engagement Report

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.

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 1.2.2 - 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 endorsement of the Kalamunda Futures – Youth Plan 2023-2028 (Plan).
2. The Plan provides a framework to ensure early years, children, young people and families have equal access to opportunities for connection and growth in the City of Kalamunda.
3. The Plan has been created with significant community consultation.
4. The recommendation is to endorse Kalamunda Futures: Youth Plan 2023-2028 (Attachment 1).

BACKGROUND

5. Previous youth plans were endorsed by Council in 2011 and 2016, with the Plan set to become the City's third five-year youth-focused strategy.

6. The Plan identifies youth interests, issues and aspirations of the entire Hills and Foothills community and establishes priorities and strategies to guide the City over the next five years.
7. The Plan informs the way Youth Services are managed by the City and provides the framework for a collaborative approach to its implementation.
8. In November, Council received the Plan for the purpose of public comment:

RESOLVED OCM 161/2022

That Council ENDORSE the draft Kalamunda Futures – Youth Plan 2023-2028 for the purpose of advertising for public comment for a period of 28 days, pursuant to the City of Kalamunda Engagement Strategy.

DETAILS AND ANALYSIS

9. The City operates a range of programs for young people primarily aged 12-25. This level of engagement has resulted in a good understanding of the local youth demographic and underpinned the decision to develop the new Plan in-house in consultation with the community.
10. The process of developing the Plan included a review, benchmarking, analysis of research and reports from federal, state and local agencies to provide context and background. This also helped to establish the main focus areas of Plan and guided the youth led community consultation process.
11. For the purposes of the Plan, 'youth' is defined as 12-25 years, and 'young people' are the Under 25's. In the 2021 Census, there was 18,129 persons Under 25 in the City of Kalamunda, which equates to 30.8% of the City's population.
12. The Plan identifies four key focus areas with associated action items with the aim to achieve a holistic approach to youth support:
 1. Focus Area 1: Empowered - Under 25's are given the tools and support to find themselves and their purpose.
 2. Focus Area 2: Connected - Under 25's are part of the community.
 3. Focus Area 3: Active - Under 25's are involved and active citizens.
 4. Focus Area 4: Represented - Under 25's are considered by internal business areas and councillors when making decisions for the community.

- 13. The Plan commits to working in partnership with other groups and organisations, as its implementation will require cooperation with stakeholders across the community.

APPLICABLE LAW

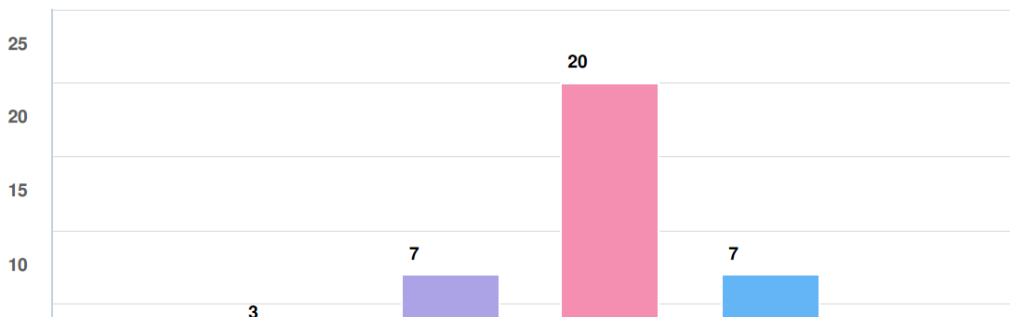
- 14. *Children and Community Services Amendment Act 2021.*
- 15. *Local Government Act 1995*
- 16. *Working with Children (Criminal Record Checking) Act 2004.*

APPLICABLE POLICY

- 17. Service 3 – Disability Access and Inclusion
- 18. Service 5 – Communication and Engagement

STAKEHOLDER ENGAGEMENT

- 19. Extensive community consultation was undertaken during the development of the Plan. This involved over 300 submissions and engagement with over 800 people including teachers, parents, students, grandparents, carers and other residents to discuss the plan.
- 20. Engagement activities included 3 surveys, youth and early years reference group consultations, a social media campaign, website news and media releases, and 12 face-to-face pop-up events.
- 21. Following Council’s endorsement of the Plan for the purposes of public advertising (OCM 161/2022), a period of public comment was open from 9 December 2022 to 20 February 2023.
- 22. This opportunity was widely promoted online through social media and the City’s website, via existing networks including local schools and services, and 9 face-to-face pop-up events.
- 23. Feedback received in the Survey.



24. Of the positive comments, respondents liked that the plan was clear and easy to read and included a large number and variety of activities, whilst importantly embraced connectivity and inclusion.
25. In terms of improvements comments related to the language, length and detail of the Plan, stating content was too complicated for our younger readers to understand. In response to this, the City plans to produce a companion document, which is a short, simplified version of the Youth Plan that will be more suitable for young children. We have undertaken a further review of language in the document to ensure language is simple and easy to understand. Other responses related to a desire for infrastructure improvements, feedback on Kalamunda Water Park, Stirk Park, and overall playgrounds and community facilities. The full Community Engagement report is available in Attachment 2.
26. All respondents were offered an opportunity to discuss their feedback with staff and consider the final adjustments made to the Plan.

FINANCIAL CONSIDERATIONS

27. It is proposed actions identified within the Plan will be funded through existing youth budgets.

SUSTAINABILITY

28. **Social Implications**
Young people are an important part of any community as they represent the future generation of leaders. The provision of youth services is essential for the successful integration and transition of young people into our society, to live healthy and independent lives.

RISK MANAGEMENT

29.

Risk: The City does not endorse a new Youth Plan resulting in missed opportunity to engage with youth.

Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Establish and maintain a 5-year document to provide strategic direction for youth services for the City of Kalamunda.		

CONCLUSION

30.

The former Youth Plan has provided a sound basis from which current Youth Services programming has gradually developed over the last five years.

31.

The Plan has been developed to ensure existing service delivery is maintained along with outlining aspirational elements to enhance the lives of young people in the City of Kalamunda.

32.

Goals to increase involvement of young people as leaders and create greater community connection will have significant social impact, as well the new focus areas around inclusion, identity, wellbeing, and safety.

33.

To create this Plan, the City engaged with more than 1,000 people (Stages 1 and 2) to understand their priorities, concerns and develop the plan in consultation with community.

34.

The Plan has been endorsed by Youth Action Kalamunda, and the Zig Zag Early Years Partnership, as active members of the community and advocates for youth and early years.

Voting Requirements: Simple Majority

RESOLVED OCM 51/2023

That Council ENDORSE Kalamunda Futures: Youth Plan 2023-2028, as at Attachment 1.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Sue Bilich**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.4.4. Hartfield Park Master Plan Stage 2 - \$5.4 Million Funding Strategy

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

Previous Items	OCM 235/2020, OCM 259/2021 & OCM131/2022
Directorate	Community Engagement
Business Unit	Community Development
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	Hartfield Park Masterplan Stage 2 Funding Strategy 5 4m

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.

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.

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.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to endorse the Hartfield Park Master Plan (HPMP) Stage 2 funding strategy for the Federal Government's commitment of \$5.4 million towards Hartfield Park.
2. In May 2022, the Federal Government made a \$5.4 million election commitment to the HPMP Stage 2 project, in addition to the \$2 million Federal Government funding received in 2019 and the State Government funding of \$660,000, already secured bringing the total funding allocation to \$8.06 million.

3. It is recommended that Council endorse the HPMP Stage 2 funding strategy for the Federal Government's commitment of \$5.4 million to the following projects:
- a) Bowls / Tennis co-location and two new tennis courts with lighting;
 - b) New AFL / Little Athletics Pavilion – Stage 2;
 - c) John Reid Oval car parking improvements Stage 1;
 - d) Forrestfield United Football Club (FUFC) upgrades including unisex changerooms;
 - e) New Foothills Mens Shed;
 - f) Refurbishment of Rugby League Clubroom;
 - g) Demolition of redundant AFL & Tennis facilities; and
 - h) Project Contingencies / Escalations.

BACKGROUND

4. At the Ordinary Council Meeting (OCM) in November 2020, Council endorsed (235/2020) the following:
1. *ENDORSE the City of Kalamunda to submit a grant application to the Federal Government and to leverage the \$2 million Federal Government funding commitment at Hartfield Park as per Option Four for the following priority projects:*
 - a) *Project 1: AFL / Little Athletics Clubrooms Stage One (unisex changerooms) at Reid Oval;*
 - b) *Project 2: Little Athletics – New long jump pits at Reid Oval;*
 - c) *Project 3: Rugby League Clubrooms including unisex changerooms;*
 - d) *Project 4: Bowling Club extension Stage 1; and*
 - e) *Project 5: Bowling Club extension Stage 2: Co-location of Tennis with Bowls.*
 2. *NOTE a future Community Sporting and Recreation Facilities Fund (CSRFF) forward planning grant application will be submitted in September 2021 for the identified priority projects at Hartfield Park to meet the identified funding gap.*
 3. *NOTE in the event of a successful CSRFF funding application an amount of up to \$382,000 will need to be considered as part of the 2022/23 and 2023/24 annual budget deliberation process.*
5. As a result of the Council Resolution (235/2020), the City were successful in receiving a grant of \$660,000 through the 2022/23 CSRFF program for Project One, Two and Three, however were unsuccessful for Project Four and Five, as per Council Resolution (235/2020).

6. The City subsequently, re-applied through the 2023/24 CSRFF program for Projects Four and Five, as per Council Resolution (131/2022), however were again advised in February 2023 that the City was unsuccessful.
7. At the OCM in June 2021, Council adopted the HPMP Stage 2 - Co-location Strategy, which set out the overall proposed implementation priorities for the site.
8. In May 2022, the Federal Government made a \$5.4 million election commitment to the HPMP Stage 2, bringing the total State and Federal Government funding secured to \$8.06 million.
9. Since then, the City has been seeking advice from the Federal Government, in order to develop a funding agreement for the \$5.4m commitment, which has resulted in project delays.

DETAILS AND ANALYSIS

10. In February 2023, the City received notification that in order to access the \$5.4m Federal Government funding, that the City is required to submit a funding application, outlining the key projects to be delivered with the funding.
11. In determining the priority projects for the \$5.4m Federal Government funding allocation the City has considered the following factors:
 - a) Previously endorsed and funded projects as per Council Resolution (259/2020) and the 2022/23 City Budget;
 - b) Implementation stages and priorities within the HPMP Stage 2;
 - c) Potential construction and delivery efficiencies; and
 - d) Increasing project cost escalations since 2021.
12. In consideration of the above factors, it is proposed that the following projects be funded via the \$5.4m Federal Government grant:
 - a) Bowls / Tennis co-location and two new tennis courts with lighting;
 - b) New AFL / Little Athletics Pavilion – Stage 2;
 - c) John Reid Oval car parking improvements Stage 1;
 - d) Forrestfield United Football Club (FUFC) upgrades including unisex changerooms;
 - e) New Foothills Mens Shed;
 - f) Refurbishment of Rugby League Clubroom;
 - g) Demolition of redundant AFL & Tennis facilities; and
 - h) Project Contingencies / Escalations.

13. **Bowls / Tennis co-location and two new tennis courts with lighting**

This project was identified as a funding priority by Council through the November 2020, Council Resolution (235/2020). The project will enable two adjacent user groups, to effectively co-locate into a contemporary shared facility.

14. **New AFL / Little Athletics Pavilion – Stage 2 & John Reid Car Parking Stage 1**

This project will be combined with the previously funded and approved Stage 1 development (unisex changerooms only), to provide a new sport pavilion in one single stage. This will provide significant cost and time efficiencies for the City in the design and construction phases of the project, whilst minimising disruptions to the users. Once complete, the existing AFL clubroom facilities will be removed, allowing for improved car parking at John Reid Oval.

15. **FUFC Upgrades – Unisex Changerooms**

This project was identified as a medium-term funding priority, within the HPMP Stage 2 primarily due to the lack of unisex changeroom facilities and the large number of users utilising the facilities.

16. **New Foothills Mens Shed**

This project was identified as a medium-term funding priority, within the HPMP Stage 2 due to a lack of functional facilities provided at its current site. The City has also lodged a Lotterywest grant for this project seeking \$342,500, which will attract additional investment at the site, allowing more projects to be completed within HPMP Stage 2.

17. **Refurbishment of Rugby League Clubroom**

This project was identified as a priority within the HPMP Stage 2, due to the condition of the existing facilities requiring refurbishment and to coincide with the proposed new unisex changerooms, which are to be shared.

18. **Project Contingencies / Escalation**

In light of the current inflation rates driving up construction costs, it is proposed that a portion of the \$5.4m be allocated to additional project contingencies and escalation for all projects. In the unlikely event, these funds are not required the City will seek to vary the funding agreement with the Federal Government to include another HPMP Stage 2 project in consultation with Councillors.

19. The following key projects from the HPMP Stage 2, remain unfunded:
1. New Rugby Union / Cricket facility and car parking upgrades;
 2. Morrison Oval extension, new cricket nets and sports floodlighting;
 3. John Reid Oval car parking improvements Stage 2;
 4. Renewal of existing tennis court lighting; and
 5. Tree planting across the site.
20. These projects were all identified as medium to long term priorities within HPMP Stage 2. It is proposed that these unfunded projects will continue to be included within the City's ongoing advocacy efforts, particularly in the lead up to the State and Federal Government Election Cycles in 2025.

APPLICABLE LAW

21. Section 5.56 of the Local Government Act 1995 (WA) requires that the local government plan for the future of the district.

APPLICABLE POLICY

22. Nil.

STAKEHOLDER ENGAGEMENT

23. A closed councillor briefing session was held in September 2022 to update Councillors on the proposed HPMP Stage 2 funding strategy.
24. All affected sporting clubs at Hartfield Park will be provided with an update as to the progress of the HPMP Stage 2 in May 2023.

FINANCIAL CONSIDERATIONS

25. In May 2022, the Federal Government made a \$5.4 million election commitment to the HPMP Stage 2, bringing the total State and Federal Government funding secured to \$8.06 million. The City of Kalamunda has committed a further \$265,000 in municipal funding in the 2022/23 Budget towards previously approved HPMP stage 2 projects.
26. The proposed funding strategy for allocation of the \$5.4m election commitment for HPMP Stage 2, when combined with the existing approved funding commitments is:

Project:	\$5.4m Allocation Only
AFL / Little Athletics pavilion – Stage 1 & 2	\$2,885,000
Bowls / Tennis building Co-location	\$ 742,667
2x Tennis courts with lighting	\$ 395,460

Refurbishment of rugby league facility	\$ 22,000
Demolition of redundant AFL & Tennis facilities	\$ 70,000
FUFC upgrades including unisex changerooms	\$ 657,333
New Foothills Mens Shed	\$ 362,500
John Reid Oval – Car parking stage 1	\$ 167,000
Project contingency / escalation	\$ 98,040
Total Amount	\$5,400,000

Note: Attachment One outlines the proposed HPMP Stage 2 funding strategy, inclusive of total project values, funding sources and project details.

27. The City lodged an application for a new Foothills Mens Shed to Lotterywest in November 2022, with an outcome expected in May/June 2023.
28. The Federal Government has advised the City that it will be able to access grant funding of \$760,000 under Round 4 of the Local Roads & Community Infrastructure (LRCI) scheme, which can commence from 1 July 2023 onwards. The City has yet to receive necessary funding guidelines for this fund however, it is likely to be consistent with previous Rounds 1 to 3.
29. It is proposed that the City allocates \$482,000 of this \$760,000 LRCI grant towards the co-location of Bowls and Tennis and the FUFC Upgrades including Unisex Changerooms. The remaining LRCI funding allocation for Round 4 will be considered through the annual budget deliberation process of Council.
30. In order to continue to leverage the \$5.4m the City will submit a CSRFF grant in the next available annual grant round in September 2023 for the construction of two new tennis courts with lighting, seeking a grant of \$197,730. An outcome will be known in February 2024, with funding available in 2024/25.

SUSTAINABILITY

31. During the detailed design stage for each project, sustainability measures such as the installation of solar panels, will be investigated for inclusion within the individual project budgets.

RISK MANAGEMENT

- 32.
- | | | |
|---|-------------------|---------------|
| Risk: That the Federal Government grant application for the \$5.4m commitment is not approved | | |
| Consequence | Likelihood | Rating |
| Major | Unlikely | Medium |
| Action/Strategy | | |
| The City will prepare a detailed funding application, supported by the HPMP Stage 2, which included extensive stakeholder consultation, needs analysis and provided coordinated approach to facility development across the site. | | |
- 33.
- | | | |
|--|-------------------|---------------|
| Risk: That individual stakeholders lobby the City for their project to be included as part of the \$5.4m allocation resulting in requests for change of scope or new projects being required to be delivered. | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| In determining the priority projects for the \$5.4m Federal Government funding allocation the City has considered the following factors:
a) Previously endorsed and funded projects as per Council Resolution (259/2020);
b) Implementation stages and priorities within the HPMP Stage 2;
c) Potential construction and delivery efficiencies; and
d) Increasing project cost escalations since 2021. | | |

CONCLUSION

34. In May 2022, the Federal Government made a \$5.4 million election commitment to the HPMP Stage 2, on top of the already secured funding from the State and Federal Governments totalling \$8.06 million.
35. In order to access the \$5.4m Federal Government funding, the City is required to submit a funding application, outlining the key projects to be delivered with the funding.
36. It is recommended that Council endorse the HPMP Stage 2 funding strategy for the Federal Government's commitment of \$5.4 million to the following projects:
a) Bowls / Tennis co-location and two new tennis courts with lighting;
b) New AFL / Little Athletics Pavilion – Stage 2;
c) John Reid Oval car parking improvements Stage 1;

- d) FUFC upgrades including unisex changerooms;
- e) New Foothills Mens Shed;
- f) Refurbishment of Rugby League Clubroom;
- g) Demolition of redundant AFL & Tennis facilities; and
- h) Project Contingencies / Escalations.

37. Pending Council adoption, the City will progress communications with all affected key stakeholders, including sporting clubs located at Hartfield Park.

Voting Requirements: Simple Majority

RESOLVED OCM 52/2023

That Council:

1. ENDORSE the Hartfield Park Master Plan Stage 2 funding strategy for the Federal Government's commitment of \$5.4 million to the following projects:
 - a) Bowls / Tennis co-location and two new tennis courts with lighting;
 - b) New AFL / Little Athletics Pavilion – Stage 2;
 - c) John Reid Oval car parking improvements Stage 1;
 - d) Forrestfield United Football Club (FUFC) upgrades including unisex changerooms;
 - e) New Foothills Mens Shed;
 - f) Refurbishment of Rugby League Clubroom;
 - g) Demolition of redundant AFL & Tennis facilities; and
 - h) Project Contingencies / Escalations.
2. NOTE a future Community Sporting and Recreation Facilities Fund (CSRFF) annual grant application will be submitted in September 2023 for the construction of two new tennis courts with lighting at Hartfield Park to leverage the secured Federal Government grants.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Mary Cannon**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.4.5. Reconciliation Action Plan 2023

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

Previous Items	OCM 34/2017 OCM 15/2017 OCM Feb 2019
Directorate	Community Engagement
Business Unit	
File Reference	
Applicant	City of Kalamunda
Owner	
Attachments	Reconciliation Action Plan 2023

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 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. This purpose of this report is to seek the endorsement of the draft Reconciliation Action Plan (RAP) 2023 (Attachment 1) for the purpose of public advertising.
2. The RAP is recognised as a significant commitment towards building better awareness, understanding and relationships between the City of Kalamunda and Aboriginal and Torres Strait Islander people and recognises Aboriginal culture within the City.
3. It is recommended that Council adopt the draft Reconciliation Action Plan for the purpose of advertising for public comment.

BACKGROUND

4. A RAP is a business plan that outlines what will be done by an organisation to contribute to reconciliation in Australia.
5. The City of Kalamunda's first RAP was endorsed in 2019.
6. Reconciliation Australia is the lead not-for profit body for reconciliation in Australia. Reconciliation Australia's RAP Framework provides organisations with a structured approach to advance reconciliation.

DETAILS AND ANALYSIS

7. There are four different types of RAP's that an organisation can develop: Reflect, Innovate, Stretch and Elevate. Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey.

8. There are formal reporting requirements to a RAP as set by Reconciliation Australia including endorsement, an official launch and regular reporting.
9. The City's draft RAP includes four key outcome areas with actions, deliverables and timelines identified under each of these categories: a) Respect; b) Relationship; c) Opportunities; and d) Governance and Reporting.
10. The draft RAP has been developed from the information gathered resulting from the initial community engagement process including various stakeholder meetings and workshops facilitated by Mr Danny Ford from Kambarang. Attendees included local aboriginal Elders, local students, City residents and non-residents that have a significant connection to the area.
11. At the end of the public comment period, community feedback will be collated and incorporated into a final draft RAP to be presented to Council for final consideration.

APPLICABLE LAW

12. Local Government Act 1995
13. Aboriginal Cultural Heritage Act 2021

APPLICABLE POLICY

14. Community Engagement Policy

STAKEHOLDER ENGAGEMENT

15. The following engagement sessions were undertaken to develop the draft RAP including:
 - a) discussions with stakeholders including residents, local Aboriginal Elders, other significant members of the community and non-residents who have a connection to the area; and
 - b) two community stakeholder meetings held in February and March 2023.
16. It is recommended that Council adopts the draft RAP and advertises it for a period of 30 days, with results included within a final draft plan to then be represented to Council for final consideration.

FINANCIAL CONSIDERATIONS

17. Community Consultation on the draft RAP will be undertaken within current budget parameters.

SUSTAINABILITY

18. The development of a RAP will recognise the importance of meaningful engagement, mutual respect, creating trust and utilising culturally appropriate practices and protocols to fully understand the needs of local communities and to develop positive outcomes.

RISK MANAGEMENT

19.	Risk: The 2023 RAP is not progressed, and the City does not have a strategic direction in relation to our Aboriginal and Torres Strait Islander community.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Progress with advertising the Draft Reconciliation Action Plan seeking public comment as an ongoing step towards progressing a City of Kalamunda RAP.		

CONCLUSION

20. Community members have showcased strong support for the development of the new RAP, with positive feedback at Community meetings held.
21. The RAP reinforces the City's significant commitment towards building better awareness, understanding and relationships between the City of Kalamunda and Aboriginal and Torres Strait Islander people and recognises Aboriginal culture within the City.

Voting Requirements: Absolute Majority

RESOLVED OCM 53/2023

That Council

1. ADOPT the draft Reconciliation Action Plan for the purpose of advertising for public comment.

2. THANK community members who have provided input into the development of the draft at Community workshops.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Brooke O'Donnell**


Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

10.4.6. Community Engagement Review 2022

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

Previous Items	OCM 101/2022
Directorate	Community Engagement
Business Unit	
File Reference	
Applicant	Community Engagement
Owner	City of Kalamunda
Attachments	Community Engagement Overview 2022

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 1.1.2 - 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 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

Priority 4: Kalamunda Leads

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

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide an overview of community engagement campaigns conducted in 2022.
2. The 2022 community engagement overview showcases the breadth of methodology and campaigns undertaken.
3. The recommendation is to receive the Community Engagement Overview for the 2022 Calendar year.

BACKGROUND

4. The City of Kalamunda (City) undertakes a review of Community engagement annually, by undertaking post campaign evaluation of each engagement.
5. Each engagement campaign also has a comprehensive Community Engagement report published, with verbatim results, along with a summary of all communications and promotion undertaken by the City during the campaign.
6. 'Community engagement' is used as an umbrella phrase to include informing, consultation, engagement, and empowering activities. The City of Kalamunda engages through the IAP2 Spectrum of Public Participation which identifies 5 subcategories of engagement.

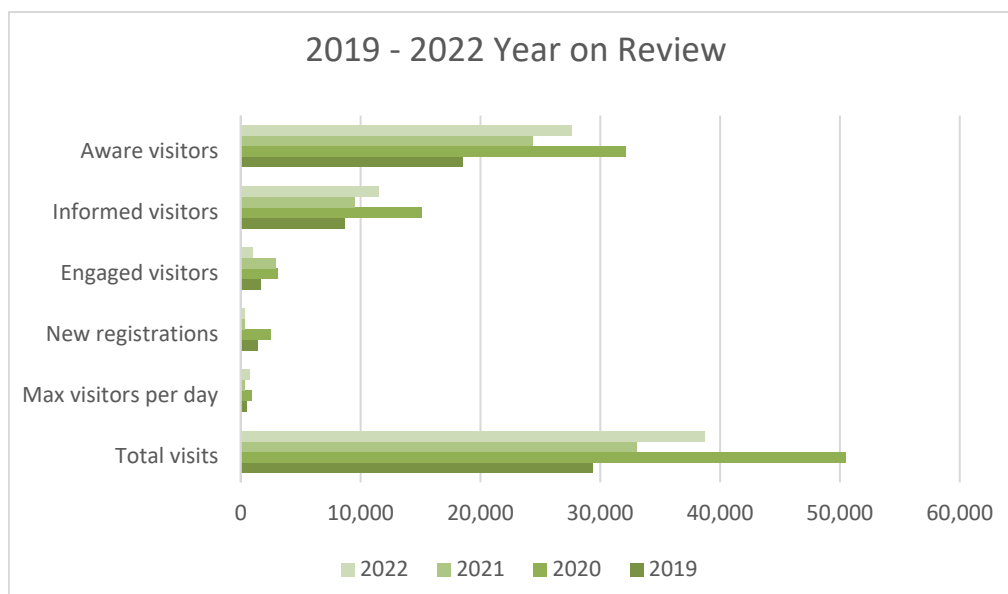
Inform	Consult	Involve	Collaborate	Empower
--------	---------	---------	-------------	---------

7. The core values outlined by IAP2 for community engagement are:
- a) The public should have a say in decisions about actions that could affect their lives.
 - b) Public participation includes the promise that the public's contribution will influence the decision.
 - c) Public participation promotes sustainable decisions by recognising and
 - d) Communicating the needs and interests of all participants, including decision makers.
 - e) Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
 - f) Public participation seeks input from participants in designing how they participate.
 - g) Public participation provides participants with the information they need to participate in a meaningful way.
 - h) Public participation communicates to participants how their input affected the decision.

DETAILS AND ANALYSIS

8. In 2022, the City had a total of 57 projects open for public comment. These projects spanned a wide variety of the City's services, policies, and community issues, including planning proposals, policy development, environmental initiatives, City facility and amenity consultations, and road safety awareness programs.
9. The total visits to the engagement portal was 38,700, up from 33,000 in 2021. Of the 38,700 total visits, 1,000 were engaged participants, 11,500 were informed participants and 27,600 were aware participants during the 2022 calendar year.
10. The max visitors per day was 718, up from last year with 335.
11. Pop-up booths, direct mailouts, workshops and opportunities for dialogue continue to be very popular.

12.



13.

	Aware visitors	Informed visitors	Engaged visitors	New registrations	Max visitors per day	Total visits
2022	27,600	11,500	1,000	342	718	38,700
2021	24,400	9,500	2,900	348	335	33,000
2020	32,100	15,100	3,100	2,500	934	50,500
2019	18,500	8,700	1,700	1,400	530	29,400

14. All engagement projects are supported with an integrated marketing campaign, to ensure maximum reach across a diverse range of audiences in our community, regardless of whether they are online, at home or face-to-face in the public domain (such as shopping centres or at City events).

15.

Top Engaged Projects

Haynes Street Upgrade Project
 Commemorative Tree Planting 2022
 Cat Local Law 2022
 2022 Climate Change Action Plan
 Name the New Community Reuse Shop
 Youth Plan 2023 – 2028
 Where do you want to see food trucks?
 Plants for Residents 2022

16.

The City of Kalamunda was nominated and won three awards related to Community engagement in 2022.

17.	Project	Award
	Thinking Global Acting Local – Kalamunda’s Climate Change Action Plan	Stakeholder Engagement award at the Planning Institute of Australia’s 2022 Awards for Planning Excellence
	High Wycombe Shared Path Project	WA Bicycle Network Category award at the Your Move Awards hosted by the Department of Transport
	Gladys Newton Park	Local Government Professionals Connecting Community Award for community engagement at the Annual Local Government Professionals WA Awards

APPLICABLE LAW

18. *Local Government Act 1995*

APPLICABLE POLICY

19. Service 5 – Communication and Engagement

STAKEHOLDER ENGAGEMENT

20. This report provides an overview of stakeholder engagement undertaken in 2022.

FINANCIAL CONSIDERATIONS

21. All community engagement is undertaken within approved budget parameters.

SUSTAINABILITY

22. Community engagement is critical to the City in terms of sustainability.

RISK MANAGEMENT

23.	Risk: Community engagement practices not reviewed		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	Ensure engagement reports prepared for each project, with an annual review of all engagement undertaken.		

CONCLUSION

24. Local governments that inform, consult, collaborate with, and listen to their local communities empower their communities to be engaged and participate in their own governance. This makes for healthy democracies and involved citizens.

Voting Requirements: Simple Majority

RESOLVED OCM 54/2023

That Council RECEIVE the Community Engagement Overview for the 2022 calendar year.

Moved: **Cr Sue Bilich**

Seconded: **Cr Lisa Cooper**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.4.7. Kalamunda Chamber of Commerce - Partnership Agreement

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

Previous Items	
Directorate	Community Engagement
Business Unit	Economic and Cultural Services
File Reference	
Applicant	Kalamunda Chamber of Commerce (The Chamber)
Owner	
Attachments	Kalamunda Chamber of Commerce - Partnership Agreement

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

Priority 4: Kalamunda Leads

Objective 4.2 - 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 Kalamunda Chamber of Commerce's (Chamber) request for a Partnership Agreement with the City of Kalamunda (City) from 1 May 2023 with a one-year option to renew to 30 April 2025.
2. The Chamber's partnership request has a value of in-kind/in lieu requests estimated at \$15,393:
 - a) KCC Farmers Market, Kalamunda Night Market and Forrestfield Night Market, waiver of fees for Trading in Thoroughfares and Public Spaces;
 - b) Office space in the Perth Hills Visitor Centre;
 - c) Use of the City's conference room, Forrestfield Library Conference Room and/or Zig Zag Cultural Centre seminar room;
3. The financial relationship between the Chamber and the City was previously underpinned by the following:
 - a) A two year partnership agreement with the City which expired in September 2022.
 - b) A two-year partnership agreement with the City which expired 9 November 2019.
 - c) A five-year Memorandum of Understanding with the City which expired on 31 December 2019.
 - d) An agreement for use of an office in the Perth Hills Visitor Centre, which commenced in 2011.
 - e) Event sponsorship requests for the annual Kalamunda Christmas Lights.

The most recent financial relationship consisted of in-kind/in lieu and cash requests estimated at \$16,851.
4. It is recommended that Council endorse the Chamber's requests for a Partnership Agreement with the City of Kalamunda from 1 May 2023 with a one-year option to renew through to 30 April 2025.

BACKGROUND

5. The City has provided support to the Chamber for many years via a range of sponsorships and agreements. Since 2017, this has included:
- a) 19 December 2017: Council resolved to approve execution of a sponsorship agreement between the City and the Chamber (OCM 246/2017). The Sponsorship agreement included:
 - i. Fee waivers for trading in thoroughfares and public spaces licence for both the Kalamunda Night Market, the Forrestfield Night Market (Value of \$1,264) and Farmers Market (Value of \$7,007) plus waste management (Value of \$1,600).
 - ii. Agreement for use of an office (with free WIFI) upstairs in the Perth Hills Visitor Centre which includes a fee waiver to the value of \$3,880 (not including cleaning and utility charges). This has been in place since 2011.
 - b) On 28 May 2019: Council resolved to approve a Gold Sponsorship valued at \$15,000 for the Kalamunda Chamber of Commerce to run the Harvest festival (OCM 117/2019).
 - c) On 24 September 2019: The Chamber submitted a fee waiver request to make use of the Town Hall for markets. Council resolved to refuse the fee waiver request and recommended the Chamber include this in their annual sponsorship request due in November 2019. (OCM 228/2019).
 - d) On 25 August 2020: Council resolved to NOTE the partnership agreement as negotiated with the Kalamunda Chamber of Commerce and APPROVED financial assistance of \$16,851 for the 2020/21 financial year comprised of \$15,851 in kind contribution and \$1,000 cash contribution.

DETAILS AND ANALYSIS

6. The Request received from the Chamber is for a Partnership Agreement with the City of Kalamunda from 1 May 2023 for a twelve month period with a one-year option to renew through to 30 April 2025 .

7. The details of the assistance sought are:

Detail	Cost
A waiver of fees and charges for the 'trading in thoroughfares and public spaces licence' for the KCC Farmers Market and Kalamunda Night Market including waste management	\$ 10,513
A waiver of fees for use of an office upstairs in the Perth Hills Visitor Centre (not including cleaning and utility charges)	\$ 3,880
A waiver of fees for the use of the City of Kalamunda conference room, Forrestfield Library meeting room and/or Zig Zag Cultural Centre seminar room, for up to 6 times per year for Chamber workshops, seminars and events	\$ 1,000
Total	\$ 15,393

8. In return, the Chamber will provide to the City:

- a) Recognition as sole Platinum Sponsor of the Chamber (Valued at \$12,000).
- b) Complimentary membership to KCC with a listing in the online directory.
- c) Complimentary sponsorship of a silver award at the Outstanding Enterprise Awards (valued at \$3,000) and presentation of the award.
- d) The opportunity to address the Outstanding Enterprise Awards or any replacement event as KCCs Platinum Sponsor.
- e) Complimentary tickets for 10 guests at the annual Outstanding Enterprise Awards or any replacement event (value \$1,250).
- f) A free permanent stall to display/promote the City of Kalamunda (or event), weekly at the Kalamunda Farmers Market (valued at \$3,850) and monthly at each Night Market (valued at \$ 924).
- g) City of Kalamunda banner to be displayed at the following KCC events: Farmers Market, Night Markets, workshops & sundowners.
- h) An invitation to attend KCC sundowners for City of Kalamunda staff at no charge.
- i) City of Kalamunda logo on all KCC membership brochures/flyers/posters and website.
- j) Advertise City of Kalamunda events on KCC Facebook/Instagram and monthly e-newsletter.
- k) Share City social media posts with commercial interest to businesses within the City.
- l) Provide a minimum of 12 shares per month on Instagram and Facebook.
- m) 2 guest articles per annum on the Chamber blog.

- n) 2 guest sections per annum in the Chamber newsletter, Connections That Count.
 - o) Tagging the City on all relevant Chamber, Farmers Market and Night Market posts.
- 9. The provision of some level of financial assistance will help the Chamber and businesses to promote economic development opportunities. Accordingly, this Partnership Agreement contains a funding request of \$15,393 comprised of in-kind/in lieu items.
- 10. The Chamber states that its Purpose is to add value to the local business community by connecting and engaging with businesses throughout the City of Kalamunda.
The Chamber will achieve its Purpose through:
 - a) Identifying and facilitating training opportunities for business members.
 - b) Helping to make connections that count and engage with other local businesses.
 - c) Promote members' businesses
 - d) Providing opportunities for young entrepreneurs (SEED).
 - e) Providing advocacy for members at local, state and federal government levels.
 - f) Acting as a conduit between governing bodies.
 - g) Assistance with local government planning approval.
 - h) Recognising local business's achievements and excellence.
 - i) Engaging in activities to invigorate commercial areas throughout the City of Kalamunda.
- 11. The Chamber believes in best practices:
 - a) Fairness
 - b) Integrity
 - c) The avoidance of conflicts of interest
 - d) Communication
 - e) Partnerships
 - f) Non-discrimination
- 12. The Chamber has undertaken a review of its operations resulting in the development of a new strategic plan. The Chamber is focussed on growing its membership base, providing an improved value proposition and being better able to support the entire Kalamunda region.
- 13. The Chamber has also committed to providing its Strategic Plan to the City.

APPLICABLE LAW

14. *Local Government Act 1995.*

APPLICABLE POLICY

15. N/A.

STAKEHOLDER ENGAGEMENT

16. Advice has been received from the Tourism and Economic Development business units.
17. Negotiations between the City and the Executive of the Kalamunda Chamber of Commerce have taken place.

FINANCIAL CONSIDERATIONS

18. The Kalamunda Chamber of Commerce's submitted draft Partnership Agreement has been estimated to have an approximate of in-kind/in lieu value of \$15,393 per annum.

SUSTAINABILITY

19. It is acknowledged that the Night Markets and Farmers Market bring both locals and visitors into the townsite of Kalamunda and the foothills, availing themselves of the tourism, retail and hospitality offerings of the region, enhancing the lifestyle and activation opportunities in the region.
20. The Chamber predominantly runs on the work of volunteer members however they also provide employment for a number of part time workers. A continued Partnership Agreement would support the valuable work undertaken by the Chamber in support of the small business community.

RISK MANAGEMENT

- 21.
- | | | |
|--|-------------------|---------------|
| Risk: The City opts not to renew the Partnership Agreement resulting in criticism from the Chamber and member businesses. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| The City could provide funding support through an alternative mechanism. | | |

22.

Risk: The City is unable to demonstrate value for money from the Partnership Agreement with the Chamber		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Ensure that any funding agreements contain performance measures which the Chamber must report against on a bi-annual basis.		

CONCLUSION

23. The Chamber is focussed on growing its membership base, providing an improved value proposition and being better able to support the entire Kalamunda region.
24. The Proposed Partnership Agreement includes benefits that the City will receive as a result of the Agreement.
25. The amount requested by the Chamber as part of the Proposed Partnership Agreement is \$15,393 in lieu/in kind.
26. The City recommends that Council endorse the partnership agreement with the Kalamunda Chamber of Commerce providing the following financial assistance: In-kind contributions \$15,393.

Voting Requirements: Simple Majority

RESOLVED OCM 55/2023

That Council:

- NOTE the partnership agreement, as negotiated, with the Kalamunda Chamber of Commerce as outlined in Attachment 1.
- APPROVE in kind/in lieu financial assistance of \$15,393 for a twelve month period from 1 May 2023 with a one year option to renew through to 30 April 2025.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5. Office of the CEO Reports

No reports presented.

10.6. Chief Executive Officer Reports

10.6.1. Code of Conduct Complaint (50413)

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

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."


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

Cr Janelle Sewell declared an Interest Affecting Impartiality on Confidential Item 10.6.1 Code of Conduct Complaint (50413). The complaint was made against Cr Sewell.

Cr Geoff Stallard declared an Interest Affecting Impartiality on Confidential Item 10.6.1 Code of Conduct Complaint (50413). Cr Stallard was involved in the dispute or complaint and had to be a witness or give evidence and indirectly involved.

Previous Items	N/A
Directorate	Office of CEO
Business Unit	Governance
File Reference	
Applicant	
Owner	
Attachments	Provided under separate cover.

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

RESOLVED OCM 57/2023

That Council ACCEPT the recommendation of the External Body Complaints Assessor as set out in Confidential Attachment 1.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (11/0)**

11. Motions of Which Previous Notice has been Given

11.1 Nil.

12. Questions by Members Without Notice

12.1 Councillor Allowance (Cr Sewell)

Q. It is my understanding after failing to attend three consecutive sessions, OCMs specifically, without an apology this would result in a councillor not receiving payment?

A. The City would only cease to pay a Councillor their allowance once the formal process of the disqualification of the councillor has been achieved.

12.2 Private Property Preparedness Community Working Group (Cr O'Donnell)

Q. Has the community committee established by Council commenced?

A. The Private Property Preparedness Community Working Group was convened and held a number of meetings over a series of weeks throughout February, March and April. This committee worked very positively with the City and the members were very pleased with the outcomes achieved. The Committee participated in the review of the Fire Hazard Reduction Notice 2023/24 and the City of Kalamunda: Fire Hazard Assessment Plan 2023 – 2028 and the City valued their input.

12.3 High Wycombe South DCP (Cr O'Connor)

Q. Can I thank the Acting CEO, Peter Varelis, and Development Services staff on the excellent work they have done compiling a very comprehensive and thorough DCP Report for High Wycombe South?

A. This was acknowledged by the Mayor.

13. Questions by Members of Which Due Notice has been Given

13.1 Nil.

14. Urgent Business Approved by the Presiding Member or by Decision

14.1 Nil.

15. Meeting Closed to the Public

15.1 RESOLVED OCM 56/2023

That the Meeting be closed to the public to consider confidential items.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Meeting closed to the public at 6:57pm. All members of the public gallery left the Meeting and all elected members, the A/CEO, the Director Corporate Services and the EA to the CEO remained. The live streaming was suspended.

15.2 RESOLVED OCM 58/2023

That the Meeting be reopened to the public after consideration of confidential items.

Moved: **Cr Sue Bilich**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Meeting reopened to the public at 7:12pm. The Directors, Governance Advisor, and Managers returned to the meeting. The live streaming recommenced and the Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

16.1 Nil.

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7:14pm.

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.