



# Public Agenda Briefing Forum

14 March 2023

# Our Vision



## Connected Communities, Valuing Nature and Creating our Future Together

### Core Values

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

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

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

### Aspirational Values

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

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

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

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

[kalamunda.wa.gov.au](http://kalamunda.wa.gov.au)



## **INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING**

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

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

### **Acknowledgement of Traditional Owners**

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

## **Emergency Procedures**

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

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

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

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

## INDEX

<b>1. Official Opening.....</b>	<b>6</b>
<b>2. Attendance, Apologies and Leave of Absence .....</b>	<b>6</b>
<b>3. Declarations of Interest .....</b>	<b>6</b>
<b>4. Announcements by the Member Presiding Without Discussion .....</b>	<b>6</b>
<b>5. Public Question Time .....</b>	<b>6</b>
<b>6. Public Statement Time .....</b>	<b>6</b>
<b>7. Public Submissions Received in Writing .....</b>	<b>6</b>
<b>8. Petitions Received.....</b>	<b>6</b>
<b>9. Confidential Items Announced But Not Discussed .....</b>	<b>6</b>
<b>10. Reports to Council.....</b>	<b>8</b>
<b>10.1. Development Services Reports .....</b>	<b>8</b>
10.1.1. Lot 42 (127) Canning Road, Kalamunda - Proposed Scheme Amendment 112 -- Adoption for Public Advertising .....	8
10.1.2. Lot 106 (88) Hale Road, Forrestfield - Proposed Scheme Amendment 109 - Consideration of Submissions for Final Adoption .....	22
<b>10.2. Asset Services Reports .....</b>	<b>32</b>
<b>10.3. Corporate Services Reports .....</b>	<b>32</b>
<b>10.4. Community Engagement Reports.....</b>	<b>32</b>
10.4.1. Advocacy Strategy.....	32
10.4.2. Reserve 26843 (portion of), 38 Collins Road, Kalamunda - Expression of Interest Lease of Building.....	37
<b>10.5. Office of the CEO Reports .....</b>	<b>43</b>
<b>11. Closure.....</b>	<b>43</b>

**1. Official Opening**

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

**3. Declarations of Interest**

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

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

**3.2. Disclosure of Interest Affecting Impartiality**

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

**4. Announcements by the Member Presiding Without Discussion**

**5. Public Question Time**

Public questions will be allowed and received following the presentation of the report.

**6. Public Statement Time**

Public statements will be allowed and received following the presentation of the report.

**7. Public Submissions Received in Writing**

**8. Petitions Received**

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

- 9.1 10.4.2 Reserve 26843 (portion of), 38 Collins Road, Kalamunda - Expression of Interest Lease of Building – Confidential Attachments

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

**10. Reports to Council**

**10.1. Development Services Reports**


**10.1.1. Lot 42 (127) Canning Road, Kalamunda - Proposed Scheme Amendment 112 -- Adoption for Public Advertising**

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/112; CN-01/127
Applicant	Dynamic Planning and Developments
Owner	Warr Investments No. 7 Pty Ltd

Attachments	1. Supporting Planning Assessment - Amendment 112 [10.1.1.1 - 9 pages]
	2. Applicant Scheme Amendment 112 Report - 127 Canning Road, Kalamunda [10.1.1.2 - 24 pages]
	3. 127 Canning Road, Kalamunda - Scheme Amendment 112 [10.1.1.3 - 1 page]
	4. Concept Plans - 127 and 129 Canning Road, Kalamunda [10.1.1.4 - 6 pages]
	5. Tree Audit- Scheme Amendment 112 [10.1.1.5 - 5 pages]

**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (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 3.1** - To plan for sustainable population growth.

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

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

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

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider whether to adopt Amendment 112 (A112) to Local Planning Scheme No.3 (LPS3) for the purposes of public advertising.
2. A112 proposes to amend Local Planning Scheme No. 3 (the Scheme) to rezone Lot 42 (127) Canning Road, Kalamunda from Residential R10 to Commercial.
3. The subject site is located at the corner of Canning Road and Lewis Road and is opposite the Kalamunda South Neighbourhood Activity Centre (NAC) (also referred to as the 'Kalamunda Glades Shopping Centre') with the majority of land surrounding the site zoned Residential R10.
4. The applicant has indicated the rezoning for the subject site will facilitate a larger development of Lot 42 (127) and Lot 43 (129) Canning Road for a "child care premises" and "motor vehicle repairs" facility. Both sites have the same landowner.
5. The subject site is noted to be an expansion of the current Kalamunda Glades Shopping Centre and Kalamunda South Neighbourhood Activity Centre and has been identified as an opportunity site through the City of Kalamunda's (City) Activity Centre Strategy.
6. Council is recommended to proceed to advertise A112 to the Scheme with modification.



**BACKGROUND**

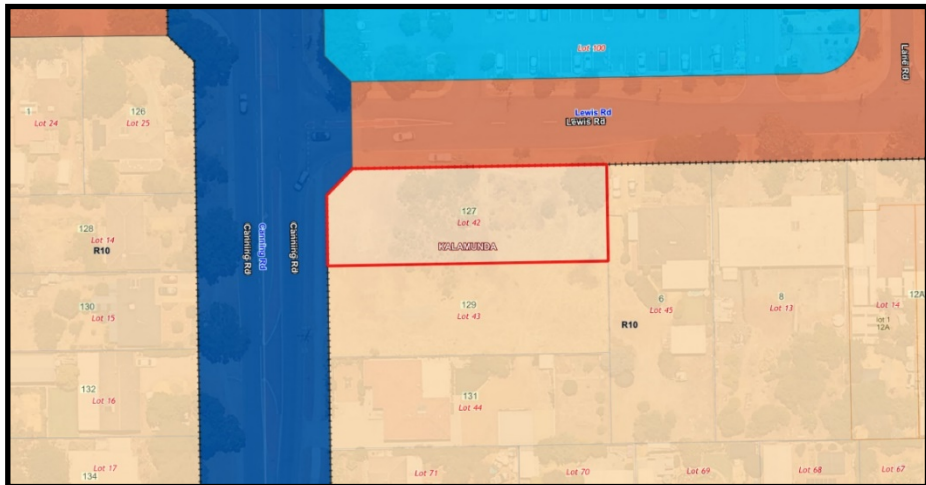
7. **Land Details:**

Land Area	1430sqm
Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential R10

8. **Locality Plan:**



9. **Zoning Map:**



10. The subject site is located within a Residential (R10) zone with existing residential land uses to the east, south and west. Lot 100 (121 – 123) Canning Road to the north is zoned Commercial (Kalamunda Glades Shopping Centre). Additionally, within the wider context, Lot 9 (115) Canning Road is zoned Special Use (Consulting Rooms and Professional Office’s) and represents a comparable site to the proposal given its location fronting Canning Road and the nearby Commercial zone at Lot 100. Refer to below map identifying the subject site and Lot 9 with a star.



11.



12. The subject site is currently vacant (including the adjoining Lot 43) with historical aerial imagery indicating that no development has occurred across the subject site dating back to 1965. Refer to Attachment 1 – Supporting Planning Assessment for a copy of the historical aerials and site photos.

13. The subject site contains seven trees “worthy of retention” (refer to Attachment 5 – Tree Audit) located towards the northern portion of the site and some shrubs near the centre of the site. It should be noted one tree worthy of retention - the largest on-site - is anticipated to be retained with the remaining trees removed. Tree planting in accordance with the City of Kalamunda’s (City) policies would be considered in future development applications.

14. The topography of the site falls approximately 3.5m from the south-east corner to the north-west corner of the site. The concept plans indicate the rear of the site abutting Lot 45 (6) Lewis Road will consist of cut and retaining. Retaining walls are anticipated to front Canning Road. Exact details and assessment of the retaining walls will be undertaken at the development stage; however, the concept plans indicate 1.65m of cut and 1.5m of fill. It is typically considered a good planning outcome if there is a balance of cut and fill within a site, rather than it being all fill and no cut and visa versa.

15. The City has received a development application on the adjoining site at 129 Canning Road for a “child care premises”. The application will be determined by a Joint Development Assessment Panel (JDAP) in line with the permissibility under a residential zone. If approved by the JDAP, the child care is expected to limit the viability of residential development at 127 Canning Road as it would be sandwiched between two non-residential land uses.

### **DETAILS AND ANALYSIS**

16. The applicant is seeking an amendment to the Scheme to rezone the subject site from Residential R10 to Commercial.
17. The applicant notes the following in support of the proposal:
- a) The proposal has been demonstrated as being consistent with the provisions of the Metropolitan Region Scheme.
  - b) The proposal is consistent with and would seek to maintain the existing character of the locality, and it is submitted that the proposed ‘Commercial’ zoning is appropriate as it is supported by the provisions of the relevant State Strategic Planning Framework.
  - c) The proposal is consistent with the objectives and provisions of the State Planning Policy 4.2 - Activity Centres for Perth and Peel and draft State Planning Policy 4.2 – Activity Centres.
  - d) The proposal has demonstrated consistency with the provisions of the City’s Strategic Planning Framework.
  - e) If approved, the proposal assists the facilitation of a development of the site, which is to have the same desired outcome of increasing the economic viability of the adjacent centre, ensuring longevity and retention of the existing amenities that remain.
  - f) The proposal shall move towards achieving sustainable development practice by making better and efficient use of existing available land within the locality.
18. Furthermore, in support of A112, the applicant has also provided the following:
- a) Planning report addressing the key policy issues; and
  - b) Concept Redevelopment Plans.

19. **Zone Objectives**

The proposed scheme amendment needs to be considered in the context of the commercial zone objectives, which are:

- a) To serve the needs of the localised area in providing for local shopping facilities, business, professional, civic, cultural, medical, and other health related services.
- b) To ensure the development is design to be compatible with nearby uses and zones, particularly Residential zones.

20. A112 will support the needs of the localised area, in conjunction with the Kalamunda Glades Shopping Centre, noting the scale of development is low and unlikely to impact on the wider and higher tier commercial areas or affect their economic viability. Therefore, the first zone objective is considered to be achieved by A112.

21. The compatibility of the commercial zone in relation to the residential zone is not, at this stage, fully understood, ultimately, however, the future land use and design will need demonstrate through its operation and design compatibility with the surrounding residential zone.

22. It is noted that the current residential zoning has not eventuated in development of any kind on the site for over 50 years. There is potential that the lack of development indicates the commercial zone may be of greater compatibility with the existing residential and commercial zones. The advertising period will allow for the City to consider A112 in this context and make an informed decision in relation to the second zone objective.

23. **Land Use Permissibility**

Further to the zoning of the land, it is relevant to consider the land use permissibility and the changes which will occur as a result of the zoning changes. Whilst it is noted the applicant has submitted the application with the intent to develop an Automaster Repair Shop, consistent with a "Motor Vehicle Repairs" land use, A112 must be assessed in the context of the full land use range that will be capable of being applied for. A full table of the change in land use permissibility has been provided in Attachment 1 – Supporting Planning Assessment.

24. Noting the variation in land use permissibility possible through a “commercial” zone in comparison to a “residential” zone, the following land uses are raised as possible land uses to note for their amenity and/or traffic concerns:
- a) Bulky Goods Showroom
  - b) Fast Food Outlet
  - c) Funeral Parlour
  - d) Health/Fitness Centre
  - e) Medical Centre
  - f) Motor Vehicle Repairs
  - g) Motel Vehicle Wash
  - h) Reception Centre
  - i) Recreation – Private
  - j) Restaurant/Café
  - k) Service Station
25. Whilst the planning system has the capacity to address amenity consideration including traffic, design and noise, the City must take into account at the scheme amendment stage whether these increased amenity issues are in keeping with the strategic intent of the planning framework.
26. **Activity Centres**  
State Planning Policy 4.2 – Activity Centres (SPP4.2) provides the City direction on the distribution, hierarchy and purpose of activity centres with the aim to meet the needs of communities through the appropriate provision of employment opportunities, housing densities, retail and commercial needs, and the access to transport other than by private car.
27. The proposed commercial zone for the subject site is considered to be an expansion of the Neighbourhood Centre as per the Activity Centres Hierarchy. Neighbourhood and Local Centres main function is for the provision of daily and weekly household shopping needs, community facilities and a small range of other convenience services. The development application stage will be required to determine if the proposal meets this purpose, however, the scale of the subject site will likely support future development in achieving the appropriate function for the neighbourhood centre.
28. A proposed “Motor Vehicle Repairs” development is likely consistent with the neighbourhood centre function in that it will provide a small range of other convenience needs, noting in particular that Kalamunda is generally a low density and car centric suburb, with most households requiring vehicle maintenance works as a result.

29. Neighbourhood Centres should generally be serviced by a bus network servicing the nearby locality and provide for the needs of a walkable catchment. It is noted the subject site is within 90m of the nearest bus stop, with stops moving both south and north bound. There are an additional two stops within 150m of the site moving in both directions (one in each direction). The transport network needs for neighbourhood centre are consistent with the policy.
30. SPP4.2 also provides direction on when a Retail Sustainability Assessment or Needs Assessment will be required to justify a scheme amendment. It is noted as the subject site is less than 3000sqm and is not considered a major development, a retail sustainability assessment is not required to accommodate A112.
31. The applicant contends that A112 will not undermine the adjoining Neighbourhood Centre due to the site area constraints. Given a retail sustainability assessment is not required, and the amenity considerations (noise, design, traffic) can be adequately addressed through the development stage, the City generally agrees with this statement.
32. **Future Design Outcomes**  
State Planning Policy 7.0 – Design of the Built Environment (SPP7.0) provides the framework for considering good design outcomes. Given the subject site will be highly visible from a regionally significant road, due consideration to SPP7.0 will be undertaken.
33. SPP7.0 requires assessment against the design principles of:
- a) Context and character;
  - b) Landscape quality;
  - c) Built form and scale;
  - d) Functionality and build quality;
  - e) Sustainability;
  - f) Amenity;
  - g) Legibility;
  - h) Safety;
  - i) Community; and
  - j) Aesthetics.
34. SPP7.0 also may require the City's design review panel to assess the development proposal to ensure independent and impartial evaluation of the design against the design principles are undertaken. SPP7.0 calls for design skill to be integral to achieving good design outcomes and as such a design statement may be necessary for future development.

35. **Activity Centre Strategy**  
The City's Activity Centres Strategy (ACS), adopted by Council in 2021 identifies the sites as a 'development opportunity' south of the Kalamunda South Neighbourhood Activity Centre (NAC).
36. Referring to expansion of the Kalamunda South NAC, the ACS states 'Limited space for expansion on the existing site, any expansion will require a reduction in the car parking area...there is no opportunity to expand to surrounding landholdings as the site is surrounded by four roads.'
37. Retail analysis undertaken for the ACS did not anticipate any projected retail floorspace increase up to the year 2026.
38. Action 1.1.1 of the ACS states to 'undertake community engagement for catchments surrounding activity centres to investigate future development options for the catchments. The activity centre areas to be investigated will be determined through the implementation of actions coming out of the Local Housing Strategy 2020.'
39. The subject site has been identified as a 'development opportunity'. A112 provides therefore an avenue for the City and Council to further consider whether a commercial zone is an appropriate outcome for the site.
40. **Local Housing Strategy**  
The site is located within 'The Glades - Investigation Area' under the Local Housing Strategy (LHS), adopted by Council 2021.
41. Community consultation and site analysis is required to inform future opportunities in the area with consideration to the following factors; location near an activity centre, access to public transport, access to and capacity of the sewerage network, tree canopy cover, larger lot sizes, aged care provision, and the general character of the area.
42. Action 14 Investigation Areas requires the City to progress studies for investigation areas as part of the new Local Planning Strategy and Local Planning Scheme No. 4

43. **Concept Plans**

The applicant has provided conceptual plans for the development of a 'Motor Vehicle Repairs' land use on the subject site. As part of any future development application, the proposal will be subject to a range of local planning policies which will address the amenity outcomes including considerations against signage, retaining walls design, public art requirements, and tree retention provisions. The normal application of the planning framework which applies to the site will ensure an appropriate development outcome for the subject site in line with proper and orderly planning.

**APPLICABLE LEGISLATION**

44. ***Planning and Development (Local Planning Schemes) Regulations 2015***

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme, as well as justification for the type of amendment proposed (basic, standard, or complex).

45. Pursuant to Regulation 34, the proposal is to be a complex amendment for the following reasons:

- a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission.
- b) an amendment that is not addressed by any local planning strategy.
- c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

**APPLICABLE POLICY**

- 46. State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- 47. State Planning Policy 4.2 – Activity Centres for Perth and Peel
- 48. State Planning Policy 7.0 – Design of the Built Environment
- 49. City of Kalamunda Activity Centres Strategy
- 50. City of Kalamunda Local House Strategy
- 51. Local Planning Policy 2 – Advertising Signage
- 52. Local Planning Policy 11 – Public Notification of Planning Proposals
- 53. Local Planning Policy 18 – Requirements of Local Planning Scheme Amendments
- 54. Local Planning Policy 23 – Retaining Walls and Earthworks
- 55. Local Planning Policy 26 – Public Art Contributions
- 56. Local Planning Policy 33 – Tree Retention



## **STAKEHOLDER ENGAGEMENT**

57. **Internal Referrals**

A112 was referred to the City's internal service areas for comment. The City's Environmental Health Services and Environmental Planning have raised comments relevant for consideration through the scheme amendment process. No further comments of note were raised through referral process.

58. The City's Environmental Health Services have raised concerns around the impact commercial activities have on surrounding residential land uses and the feasibility of future development in relation to effluent disposal.

59. Specifically, Environmental Health Services has raised the potential for noise, amenity, and nuisance issues to arise from any future development. The City notes that generic noise modelling as part of the Scheme amendment process would be beneficial to assess the likely noise and amenity outcomes.

60. The City's Environmental Planner has noted that the application has not provided supporting documentation in relation to the site's environmental values. Vegetation removal and tree removal will likely be greater than that associated with residential development and as consideration of the environmental value should be provided.

## **FINANCIAL CONSIDERATIONS**

61. All costs associated with the processing of the Scheme amendment will be borne by the Applicant.

## **SUSTAINABILITY**

62. **Social**

The proposed zoning changes will provide development opportunities which can service the needs of the local community, whilst at the same time these services generally require an increase in noise, traffic and built form. These amenity outcomes maybe considered unacceptable to surrounding landowners and be inconsistent with the expected amenity outcomes of the locality.

63. **Economic**  
 The proposed commercial zone will expand the commercial opportunities for the subject site and lead to increased employment opportunities within the Kalamunda suburb. The increased commercial area is unlikely to impact on the viability of the Kalamunda Glades Shopping Centre across the road, with the scale of development possible at the subject site relatively limited.

64. **Environment**  
 The subject site includes seven trees worthy of retention and some remnant native vegetation. The ecological value of the on-site vegetation is unknown with a tree audit undertaken to identify the tree species, but no information provided by the applicant. It is understood all vegetation apart from the eastern-most tree will be removed to facilitate future development of the site, with appropriate offsets and planting requirements to be determined in accordance with local planning policies at the development stage.

**RISK MANAGEMENT**

65.

<b>Risk:</b> The rezoning of the subject site will lead to increased noise and traffic from future development.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Almost Certain	High
<b>Action/Strategy</b>		
Advertise the amendment to allow for public submissions to be made. Submissions will be assessed to determine if the increased amenity impact is acceptable to landowners, taking into consideration the existing amenity from the commercial zone at Lot 100 (121) Canning Road.		

66.

<b>Risk:</b> The subject sites remain vacant as the scheme amendment is not accepted noting the current amenity detracts from residential development occurring on the site.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Insignificant	Likely	Low
<b>Action/Strategy</b>		
Allow the scheme amendment to proceed to public advertising and consider the most appropriate outcome based on the submissions. If not accepted, the City to then assess the best zoning for the subject site through our scheme review and strategic planning processes.		

67.

**Risk:** The scheme amendment is not accepted, and the subject site is developed for commercial activity in accordance with the current land use permissibility triggering amenity issues.

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

**Action/Strategy**

Provide detailed assessment of the amenity impacts possible during the public advertising period. Accept amenity changes will occur in comparison to the current vacant land use and acknowledge the planning framework may require management plans to ensure amenity considerations are appropriately addressed for the lifetime of a development.

**CONCLUSION**

- 68. The applicant is seeking an amendment to the Scheme to rezone the subject site from Residential R10 to Commercial. Whilst the planning framework does not specifically identify the subject site for commercial use or zoning, the City’s Activity Centre Strategy does identify the subject site as an opportunity site and as such the scheme amendment process is appropriate for allowing the City to give due consideration to the rezoning and future impacts of land uses consistent with the proposed zone.
- 69. Advertising of the proposed amendment will provide the City the opportunity to fully consider the implication of the proposed zoning change and determine the suitability of the subject site for future commercial land uses as proposed to be undertaken in accordance with Action 1.1.1 of the City’s Activity Centre Strategy.
- 70. The subject site is noted to be an expansion of the current Kalamunda Glades Shopping Centre and Kalamunda South Neighbourhood Activity Centre and will likely be bound by the child care premises to the south at 129 Canning Road.
- 71. Noting the above, it is recommended that Council adopts A112 for purposes of public advertising.

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

That Council:

1. ADOPT proposed Local Planning Scheme Amendment No.112 to Local Planning Scheme No.3 –Lot 42 (127) Canning Road, Kalamunda in accordance with Attachment 2, pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of public advertising.
2. CONSIDER proposed Local Planning Scheme Amendment No.112 to Local Planning Scheme No.3 as a Complex amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
  - a) An amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
  - b) An amendment that is not addressed by any local planning strategy; and
  - c) An amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.
3. REQUEST the applicant provided additional supporting information in relation to noise modelling and environmental values to facilitate the assessment of the Scheme Amendment in accordance Regulation 37(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. FORWARD proposed Scheme Amendment No.112 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*.
5. FORWARD proposed Scheme Amendment No.112 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. ADVERTISE proposed Scheme Amendment No.112 to Local Planning Scheme No.3 for a period of 60 days pursuant to Regulation 38 (Complex) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Policy 11 – Public Notification of Planning Proposals and sec 81 an 82 of the *Planning and Development Act 2005*.


## 10.1.2. Lot 106 (88) Hale Road, Forrestfield - Proposed Scheme Amendment 109 - Consideration of Submissions for Final Adoption

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

Previous Items	OCM 95/2022
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/109
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	<ol style="list-style-type: none"> <li>1. Submission Table [<b>10.1.2.1</b> - 19 pages]</li> <li>2. Amendment 109 Tree Audit [<b>10.1.2.2</b> - 1 page]</li> <li>3. Scheme Amendment Report - 88 Hale Road, Forrestfield [<b>10.1.2.3</b> - 215 pages]</li> <li>4. Expert Advice - Response to Submissions [<b>10.1.2.4</b> - 3 pages]</li> </ol>
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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 3: Kalamunda Develops

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

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

### Priority 3: Kalamunda Develops

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

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

### Priority 3: Kalamunda Develops

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider submissions received on Scheme Amendment 109 (A109) to Local Planning Scheme No. 3 (the Scheme) and decide whether to support A109.
2. Amendment 109 proposes to rezone Lot 106 (No. 88) Hale Road, Forrestfield (the site) under the City of Kalamunda (City) Local Planning Scheme No. 3 (LPS3) from 'Residential', 'Mixed Use' and 'Public Purpose - Hall / Community Centre' to 'District Centre'.
3. Specifically, Amendment 109 consolidates the existing activity centre uses and recognises the site as being within the logical confines of the activity centre, in line with its designation as a District Activity Centre under State policy. Furthermore, the Amendment will allow for future redevelopment of the site with a development mix consisting of an integrated health / community hub and showroom development.
4. Eight submissions were received during the advertising period, comprising three (3) objections, four (4) non objections and one (1) no comment.
5. It is recommended the Council support A109 with minor modifications, for the purposes of referral to the Western Australian Planning Commission (WAPC) and, subsequently, the Minister for Planning for final approval.

## BACKGROUND

6. The site has a site area of approximately 18,006m<sup>2</sup> and is located within the Forrestfield District Activity Centre (DAC).



Figure 1 Site location Lot 106 (88) Hale Road

7. The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and comprises three (3) separate zoning and reserve classifications under the City's LPS3:
- Residential R60 in the north-west portion of the site (approx. 4,500m<sup>2</sup>);
  - Mixed Use R60 in the south-west portion of the site (approx. 3,400m<sup>2</sup>); and;
  - Public Purpose - Hall / Community Centre on the north-east portion of the site (approx. 9,900m<sup>2</sup>).



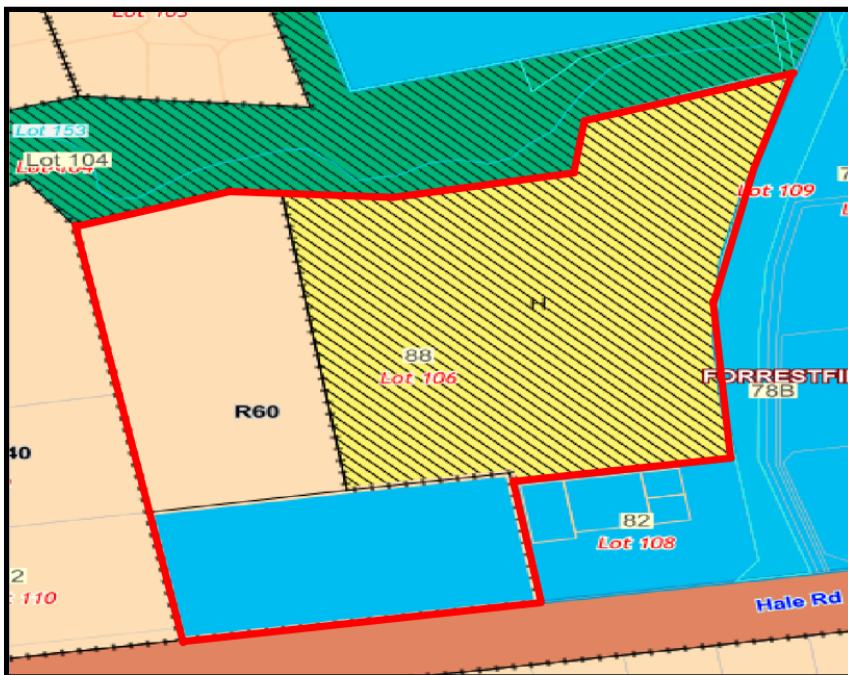


Figure 2 Site Local Planning Scheme Zoning Lot 106 (88) Hale Road

8. The north-eastern portion of the site is used for the Woodlupine Family and Community Centre including open parking areas. The balance of the site is currently vacant of any improvements with a mix of tall trees spread out across the site separated by open areas, and some smaller landscaping near the car park. The tall trees are a feature along the Hale Road frontage.
  
9. The site is owned in freehold by the City and in early 2021, the City commissioned investigations to explore strategic land use opportunities for this site through a Land Use Assessment. The study considered various commercial land use opportunities that provide a strong return on investment, enhanced community benefit and represents the highest and best use of the land.
  
10. A development mix consisting of an integrated health / community hub and separate showroom development fronting Hale Road was identified as the most optimal development outcome from the perspectives of market demand, tenant attraction, competition, financial return and site suitability. This mixed-use approach is consistent with the planning framework. This development mix is also expected to deliver a range of community benefits, including:
  - a) Increased consumer choice and convenience;
  - b) Increased employment opportunities;
  - c) Increased quality of life; and
  - d) Improved centre vibrancy.

11. In order to progress with the vision for the site, the City is proposing to rezone the land from the current mix of Public Purpose, Residential and Mixed Use to District Centre.

## **DETAILS AND ANALYSIS**

12. The site exists as part of the Forrestfield District Centre, albeit without the 'District Centre' zoning that has otherwise been applied to the lands immediately to the north of the Wood Lupine Brook Reserve and to the east of Woolworths Drive.
13. **Land Use Assessment (July 2021)**  
The Land Use Assessment (LUA) found that due to the expected population growth in Forrestfield and surrounding areas, as well as the above average ageing demographic, there is a need for an increase in appropriate services to cater for the population. Specifically, there is an estimated notional undersupply of health, shop retail, showroom retail and aged care /retirement land uses. It is noted the City has actively pursued the provision of additional aged residential care through the Cambridge Reserve Community Enhancement Project.
14. Furthermore, the LUA identified that there is a current and future undersupply of General Practitioners (GP) in the study area and an undersupply of key allied health services; particularly dentists and physiotherapists. There is also considered to be a need for specialist health services such as immunisation clinics, pathology clinics, child health, mental health and pharmacy services.
15. In addition, the LUA found that bulky goods floorspace is limited within the study area to minor individual out of centre retail developments (less than 2,000m<sup>2</sup> total), however the estimated demand for the catchment may increase to as much as 48,400m<sup>2</sup> by 2035.
16. The current split of zonings across the site restricts the ability to address the identified shortfalls / demand. For example:
  - a) Bulky Goods Showroom and Shop are uses that are not permitted in the Mixed Use and Residential zoned portions; and
  - b) Health/Fitness Centre and Medical Centre are uses that are not permitted in the Residential zoned portion.
17. The rezoning will enable Bulky Goods Showroom to become a discretionary use, whilst Health/Fitness Centre, Medical Centre and Shop will become permitted uses.

18. Whilst not considered the best use of the land, the rezoning will also still enable the site to be developed for residential purposes, noting that Aged/Dependant Dwellings, Aged Residential Care, Grouped Dwelling and Multiple Dwelling will be either permitted or discretionary uses.
19. Civic Use and Community Purpose will remain as permitted uses for the site. Community consultation for redevelopment of the existing Woodlupine Community Centre to the proposed Woodlupine Community Hub as part of the Strategic Community Facilities Plan is currently in progress. It seeks to provide:
- a) A new Forrestfield Library with City Customer Service offerings once the existing lease for library space in the adjacent shopping centre reaches its end.
  - b) A digital Technology hub for community education
  - c) An existing Family Centre.
  - d) A youth Centre.
  - e) An Aboriginal Cultural and Educational Centre.
  - f) A Senior's centre.
  - g) A new home for the Forrestfield Information and Referral Service (FIRS).
  - h) A series of community spaces of various room sizes and main hall with flexibility to be broken into two smaller halls.
  - i) Café
  - j) Commercial areas for health and/or community services which may include a Super GP, specialist medical suites and diagnostic facilities (e.g., MRI) that are not readily accessible in the area or community service providers such as home care support.
  - k) An Outdoor Playground and Youth spaces attached to the relevant indoor area.
  - l) Strong linkages to Woodlupine Brook for passive recreation.

#### **APPLICABLE LAW**

20. *Planning and Development (Local Planning Schemes) Regulations 2015*

Regulation 50 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires the local government to pass a resolution by the end of the consideration period to:

- a) To support the amendment without modification; or
- b) To support the amendment with proposed modifications to address issues raised in the submissions; or
- c) Not to support the amendment.

21. The Amendment is a standard amendment, which is defined in regulation 34, as follows:
- a) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission (subclause (b));
  - b) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan (subclause (d));
  - c) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment (subclause (e)); and
  - d) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area (subclause (f)).

### **APPLICABLE POLICY**

- 22. Draft State Planning Policy 2.9 Planning for Water
- 23. State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- 24. State Planning Policy 4.2 - Activity Centres for Perth and Peel
- 25. Draft State Planning Policy 4.2 Activity Centres
- 26. City of Kalamunda Local Planning Strategy
- 27. City of Kalamunda Activity Centres Strategy
- 28. Forresterfield District Centre Structure Plan
- 29. Local Planning Policy 33 – Tree Retention
- 30. Local Planning Policy 34 – Wetlands and Waterways (DRAFT)

### **STAKEHOLDER ENGAGEMENT**

31. **Public Advertising**  
Pursuant to r47 of the Regulations, A109 was advertised for a period of 43 days from 2 November 2022 to 14 December 2022 via the following methods:
- a) A notice on the City of Kalamunda's website;
  - b) A sign on site;
  - c) Letters to surrounding landowners; and
  - d) Letters to relevant external agencies.
32. Eight submissions were received during the advertising period comprising three (3) objections, four (4) non objection and one (1) no comment Four of the submissions were from government agencies.

33. Of the Government agencies three submissions had no objection and provided advice notes with one submission not supportive pending revised documentation. This submission as noted in point 33 from DFES identified a lack of sufficient detail in the bushfire documentation requiring modification. Refer to attachment 1 which contains all the submissions received along with the City's responses to each submission.
34. Comments were received regarding the suitability of the proposal in respect to the planning framework and impact on surrounding centres. Detailed responses to the submissions can be viewed in Attachment 1 and expert advice in Attachment 4.

### **FINANCIAL CONSIDERATIONS**

35. The City has outsourced the preparation of the Amendment documents, bushfire and land use assessment. Should the Amendment progress, the WAPC may determine that additional technical studies are required before the Amendment can be determined. These costs would need to be met by the City and budgeted for accordingly.

### **SUSTAINABILITY**

36. **Social**  
The Amendment will contribute to meeting the current and future demands of the City's population by creating opportunities to address identified shortfalls in health services, shop retail and showroom retail land uses.
37. **Economic**  
The amendment will create job opportunities in both the construction and operational phase of the future development(s) on-site, contributing to employment self-sufficiency.
38. **Environmental**  
The subject site has been historically cleared, however mature native and non-native trees (mostly planted) exist throughout the subject site, within and adjacent to existing car parking areas and Hale Road. These trees provide both amenity and fauna habitat value.
39. It is the City's intent to appropriately retain vegetation and provide opportunities for improved new landscape outcomes, wherever possible. Consideration of tree retention and re-vegetation through landscape outcomes will be considered, in detail, at subsequent phases of the planning process.

The City is undertaking rehabilitation works along Woodlupine Brook which will reintroduce suitable habitat for ground dwelling fauna, including small reptiles and mammals such as Quenda.

## RISK MANAGEMENT

40.	<b>Risk:</b> Amendment 109 may be perceived to give rise to additional commercial/shop floorspace that directly competes with the retail core of the existing District Centre and adjacent commercial developments.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Possible	High
	<b>Action/Strategy</b>		
	Ensure any potential development for commercial/shop uses on the subject site is accompanied by a Needs Assessment.		

## CONCLUSION

41. The Amendment follows a Land Use Assessment that was undertaken in 2021 to determine the highest and best use of the City owner asset.
42. Specifically, the Amendment seeks to rezone the subject site to District Centre under the City's LPS3 which would consolidate the existing activity centre uses and recognise the site as being within the logical confines of the DAC. Furthermore, the Amendment will enable the whole site to be developed with a mix of uses consisting of an integrated health / community hub and separate showroom development fronting Hale Road which addresses identified shortfalls in the local market demand both current and future.
43. Amendment 109 consolidates the existing activity centre uses (both existing and proposed) and recognise the site as being within the logical confines of the Forrestfield District Centre, corresponding to its role and definition under SPP4.2.
44. The Amendment has been considered against the State and local planning frameworks and is considered consistent with the applicable instruments.
45. Having regard to the above, it is recommended that Council adopts Amendment 109 subject to minor modification to address Bushfire vegetation categorisation.

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

That Council:

1. NOTE the submission received during advertising of Amendment 109 to City of Kalamunda Local Planning Scheme No. 3.
2. CONSIDER proposed Scheme Amendment No. 109 to Local Planning Scheme No.3 as a Standard amendment under Clause 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons.
  - a) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
  - b) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
  - c) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
  - d) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
3. SUPPORT Amendment 109 to City of Kalamunda Local Planning Scheme No. 3 pursuant to Regulation 50(3)(b), of the Planning and Development (Local Planning Schemes) Regulations 2015.
4. NOTE the Amendment document may undergo minor formatting and administrative updates to ensure consistency with model requirements, prior to being referred to the Western Australian Planning Commission.
5. FORWARD Amendment 109 to the Western Australian Planning Commission pursuant to Regulation 53 (Standard) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



**10.2. Asset Services Reports**

**No reports presented.**

**10.3. Corporate Services Reports**

**No reports presented.**


**10.4. Community Engagement Reports**

**10.4.1. Advocacy Strategy**

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

Previous Items	
Directorate	Community Engagement
Business Unit	
File Reference	
Applicant	
Owner	
Attachments	{attachment-list-do-not-remove}

**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.

### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

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

## EXECUTIVE SUMMARY

1. The purpose of this report is consider Kalamunda Advocates 2023-2028, the City of Kalamunda's (City) advocacy strategy.
2. Advocacy is a tool to influence the political, social and economic environment to maximise benefits for member Councils and their communities.
3. The recommendation is to approve Kalamunda Advocates 2023-2028.

## BACKGROUND

4. Advocacy is the pursuit of influencing outcomes. It is a continuous process of gathering, organising and formulating information into key messages to be communicated to targeted audiences, for a specific purpose such as policy or legislative change; development of programs; or the allocation of resources.
5. Kalamunda Advocates was last reviewed and adopted in 2019.
6. The aim was to attract an increased share of investment to the City by implementing a framework that facilitated consistent, professional and effective advocacy.

## DETAILS AND ANALYSIS

7. The City acts on behalf of its community to facilitate and create sustainable and liveable communities.
8. The importance placed on this advocacy role is reflected in the City's Strategic Community Plan which identifies undertaking advocacy activities on issues of priority as an important strategy of good governance.
9. Four areas for focus have been identified that provide objectives and the related action needed to deliver an effective advocacy program. There are:
  1. Priorities and Messages
  2. Target Audience
  3. Tools and Processes
  4. Roles and Skilling
10. Effective advocacy can ensure the City of Kalamunda:
  - has an early awareness of proposed legislative or policy changes that may impact upon all member their communities;
  - can more effectively attempt to influence policy and legislative changes;
  - has its voice heard on matters that will affect the City and the community;
  - develops and maintains valuable contacts and networks that can be utilised to support the City's goals and objectives and advance the interests of the City and its community;
  - can rapidly mobilise an effective and targeted response to opportunities and issues as they arise;
  - can ensure relevant stakeholders and decision makers have a clear understanding of the issues and outcomes that are a priority for the City; and
  - can ensure the City is considered favourably for investment, program and development opportunities.
11. Formalising the City of Kalamunda's advocacy role through the development of the Advocacy Strategy enable's advocacy activities to be founded upon:
  - A framework agreed by the Council;
  - A clear understanding of the long-term priorities and issues supported by the Council and the community;
  - The internal resources to contribute to the delivery of effective advocacy; and
  - Knowledge of the external organisations and individuals that can provide positive benefits and outcomes for the City of Kalamunda.

12. Guiding Principles of the draft Advocacy Strategy are:
- Advocacy effort is focused on issues that are of significance and will create positive benefits and long term sustainability for the City of Kalamunda and its community.
  - Advocacy campaigns will be conducted with integrity, respect and accountability.
  - Advocacy campaigns will raise the profile of and promote the opportunities offered by City of Kalamunda.
  - The advocacy framework will be flexible enough to respond to emerging issues and opportunities.
  - Advocacy effort will engage and involve staff and people from diverse backgrounds and interests and support our people to become excellent advocates for the City.  
Advocacy effort will seek to mobilise new and non-traditional partners in response to City issues.
13. Goals of the Draft Advocacy Strategy are:
- Identify and commit to regional long and short term advocacy issues that will be persuaded by sound strategy and targeted action.
  - Identify and build ongoing relationships with stakeholders that can influence decision making and provide
  - the desired benefits for the City.
  - Ensure that the City has the capacity to achieve its advocacy program while allowing for flexibility and capability to quickly respond to emerging issues that may bring great benefit to the City.
  - Develop the resources and collateral needed that best demonstrates the image desired for the City of Kalamunda.
  - Provide advocacy leadership, expertise and guidance for Councillors, staff and community leaders' advocacy efforts on issues of local significance to fully realise the economic, social and environmental potential of the City of Kalamunda.

#### **APPLICABLE LAW**

14. *Local Government Act 1995.*

#### **APPLICABLE POLICY**

15. Service 5: Communication and Engagement

#### **STAKEHOLDER ENGAGEMENT**

16. The City of Kalamunda regularly engages with stakeholders in regards to its Advocacy, working with community members, representatives from sporting and community groups and elected members.

**FINANCIAL CONSIDERATIONS**

17. The implementation of the strategy is undertaken within the parameters of the approved budget.

**SUSTAINABILITY**

18. N/A

**RISK MANAGEMENT**

19.	<b>Risk:</b> The City of Kalamunda does not have an Advocacy Strategy, resulting in lost opportunities for the City.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Low	Moderate
	<b>Action/Strategy</b>		
	Ensure an advocacy strategy is developed, approved and implemented.		

**CONCLUSION**

20. The adoption an Advocacy Strategy sets the framework for the City of Kalamunda’s future advocacy work and ensures clear objectivities, timeframes and requirements for advocacy activities.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. ADOPT the Kalamunda Advocates 2023 – 2028 advocacy strategy.
2. NOTE The City of Kalamunda’s successful advocacy activities to date.


### 10.4.2. Reserve 26843 (portion of), 38 Collins Road, Kalamunda - Expression of Interest Lease of Building

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

Previous Items	N/A
Directorate	Community Engagement
Business Unit	Economic & Cultural Services
File Reference	
Applicant	
Owner	City of Kalamunda
Attachments	{attachment-list-do-not-remove}
Confidential Attachments	<ol style="list-style-type: none"> <li>1. Rollerama Proposal – Final – Andros</li> <li>2. Chorus Peppercorn Lease Proposal</li> <li>3. Expression of Interest Rollerama Hills Creative</li> <li>4. Conditions to enter into Commercial Lease Negotiations</li> </ol>

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

#### 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.

### Priority 1: Kalamunda Cares and Interacts

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

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

### Priority 3: Kalamunda Develops

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

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

### Priority 3: Kalamunda Develops

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

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

**Strategy 3.3.2** - Attract and enable new investment opportunities.

### 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.

## **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider three Expressions of Interest for the lease of the building located at 38 Collins Road Kalamunda (site).
2. The site is located on a portion of Reserve 26843 and contains a building with a footprint of approximately 1,352 m<sup>2</sup> of building floor space which the City proposes to lease on an “as is” basis.
3. It is recommended that Council accepts the Expression of Interest received from Sarah Lee Andros for the lease of the site for a period of two years with a further two years option to extend, solely at the discretion of the Lessor.

## **BACKGROUND**

4. The site is located on Reserve 26843 and is owned by the State of Western Australia with the land subject to a management order vested in the City of Kalamunda. The City is responsible for the care and control of the Reserve.
5. Originally, the vesting order to the City was for the purpose of Recreation (Swimming Centre and Roller Skating Rink) and was changed to Recreation, in September 2002.
6. The site was leased to a local gymnastics club from June 2006 until 30 June 2022 at which time the tenant vacated the building. Since June 2022, the building has remained vacant.
7. The City has undertaken a review of its community facilities and services giving rise to an updated Strategic Community Facilities Plan (SCFP) which was considered by Council for the purposes of community engagement. Part of the updated SCFP makes comment on the potential future uses for this site.

## **DETAILS AND ANALYSIS**

8. The City advertised for Expressions of Interest (EOI) in regard to entering into a lease of the building on the site in the West Australian Newspaper on the 25 June 2022 and the Echo Newspaper on 1 July. In addition, the EOI was advertised on the City's Engage Portal, with a closing date of 25 July 2022.



9. The EOI process undertaken by the City was aimed at:
- a) Gaining an understanding regarding the level of leasing interest for the building.
  - b) Understanding how interested parties proposed to use the building.
  - c) Assessing the potential financial returns available to the City arising from the lease of the building.
  - d) Receiving comparable information from interested parties in order to fairly assess the suitability of potential lease proposals.
10. The EOI required respondents to address the following criteria:
- a) Demonstrated Understanding – what the proposed purpose is for the intended building use.
  - b) Methodology – how to engage the community and market regarding the proposed use .
  - c) Relevant Experience – demonstrated experience in providing the same of similar services.
  - d) Key Personnel – key personnel and professional skills.
  - e) Viability – expected financial return to be provided to the City, including lease term.
11. The City did not receive any Expressions of Interest from the advertisements within the newspapers and the City's Engage Portal.
12. Following the closure date for the formal EOI process, the City has subsequently received three EOI's for the lease of the site. Attachments 1 – 4 contain details of the EOIs received.

### **APPLICABLE LAW**

13. Nil.

### **APPLICABLE POLICY**

14. Service 09 Community Group Leases.

### **STAKEHOLDER ENGAGEMENT**

15. An expression of interest was undertaken to canvas potential organisations who may wish to lease the site. The EOI was advertised and open to all.

**FINANCIAL CONSIDERATIONS**

16. Income will be generated as a part of the Lease agreement.

**SUSTAINABILITY**

17. All EOIs as presented appear to offer the ability to fulfil the needs of current generations without compromising the needs of future generations, ensuring a balance between economic growth and social well-being.

**RISK MANAGEMENT**

18.

<b>Risk:</b> The Lessee is unable to maintain their financial obligations to the City resulting in the building being closed again.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
Ensure the City maintains close contact with lessee regarding their financial capacity. In the event of default by the Lessee, the City can reissue an EOI to identify options for the use of the site.		

19.

<b>Risk:</b> That the City ceases as management body of Reserve 26840.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Low
<b>Action/Strategy</b>		
Any lease offered should be no longer that 5 years.		

**CONCLUSION**

20. Each EOI identified valuable offerings to the local community and are thus beneficial.

21. The Sarah Lee Andros proposal would see the reinstatement of a Roller-skating Rink facility to provide an intergenerational sporting venue, community space and tourism activator.

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

That Council:

1. SUPPORT the expression of interest from “Sarah Lee Andros” to enter into a Commercial Lease with the City to lease the Building on the portion of Reserve 26840, 38 Collins Road, Kalamunda, subject to conditions in Confidential Attachment 4.
2. NOTE that the support of the Expression of Interest contained in this resolution is given by Council in its capacity as management body of Reserve 26840.

**10.5. Office of the CEO Reports**

**No reports presented.**

**11. Closure**