

Fact Sheet

Public Forum – Lot 2 McClemans Road, Mount Claremont Christ Church Grammar School Playing Fields

The following questions are a summary of those asked by members of the public at the public forum held Tuesday, 6 July 2021 and the responses provided. In some instances, additional information or detail is included below, that was not available or included in the verbal response provided at the public forum. The information is current as at Tuesday 6 July 2021.

History of Land Transactions

Does the Town have a contract of sale document?

No, the Town does not currently have a copy of the contract of sale for the subject land. The Town is actively working to locate a copy of the document.

What impact does the Cambridge Endowment Lands Act 1920 have on the subject land?

The subject land is within the Endowment Lands area. The implications of this are being researched by the Town.

Transparency

How will disclosures of engagement between the Town and the proponent be made?

The Town has two policies that provide guidance on this matter; [Policy 033: Developer Contact with Planning Staff](#) and [Policy 039: Elected Member Relationship with Developers](#).

The policy applicable to staff requires planning staff to record communications with proponents regarding significant proposals and larger development applications. If the application progresses, at the time the proposal is presented to a decision maker (i.e., Council), the summary and basic details including date, time and venue of these meetings is included as part of the reporting. Typically, this information is included as an attachment within the publicly available agenda and minutes papers but not available for viewing by the public prior to the item being listed on a Council agenda.

The policy applicable to elected members required elected members to record similar details as outlined above and declare this contact at the time a proposal is considered at a Committee and/or Council meeting.

Have any elected members declared a conflict of interest on this matter? If so, will the nature of this conflict be made available to the community?

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The *Local Government Act 1995* sets out requirements for elected members and staff in relation to disclosing a conflict of interest.

At this stage, Council has considered one report relating to the subject land. This was a confidential report to the Ordinary Council Meeting of 22 June 2021. One elected member made a Proximity Interest Declaration at the meeting, as detailed in the [minutes of the meeting](#).

The Department of Local Government, Sport and Cultural Industries has produced [guidelines](#) on this topic.

Have any elected members privately met with the CEO, staff, developers, or their representatives regarding the proposed development of the subject land and if so, are there any records of these meetings and how can this be accessed?

As per policy linked previously, when considering an item, all elected members are required to make a declaration about any contact they may have engaged in which is deemed relevant to the topic.

There are concerns regarding the transparency of the process so far, why have affected residents not been notified before?

No applications to rezone or redevelop the subject land have been received yet. Communication with the proponent and Town staff to date have been on the mechanics and the process of the amendment not on the merits of the proposal. This is to ensure that at the time an application is lodged, all information is in the manner and form that allows efficient processing.

All communication has been recorded and will be presented to the Council when it considers a report on the matter. There is not a publicly available 'register' that is published for viewing before an item is included on the Council agenda.

Council Processes

What is the 'caretaker period' in the lead up to local government elections?

Local government elections are scheduled for Saturday 16 October 2021. The Town of Cambridge [Policy 036: Elections Caretaker](#) applies for the 37 days prior to Election Day. In accordance with the policy, so far as is reasonably practicable, major policy decisions should not be made during the caretaker period. Major policy decisions include 'decisions that initiates or adopts a new planning scheme, amendment to a local planning scheme or planning policy'.

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Is there a charge for a landowner to consult or meet with the Town staff?

There is a charge for written planning advice, and for lodging most applications, however there is no charge for pre-lodgement meetings as it forms part of standard planning practise. Planning fees and charges can be located on the [Town's website](#).

Old Brockway Landfill Site

Christ Church Grammar School and the State Government have engaged in some discussion in relation to the Brockway site, can the Town find out what discussions and agreements have occurred?

The Town will note this suggestion and consider further investigation.

The planning scheme amendment relating to Lot 2 McClemans Road is a separate process and must follow process in accordance with legislation regardless of any other land sale agreement.

Is Christ Church Grammar School proposing that the Brockway/St John's Wood playing fields would become available open space for local residents? Would the parking and fields be gated and/or locked?

The Town will seek to establish details regarding the level of community access to the Brockway/St John's Wood playing fields. The proposed level of accessibility for the general community would be a consideration when establishing the provision of open space across the suburb.

Who shares boundaries with the subject land and the Brockway site? Would those people or organisations who share the boundaries have any opportunity to become stakeholders and be included in the discussion of the process?

Lot 2, McClemans Road doesn't share any boundaries with other schools or similar. There is a shared boundary with Bold Park on the northern and western side and then is surrounded by road and residential properties on the eastern and southern sides. The Brockway site shares a boundary with John XXIII College playing fields on the southern side.

The Town will seek to engage residents and other interested stakeholders during any scheme amendment process. The Town has not received any particular queries from other schools or other organisations regarding future proposals for the subject land. The Brockway site is not within the Town of Cambridge. Organisations interested in proposals in vicinity of the Brockway site would need to direct queries to those responsible for the management of that land.

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Local Planning Strategy

Does the proposed scheme amendment application meet the orderly and proper planning standards required given the Local Planning Strategy has only recently been completed?

Ideally, this matter would have been considered as part of the development of the Local Planning Strategy, however the Town did not receive any comment from Christ Church Grammar School during this time. The relevant planning legislation does not prohibit the lodging of scheme amendment requests. Instead, one of the criteria in determining if the amendment is basic, standard or complex is the alignment with an adopted local planning strategy. As this scheme amendment would be inconsistent with the Local Planning Strategy, the amendment is considered 'complex'.

What are the Town's requirements under the State Government infill targets and is this is a consideration relevant to this proposal?

The Local Planning Strategy has addressed the State Government housing infill targets, with a target to plan for the provision of 6,830 additional dwellings by 2050. The document comprehensively sets out how the Town will accommodate (and potentially exceed) this target without this particular subject site being considered for housing. The potential for the subject site to accommodate additional dwellings would be a relevant consideration in assessing a scheme amendment proposal.

Open Space

Is there a local demand or need for additional playing fields within the Town?

One recommendation within the Local Planning Strategy is to undertake an Open Space and Community Infrastructure Strategy. This is underway now and the information gathered during this exercise will assist in the assessment of a scheme amendment proposal for the subject site.

If Lot 2, McClemans Road is redeveloped, where will the local residents in the immediate area access open space?

A new residential subdivision is required to provide at least 10% open space. The Christ Church Grammar School playing fields do not contribute towards this provision of public open space for local residents. An assessment of accessibility of public open space will be a part of this process and reported to Council.

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Is the Town of Cambridge required to provide open space within its boundaries for its own residents?

The Town is not 'required' to provide a particular amount of open space within its boundaries, however guidelines and level-of-service benchmarks have been developed in the urban planning and recreation planning industry. When developing plans or goals regarding open space, consideration is given to the residents of the Town and their access to public open space within the local area. In some cases, residents may access open space that is located very close to them, but across municipal boundaries. In these cases, it is recognised that the Town will have limited control over this type of land.

Scheme Amendment Process

Note: Printed copies of the [process for complex amendments to local planning schemes flowchart](#) produced by the Department of Planning, Lands and Heritage were made available at the public forum.

What are 'good planning reasons' for the initiation or adoption of a scheme amendment?

The *Planning and Development Act 2005* and subsidiary regulations outline the process that must be followed in amending a local planning scheme. There is not a legislated 'list' of specific matters that must be considered when assessing a scheme amendment proposal.

There will be a variety of state planning policies that an amendment would need to be assessed against as well as the principles, objectives and actions contained in the Local Planning Strategy. The range of matters that may be relevant is broad and dependant upon the proposal that is lodged. In general, matters related to financial returns and the like are *not* considered in the assessment of scheme amendment proposals.

How many scheme amendment applications are submitted to the Town each year?

Applications to amend the local planning scheme are received infrequently. Local Planning Scheme No. 1 has been amended five times since the beginning of 2017. One of these amendments is related to rezoning land.

How long are the timeframes associated with the scheme amendment process?

This can vary considerably between individual scheme amendment proposals. Some parts of the scheme amendment process are subject to statutory timeframes. Where applicable the statutory

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timeframes for each step can be found in the [process for complex amendments to local planning schemes flowchart](#). Not every step has a statutory timeframe or deadline.

What happens if the Council resolves to 'not initiate' the scheme amendment?

If Council does not initiate the scheme amendment then the amendment process will not progress any further.

A proponent may make a representation for the Minister for Planning to intervene if they believe there is reason to do so in accordance with Section 76 of the *Planning and Development Act 2005*. A [fact sheet](#) outlining the Minister's powers has been prepared by the Western Australian Planning Commission.

Environmental Considerations

The scheme amendment process includes referral to the Environmental Protection Authority (EPA). Who can appeal the EPA decision not to assess a proposal?

An outline of the referral process is available from the [Environmental Protection Authority](#). The decision of the EPA not to assess a proposal is appealable by any person.

Will a scheme amendment proposal be referred under the Environment Protection and Biodiversity Conservation Act 1999?

The *Environment Protection and Biodiversity Conservation Act 1999* is the Commonwealth's key piece of environmental legislation. Scheme amendments are not 'actions' requiring referral and assessment under the *EPBC Act*.

Regarding environmental matters more generally, the Town will seek independent advice on any environmental studies (or similar) that are lodged by a proponent.

The map of Bush Fire Prone Areas and the supporting bushfire policy framework is currently under review. What does this mean for proposals relating to the subject site?

Planning proposals in designated bushfire prone areas will be assessed under the existing bushfire policy framework, which includes *State Planning Policy 3.7 Planning in Bushfire Prone Areas (December 2015)*, the *Guidelines for Planning in Bushfire Prone Areas (as amended)* and the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015* until a revised policy, as part of Stage 3 of the Bushfire Framework Review 2019, is gazetted.

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Future Use of Subject Land

What is Council's view on other schools using or buying the land for recreational purposes rather than building and developing the site?

As of yet, the Council has not considered this particular matter as there has not been an approach by other schools seeking additional land. If this does occur in the future, the Town and Council will consider this further.
