
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 21 February 2011

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NOTICE OF MEETING ORDINARY MEETING OF COUNCIL

Councillors,

Notice is hereby given that the next meeting of the Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

Monday 21 February 2011, commencing at 6.30 pm.

For the benefit of members of the public, attention is drawn to the following requirements as adopted by Council.

Open Council Meetings – Procedures

1. All Council Meetings are open to the public, except for matters raised by Council under Item No. 15.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens '*question time*' under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail
Chief Executive Officer

16 February 2011

AGENDA

1.0 OFFICIAL OPENING**2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED****3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the Public Gallery on matters relating to the functions of Council.

Questions Taken on Notice Ordinary Council Meeting 21 December 2010 (Response provided in writing)

Valerie Markovic, 143 Bahen Road, Hackett Gulley

Q1. Where does Bahen Road stop?

A1. The road reserve for Bahen Road stops just past the southeast lower boundary of house number 241 Bahen Road, Hackett Gulley.

Q2. What do the residents do when there is an emergency as there is no access out of Bahen Road when Mundaring Road is blocked off?

A2. A decision on the need for evacuation within any location of the Shire will be given by the Hazard Management Authority (in the case of bushfire that will be FESA). Evacuation will occur in a planned and safe manner, coordinated by the Police.

4.0 PETITIONS/DEPUTATIONS**5.0 APPLICATIONS FOR LEAVE OF ABSENCE****6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

6.1 That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 20 December 2010 is confirmed as a true and correct record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 20 December 2010."

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

8.1 GSC Enterprise Agreement (2011-13)

CONFIDENTIAL ITEM

Reason for Confidentiality

Section s5.23 (2)(a) *Local Government Act 1995*. "A matter affecting an employee or employees."

8.2 GSC CEO Performance Review

CONFIDENTIAL ITEM

Reason for Confidentiality

Section s5.23 (2)(a) *Local Government Act 1995*. "A matter affecting an employee or employees."

8.3 Employment of Director Corporate Services

CONFIDENTIAL ITEM **(Item to be provided under separate cover)**

Reason for Confidentiality

Section s5.23 (2)(a) *Local Government Act 1995*. "A matter affecting an employee or employees."

9.0 DISCLOSURE OF INTERESTS

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. (*Local Government Act 1995* Sections 5.60B and 5.65).
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Local Government Act 1995* Sections 5.70 and 5.71)

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 has given or will give advice.

10.0 REPORT TO COUNCIL

Please Note: Declaration of Financial/Conflict of interests to be recorded prior to dealing with each item.

10.1 Planning Services Committee Report

10.1.1 Adoption of Planning Services Committee Report

That the recommendations contained in the Planning Services Committee Report of the 7 February 2011, except withdrawn item PSC03 & PSC05, be adopted.

Moved:

Seconded:

Vote:

PSC01	Planning & Urban Design Guidelines - Kalamunda Town Centre <u>COMMITTEE RECOMMENDATION TO COUNCIL (PS 01/2011)</u>
1.	That Council adopts the Planning and Urban Design Guidelines (Attachment 2) for the Kalamunda Town Centre for the purpose of public advertising, for a minimum period of four (4) weeks.
PSC02	Local Planning Scheme No. 3 Amendment No. 32 - Rezoning from Special Use (Business) to Residential R30 - Lot 1 (100) Wittenoom Road, High Wycombe <u>COMMITTEE RECOMMENDATION TO COUNCIL (PS 02/2011)</u>
1.	That Council adopts the amendment to Local Planning Scheme No. 3 in accordance with the following:
<p style="text-align: center;">PLANNING AND DEVELOPMENT ACT 2005</p> <p style="text-align: center;">RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p style="text-align: center;">SHIRE OF KALAMUNDA</p> <p style="text-align: center;">LOCAL PLANNING SCHEME NO. 3</p> <p style="text-align: center;">AMENDMENT NO. 32</p> <p>Resolved that the Council in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:</p> <p>1. Rezoning the north-west portion of Lot 1 (100) Wittenoom Road, High Wycombe from Special Use (Business) to Residential R30.</p> <p style="text-align: center;">In accordance with the Scheme Amendment Map.</p>	

PSC04	Lot 62 (2/264) Kalamunda Road, Maida Vale – Change of Use (from Veterinary Centre to Health/Fitness Centre) <u>COMMITTEE RECOMMENDATION TO COUNCIL (PS 04/2011)</u>
1.	<p>That Council approves the application dated 8 November 2010 to change the use at Lot 62 (2/264) Kalamunda Road, Maida Vale, from a Veterinary Clinic to Health/Fitness Centre for up to two (2) employees and two (2) clients at any one time, subject to the following conditions:</p> <ul style="list-style-type: none">a) The proposed use is to only operate between the hours of 6.00am and 9.00pm Monday to Friday, and 6.00am to midday on Saturdays.b) Clients are to visit the property by prior appointment only.c) No amplified music to be played prior to 6.00am or after 8.00pm.

WITHDRAWN ITEMS

Correction of Error

PSC03 Lot 124 (18) Hawkvalley Crescent, Maida Vale - Parking of One Commercial Vehicle

COMMITTEE RECOMMENDATION TO COUNCIL (PS 03/2011)

1. That Council approves the application dated 17 November 2010 to park one commercial vehicle, an unlicensed Mercedes Bus, on Lot 124 (18) Hawkvalley Crescent, Maida Vale (as shown on Attachment 4), subject to the following conditions:
 - a. Approval is given to park the unlicensed Mercedes Bus on the subject property for up to 2 years from the date of the approval. After which time, the vehicle is to be relocated or planning approval is to be obtained from the Shire for the vehicle to continue to park on the subject property.
 - b. When on the property the vehicle must, at all times, be parked in the approved location as shown on the approved site plan (Attachment 4), being 5m from the side boundary and 4m from the rear boundary.
 - c. The commercial vehicle is only to be operated and restored between the hours of 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - d. Approval of the parking activity does not include approval for the vehicle to be used for carrying persons for hire or reward.

- e. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
- f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle (including trailers).

A correction is required to the Committee Recommendation to Council as the point b made reference to (Attachment 4) when it should have referred to (Attachment 2).

AMENDMENT TO COMMITTEE RECOMMENDATION TO COUNCIL
(PS 03/2011)

1. That Council approves the application dated 17 November 2010 to park one commercial vehicle, an unlicensed Mercedes Bus, on Lot 124 (18) Hawkvalley Crescent, Maida Vale (as shown on Attachment 4), subject to the following conditions:
 - a. Approval is given to park the unlicensed Mercedes Bus on the subject property for up to 2 years from the date of the approval. After which time, the vehicle is to be relocated or planning approval is to be obtained from the Shire for the vehicle to continue to park on the subject property.
 - b. When on the property the vehicle must, at all times, be parked in the approved location as shown on the approved site plan ~~(Attachment 4)~~ **(Attachment 2)**, being 5m from the side boundary and 4m from the rear boundary.
 - c. The commercial vehicle is only to be operated and restored between the hours of 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - d. Approval of the parking activity does not include approval for the vehicle to be used for carrying persons for hire or reward.
 - e. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.

- f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle (including trailers).

Alternative Motion

PSC05 Richards Road and Warner Road, High Wycombe – Proposed Closure of Right of Way

COMMITTEE RECOMMENDATION TO COUNCIL (PS 05/2011)

1. That Council recommends to the Department of Planning that the request to close the Right of Way between Richards Road and Warner Road, High Wycombe, not be supported and the Right of Way remain open as it is considered to be of importance in the local pedestrian/cyclist network.

Cr O'Connor proposed an amended motion for consideration by Council to postpone the decision to close Richards Road and Warner Road High Wycombe to enable community consultation to be undertaken and the result be reported to Council.

MOTION

1. That the Richards Road and Warner Road, High Wycombe – Proposed Closure of Right of Way item be referred back to the April Planning Services Committee to enable the officers to undertake and report on further community consultation and consideration of the petition tabled at the Planning Services Committee on 7 February 2011.

Moved: **Cr Dylan O'Connor**

Seconded:

Vote:

10.2 General Services Committee Report

10.2.1 Adoption of General Services Committee Report

That the recommendations contained in the General Services Committee Report of the 14 February 2011, except withdrawn item GSC07, GSC08, GSC12, GSC17, GSC21 and GSC22, GSC23 , be adopted.

Moved:

Seconded:

Vote:

GSC01	Creditors' Accounts Paid During the Periods 1 December to 23 December 2010 and 5 January to 27 January 2011 <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 01/2011)</u>
1.	That the list of creditors paid during the periods 1 December to 23 December 2010 (GS 1/2011, Attachment 1) and 5 January to 27 January 2011 (GS 1/2011, Attachment 2) be received by Council in accordance with the requirements of the <i>Local Government (Financial Management) Regulations 1996 (Regulation 12)</i> .
GSC02	Monthly Financial Statements for the Period ending 30 November 2010 <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 02/2011)</u>
1.	That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, Cash Flow Statement, Notes to and Forming Part of the Financial Report and Operating Budget Variance Analysis for the period ending 30 November 2010 (Attachment 1) be received.
GSC03	Monthly Financial Statements for the Period ending 31 December 2010 <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 03/2011)</u>
1.	That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, Cash Flow Statement, Notes to and Forming Part of the Financial Report and Operating Budget Variance Analysis for the period ending 31 December 2010 (Attachment 1) be received.

GSC04	Monthly Financial Statements for the Period ending 31 January 2011 <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 04/2011)</u>
1.	That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, Cash Flow Statement, Notes to and Forming Part of the Financial Report and Operating Budget Variance Analysis for the period ending 31 January 2011 (Attachment 1) be received.
GSC05	Debtors and Creditors Reports for the Period ending 31 January 2011 <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 05/2011)</u>
1.	That the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 31 January 2011 be received.
GSC06	Rates Debtors Report for the Period ending 31 January 2011 <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 06/2011)</u>
1.	That the rates debtors report as at 31 January 2011 (Attachment 1) be received.
GSC09	Formal Proposal Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road Kalamunda (Kalamunda Police Station) <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 09/2011)</u>
1.	That the Formal Proposal submitted by Dome Coffees Australia Pty Ltd be accepted.
2.	That the Shire of Kalamunda advises Dome Coffees Australia Pty Ltd of its intention to enter into a "Lease Agreement" subject to successful land acquisition from Departments of Lands, and Planning and Building approvals being given.
3.	That subject to the required approvals being forthcoming from the Department of Lands, Council approves the Chief Executive Officer finalising a lease agreement between the Shire of Kalamunda and Dome Coffees Australia Pty Ltd which incorporates the terms and conditions outlined in (Confidential GS 9/2011/Attachment 1).
4.	That the cost for sewer extension be considered for inclusion in the 2010/2011 Budget during the current Budget Review process.

GSC10	Application to Keep More Than Two Dogs – 21 Calluna Way, Forrestfield <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 10/2011)</u>
1.	That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the <i>Dog Act 1976</i> , grant an exemption to the applicant of 21 Calluna Way, Forrestfield to keep a third dog on this property.
GSC11	Application to Keep More Than Two Dogs – 56 Fagin Way, Forrestfield <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 11/2011)</u>
1.	That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the <i>Dog Act 1976</i> , grant an exemption to the applicant of 56 Fagin Way, Forrestfield to keep a third dog on this property.
GSC13	Proposed Community Funding Policy <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 13/2011)</u>
1.	That Council adopts the Proposed Community Funding Policy (Attachment 1) for the purposes of advertising to seek public comment for a period of 21 days.
GSC14	Kalamunda Home and Community Care - Revised Business Case (2010-2014) <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 14/2011)</u>
1.	That Council accepts the Kalamunda Home and Community Care Business Case (2010-2014) (Attachment 1).
2.	That the Kalamunda Home and Community Care Services continue to be delivered as a Shire of Kalamunda Community Service.
3.	That a separate Feasibility Study on the operation of the Meals on Wheels service be carried out over the next 12 months to determine the best service delivery model and the financial impacts of the service on the Shire of Kalamunda.
4.	That the value of all Council contributions to the Kalamunda Home And Community Care service be identified in the Financial Statements, Reports and Budget of the Shire.

GSC15	Adoption of Asbestos Management Policy – HR16 <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 15/2011)</u>
1.	That Council adopts the Asbestos Management Policy HR16, as shown at (Attachment 1).
GSC16	Lilian Road, Maida Vale - Proposed Footpath <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 16/2011)</u>
1.	That a footpath on Lilian Road, from Norwood Road to Hawtin Road, Maida Vale, be constructed, as provided in the 2010/11 Works Programme.
GSC18	Quarterly Progress Report <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 18/2011)</u>
1.	That Council endorses the Quarterly Progress Report for October – December 2010 and notes the significant progress that has been made on the actions and KPIs.
GSC19	Business Plan for a Major Land Transaction – 1 Cygnet Court and 21 Edney Road, High Wycombe <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 19/2011)</u>
1.	That the Business Plan as presented in (Attachment 1) be adopted.
2.	That the acquisition of 1 Cygnet Court by either land swap or purchase at 5% of unimproved value be negotiated with Department of Lands.
3.	On completion of the acquisition process, an application for Approval of Freehold Subdivision be made to Western Australian Planning Commission for all that land comprising 1 Cygnet Court and 21 Edney Road in accordance with Subdivision Concept Option 9 of the Business Plan.
4.	That cost of Land Purchase and Subdivision be provided for in the 2011/2012 Budget process.
GSC20	Attendance at the 2011 National General Assembly of Local Government in Canberra by the Chief Executive Officer and Shire President <u>COMMITTEE RECOMMENDATION TO COUNCIL (GS 20/2011)</u>
1.	That attendance to the 2011 National General Assembly of Local Government conference by the Shire President, Cr Donald McKechnie, be endorsed.

WITHDRAWN ITEMS

Absolute Majority Required

GSC07 Budget Reallocation – Nature and Type and Program Classification

COMMITTEE RECOMMENDATION TO COUNCIL (GS 07/2011)

1. That Council approve the reallocation within the Shire of Kalamunda 2010/2011 Budget to:
 - a. Include Public Open Space Funding of \$726,389 within the Statements of Comprehensive Income, as reflected on the adopted Rate Setting Statement.
 - b. Reclassify revenues and expenses within the Statement of Comprehensive Income by Nature and Type. (Attachment 1)
 - c. Reclassify revenues and expenses within the Statement of Comprehensive Income by Program. (Attachment 2)
 - d. Reclassify revenues and expenses within the Rate Setting Statement. (Attachment 3)
 - e. Reclassify receipts and payments within the Cash Flow Statement. (Attachment 4)

Absolute Majority Required

Moved:

Seconded:

Vote:

GSC08 Budget Amendment – Road Construction New & Renewal
COMMITTEE RECOMMENDATION TO COUNCIL (GS 08/2011)

1. That Council approve the amendment of the Shire of Kalamunda 2010/2011 Budget to:
 - a. Decrease expenditure in account 420914 from \$2,887,650 to \$2,315,700.
 - b. Increase expenditure in account 420904 from \$1,198,487 to \$1,770,437.

Absolute Majority Required

Moved:

Seconded:

Vote:

GSC12 Falls Farm Management Committee – Nomination for Membership
COMMITTEE RECOMMENDATION TO COUNCIL (GS 12/2011)

1. The Council accepts the resignation of John Everett.
2. That Council appoint the Lesmurdie Ratepayers Association Representative, Iris Jones, to the Falls Farm Management Committee.

Absolute Majority Required

Moved:

Seconded:

Vote:

GSC17 Kalamunda Water Park Refurbishment
COMMITTEE RECOMMENDATION TO COUNCIL (GS 17/2011)

That Council:

1. Notes the condition of Kalamunda Water Park and status of the current project.
2. Authorises additional works required to commission the slides and spa at an estimated additional cost of \$1.51M expended over two years (2010/11 and 2011/12).

3. Considers the programming of additional works estimated at \$3.5M, in future budgets between 2012/13 and 2015/16 financial years.
4. Request the funding of \$1.5M be through the Shire Land and Property Reserve Account and/or the sale of property identified in the Land Assessment Report.

Absolute Majority Required

Moved:

Seconded:

Vote:

Confidential Item

GSC21 Enterprise Agreement 2011 to 2013

Reason for Confidentiality

Section s5.23 (2)(a) *Local Government Act 1995*. "A matter affecting an employee or employees."

COMMITTEE RECOMMENDATION TO COUNCIL (GS 21/2011)

1. That Council notes and endorses the proposed Shire of Kalamunda Enterprise Agreement (Administration Employees) 2011-2013 (Confidential Attachment 1) with the exclusion of Income Protection Insurance Clause 7.3.

Moved:

Seconded:

Vote:

GSC22 CEO Performance Review

Reason for Confidentiality

Section s5.23 (2)(a) *Local Government Act 1995*. "A matter affecting an employee or employees."

COMMITTEE RECOMMENDATION TO COUNCIL (GS 22/2011)

That Council

1. Endorses the CEO Performance Review Sub Committee consisting of the Shire President, Deputy President and Chairs of the Planning Services Committee, General Services Committee, and Audit Committee to co-ordinate and collate the documentation and information.

2. Endorses (Confidential Attachment 1) to be used as a tool to assist in the process of the review.
3. Endorses (Confidential Attachment 2), the process for the CEO performance Review.
4. Requests that a final performance review report be collated and presented to Council for consideration in accordance with Regulation 18D of the *Local Government (Administration) Regulations 1996*, at the Ordinary Meeting of Council in 18 April 2011.
5. Delegates authority to the Shire President, in consultation with the CEO Performance Review Recruitment Sub-Committee, to negotiate a salary package as part of the CEO performance review process, with the understanding that any changes to the salary package would have to be endorsed by the Council.

Moved:

Seconded:

Vote:

Correction to Error

GSC23 Expressions of Interest for a Proposed Major Land Transaction – Lots 7, 8 and 4255 Lewis Road, Wattle Grove

COMMITTEE RECOMMENDATION TO COUNCIL (GS 23/2011)

1. That expressions of interest for a proposed major land transaction – lots 7,8 and 3255 Lewis Road, Wattle Grove, be deferred to the March General Services Committee meeting, requesting the CEO include the option of the Shire funding and managing the proposed development.

A correction is required to the Committee Recommendation to Council as the Lot Number recorded as 3255 Lewis Road Wattle Grove should read 4255 Lewis Road Wattle Grove.

AMENDMENT TO COMMITTEE RECOMMENDATION TO COUNCIL
(GS 23/2011)

1. That expressions of interest for a proposed major land transaction – lots 7,8 and ~~3255~~ 4255 Lewis Road, Wattle Grove, be deferred to the March General Services Committee meeting, requesting the CEO include the option of the Shire funding and managing the proposed development.
2. That the EOI be advertised for a minimum period of 28 days to ensure respondents have sufficient time to provide a detailed and well researched response.

Moved:

Seconded:

Vote:

10.3 Chief Executive Officers' Report

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

10.3.1 Decision of Annual General Electors Meeting 7 February 2011

Previous Items	N/A
Responsible Officer	Manager Governance
Service Area	Office of the CEO
File Reference	OR-MTG-005/1
Applicant	N/A
Owner	N/A

PURPOSE

1. To receive the decisions made at the Annual General Electors Meeting held at the Shire of Kalamunda, 2 Railway Road, Kalamunda, on Monday 7 February 2011.

BACKGROUND

2. Under Section 5.33 of the *Local Government Act 1995* all decisions made at an Electors meeting are to be considered at the next Ordinary Council Meeting if practicable.

DETAILS

3. At the Electors Meeting of the Shire of Kalamunda held on Monday 7 February 2011 as resolution was carried as follows.

"RESOLVED AGM 1/2011

1. *That the Shire of Kalamunda Annual Report 2010 be received.*

Moved: Cr Noreen Townsend

Seconded: Cr Margaret Thomas

CARRIED"

STATUTORY AND LEGAL IMPLICATIONS

4. Pursuant to Section 5.33 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

8. Nil.

Sustainability Implications

Social implications

9. Nil.

Economic Implications

10. Nil.

Environmental Implications

11. Nil.

OFFICER COMMENT

12. As the only decision made at the Annual General Electors Meeting was to receive the Shire of Kalamunda Annual Report 2010, no further action is required by Council.

RECOMMENDATION (CEOR 01/2011)

1. That the decision of the Annual Elections Meeting held on 7 February 2011 to receive the Shire of Kalamunda Annual Report 2011 be noted.

Moved:

Seconded:

Vote:

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

10.3.2 Nomination of a Councillor as a Representative on the Gateway WA Community Liaison Group

Previous Items	N/A
Responsible Officer	Director Planning & Development Services
Service Area	Planning & Development Services
File Reference	N/A
Applicant	N/A
Owner	N/A

PURPOSE

1. To endorse a Councillor representative on the Community Liaison Group for the Gateway WA Project.

BACKGROUND

2. The stated purpose of the Gateway WA Project is to deliver a safe, efficient, and welcoming road and bridge network to the new Perth Airport precinct, the surrounding business and residential areas and the State of Western Australia.
3. The Gateway WA Governance structure comprises a Project Steering Committee (the Shire is represented by the CEO), a Project Enabling Group (the Shire is represented by the Director Planning and Development and the Director Engineering), a number of "stakeholder" and "special interest" groups, and a Gateway WA Community Liaison Group (GWCLG).
4. The Gateway WA Project is seeking a Councillor representative from the Shire of Kalamunda (and other local governments) as well as community representatives. Nominations close on Friday 18 February 2011.

DETAILS

5. The stated Purpose of the Gateway WA Community Liaison Group is to operate in an advisory capacity to the Gateway Vision Project team, rather than a decision making group.

6. The role of the GWCLG is to:
 - Identify and discuss relevant project matters and potential issues for stakeholders and the community;
 - Provide feedback and contribute input for consideration by the planning and design team;
 - Assist in the resolution of emerging issues and concerns;
 - Communicate project matters to, and from, relevant community and stakeholder groups;
 - Help keep the wider community informed about the project; and
 - Work together to help achieve outcomes that benefit the project, stakeholders and the local community.
7. Councillor Allan Morton has indicated his desire to be the councillor representative on the GWCLG. Councillor Morton has been nominated pending ratification by the Council.

STATUTORY AND LEGAL IMPLICATIONS

8. The nominated Councillor will represent the Council on an external "committee".

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The Gateway WA Project team is conducting community consultation.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

12. The project has far reaching implications for the Shire in relation to the future impact of freight transport on roads and community.

Sustainability Implications

Social implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

OFFICER COMMENT

16. At the presentation on the project by the Gateway WA Project team members to Councillors a request was made for interested Councillors to nominate for the Community Liaison Group. Councillor Morton has indicated that he would like to be nominated for the GWCLG.
17. Nominations for the CLG close on Friday 18 February 2011. To ensure that the Shire has a Councillor represented on the Group Councillor Morton's name has been put forward, with the proviso that this nomination would need to be ratified by Council at its meeting on Monday 25 February 2011.

RECOMMENDATION (CEOR 02/2011)

1. That the Council endorse the nomination of Councillor Allan Morton as its representative on the Gateway WA Community Liaison Group.

Moved:

Seconded:

Vote:

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

10.3.3 Lot 117 (159) Canning Road, Kalamunda – Reconsideration of two conditions - Redevelopment of Hare Krishna Temple

Previous Items	101/2010 (July 2010) and 171/10 (December 2010)
Responsible Officer	Director, Planning & Development Services
Service Area	Planning & Development Services
File Reference	CN-01/159
Applicant	S R M Bhamidipati
Owner	Haladhar Holdings
Attachment 1	Council minutes December 2010
Attachment 2	Applicant response to State Administrative Tribunal order
Attachment 3	Traffic Impact Statement

PURPOSE

1. For Council to reconsider two conditions of planning consent for the Hare Krishna Temple at Lot 117 (159) Canning Road, Kalamunda granted at the December 2010 Ordinary meeting.

BACKGROUND

2. Council, at its Ordinary meeting held in July 2010 resolved to refuse a proposal to redevelop the above site for a Hare Krishna Temple. The applicant subsequently appealed the refusal to the State Administrative Tribunal (the Tribunal). Following mediation at the Tribunal, the Council was invited to reconsider its decision and subsequently approved a revised proposal for the above on 20 December 2010, subject to a number of conditions. Refer (Attachment 1) –Council Minutes December 2010.
3. Following the Council resolution, the matter was subject to further mediation at the Tribunal where the applicant advised that they were aggrieved by conditions four (4) and eleven (11). As a consequence of the mediation, the Tribunal made an order that the applicant provide further information for consideration, specifically a Traffic Impact Statement, evidence regarding the required number of on-site bays and the hours of operation.
4. The Tribunal has invited the Council to reconsider its decision in respect to conditions four (4) and eleven (11) based on the further information provided. The matter is listed for further mediation.

DETAILS

5. The conditions subject to mediation are:

1. *(i) Prior to the commencement of the development, Lot 117 is to be amalgamated with Lot 116 (No 155) Canning Road, Kalamunda (**Lot 116**) to create a single lot, and 36 car parking bays are to be constructed on the land presently comprising Lot 116 in addition to the 74 bays required by the preceding condition.*

The 36 bays shall be constructed and marked out in accordance with a design approved by the Shire and the relevant Australian Standard.

(ii) As an alternative to the requirements of the preceding paragraph the owner of Lot 117 and Lot 116 may enter into a legal agreement with the Shire, prepared by the Shire's solicitors at the owner's cost, which shall include provisions which:

- *Allow a period of 12 months for the amalgamation of Lot 117 and Lot 116 to be effected;*
- *Allow the deferral of the requirement to construct 36 bays until a reasonable time specified by the Shire after the completion of the amalgamation;*
- *Authorise the Shire to do all things necessary to complete the amalgamation process, or to construct the car bays, at the cost of the owner in the event of the owner's default;*
- *Require the owner to provide to the Shire before a building licence is issued an unconditional and irrevocable bank guarantee from an institution satisfactory to the Shire in the sum of \$581,040, being equivalent to the payment of cash-in-lieu of providing 36 car parking bays;*
- *Allow the Shire to draw on the bank guarantee in the event the amalgamation is not effected in accordance with the deed, and to place that money in the car parking trust fund kept pursuant to clause 5.8.4(c) of the Shire of Kalamunda Local Planning Scheme No. 3;*
- *Charge Lot 116 and Lot 117 in favour of the Shire and authorise the Shire to lodge an absolute caveat over those lots in order to protect the Shire's interests under the deed.*

The deed must be executed prior to the grant of a building licence.

and

11. Operating hours are from 8:00am to 11:00am and 5:00pm to 8:00pm weekdays and from 7:00am to 9:30pm Sundays. If the premise is to extend operating hours, further approval by the Council is required.

6. In accordance with the Tribunal Order the applicant has provided further information by way of a Traffic Impact Statement and a report including evidence regarding the required number of on-site car parking bays and the hours of operation of the proposal. Refer (Attachment 2) Applicant response to State Administrative Tribunal order and (Attachment 3) Traffic Impact Statement.

The applicant has provided comment to justify the deletion of condition 4. as follows:

- The number of people attending the main service (Sunday) can be catered for with the proposed parking bays based on the conclusions of the Traffic Impact Statement.
- The Scheme allows for the Council to consider a lesser requirement for car parking than stipulated.
- The scale of the activity and congregation numbers is not expected to change as a result of the building modifications.
- The methodology in calculating the parking bays by staff resulted in an excessive amount being required. An alternate method of calculating the parking would indicate that there was sufficient parking provided.
- Based on the congregation numbers, the floor area and the application of the Scheme provisions, that the 74 bays shown on the plan are more than adequate.
- The Traffic Impact Assessment concludes that the proposed number of bays is appropriate and consistent with the anticipated demands during peak operational times.
- The submission shows 18 informal parking bays on adjoining Lot 116 (115) Canning Road suggesting that these could be used as overflow parking as this will be used as Ashram and owned by the applicant for as long as the Temple is used by the association.

7. The applicant has suggested that as an alternative to condition 4. imposed by Council, the following be considered:

Eighteen informal parking bays will be maintained on Lot 116 (No. 155) Canning Road (in the same ownership as Lot 117) to be used in the case where parking in addition to the 74 bays provided on Lot 117 is required.

The other condition under consideration at the Tribunal is:

The applicant has provided comment to justify the deletion of condition 11. as follows:

- Whilst reflective of the current operation of the Temple, the condition is overly restrictive and that there is no precedent for a similar condition being imposed on other Places of Worship.
- The Temple does not currently operate under time restrictions and there are no known impacts on the amenity of the surrounding area.

Whilst not specifically required by the order of the Tribunal, no further information has been provided in relation to the ownership and beneficiaries of Lots 116 and 117.

STATUTORY AND LEGAL IMPLICATIONS

8. The matter is still before the Tribunal and a further mediation session has been scheduled, however this may be vacated depending on the decision of Council.

It is the view of the Shire's legal advisor that car parking on lot 116 (155) Canning Road could not be approved unless the property was amalgamated with the Temple site or suitably rezoned.

POLICY IMPLICATIONS

9. Nil

PUBLIC CONSULTATION/COMMUNICATION

10. The original proposal was subject to extensive public consultation. The revised proposal was not subject to further public consultation or communication.

FINANCIAL IMPLICATIONS

11. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

12. The current and intended use is compliant with the purpose and intent of the Local Reserve – Place of Worship.

Sustainability ImplicationsSocial implications

13. Potential issues related to parking, lighting and noise adjacent to Lot 116 (155) Canning Road.

Economic Implications

14. Nil

Environmental Implications

15. Nil

OFFICER COMMENT

16. It is the task of the Council to determine whether the additional information provided by the applicant is sufficiently convincing to agree to their request to remove both conditions 11 and 4.
17. In respect to the number of parking bays required, it is the view that the parking calculation as agreed to at a mediation session at the Tribunal was based on sound methodology (110 bays). Notwithstanding this, clause 5.8.2 of the Scheme allows Council to apply a greater or lesser amount of parking having due regard to the scale and nature of the intended use.
18. Based on the information supplied by the applicant, including the conclusions of the Traffic Impact Statement (in respect to adequacy of parking only) and current practices, that the proposed level of parking will be sufficient, with the exception of major festivals. The applicant will be providing a management plan to deal with major festivals as required under condition 2. of the planning consent granted on 20 December 2010 at the Ordinary Council meeting.
19. While the applicant has suggested additional casual parking (18 bays) on the adjoining Lot 116 (155) Canning Road and has suggested an alternative condition to this effect, it is not possible, from a legal view point, for the Council to accede to this without the land being amalgamated with Lot 117 or it being appropriately rezoned.
20. It is implicit in the applicant's submission that they believe they have adequate parking on Lot 117 and do not want to amalgamate the land with the adjoining lot. In essence, the applicant argues that the 74 bays on Lot 117 are adequate for the proposed use and, therefore, no additional formal parking (i.e. on the adjoining lot by way of amalgamation, or through any cash in lieu arrangement) is needed. It is up to the Council to determine whether it supports this position.

-
21. In respect to the hours of operation it is considered that during normal operation, the Temple would not necessarily have a greater impact on the amenity of the surrounding area than any other Place of Worship. It is up to the Council to decide whether the restrictions in Condition 11 should be retained.
22. The Council has a number of options available. The following are the basic options although it is acknowledged that there are many variants to these:
- a. Reject the argument put forward by the applicant on the parking and hours and advise the Tribunal accordingly at the upcoming mediation. This means that the Council should retain both Conditions 4 and 11.
 - b. Accept the argument put forward by the applicant and advise the Tribunal accordingly at the upcoming mediation. This means that the Council would be prepared to delete Conditions 4 and 11.
 - c. Accept the removal of condition four (parking), but not condition eleven (hours of operation) or vice versa.
 - d. That it modify one or both of the conditions and advise the Tribunal accordingly. If the Council believes that the 74 bays are not adequate and amalgamation is not likely, then it could apply a condition requiring a cash in lieu payment prior to grant of a building licence. The consequence of any modified condition may be that the applicant will proceed to a full hearing of the Tribunal.
23. As previously expressed, it is the professional view that the 74 car parking bays would be adequate and the hours of operation should be no different to any other Place of Worship. It is however, respected that the Council have formed a different view which was expressed through its previous determination. The Council may consider that the further information does not adequately address their concerns and, therefore, would wish to retain the conditions in the approval.

RECOMMENDATION (CEOR 03/2011)

1. That the Council note the report provided by the applicant as a result of the SAT order and determines that it either:
 - a. Does not support the additional information and retains or modifies conditions four (4) and eleven (11); or
 - b. Supports the additional information and agrees to debate conditions (4) four and (11).

Moved:

Seconded:

Vote:

2. That the proposed modification be forwarded to the WA Planning Commission for their information.

Moved: Cr Margaret Thomas

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (11/0)

10.1.8 PSC75 Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple

COMMITTEE RECOMMENDATION TO COUNCIL

PS 75/2010

1. To refer Item 75 to the Ordinary Council Meeting on Monday 20 December 2010.

No recommendation was made by Committee to Council. Further information has now been provided to Councillors and a motion is presented for Council's consideration.

The Chairman advised the meeting, moved and received a seconder for the Officer Recommendation to the Planning Committee Meeting of 6 December 2010. Council debated the recommendation before it was put to the vote.

OFFICER RECOMMENDATION PLANNING COMMITTEE 6 DECEMBER 2010

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grant approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda with revised plans received on 27 November 2010, attachment 2 subject to the following conditions:
 - a) The applicant is to prepare and submit a Traffic Impact Statement prepared by a suitably qualified person in relation to the adequacy of the number of parking bays based on the potential activities on site and access to Canning Road. The Traffic Impact Statement shall include conclusions and recommendations which are to be implemented by the applicant to the satisfaction of the Director of Engineering Services. The Traffic Impact Statement is to be submitted prior to the issue of a building licence.
 - b) The applicant is to prepare and submit a traffic management plan for each of the major events. The report shall include, but not be limited to, a description of the event including the date, commencement time and duration, the content, extent and method of public notification to be undertaken prior to the event, the identification of alternated off-site parking areas, transportation to and from the site and the proposed localised on site traffic management. The management plans are to be submitted to the Shire 28 days prior to the event for endorsement by the Director Planning and Development Services. The endorsed plan shall be implemented to the satisfaction of the Director Planning and Development Services.

- c) Provision of 74 marked parking bays on site.
- d) The applicant is to install and maintain mature screen planting on the southern, eastern and western boundaries and within the rear parking area to the satisfaction of the Director Planning and Development Services.
- e) Provision of a colours and textures schedule to the satisfaction of the Director Planning and Development Services.

Moved: Cr Donald McKechnie

Seconded: Maureen Robinson

For

Cr Carol Everett
Cr Maureen Robinson
Cr Noreen Townsend
Cr Donald McKechnie

Against

Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas

LOST (4/7)

A Councillor proposed an alternative motion which received a seconder and was debated by Council before being put to the vote.

RESOLVED OCM 171/2010

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grant approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda (**Lot 117**) with revised plans received on 27 November 2010, attachment 2 subject to the following conditions:
 - a) Prior to the issue of a building licence the applicant is to prepare and submit a Traffic Impact Statement prepared by a suitably qualified person in relation to the adequacy of the number of parking bays based on the potential activities on site and access to Canning Road. The Traffic Impact Statement shall include conclusions and recommendations intended to address any issues identified. Any recommendations in the Traffic Impact Statement are to be implemented by the applicant to the satisfaction of the Director of Engineering Services before the use of the re-developed place of worship may commence.
 - (b) The applicant is to prepare and submit a traffic management plan for each major event to be held on Lot 117. The report shall include, but not be limited to, a description of the event including the date, commencement time and duration, the content, extent and method of public notification to be undertaken prior to the event, the identification of alternated off-site parking areas, transportation to and from the site and the proposed localised on site traffic management. The management plans are to be submitted to the Shire 28 days prior

to the event for endorsement by the Director Planning and Development Services. The endorsed plan shall be implemented to the satisfaction of the Director Planning and Development Services.

- c) Before the use of the re-development commences, 74 car parking bays, which meet the relevant Australian standard for access and manoeuvring, are to be constructed on Lot 117 and clearly marked.
- d) (i) Prior to the commencement of the development, Lot 117 is to be amalgamated with Lot 116 (No 155) Canning Road, Kalamunda (**Lot 116**) to create a single lot, and 36 car parking bays are to be constructed on the land presently comprising Lot 116 in addition to the 74 bays required by the preceding condition.

The 36 bays shall be constructed and marked out in accordance with a design approved by the Shire and the relevant Australian Standard.

- (ii) As an alternative to the requirements of the preceding paragraph the owner of Lot 117 and Lot 116 may enter into a legal agreement with the Shire, prepared by the Shire's solicitors at the owner's cost, which shall include provisions which:
- allow a period of 12 months for the amalgamation of Lot 117 and Lot 116 to be effected;
 - allow the deferral of the requirement to construct 36 bays until a reasonable time specified by the Shire after the completion of the amalgamation;
 - authorise the Shire to do all things necessary to complete the amalgamation process, or to construct the car bays, at the cost of the owner in the event of the owner's default;
 - require the owner to provide to the Shire before a building licence is issued an unconditional and irrevocable bank guarantee from an institution satisfactory to the Shire in the sum of \$581,040, being equivalent to the payment of cash-in-lieu of providing 36 car parking bays;
 - allow the Shire to draw on the bank guarantee in the event the amalgamation is not effected in accordance with the deed, and to place that money in the car parking trust fund kept pursuant to clause 5.8.4(c) of the Shire of Kalamunda Local Planning Scheme No. 3;
 - charge Lot 116 and Lot 117 in favour of the Shire and authorise the Shire to lodge an absolute caveat over those lots in order to protect the Shire's interests under the deed.

The deed must be executed prior to the grant of a building licence.

- e) The applicant is to install and maintain mature screen planting on the southern, eastern and western boundaries and within the rear parking area to the satisfaction of the Director Planning and Development Services.
- f) Provision of a colours and textures schedule for approval by the Director Planning and Development Services. The development shall subsequently be carried out in accordance with the approved schedule.
- g) The maximum total occupancy for the premises is 450 people at any one time.
- h) The kitchen facilities approved as part of this facility may only be used for on site activities and shall not be used for the preparation of food to be consumed off site.
- i) Submission of a plan detailing the location of all external lighting, for approval by the Director of Planning Services. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels. All external lighting must be installed in accordance with the approved plan.
- j) Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted.
- k) Operating hours are from 8:00am to 11:00am and 5:00pm to 8:00pm weekdays and from 7:00am to 9:30pm on Sundays. If the premise is to extend operating hours, further approval by the Council is required.
- l) The proposed front fence is to be treated with anti-graffiti coating upon completion.

Moved: Cr Frank Lindsey

Seconded: Cr Geoff Stallard

For

Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas

Against

Cr Carol Everett
Cr Maureen Robinson
Cr Noreen Townsend
Cr Donald McKechnie

CARRIED (7/4)

OMC 21 February 2011

CEOR 10.3.3 Attachment 2

HARE KRISHNA TEMPLE REDEVELOPMENT, KALAMUNDA
REPORT FOR THE REMOVAL OF APPROVAL CONDITIONS NO. 4 AND 11

OUR REF: 711-062

JANUARY 2011

INTRODUCTION

This report has been prepared by TPG Town Planning and Urban Design (TPG) on behalf of Haladhar Holdings Pty Ltd, the owners of Lot 117 (No. 159) Canning Road, Kalamunda (the site) in the local government area of the Shire of Kalamunda (the Shire). The report has been prepared at the request of the mediator, Senior Sessional Member Rebecca Moore, at the State Administrative Tribunal to provide evidence in favour of the reconsideration of Conditions No. 4 and 11 on the Notice of Determination on Application for Planning Approval from the Shire relating to the redevelopment of the site, dated 22 November 2010. The conditions we request to be reconsidered relate to the provision of additional car parking on the adjoining Lot 116 (No. 155) Canning Road, also owned by the applicant, and the limited operating hours.

This report outlines the justification for the removal of Conditions No. 4 and 11 from the approval granted by the Shire of Kalamunda for the redevelopment of the subject site. Condition 4 is reviewed with reference to the current and future use of the site in terms of the approved redevelopment, and the Local Planning Scheme requirements for parking. Condition 11 is considered with reference to the excessive restriction it imposes on the operation of the Temple.

BACKGROUND

A process of mediation has been undertaken at the State Administrative Tribunal between the landowners and the Shire, in order to negotiate appropriate conditions for the approval of the proposed (now approved, subject to conditions) redevelopment of the subject site.

As a result of mediation, Council approved revised plans for the redevelopment of the subject site, subject to conditions, on 22 December 2010. At Mediation on the 14 January 2011, the Applicant sought leave to a further review of conditions 4 and 11. The Tribunal issued Orders to this effect with Order Number 2 of 14 January 2011. The justification for the removal of Conditions 4 and 11 is the subject of this report.

CONDITION NO. 4

CURRENT SITE USE

The Hare Krishna Temple at 159 Canning Road, Kalamunda is currently operating as a Place of Worship and has done so since 1979, and for the last 2 and a half years has been operated by the International Society for Krishna Consciousness (ISKCON). The building is licensed by the Shire for 450 people (under health regulations), and currently has parking for 66 cars on site.

The applicant has always maintained its position that the proposed modifications and additions to the existing approved place of worship are required to fulfill the modes of worship and activities conducted by the Society for their members and the congregation. The number of worshippers currently attending the main weekly service (on Sundays) is in the order of 150 people. On Sunday, 6 February 2011, a maximum of 57 cars were parked on the site during the service. This is considered a 'worst case scenario' as a visiting guru presided over the Sunday worship session, resulting in a 10 to 20 per cent increase in demand over a typical Sunday worship session. There has never been any stated objective to increase the permitted capacity of 450 persons, indeed 150 is more likely the typical peak attendance at Sunday service, with 450 only reached on one or two of the major festival days each year. Weekly attendance is fairly minimal by comparison.

During the time that the Hare Krishna has been operating on the site, the congregation has experienced negligible growth. Whilst we acknowledge that it is possible the congregation may potentially increase at some point in the future, any potential future growth is not expected to be significant, nor imminent.

The number of people attending the main weekly service is approximately one third to one half of the licensed capacity of the building that was granted with the existing parking. On the basis of 1 car bay per 4 visitors, 150 worshippers would require 38 car parking bays, which is well below the current number provided.

ADDITIONAL PARKING PROVISION

Whilst the proposed alterations and extension to the building are not intended to increase capacity or usage, an additional 8 car bays have been provided for, resulting in a total of 74 car parking bays as depicted in the plans approved by Council.

REFER TO APPENDIX A – APPROVED PARKING PLAN

At a rate of 1 per 4 people, this caters for 296 visitors to the site.

The Temple also owns the house next door at 155 Canning Road. This house may be described as the "Ashram" supporting the Temple and has 6 bedrooms accommodating up to 10 single persons (usually 5-6 permanent residents) who mainly serve as priests, cooks and managers for the Temple programs. In the rare instance when the parking provided might be exceeded, this property is able to accommodate 18 additional cars and may be used for informal over-flow parking. The ISKCON have provided a plan with an indicative layout for overflow parking on the adjoining lot.

REFER TO APPENDIX B – OVERFLOW PARKING PLAN

For so long as the Temple is used for its current purpose by the ISKCON, the adjacent lot will also be in the same ownership, as the residence is required for the operation of the Temple. The additional informal parking will therefore be available for as long as the Society uses the Temple.

LOCAL PLANNING SCHEME REQUIREMENTS

Under the Shire's Local Planning Scheme No. 3 (LPS3), Table 3 – Parking Requirements, a Place of Worship requires "1 bay for every 5m² of NLA". The application of NLA to a Public Place of Worship has no clear definition, and therefore opens the way to exercise discretion "having due regard to the scale and nature of intended use or uses." We contend that the determination of applicable NLA could reasonably be ascertained on the basis of areas of public or general access throughout the building and patterns of behaviour or activity. Areas not available to general access within the development include the Deity altar room, the Deity kitchen and Deity paraphernalia rooms; kitchen and stores; and administrative offices. Also, by definition, areas including "all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas" are excluded from the NLA, whether or not they are for the exclusive use of the occupiers of the building. Also, NLA is to be measured "within the internal finished surfaces of permanent walls."

As previously acknowledged by the Shire at mediation, the prayer hall and dining room are used by the same group of people, and never concurrently. The dining room fulfills an integral part of the temple programs as meals are served to those same people attending the services in the temple itself. A meal following the service is an integral part of the ISKCON worship. The contention that reciprocity of parking for the Temple and the dining hall should be allowed was agreed between the parties at Mediation.

The resultant area that should therefore be used in the determination of car parking requirements is equal to 313m². At a rate of 1 bay per 5m² of NLA this would result in a requirement for 63 bays. This was the requirement established by the Shire's Planning Officer Nina Lytton and communicated to the applicant in an email dated 13 April 2010, and again in a letter to the applicant from Andrew Bratley, Acting Manager Statutory Planning and Building Services dated 14 May 2010. As a gesture of good faith, the applicant has agreed to provide an additional 11 bays in excess of this requirement.

LPS3 permits the local government to exercise discretion with respect to parking requirements as follows:

The local government may apply at its discretion, a greater or lesser requirement for car parking than that stipulated as the minimum requirement in Table 3, if in its opinion the proposed use is likely to demand a greater or lesser need for car parking bays having due regard to the scale and nature of the intended use or uses. (Section 5.8.2)

The scale of intended use of the development is not expected to change as a result of the proposed building modifications. The existing parking is adequate for current use, and additional parking on top of this amount will be provided to allow for any hypothetical growth. It is therefore justifiable, with respect to the scale of the use, that no additional car parking be required.

ALTERNATIVE CONDITION 4

We propose that the Shire remove Condition 4 from the development approval, given the above information, and that the Traffic Impact Statement prepared by Donald Veal Consultants concludes that no additional parking (above the 74 on-site bays to be provided) is necessary for current or projected future use. However, should the Shire decide otherwise, we propose the following as an alternative to the existing Condition 4 for consideration by the Shire:

4. *Eighteen informal parking bays will be maintained on Lot 116 (No. 155) Canning Road (in the same ownership as Lot 117) to be used in the case where parking in addition to the 74 bays provided on Lot 117 is required.*

CONDITION NO. 11

Condition 11 restricts operating hours of the Temple to between 8 to 11am and 5 to 8pm on weekdays and 7am to 9:30pm on Sundays. Whilst these hours are based on the general operating hours provided to council in a traffic management plan, it is unreasonable to impose such limited operating hours, which would prevent any occasional operations outside of the usual weekly hours. For example, Condition 11 prevents a Saturday wedding from being held during the day at the Temple.

There is no precedent for applying such restrictive operating hours – the condition has not been imposed on other similar places of worship in the Shire.

The current temple operates without restriction on hours of operation, and there are no known impacts on amenity of the surrounding area due to the current operating hours of the temple beyond what could be expected by a reasonable person from a place of worship. Whilst the hours outlined in condition 4 are generally adhered to, it is unnecessary to prevent operations between 11am and 5pm on weekdays, or during reasonable hours on Saturdays.

This condition is unreasonable and excessively burdens the applicant.

SUMMARY AND CONCLUSION

In summary, with the proposed alterations and extension to the Hare Krishna Temple, the use level remains as currently permitted with extra facilities required for the different nature and content of the ISKCON congregational programs and services, compared to the previous occupants. The proposal, in terms of use and occupancy, and hence, car parking demands, remains the status quo. Notwithstanding, 8 additional car parking bays have been provided in the new parking layout, to accommodate any potential growth of the congregation. Additionally, over flow parking space is available on the adjoining lot owned by the Temple for up to 18 informal bays, on the rare occasion that they may be required.

The provision of 74 parking bays, plus an additional 18 informal bays on the adjoining lot resulting in a maximum of 92 bays is considered well in excess of the normal requirements of the Temple. In the conditional approval of the development the Shire has requested a total of 110 bays be provided, however this is significantly greater than the requirement of 63 bays calculated by the Shire's planning officer and communicated in writing to the applicant. By providing a total of 92 bays the Applicant has compromised significantly, providing parking well above the requirement originally calculated by the Shire.

The approved additions to the Temple do not alter the use of the building and therefore do not require any additional parking to the existing arrangement, which is sufficient for the current activities. The applicants have provided an additional 8 formal bays (as well as 18 on the adjoining lot) as a gesture of good faith, which results in parking provision in excess of that

which is required by the users of the Temple. It is therefore considered unreasonable and unnecessary to require any additional parking as a condition of approval.

The operating hours outlined in Condition 11 are excessively limiting and unreasonable. The temple currently operates without restriction on hours of operation, and does not impose any undue impact on the amenity of the surrounding area that is inconsistent with any place of worship as a result. Whilst the hours outlined in Condition 11 are generally adhered to given normal operations, it is unfair to prevent the temple to operate at any other time.

APPENDIX A – APPROVED PARKING PLAN



APPROVED PLAN

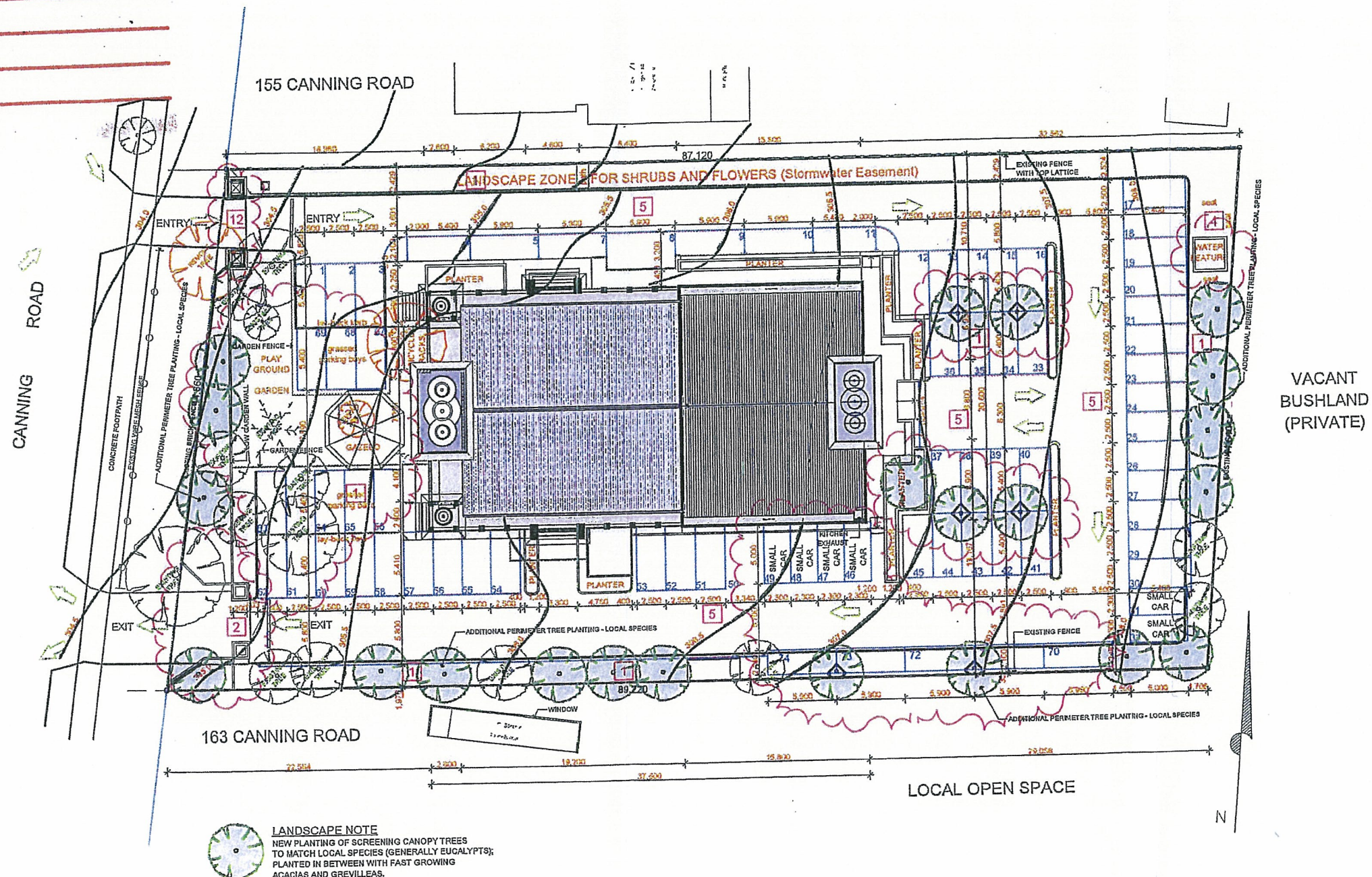
SHIRE OF KALAMUNDA
• A Home In The Power •

For: Temple Redevelopment

Date: 22/12/10

File No: CN-01/159

Application No: 24/9367



LANDSCAPE NOTE
NEW PLANTING OF SCREENING CANOPY TREES
TO MATCH LOCAL SPECIES (GENERALLY EUCALYPTS);
PLANTED IN BETWEEN WITH FAST GROWING
ACACIAS AND GREVILLEAS.

Site Plan
1:200

PERTH HARE KRISHNA TEMPLE
159 Canning Road, KALAMUNDA

APPLICATION FOR DEVELOPMENT APPROVAL

TITLE Site & Landscape Plan

CLIENT ISKCON PERTH, HALADHAR HOLDINGS

0808 1:200 @A1 Nov 2010 DA 0.03 D
Job No. Scale Date Drawn No. Revision No.

C:\Users\W\Documents\PERTH TEMPLE\PERTH TEMPLE review.ppt

APPENDIX B – OVERFLOW PARKING PLAN



Masterplan
1:200

PERTH HARE KRISHNA TEMPLE

APPLICATION FOR DEVELOPMENT
APPROVAL

ISKCON PERTH, HALADHAR HOLDINGS

TITLE
Masterplan
OVERFLOW PARKING POTENTIAL
ON ASHRAM SITE

CLIENT

JANUARY 2011 A.

1:400 @ A3

1:200 @ A1

DA 0.01

Job No. Scale Date Dwg. No.

**REDEVELOPMENT OF HARE KRISHNA TEMPLE
LOT 117 (159) CANNING ROAD, KALAMUNDA**

**TRAFFIC IMPACT STATEMENT
FINAL**



Prepared for: **HALADHAR HOLDINGS**

Prepared by: **DONALD VEAL CONSULTANTS PTY LTD**



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FEBRUARY 2011

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1. INTRODUCTION

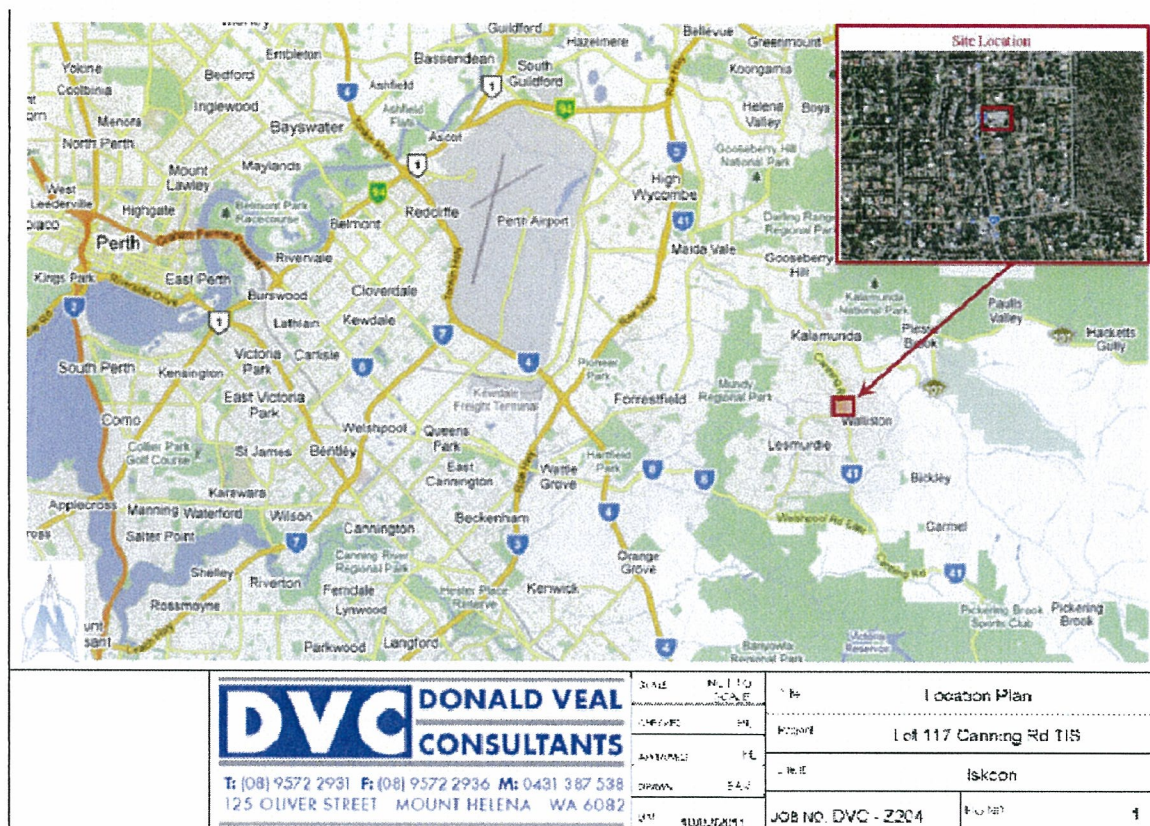
This Traffic Impact Statement has been prepared by Donald Veal Consultants on behalf of Haladhar Holdings, with regard to a proposed alteration and extension to the existing Hare Krishna temple uses located at Lot 117 (159) Canning Road, Kalamunda, in the Shire of Kalamunda, in order to meet the requirements of the Conditions of Development Approval and the Orders set down by the State Administrative Tribunal. This report has been prepared in accordance with the WAPC *Transport Assessment Guidelines for Developments: Volume 4 – Individual Developments* (2006).

The subject site is located on the east side of Canning Road, Kalamunda, approximately 1.5 km south of the Kalamunda Town Centre. Adjacent land uses and developments along Canning Road include residential uses to the north, south and west and some low level commercial uses broadly to the north of the site along the eastern side of Canning Road. The existing activities on the site consist of a temple building used for worship and meeting purposes. Existing vehicular access to the subject site consists of two full movements crossovers at the northern and southern boundaries of the site, respectively, with 66 car parking bays currently provided on the site.

Specifically, the report aims to address access and car parking issues raised by the Shire of Kalamunda in its review of the proposed redevelopment, specifically in relation to vehicular access into and out of the site on Canning Road and the proposed on-site car parking arrangements. The assessment also assesses the potential impacts of the proposed development on Canning Road, during the relevant peak periods. Additionally, the assessment considers the proposed access, circulation and egress arrangements to and from the proposed car parking area on the subject site in the context of the revised access and on-site car parking arrangements.

For these purposes, the traffic operations at the crossovers on Canning Road Street have been assessed under both existing and future proposed traffic conditions with regard to the potential impacts on Canning Road resulting from the revised crossover arrangements. A review of the quantifiable impacts on Canning Road, if any, will also be identified. **Figure** indicates the location of the subject site.

Figure 1: Location Map



2. EXISTING SITUATION

2.1 INFRASTRUCTURE

The proposed alteration and extension of the existing building consists of formalisation of the kitchen and dining area on the site of the existing Hare Krishna Temple located at Lot 117 (159) Canning Road, Kalamunda, in the Shire of Kalamunda and the modification of existing crossover arrangements to Canning Road. The existing site is bounded broadly by residential uses to the east, west and south and by low level commercial uses broadly to north towards the Kalamunda Town Centre on the east side of Canning Road.. Canning Road functions as the western boundary of the site and provides direct local access to properties on both sides of Canning Road including the subject site. Canning Road has been classed as a *District Distributor A* by Main Roads Western Australia (MRWA) under the *MRWA Functional Road Hierarchy* and Section 2.2 outlines the specific definition for this road classification and function.

The subject site, while having direct frontage to Canning Road, is currently served by two full movements crossovers to the east side of Canning Road. The northern crossover is approximately 4.5 m in width and the southern driveway is approximately 5.5 m. Several detailed site visits were conducted on 4 February 2011 and 6 February 2011 to collect information relating to existing site circulation patterns, existing road geometry, speed limits, sightlines, to observe existing traffic operations on the adjacent boundary road network and to collect car parking demand and vehicle occupancy data. **Photos 1** through **6** show the existing road and site-specific conditions in the vicinity of the site.

Photo 1: Canning Road Looking North



Photo 2: Canning Road Looking South



Photo 3: View of Existing Northern Driveway



Photo 4: View of Existing Southern Driveway



Photo 5: View from Northern Driveway into Existing Car Park



Photo 6: View from Southern Driveway into Existing Car Park



The area in the vicinity of the site is currently served by Transperth bus Routes 281, 282 and 283 (Kalamunda Bus Station –Esplanade Bus Station) with weekday frequency of approximately 30 minutes during the weekday peak periods, off-peak period frequency of 60 to 90 minutes and Sunday daily frequency of 2 hours.

There are 1.5 m footpaths in place on both sides of Canning Road in the vicinity of the subject site to provide pedestrian access to the site. Canning Road has also been designated as part of the *Perth Bicycle Network* and provides a direct link into the Kalamunda Town Centre to the north of the site and to the Armadale Railway Line to the west of the site via Welshpool Road.

2.2 ROAD NETWORK

Canning Road has been classified by the *Main Roads Functional Road Hierarchy* as a *District Distributor (A)* road. The role of these roads is to carry traffic between industrial, commercial and residential areas and generally connect to Primary Distributors. These are likely to be truck routes and provide only limited access to adjoining property. They are managed by Local Government.

Canning Road has been constructed to a wide two-lane undivided carriageway with a 9 m seal in the vicinity of the site. No car parking restrictions are currently in place on Canning Road. Footpaths of 1.5 m in width plus a 2 m verge are in place on both sides of the road. The existing posted speed limit in place is 60 km/hour and the road is owned, operated and maintained under the jurisdiction of the Shire of Kalamunda.

The most recent traffic data for Canning Road has been obtained from Main Roads Western Australia (2008). Canning Road carries approximately 8,500 vpd on a typical weekday and approximately 5,800 vpd on a Sunday. Traffic and car parking surveys at the existing driveways to Canning Road were undertaken between 4:00 and 8:00 p.m. on Sunday 6 February 2011 and the results of these surveys provided information regarding the base traffic flows generated by the existing activities on the site during the weekday p.m. peak hour which represented the 'worst case scenario' overall for traffic volumes in the area. **Figures 2** through **4** illustrate the existing traffic movements during weekday p.m. peak hour and Sunday inbound and outbound peak hours. It has been assumed that the 'worst case scenario' for site-traffic generation would occur on a Sunday evening and hence two peak periods of assessment have been selected for a Sunday with the 'worst case scenario' for a weekday being deemed as the roadway peak hour for both inbound and outbound traffic.

Figure 2: Existing Traffic During Weekday P.M. Peak Hour

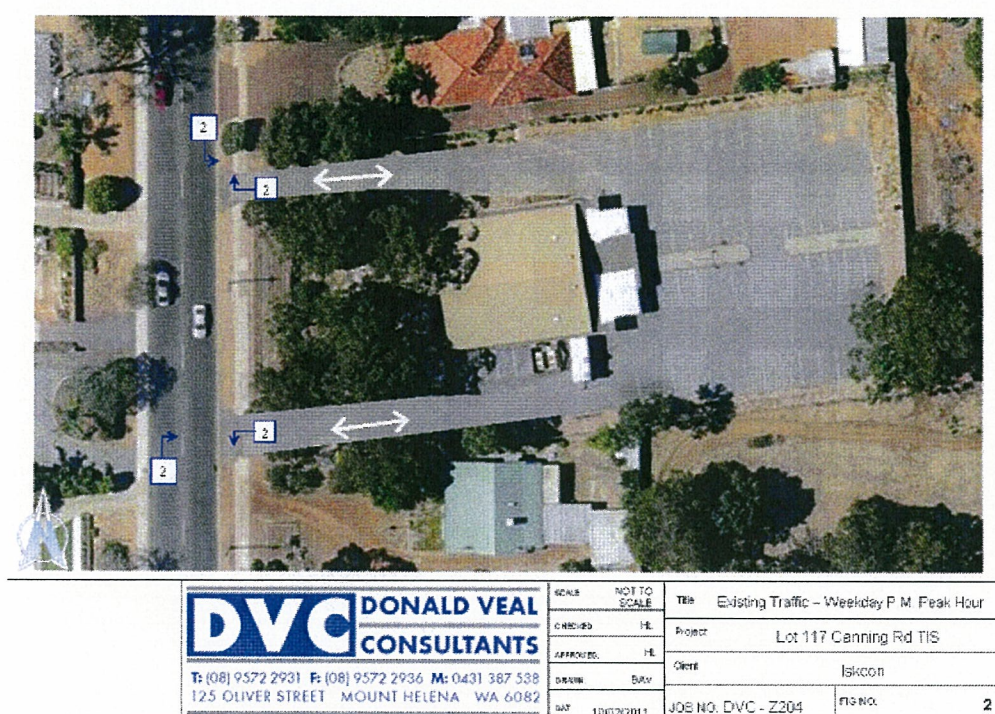


Figure 3: Existing Traffic During Sunday Peak Hour (Inbound - 4:00 to 5:00 P.M.)

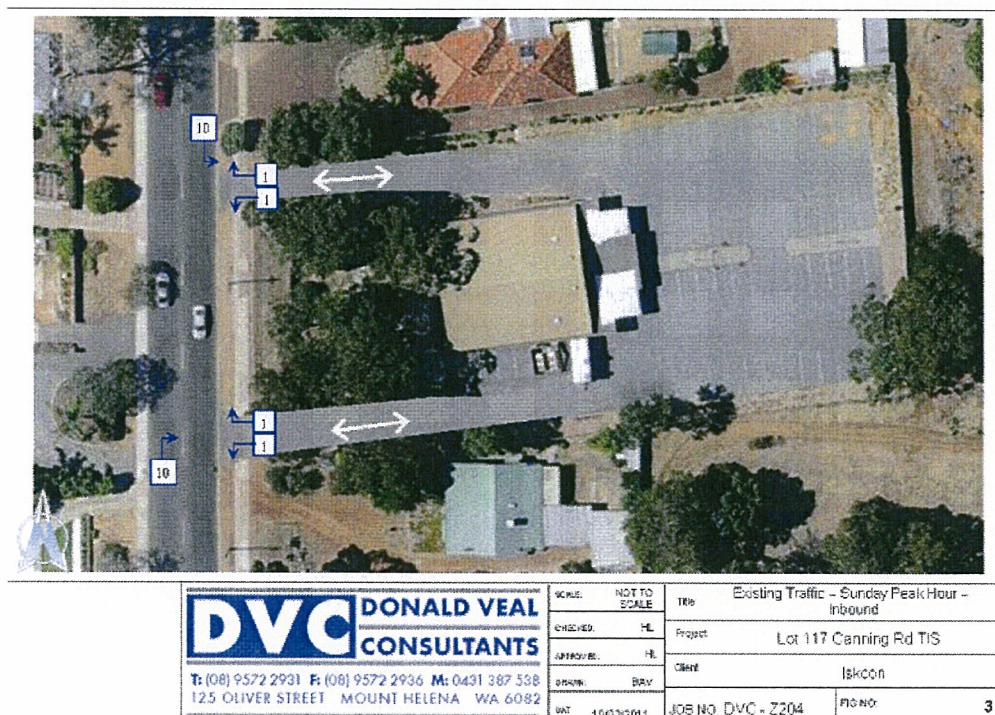
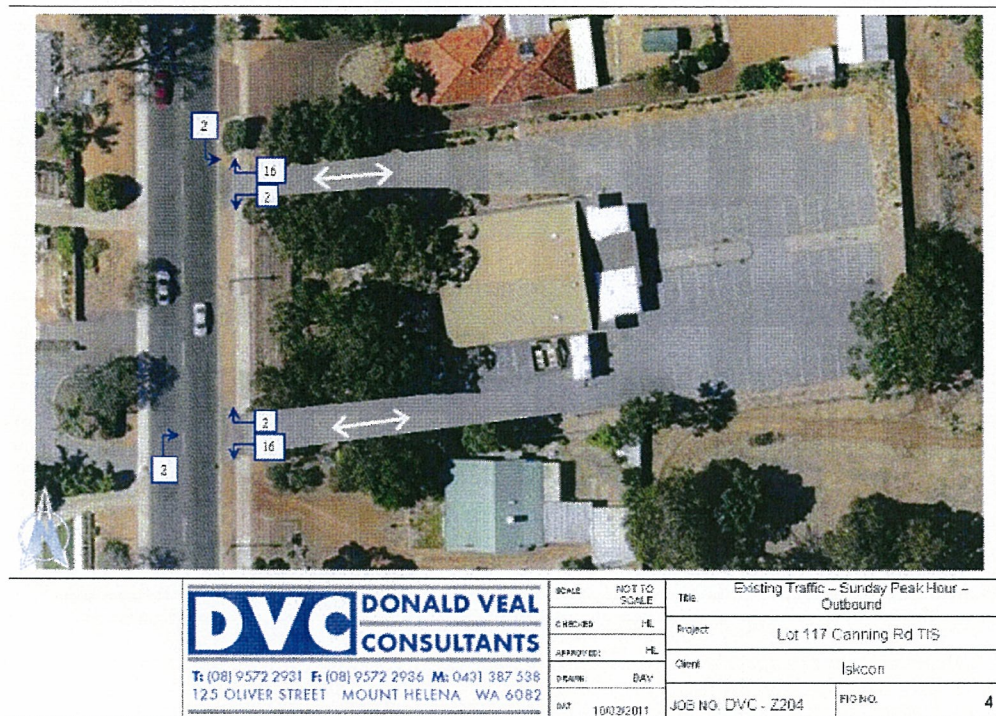


Figure 4: Existing Traffic During Sunday Peak Hour (Outbound – 8:00 to 9:00 P.M.)



3. PROPOSED DEVELOPMENT

According to the site plan developed by the Project Architect, the proposal entails the alteration and extension of the existing building to formalise the existing kitchen and dining facilities on the site and the modification of the existing crossover arrangements to Canning Road and the on-site car parking arrangements.

The proposed modified vehicular access arrangements to the site will consist of the redesignation of the northern driveway to entry (inbound) only and the southern driveway to exit (outbound) only in order to maximise the efficient of ingress and egress for site-generation traffic to access the on-site car parking supply. It is proposed to provide 74 on-site car parking bays on the site which represents an increase of 8 bays over the existing 66 bays provided on the site at present.

The proposed site plan is attached in Appendix A of this report.

4. TRAFFIC ANALYSIS

In order to assess the potential movement network impacts associated with the proposed alteration and extension to the existing building, a traffic generation and distribution exercise was undertaken. The aim of this exercise was to establish the traffic which would be generated resulting from the formalisation of the kitchen and dining activities on the site associated with existing worship activities to quantify the effect that the any additional traffic, if any, would have on the surrounding road network, specifically on the Canning Road frontage via the revised crossover arrangements. It should be noted that this assessment addresses the peak traffic operations anticipated to occur during typical activities at the temple.

4.1 TRIP GENERATION

To determine traffic generation for the proposed alteration and extension to the existing building, a detailed vehicle survey was conducted between 4:00 p.m. and 8:00 p.m. on a peak worship day, which typically occurs fortnightly on a Sunday evening, to identify the peak hour trip generation rate to be used in this assessment. This survey was conducted on Sunday 6 February 2011 on a day when patronage of the temple was anticipated to be approximately 10 to 20 percent higher than normal due to the presence of a visiting guru. The peak hour for arrivals was derived to be 5:00 to 6:00 p.m. with approximately 20 vehicles arriving and 4 vehicles departing during this time period. The peak hour for departures was derived to be between 8:00 and 9:00 p.m. with 36 vehicles departing during this period and 4 vehicles arriving. It should be noted that it has been assumed that the formalisation of the existing outdoor kitchen and dining arrangements will not result in greater patronage of the temple as preparation and consumption of food is already conducted on the site. A review of the average vehicle occupancy during the survey period also noted that the average vehicle occupancy surveyed was 1.5 persons per vehicle.

4.2 TRIP DISTRIBUTION AND ASSIGNMENT

Based upon the existing traffic patterns in the area and spatial distribution of adjacent land uses and attractors in the area, it has been assumed that the traffic entering and exiting the site would be evenly split along Canning Road (50% northbound and 50% southbound).

The numbers of trips entering/exiting the Canning Road crossovers has been assigned based upon the existing and future crossover arrangements. **Figures 5 through 7** illustrate the resultant future traffic operations at the site crossovers during the weekday p.m. peak hour and Sunday inbound and outbound peak hours.

Figure 5: Future Weekday P.M. Peak Hour

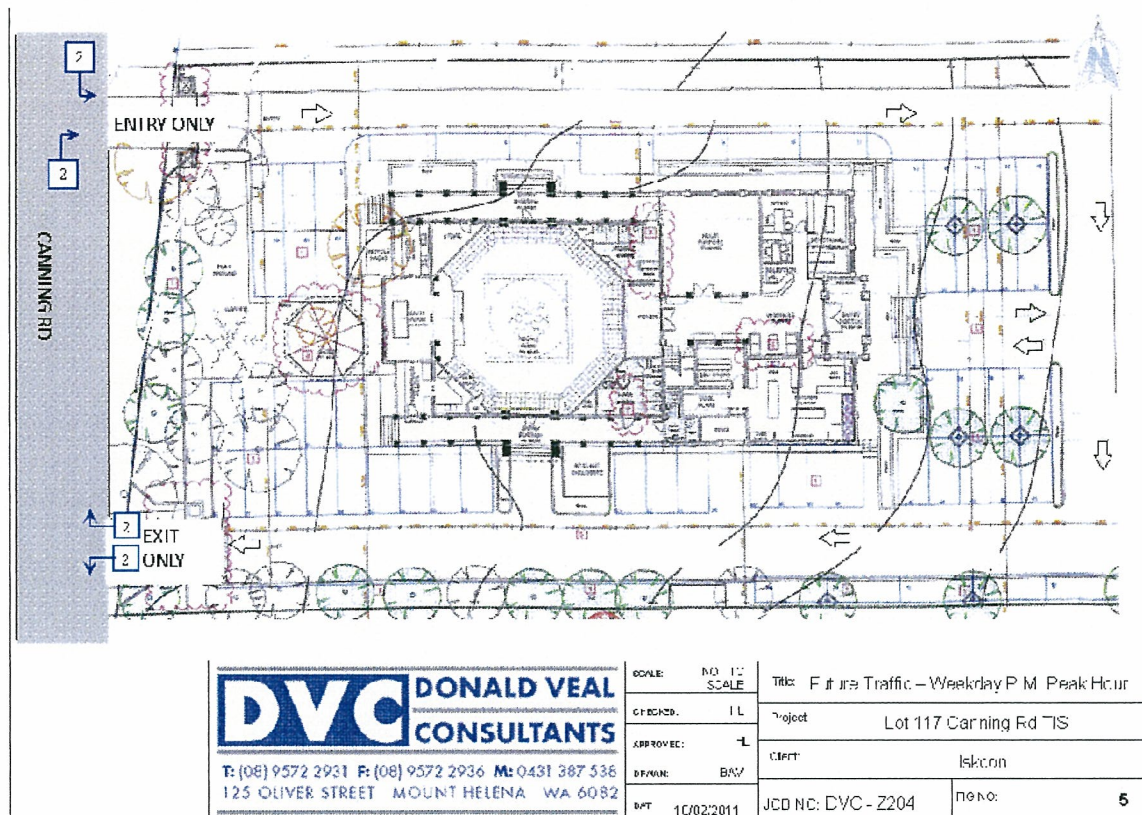


Figure 6: Future Sunday Peak Hour – Inbound

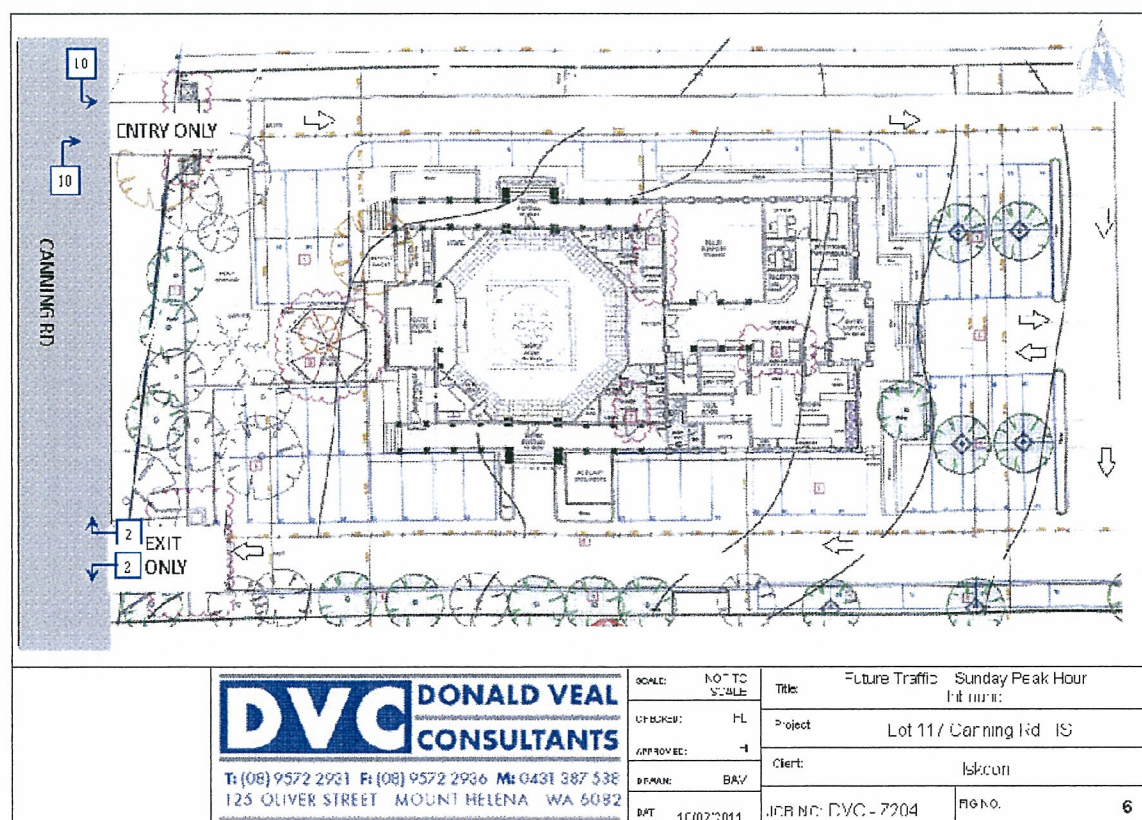
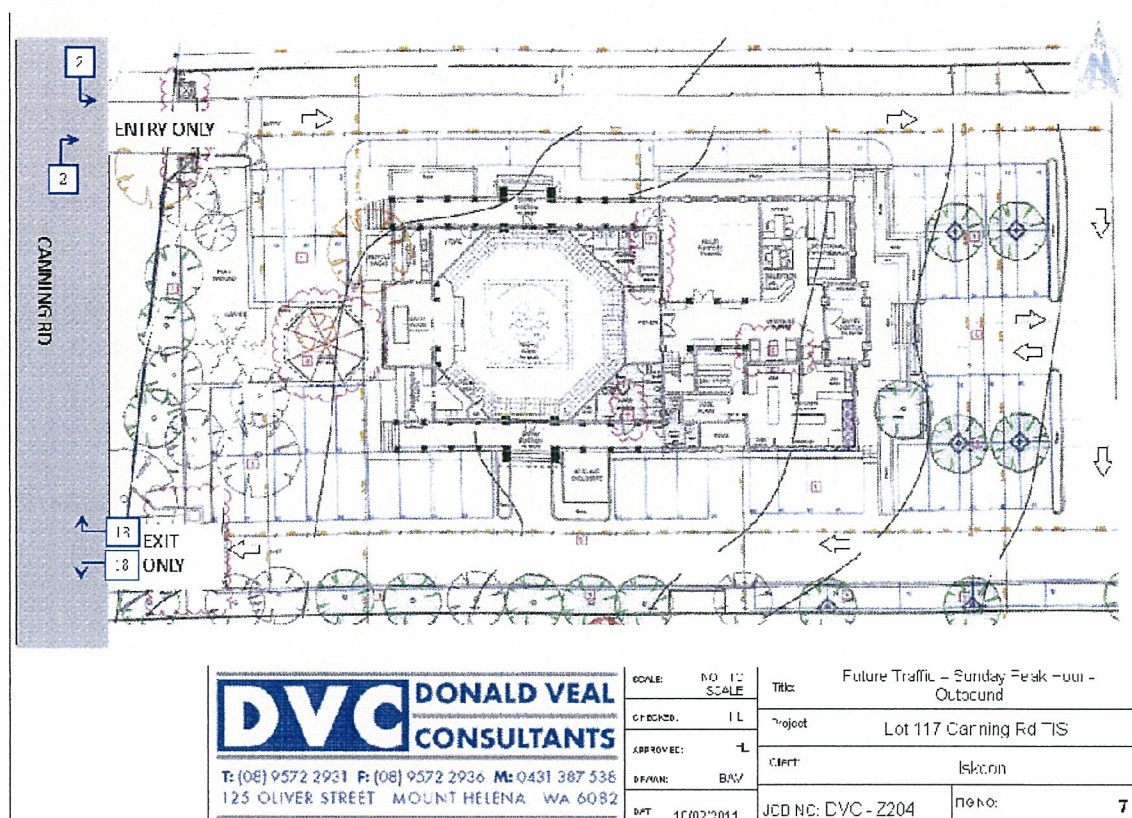


Figure 7: Future Sunday Peak Hour – Outbound



4.3 INTERSECTION AND CROSSOVER ASSESSMENT

Intersection capacity analysis using the SIDRA computer package was undertaken at the easement crossover under existing and future total traffic conditions, with the inclusion of development-generated traffic.

SIDRA is a commonly used intersection-modelling tool by traffic engineers for all types of intersections. SIDRA outputs are presented in the form of Degree of Saturation, Level of Service, Average Delay and 95% Queue. These characteristics are defined as follows:

- **Degree of Saturation:** is the ratio of the arrival traffic flow to the capacity of the approach during the same period. The Degree of Saturation ranges from close to zero for varied traffic flow up to one for saturated flow or capacity.
- **Level of Service (LOS):** is the qualitative measure describing operational conditions within a traffic stream and the perception by motorists and/or passengers. In general, there are 6 levels of services, designated from A to F, with Level of Service A representing the best operating condition (i.e. free flow) and Level of Service F the worst (i.e. forced or breakdown flow).
- **Average Delay:** is the average of all travel time delays for vehicles through the intersection.
- **95% Queue:** is the queue length below which 95% of all observed queue lengths fall.

In order to fully assess the potential traffic impacts associated with the proposed alteration and extension to the existing building, the weekday roadway p.m. peak hour and Sunday inbound and outbound peak hours were assessed.

The results of the SIDRA analysis under existing and future weekday p.m. peak hour and Sunday inbound and outbound peak hours are shown in **Tables 1 through 12**. These results indicate that the traffic generated by the alteration and extension of the existing building and in the context of a 'worst case scenario' Sunday worship session (i.e. visiting guru resulting in a 10 to 20% additional loading) has a negligible impact on traffic operations under the revised crossover arrangements during peak period flow conditions, which are currently operating at acceptable good Levels of Service on Canning Road and will have no impact on the existing practical road capacity of Canning Road. The SIDRA results illustrate the theoretical modelled capacity of existing and future total traffic operations but do not take into account the inclination of drivers travelling north on Canning Road to pass vehicles waiting to turn right into the site under both existing and future scenarios on the right due to wide roadway cross-section on Canning Road will likely result in minimal queuing for through traffic at the entry-only driveway. The lack of through traffic queuing for northbound traffic has been confirmed during the site observations undertaken on Sunday 6 February 2011. The modified crossover arrangements will result in enhanced traffic operations at the site crossovers and maximise safety and minimise conflict for entering and exiting vehicles. The impact of site-generated traffic on Canning Road is therefore deemed to be negligible and will be able to be accommodated within the practical through capacity of the existing boundary road network and therefore will have no minimal impact on traffic operations in the area on a typical worship day.

Table 1: Existing Traffic – Northern Driveway (Full Movements) – Weekday P.M. Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	720	5.0	0.383	8.3	LOS A	8.4	61.5	1.00	0.00	45.0
3	R	1	0.0	0.351	19.2	LOS C	8.4	61.5	1.00	1.11	41.5
Approach		721	5.0	0.383	8.3	LOS C	8.4	61.5	1.00	0.00	45.0
East: Driveway											
4	L	1	0.0	0.029	37.9	LOS E	0.1	0.7	0.90	0.91	29.3
6	R	2	0.0	0.030	38.0	LOS E	0.1	0.7	0.90	0.97	29.3
Approach		3	0.0	0.030	37.9	LOS E	0.1	0.7	0.90	0.95	29.3
North: Canning Road											
7	L	2	0.0	0.421	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	812	5.0	0.431	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		814	5.0	0.431	0.0	LOS B	0.0	0.0	0.00	0.00	60.0
All Vehicles		1538	5.0	0.431	4.0	NA	8.4	61.5	0.47	0.00	51.8

Table 2: Existing Traffic – Southern Driveway (Full Movements) – Weekday P.M. Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	720	5.0	0.384	8.3	LOS A	8.4	61.6	1.00	0.00	45.0
3	R	2	0.0	0.421	19.2	LOS C	8.4	61.6	1.00	1.11	41.5
Approach		722	5.0	0.384	8.3	LOS C	8.4	61.6	1.00	0.00	45.0
East: Driveway											
4	L	2	0.0	0.018	25.9	LOS D	0.1	0.4	0.83	0.86	35.0
6	R	1	0.0	0.018	25.9	LOS D	0.1	0.4	0.83	0.95	35.0
Approach		3	0.0	0.018	25.9	LOS D	0.1	0.4	0.83	0.89	35.0
North: Canning Road											
7	L	1	0.0	0.526	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	812	5.0	0.430	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		813	5.0	0.430	0.0	LOS B	0.0	0.0	0.00	0.00	60.0
All Vehicles		1538	5.0	0.430	4.0	NA	8.4	61.6	0.47	0.00	51.8

Table 3: Future Traffic – Northern Driveway (Entry Only) – Weekday P.M. Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	720	5.0	0.384	8.3	LOS A	8.4	61.6	1.00	0.00	45.0
3	R	2	0.0	0.421	19.4	LOS C	8.4	61.6	1.00	1.11	41.6
Approach		722	5.0	0.384	8.3	LOS C	8.4	61.6	1.00	0.00	45.0
North: Canning Road											
7	L	2	0.0	0.421	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	809	5.0	0.430	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		812	5.0	0.430	0.0	LOS B	0.0	0.0	0.00	0.00	60.0
All Vehicles		1534	5.0	0.430	3.9	NA	8.4	61.6	0.47	0.00	51.8

Table 4: Future Traffic – Southern Driveway (Exit Only) – Weekday P.M. Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	722	5.0	0.382	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		722	5.0	0.382	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
East: Egress											
4	L	2	0.0	0.032	25.7	LOS D	0.1	0.8	0.87	0.86	17.4
6	R	2	0.0	0.032	25.9	LOS D	0.1	0.8	0.87	0.92	17.4
Approach		4	0.0	0.032	25.8	LOS D	0.1	0.8	0.87	0.89	17.4
North: Canning Road											
8	T	812	5.0	0.430	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		812	5.0	0.430	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
All Vehicles		1538	5.0	0.430	0.1	NA	0.1	0.8	0.00	0.00	59.6

Table 5: Existing Traffic – Northern Driveway (Full Movements) – Sunday Inbound Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	449	5.0	0.239	2.7	LOS A	2.6	19.2	0.62	0.00	49.7
3	R	1	0.0	0.263	13.6	LOS B	2.6	19.2	0.62	0.84	47.4
Approach		451	5.0	0.239	2.7	LOS B	2.6	19.2	0.62	0.00	49.7
East: Driveway											
4	L	1	0.0	0.005	8.3	LOS A	0.0	0.1	0.62	0.52	20.3
6	R	1	0.0	0.005	8.4	LOS A	0.0	0.1	0.62	0.66	20.3
Approach		2	0.0	0.005	8.3	LOS A	0.0	0.1	0.62	0.59	20.3
North: Canning Road											
7	L	11	0.0	0.270	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	499	5.0	0.270	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		509	4.9	0.270	0.2	LOS B	0.0	0.0	0.00	0.02	59.8
All Vehicles		962	4.9	0.270	1.4	NA	2.6	19.2	0.29	0.01	54.4

Table 6: Existing Traffic – Southern Driveway (Full Movements) – Sunday Inbound Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	448	5.0	0.247	2.7	LOS A	2.7	19.6	0.62	0.00	49.6
3	R	11	0.0	0.245	13.6	LOS B	2.7	19.6	0.62	0.84	47.4
Approach		459	4.9	0.247	2.9	LOS B	2.7	19.6	0.62	0.02	49.6
East: Driveway											
4	L	1	0.0	0.005	8.3	LOS A	0.0	0.1	0.62	0.52	20.3
6	R	1	0.0	0.005	8.4	LOS A	0.0	0.1	0.62	0.66	20.3
Approach		2	0.0	0.005	8.4	LOS A	0.0	0.1	0.62	0.59	20.3
North: Canning Road											
7	L	1	0.0	0.263	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	500	5.0	0.265	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		501	5.0	0.265	0.0	LOS B	0.0	0.0	0.00	0.00	60.0
All Vehicles		962	4.9	0.265	1.4	NA	2.7	19.6	0.30	0.01	54.3

Table 7: Future Traffic – Northern Driveway (Entry Only) – Sunday Inbound Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	451	5.0	0.248	2.7	LOS A	2.7	19.7	0.62	0.00	49.7
3	R	11	0.0	0.251	13.8	LOS B	2.7	19.7	0.62	0.85	47.4
Approach		461	4.9	0.248	2.9	LOS B	2.7	19.7	0.62	0.02	49.6
North: Canning Road											
7	L	11	0.0	0.263	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	488	5.0	0.264	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		499	4.9	0.264	0.2	LOS B	0.0	0.0	0.00	0.02	59.8
All Vehicles		960	4.9	0.264	1.5	NA	2.7	19.7	0.30	0.02	54.4

Table 8: Future Traffic – Southern Driveway (Exit Only) – Sunday Inbound Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	459	5.0	0.243	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		459	5.0	0.243	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
East: Egress											
4	L	2	0.0	0.010	8.4	LOS A	0.0	0.3	0.62	0.54	20.3
6	R	2	0.0	0.010	8.7	LOS A	0.0	0.3	0.62	0.71	20.2
Approach		4	0.0	0.010	8.5	LOS A	0.0	0.3	0.62	0.63	20.2
North: Canning Road											
8	T	499	5.0	0.264	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		499	5.0	0.264	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
All Vehicles		962	5.0	0.264	0.0	NA	0.0	0.3	0.00	0.00	59.5

Table 9: Existing Traffic – Northern Driveway (Full Movements) – Sunday Outbound Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	104	5.0	0.056	0.3	LOS A	0.4	2.7	0.21	0.00	56.0
3	R	1	0.0	0.055	11.2	LOS B	0.4	2.7	0.21	0.68	49.7
Approach		105	5.0	0.056	0.4	LOS B	0.4	2.7	0.21	0.01	56.0
East: Driveway											
4	L	2	0.0	0.022	2.9	LOS A	0.1	0.6	0.28	0.33	21.3
6	R	17	0.0	0.022	3.0	LOS A	0.1	0.6	0.28	0.40	21.3
Approach		19	0.0	0.022	3.0	LOS A	0.1	0.6	0.28	0.39	21.3
North: Canning Road											
7	L	2	0.0	0.054	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	100	5.0	0.054	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		102	4.9	0.054	0.2	LOS B	0.0	0.0	0.00	0.02	59.8
All Vehicles		226	4.5	0.056	0.5	NA	0.4	2.7	0.12	0.04	50.6

Table 10: Existing Traffic – Southern Driveway (Full Movements) – Sunday Outbound Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	102	5.0	0.055	0.3	LOS A	0.4	2.7	0.21	0.00	56.0
3	R	2	0.0	0.055	11.2	LOS B	0.4	2.7	0.21	0.68	49.7
Approach		104	4.9	0.055	0.5	LOS B	0.4	2.7	0.21	0.01	55.9
East: Driveway											
4	L	17	0.0	0.015	2.3	LOS A	0.1	0.5	0.20	0.32	21.4
6	R	2	0.0	0.015	2.4	LOS A	0.1	0.5	0.20	0.38	21.4
Approach		19	0.0	0.015	2.3	LOS A	0.1	0.5	0.20	0.33	21.4
North: Canning Road											
7	L	1	0.0	0.055	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	102	5.0	0.055	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		103	4.9	0.055	0.1	LOS B	0.0	0.0	0.00	0.01	59.9
All Vehicles		226	4.5	0.055	0.5	NA	0.4	2.7	0.12	0.04	50.6

Table 11: Future Traffic – Northern Driveway (Entry Only) – Sunday Outbound Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	121	5.0	0.065	0.3	LOS A	0.4	3.2	0.21	0.00	56.0
3	R	2	0.0	0.066	11.4	LOS B	0.4	3.2	0.21	0.70	49.6
Approach		123	4.9	0.065	0.5	LOS B	0.4	3.2	0.21	0.01	55.9
North: Canning Road											
7	L	2	0.0	0.054	10.7	LOS B	0.0	0.0	0.00	0.75	50.8
8	T	100	5.0	0.054	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		102	4.9	0.054	0.2	LOS B	0.0	0.0	0.00	0.02	59.8
All Vehicles		225	4.9	0.065	0.4	NA	0.4	3.2	0.12	0.01	57.6

Table 12: Future Traffic – Northern Driveway (Exit Only) – Sunday Outbound Peak Hour

Mov ID	Turn	Demand Flow	HV	Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
							Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Canning Rd											
2	T	104	5.0	0.055	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		104	5.0	0.055	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
East: Egress											
4	L	19	0.0	0.038	2.6	LOS A	0.2	1.2	0.23	0.33	21.4
6	R	19	0.0	0.038	2.9	LOS A	0.2	1.2	0.23	0.43	21.3
Approach		38	0.0	0.038	2.7	LOS A	0.2	1.2	0.23	0.38	21.3
North: Canning Road											
8	T	100	5.0	0.053	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		100	5.0	0.053	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
All Vehicles		242	4.2	0.055	0.4	NA	0.2	1.2	0.04	0.06	46.8

5. SITE ACCESS AND CAR PARK CIRCULATION ASSESSMENT

The proposed site plan indicates that the existing site crossover arrangements will be modified from two full movements crossovers to an entry-only (inbound) crossover at the northern boundary of the site and an exit-only (outbound) crossover at the southern boundary of the site. This will result in a one-way eastbound-southbound-westbound on-site circulation arrangement which will maximise safe and efficient ingress and egress for vehicles entering and exiting the site and minimise potential conflict between entering and exiting vehicles on Canning Road.

Due to the improved traffic operations resulting from the proposed modified crossover arrangements on Canning Road, no local road improvements will be required.

6. PARKING ASSESSMENT

The proposed car parking arrangements, as detailed in the architect's plan, is to consist of the provision of 74 on-site car parking bays which represents an increase of 8 bays over the 66 bays provided on-site at present.

The car parking supply for the site is proposed to be provided at-grade and will be accessed via proposed modified crossover arrangements to Canning Road to consist of an entry-only (inbound) crossover near the northern boundary of the site, an exit-only (outbound) crossover near the southern boundary of the site and a one-way internal circulation system.

A detailed assessment of the parking provision required to service the redeveloped uses has been undertaken to assess the adequacy of the proposed supply in the context of future anticipated demand. This assessment has been addressed in the context of a review of the Shire of Kalamunda's *Local Planning Scheme No. 3, Local Planning Policy DEV 41: Framework for Assessing Requests for Variations to the Number of Car Parking Bays* and the Shire Planning Officer's recommendation, as noted in Ordinary Council Meeting Minutes dated 20 December 2010, which requested substantiation of the applicant's proposal to provide 74 on-site car parking bays

The LPS No. 3 indicates the following:

5.8 Car Parking Requirements

5.8.2 The local government may apply at its discretion, a greater or lesser requirement for car parking than that stipulated as the minimum requirement in Table 3, if in its opinion the proposed use is likely to demand a greater or lesser need for car parking bays having due regard to the scale and nature of the intended use or uses.

Local Planning Policy DEV 41 states that:

- a) The circumstances of a development justify such variation and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of car parking spaces required by Table 3 of Local Planning Scheme No. 3.*

Based upon the Conditional Development Approval, outlined in the Ordinary Council Minutes dated 20 December 2010, the Council resolved to consider the approval of 74 car parking bays on the site, subject to the preparation and submission of a Traffic Impact Statement assessing the adequacy of the proposed on-site provision of car parking.

Detailed car parking demand and vehicle occupancy surveys were undertaken during the peak demand period on a Sunday evening between 4:00 and 8:00 p.m. These surveys were also undertaken during a Sunday worship session which was presided over by a visiting guru and therefore, typical demand was increased by 10 to 20% over a typical worship session. This was deemed to represent a 'worst case scenario'. Peak car parking demand occurred between 5:00 and 6:00 p.m. and was in the order of 57

Figure 8: Car Park Occupancy

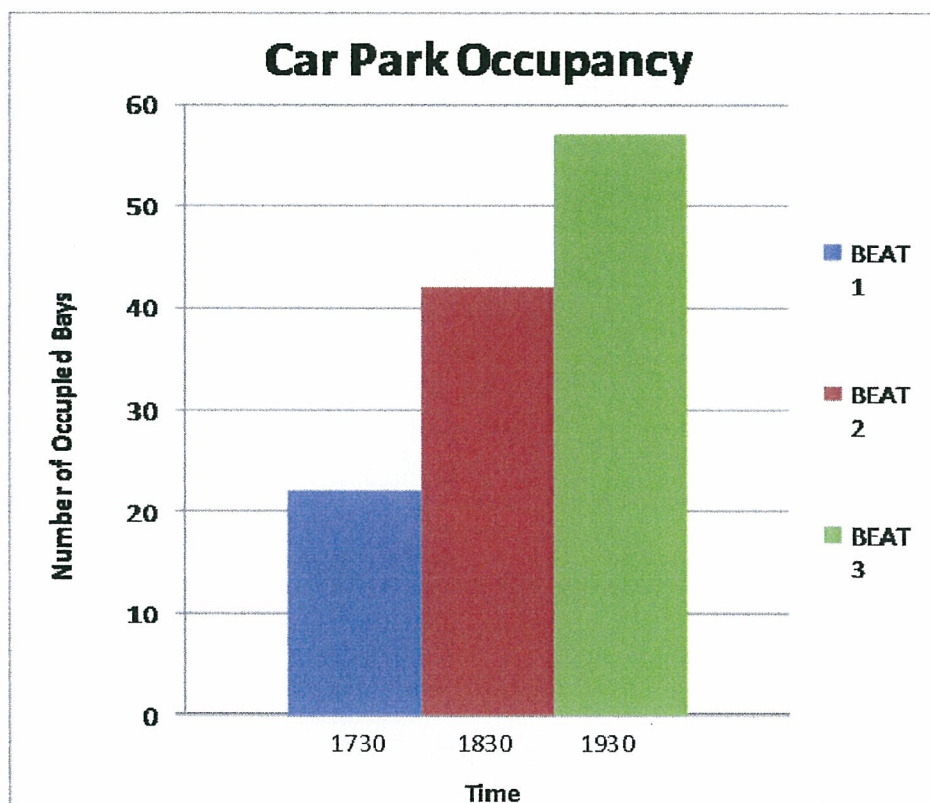
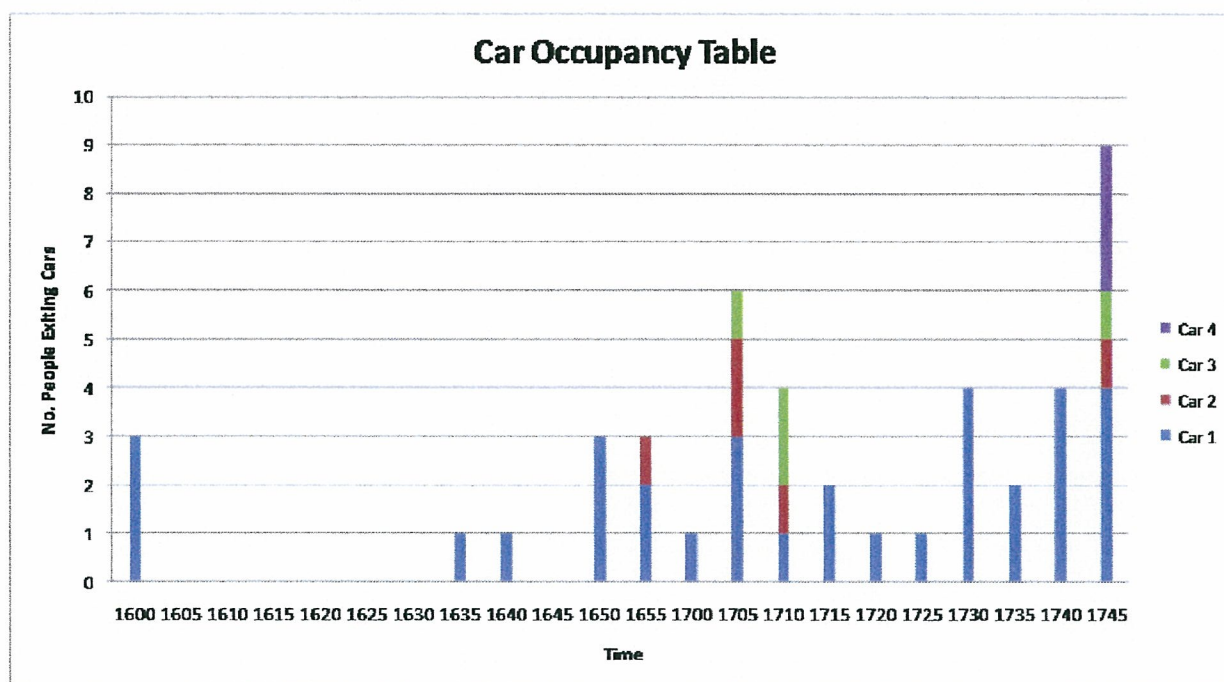


Figure 9 illustrates car parking occupancy over the peak period surveyed.

Figure 9: Car Parking Occupancy – Over Survey Period (4:00 to 8:00 p.m. – Sunday)



In summary, this parking assessment has demonstrated that the application of discretionary concessions can be applied to this site to result in sufficient car parking supply to meet the anticipated demand under the 'worst case' scenario during a typical Sunday worship. The proposed provision of 74 on-site bays and revised crossover and internal circulation arrangements can therefore be justified within the provisions of the Shire's policies and strategies and no additional off-site car parking will be required to accommodate typical Sunday car parking demands.

7. CONCLUSIONS AND RECOMMENDATIONS

This Traffic Impact Statement has been prepared by Donald Veal Consultants on behalf of Haladhar Holdings, with regard to proposed alterations and extensions to the existing Hare Krishna temple uses located at Lot 117 (159) Canning Road, Kalamunda, in the Shire of Kalamunda, in order to meet the requirements of the Conditions of Development Approval and the Orders set down by the State Administrative Tribunal. This report has been prepared in accordance with the WAPC *Transport Assessment Guidelines for Developments: Volume 4 – Individual Developments* (2006).

The subject site is located on the east side of Canning Road, Kalamunda, approximately 1.5 km south of the Kalamunda Town Centre. Adjacent land uses and developments along Canning Road include residential uses to the north, south and west and some low level commercial uses broadly to the north of the site along the eastern side of Canning Road. The existing activities on the site consist of a temple building used for worship and meeting purposes. Existing vehicular access to the subject site consists of two full movements crossovers at the northern and southern boundaries of the site, respectively, with 66 car parking bays currently provided on the site.

Specifically, the report aims to address access and car parking issues raised by the Shire of Kalamunda in its review of the proposed redevelopment, specifically in relation to vehicular access into and out of the site on Canning Road and the proposed on-site car parking arrangements. The assessment also assesses the potential impacts of the proposed development on Canning Road, during the relevant peak periods. Additionally, the assessment considers the proposed access, circulation and egress arrangements to and from the proposed car parking area on the subject site in the context of the revised access and on-site car parking arrangements.

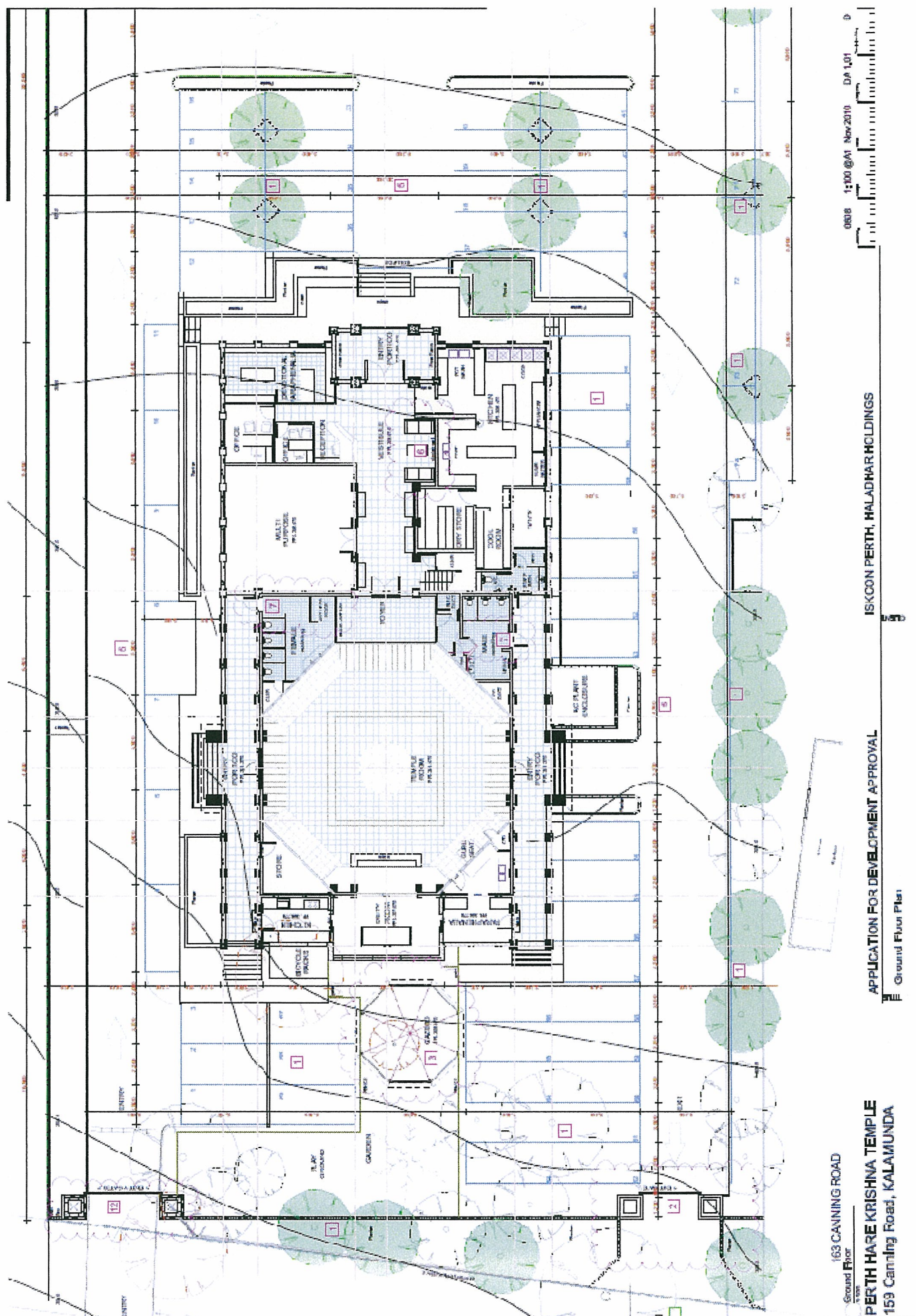
The results of the SIDRA analysis under existing and future weekday p.m. peak hour and Sunday inbound and outbound peak hours are shown in **Tables 1 through 12** in Section 4.3 of this report. These results indicate that the traffic generated by the development under redevelopment conditions and in the context of a 'worst case scenario' Sunday worship session (i.e. visiting guru resulting in a 10 to 20% additional loading) has negligible impact on traffic operations under the revised crossover arrangements during peak period flow conditions, which are currently operating at acceptable good Levels of Service on Canning Road and will have no impact on the existing practical road capacity of Canning Road. The SIDRA results illustrate the theoretical modelled capacity of existing and future total traffic operations but do not take into account the inclination of drivers travelling north on Canning Road to pass vehicles waiting to turn right into the site under both existing and future scenarios on the right due to wide roadway cross-section on Canning Road will likely result in minimal queuing for through traffic at the entry-only driveway. The lack of through traffic queuing for northbound traffic has been confirmed during the site observations undertaken on Sunday 6 February 2011. The modified crossover arrangements will result in enhanced traffic operations at the site crossovers and maximise safety and minimise conflict for entering and exiting vehicles. The impact of site-generated traffic on Canning Road is therefore deemed to be negligible and will be able to be accommodated within the practical through capacity of the existing boundary road network and therefore will have no minimal impact on traffic operations in the area on a typical worship day.

The proposed site plan indicates that the existing site crossover arrangements will be modified from two full movements crossovers to an entry-only (inbound) crossover at the northern boundary of the site and an exit-only (outbound) crossover at the southern boundary of the site. This will result in a one-way eastbound-southbound-westbound on-site circulation arrangement which will maximise safe and efficient ingress and egress for vehicles entering and exiting the site and minimise conflict between entering and exiting vehicles on Canning Road. Due to the improved traffic operations resulting from the proposed modified crossover arrangements on Canning Road, no local road improvements will be required.

The proposed car parking arrangements for the site are appropriate and consistent with the anticipated demands during peak operating periods and relevant Shire policies. In summary, the car parking assessment has demonstrated that the application of discretionary concessions can be applied to this site to result in sufficient car parking supply to meet the anticipated demand under the 'worst case' scenario during a typical Sunday worship. The proposed provision of 74 on-site bays and revised crossover and internal circulation arrangements can therefore be justified within the provisions of the Shire's policies and strategies and no additional off-site car parking will be required to accommodate typical Sunday car parking demands.

Based upon the results of the transport, access and parking assessment for the proposed development of Lot 117 (159) Canning Road, Kalamunda, and considering the negligible impact of the traffic from the proposed redevelopment on the surrounding road network, the results of the on-site circulation and revised crossover arrangements and proposed car parking supply, traffic-related issues should not form an impediment to the approval of the proposed development.

APPENDIX A: SITE PLAN



DOCUMENT ISSUE AUTHORISATION

Issue	Rev	Date	Description	Checked By	Approved By
0	0	11/02/2010	FINAL REPORT	LMV	HL

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Donald Veal Consultants Pty Ltd

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 GSC21 Enterprise Agreement 2011 to 2013 (Cr Frank Lindsey)

1. With regard to the proposed superannuation entitlements in the administration staff's propose EBA:
 - a. what would be the cost to the Shire if the Shire's matching 5% contribution had a 100% take up?;
 - b. based on the experience of other local governments, what is the likely take up rate?;
 - c. what will be the anticipated cost to the Shire given the take up rate in b. above?; and
 - d. does the EBA with the Shire's non-administration staff contain a similar superannuation entitlement and if so, what is that entitlement?

13.2 GSC09 Formal Proposal Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road Kalamunda (Kalamunda Police Station) (Cr Frank Lindsey)

1. With regard to Dome Cafe's proposal for the old Roads Board building:
 - a. what is the dollar value of the in kind advertising assistance Dome are seeking from the Shire?;
 - b. what would be the number of car parking bays that such a development would normally have to provide and what is the dollar value of those car parking bays?;
 - c. what is the net cost to the Shire (i.e. after allowing for co-contributions from other developers) of connecting a sewer line to the site, sufficient to allow for future development of the super-block without need for any future upgrades to the sewer line?

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE