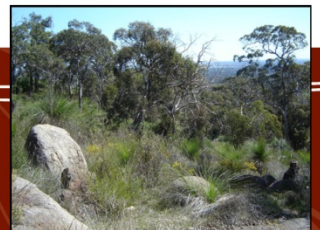


Development & Infrastructure Services Committee Meeting

Agenda for Monday 12 September 2016

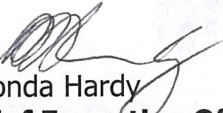


**shire of
kalamunda**

NOTICE OF MEETING DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE

Dear Councillors

Notice is hereby given that the next meeting of the Development & Infrastructure Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 12 September 2016 following the Corporate & Community Services Meeting which commences at 6:00pm.**


Rhonda Hardy
Chief Executive Officer
7 September 2016

Our Vision and Our Values

Our Vision

The Shire will have a diversity of lifestyle and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

Our Core Values

Service – We deliver excellent service by actively engaging and listening to each other.

Respect – We trust and respect each other by valuing our difference, communicating openly and showing integrity in all we do.

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

Ethics – We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behavior.

Our Aspirational Values

Prosperity – We will ensure our Shire has a robust economy through a mixture of industrial and commercial development.

Harmony – We will retain our natural assets in balance with our built environment.

Courage – We take risks that are calculated to lead us to a bold new future.

Creativity – We create and innovate to improve all we do.

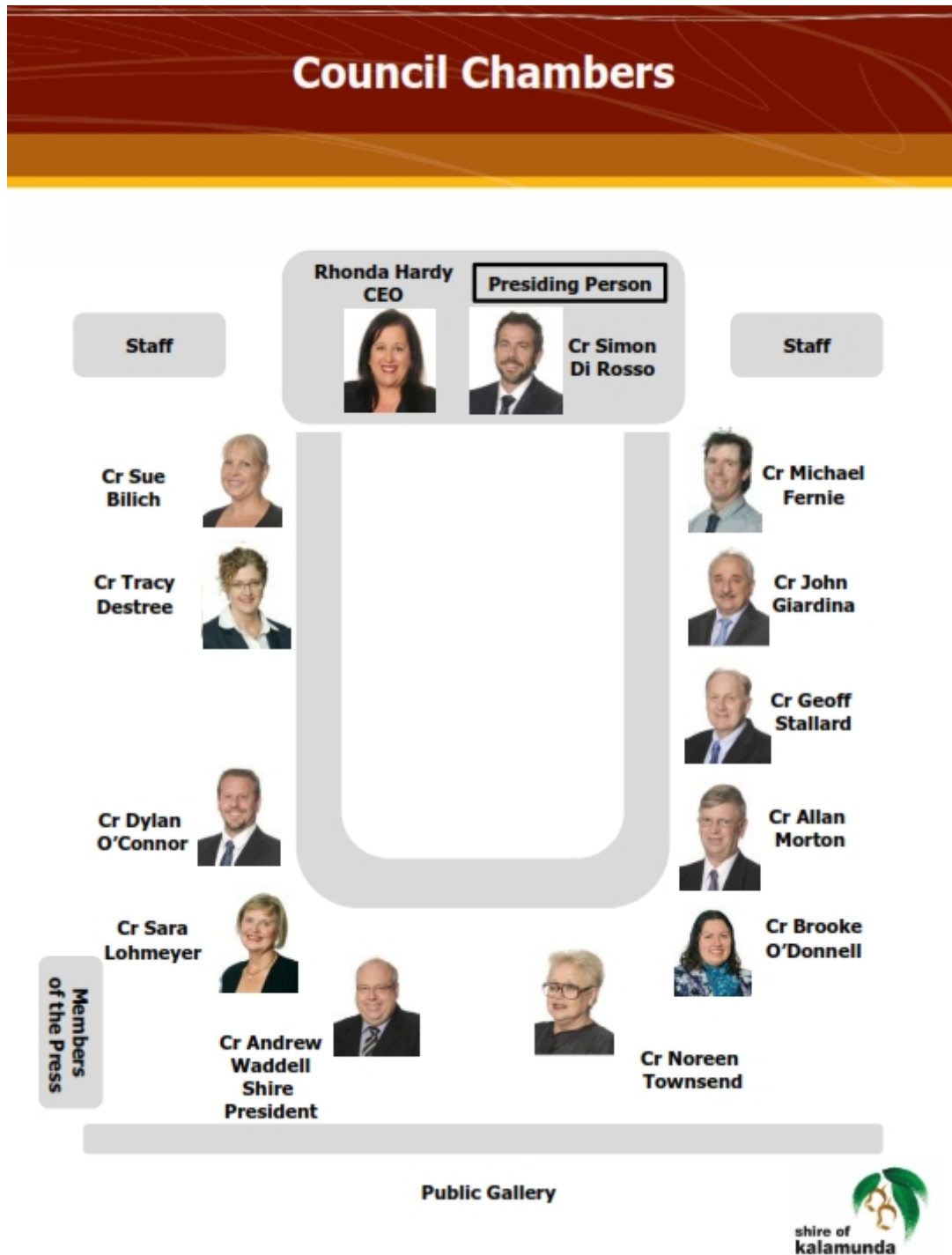


INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE OR COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Standing Committee Meetings – Procedures

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Shire of Kalamunda Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Standing Committee makes recommendations only to the next scheduled Ordinary Council Meeting.
4. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
5. Members of the public are able to ask questions at a Standing Committee Meeting during Public Question Time. The questions should be related to the purposes of the Standing Committee.
6. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Standing Committee Meeting.
7. Comment from members of the public on any item of the Agenda is usually limited to three minutes and should address the Recommendations at the conclusion of the report.
8. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
9. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person chairing the Committee Meeting.

Emergency Procedures

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

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

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

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

INDEX

1.0	OFFICIAL OPENING.....	6
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	6
3.0	PUBLIC QUESTION TIME	6
4.0	PETITIONS/DEPUTATIONS	10
5.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	10
6.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	10
7.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	10
8.0	DISCLOSURE OF INTERESTS.....	10
9.0	REPORTS TO COUNCIL	11
	51. REVIEW OF ASSET MANAGEMENT POLICY ENG15	12
	52. DRAFT STREET TREE AND STREETScape MANAGEMENT POLICY AND PROCEDURES	21
	53. PICKERING BROOK ROAD – EXTENSION OF 70km/H SPEED LIMIT	44
	54. PROPOSED 24 HOUR FAMILY DAY CARE – LOT 328 (28) OAK COURT, FORRESTFIELD	48
	55. CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS FORRESTFIELD UNITED SOCCER CLUB SPECTATOR SEATING AND CHANGE ROOM UPGRADES (RFT1612)	62
10.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	63
11.0	QUESTIONS BY MEMBERS WITHOUT NOTICE	63
12.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	63
13.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	63
14.0	TABLED DOCUMENTS.....	63
15.0	MEETING CLOSED TO THE PUBLIC	63
16.0	CLOSURE	63

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 gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers will be summarised.

3.1 Questions from Development & Infrastructure Meeting 8 August 2016.

3.1.1 Tony Fowler – 10 Marie Way, Kalamunda – Aldi Development

- Q1. When I need to deal with Council I need to know who I need to deal with, given all the changes is it possible that I could be provided with a list of Officers, their hierarchal structure and the responsibility of those sections, I have found names have been changing lately and in the interest of transparency I would really like to know who should be receiving my questions?
- A1. The Chief Executive Officer suggested that Mr Fowler meet with her to discuss the matter.
- Q2. Given the potential loss of mature trees within this site, has the Environmental section been asked to comment on this proposal? If so, what was their comment or advice? If not, why has comment not been invited?
- A2. The application was assessed and comment provided by our environmental services area as part of our Development Control Unit process. Their advice centred on ensuring the car parking design incorporated the retention of as many mature trees as possible. This request was carried through with the conditions of the planning approval, namely:
- *Measures shall be taken to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site work.*
 - *Development works to be carried out in accordance with AS 4970 2009 "Protection of trees on Development sites".*

- Q3a. Given that the parking study was conducted in 2011, may it not be viewed as out-of-date? With the loss of Barber Street parking, developments planned for Haynes Street and Canning Road and the Shire's own proposal for extensive urbanisation under their Perth and Peel @3.5 million and N.E Sub-Regional Framework submission, will a new parking study be commissioned before this project is approved, or will that be within the remit of the varied traffic study (Agenda item 3.1.1 – Answer 4.)
- A3a. There are no plans at present to review the parking study. The parking study has considered the ultimate development scenario based on the Town Centre Improvement Plan. Future demand for parking in the town centre will be dependent on the timing of the ultimate development scenario. Consideration will be given to reviewing the existing parking study and provision for additional parking as required under the Shires Local Planning Scheme as development of the town centre proceeds.
- Q3b. Could any such study include Kalamunda market days?
- A3b. The methodology used for the parking study is reflective of contemporary practise which does not include occupancy rates for specific events such as the Kalamunda Market. The Study quantified parking demand based on the town centre on a representative weekday and weekend.
- Q4. If the Mead St, Central Road land remains under Shire ownership and is leased to a commercial entity as Aldi, will the Shire then become the proponent of any development, with all this implies? (EPBC Act referrals etc).
- A4. The lease arrangement with Aldi pertain to the construction and maintenance of a public car parking area only and no other land use.
- Q5. Have Councillors carried out a site inspection (on foot and equipped with legible plans)?
- A5. It is up to each Councillor to ensure that they have sufficient knowledge and understanding of the matter before them to make an informed decision.
- Q6. Given the widespread concern over the level of community consultation and potential effect of this proposal on local retail businesses, has the Kalamunda Chamber of Commerce been invited to comment on the proposal, or is this not considered part of community consultation?
- A6. Advertising of the proposal was conducted in accordance with Scheme and Policy requirements. There was no requirement to consult directly with the Kalamunda Chamber of Commerce on the proposal.

- Q7. Will Council look to amending the above policy to include “having regard to the provisions of its District Conservation Strategy, Wildlife Corridor Strategy, Local Biodiversity Strategy and, Local Planning Strategy (2010)”?
- A7. The local planning policy was prepared in accordance with the legislative framework including State Planning Policy 5.2 Telecommunications Infrastructure. The framework is very clear as to what the local authority should give consideration to when assessing an application for telecommunication infrastructure. This does not include environmental impacts. SPP 5.2 does however require the applicant to provide details of any environmental constraints, including the species, condition and significance of any vegetation to be removed. Furthermore, in considering an application, Council is to have due regard to Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which require environmental impacts of the development such as clearing to be considered. Where development occurs on reserved land, the Shire would look to locate these facilities in areas with minimal disturbance to the existing vegetation.

3.1.2 Graeme Young – 12 Lyndhurst Road, Kalamunda – Aldi Development

- Q1 Has the DoP/WAPC approved of the proposal whereby the Shire will enter into a leasehold arrangement with the proposed Developer Proponents(s) to create a Leasehold interest for the duration of the suggested term of 25 years?
- A1. Yes.
- Q2. Has the Hon. Minister for Lands given to the Shire – “Approval in Principle” to the Commercial arrangement being proposed for Lot 611 and Lot 612?
- A2. The Department of Lands advised that approval for the public car parking area was not required.
- Q3. If neither the Minister for Lands, nor the Planning Agencies have given their “conditional approval” is the Council premature in considering, or approving the Proponents “Commercial DA”?
- A3. No.
- Q4. Why is Council passing its development responsibility to the proponent?
- A4. The applicant in meeting its parking shortfall for the proposal has reached agreement with the Shire to construct and maintain an additional 120 public car parking bays over the adjoining reserved land. In this regard, it is considered that Council is not passing on its development responsibilities to the applicant.

3.1.3 Peter Forrest – 36 Panoramic Terrace, Kalamunda – Aldi Development

- Q1. Regrettably it appears that Council is so far declining to revisit the matter – despite the fact that the conditions are so far, extremely vaguely defined and will obviously be difficult for the proponent to comply with, and whoever negotiates them, does not yet have a clear brief from the Councillors as to the extent of action required to safeguard the longer term community interests, Is that correct?
- A1. Yes.
- Q2. Use of the community owned public car park area. Council proposes to give that away for 25 years to priority use by one commercial entity; and therefore favouring one business against others the Town Centre – who may in due course find their trade being affected by a shortage of car parking as the Town Centre expands with expected major regional growth.
- A2. This is a statement, not a question.
- Q3. A high use public car park and associated Bus Station urgently need externally accessible public toilet facilities. Neither the proponent nor the Shire Council has provided for that, why not?
- A3. Public toilets were not considered necessary at this location as there are public toilets at the Jack Healey Centre.
- Q4. Why is the Council denying local growth in public transport services (eg, park and ride) when a nearby Railway Station is being built that will liberate travel capability from Kalamunda and facilitate tourism business growth?
- A4. Any expansion of the bus terminal would be up to the PTA on their land. The development of the car park, as proposed, does not prohibit any future growth on capacity.
- Q5. Environmental – it appears that Council did not received a report on this issue before making a decision. If it had, Councillors would have been aware of several practical issues.
- A5. This is a statement, not a question.
- Q6. Is this Council, that so far has very little experience of urban development design and planning prepared to risk losing credibility with the community, by proceeding with no context by way of a structure plan for the Town Centre even yet commissioned.
- A6. The inference that this Council has little experience of urban design and planning is unfounded. The Council adopted the Kalamunda Town Centre Design Guidelines in June 2011 as a policy under its Local Planning Scheme.

4.0 PETITIONS/DEPUTATIONS

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Voting Requirements: Simple Majority

- 5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 8 August 2016, as published and circulated, are confirmed as a true and accurate 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 8 August 2016".

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 **55. Consideration of Tenders –Forrestfield United Soccer Club Spectator Seating and Change Room Upgrades** (RFT1612) – (Attachment 1) Reason for Confidentiality *Local Government Act 1995*. Section S5.23 (2) (c) – a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

8.2 Disclosure of Interest Affecting Impartiality

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

9.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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

51. Review of Asset Management Policy ENG15

Previous Items	OCM 53/2011
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A
Attachment 1	Existing Policy ENG15
Attachment 2	Proposed Policy

PURPOSE

1. To consider the outcome of the review of the Asset Management Policy ENG15 (the Policy).

BACKGROUND

2. The Policy was adopted by Council on 18 April 2011 with a life of four years and a proposed annual review. It was reviewed on 15 October 2012, with no further review since that date.

DETAILS

3. At the time of adoption of the Policy it was common for local governments in the early stages of implementation of asset management as a core business function, to provide a detailed policy document outlining the principles of Strategic Asset Management (SAM) and a glossary of key terms.
4. The current approach is to provide a high level statement which sets out the organisations approach to SAM, with the SAM strategy document providing the detail in regards the principles of SAM.
5. The policy statement in the 2011 Policy forms the basis of the new policy with minor changes to terminology and the addition of the following item:
(k) The Shire will strive towards achieving the Asset Ratio benchmarks as set by the Department of Local Government and Communities.
This is a key requirement on the preparation and review of annual budgets.

STATUTORY AND LEGAL CONSIDERATIONS

6.
 - *Local Government Act 1995*
 - Integrated Planning and Reporting – Framework and Guidelines, Department of Local Government and Communities, Government of Western Australia
 - Australian Accounting Standards Board – Standards 5; 10; 116; 117; 120; 136; 138; 140; 1051
 - *Commonwealth Disability Access and Inclusion Act 1992*
 - *Road Traffic Act 1974*
 - *Occupational Health and Safety Act 2004*
 - *Protection of the Environment Operations Act 1997*
 - *Financial Management Regulations Act 1996*

POLICY CONSIDERATIONS

7. This review is aimed at ensuring the Policy is current and relevant to the strategic objectives of Council and the current operational environment of the Shire.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. The community has input into the development and implementation of the Policy recognising a key platform in SAM is the development of Service Levels reflecting the needs and expectations of the community, balanced by the financial, economic and environmental perspectives.
9. The community has further input into SAM by advising Council of its service requirements and expectations through the Strategic Community Plan and customer perception survey.
10. The revised Policy has been reviewed and endorsed by the Shire's Asset Management Steering Committee.

FINANCIAL CONSIDERATIONS

11. There will be no additional financial expenditure resulting from the amendments to the Policy, although this Policy will provide the framework for undertaking long term strategic asset management of the Shire's portfolio of assets focussed on provision of a sustainable approach to service delivery.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

12. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.6 - To ensure the optimal management of assets delivers continuity of services to the community.
- OBJECTIVE 4.7 - To ensure the selection, maintenance, inspection, renewal and disposal of all categories of assets within the Shire is managed efficiently.

SUSTAINABILITY

Social Implications

13. Assets are created, maintained and renewed to provide services to the community. The impact on the social fabric of the community is significant if assets are not fit for purpose and/or rationalised to meet the changing needs of the community.

Economic Implications

14. Asset improvement is to be based on sound economic principles such that whole of life costs are financially viable for the long-term.

Environmental Implications

15. The negative and positive impacts on the natural environment by the creation and renewal of assets are key considerations of SAM.

RISK MANAGEMENT CONSIDERATIONS

16.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Without a Strategic Asset Management Policy, there is no framework to guide Asset Management across the organisation in a structured and coordinated way.	Unlikely	Major	Medium	Ensure the Strategic Asset Management Policy recognises current best practice in strategic asset management, reflects the specific expectations of the community and ensures a whole of organisation commitment to asset management.

OFFICER COMMENT

17. The revised Policy has been the subject of a rigorous review by the Asset Services Management Team.
18. It is proposed a review of the Shire of Kalamunda Strategic Asset Management Strategy will be undertaken within twelve months following endorsement of the revised Policy before referral to Council for endorsement.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 51/2016)

That Council:

1. Adopts the revised Asset Management Policy as shown on Attachment 2.

Moved:

Seconded:

Vote:

Attachment 1

Review of Asset Management Policy ENG15 Existing Policy ENG15



POLICY REGISTER

Title:	Asset Management Policy		
Policy No.:	ENG15		
Date Adopted:	18 April 2011	Date Last Reviewed:	15 October 2012
Rationale	<p>The Shire of Kalamunda recognises that strategic asset management is critical to the effective and efficient delivery of services to our community.</p> <p>This policy will assist with the implementation of best practice asset management to meet this service delivery goal.</p>		
Policy	<p>1.0 Objective</p> <p>The Shire of Kalamunda recognises the importance of strategic asset management to the delivery of efficient and effective management of assets under its care and control. The outcome of this is to provide the right services to the community we serve.</p> <p>This policy outlines the scope, principles and processes for developing and implementing asset management in a coordinated and structured way. This policy is supported by the Asset Management Strategy, which defines how this policy is implemented in a practical way, and further detailed in the Asset Management Plans and other supporting documents.</p> <p>2.0 Scope</p> <p>This policy applies to all Shire assets.</p> <p>The asset portfolio is composed of the following asset categories:-</p> <ul style="list-style-type: none"> • Roads and related infrastructure • Footpaths and off-road paths • Car parks • Parks & Reserves • Drainage • Buildings • Plant & Equipment • IT & Communications • Artworks • Library Assets <p>3.0 Principles</p> <p><u>Principle 1 – Asset Management Maturity</u></p> <p>The Shire of Kalamunda recognises that asset management practice can be undertaken at four levels of competence, being minimum, core, intermediate and advanced maturity. In order to deliver on its objectives, the Shire of Kalamunda will work towards core/intermediate maturity (meeting all legislated requirements) by June 2014, and continue to work towards advanced asset management in future years.</p> <p><u>Principle 2 – Asset Hierarchy and Componentisation</u></p> <p>Both core and advanced AM maturity need a recognition of the relative importance of individual assets within an asset category and the importance of individual 'components' of an asset.</p> <p>The asset hierarchy and componentisation are defined in the Asset Management Strategy.</p>		

Principle 3 – Levels of Service

Each asset category will have a range of technical and community service levels to meet community expectations. The Levels of Service are defined in the Asset Management Strategy and detailed in the Asset Management Plans.

Principle 4 – Intervention Levels and Response times

On the basis of the asset hierarchy, decisions can be made as to when maintenance interventions and treatments are appropriate to meet the required service levels. These Intervention and response times form the major input into determining the budget requirements. The Intervention Levels and Response Times are defined in the Asset Management Plans.

Principle 5 – Asset Condition

Asset condition is critical to a number of asset management practices, ranging from determining priorities, valuations and reporting. The Shire of Kalamunda will utilise a five level asset condition rating system.

Rank	Common Description	Detailed Description
1	Very Good	Asset is in near perfect condition. Maintenance is minor and basic to maintain the asset in very good condition.
2	Good	Asset has deteriorated slightly and regular maintenance is required to maintain the asset in good condition. Moderate rehabilitation is required to improve the rank of this asset.
3	Average	Asset is in satisfactory condition but showing signs of wear and tear. Moderate levels of maintenance are required to maintain the asset in this condition. Significant rehabilitation is required to improve the asset to either rank 1 or 2.
4	Poor	Asset is in below average condition with significant signs of wear and tear. Moderate maintenance is required to maintain the rank of this asset. Regular safety inspections are required as part of a risk management strategy. Improvement of the rank of this asset is likely to require full replacement rather than rehabilitation.
5	Unserviceable	Asset is redundant and awaiting disposal, minimum funds are allocated to maintenance, however safety inspections must be undertaken and minor works may be required on a reactive basis.

Principle 6 - Worst First vs Optimised Decision Making

Historically maintenance and rehabilitation works were prioritised on the basis of dealing with assets in the worst condition first (worst First). This method is based on the concept of trying to get all assets to the best condition.

Optimised Decision Making (ODM) recognises the importance of asset hierarchy and service levels in determining the allocation of funds to maintenance and rehabilitation. As an example, some assets may be appropriately maintained in condition 3, whilst others would be unacceptable in anything other than condition 1.

Principle 7 – New vs Renew

The provision of new and upgraded assets has a direct and indirect consequence to the renewal gap.

In direct terms, these the provision of new and upgraded assets diverts existing funds away from existing renewal requirements. Indirectly, new and upgraded assets increase the renewal burden by increasing the size of the asset portfolio.

	<p><u>Principle 8 - Asset Management Roles and Responsibilities</u></p> <p>Asset Management practice requires a whole of organisation approach, including elected officials, executive and management staff, technical and operation staff and the community.</p> <p>At each level, these stakeholders must understand and accept their role and responsibility in regards to the implementation and delivery of asset management practice.</p> <p>Details of the roles and responsibilities are defined in the Asset Management Strategy.</p> <p>4.0 Policy Statement</p> <p>4.1 All relevant legislative requirements together with political, social and economic environments are to be taken into account in strategic asset management.</p> <p>4.2 Asset management relates directly to the Shire of Kalamunda Strategic Plan and is to be practiced by all Departments of the Shire.</p> <p>4.3 Asset management principles will be integrated within existing planning and operational processes.</p> <p>4.4 The Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure that it is responsive to service delivery needs and meets the goals and targets set by Council.</p> <p>4.5 Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.</p> <p>4.6 Service levels will be determined in consultation with the community and be reflected in the Asset Management Plans. Annual budget estimates will fully reflect the cost to deliver the agreed service levels.</p> <p>4.7 Asset renewals will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.</p> <p>4.8 Asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long-term financial plans will be reflected in the annual budget estimates.</p> <p>4.9 Future life-cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.</p> <p>4.10 The Shire will implement a Renew before New mindset in regards to prioritising infrastructure works. This includes prioritising the allocation of revenue from the proceeds of asset disposals to renewal works.</p> <p>5.0 Related Documents</p> <p>Asset Management Strategy; Asset Management Plans; Operation Plans, Maintenance Plans and CAPEX programs.</p> <p>6.0 Glossary</p> <p>Asset Maturity - can be at one of the following levels</p> <p>Basic maturity - the organisation has knowledge of what assets it is responsible for, some information regarding asset condition at a facility level and basic understanding of budgets, maintenance requirements and operations. There is little or no strategic understanding of service level delivery so decisions are made on a worst-first basis.</p>
--	--

	<p>Core maturity - is the level at which some compliance with legislation is achieved. At this level, there is a low level of strategic thinking in asset management practice. At this level, the organisation has developed a simple asset hierarchy, recognises componentisation and has recognised the need to continue collecting and maintaining information across the inventory attributes, financial information and strategic planning.</p> <p>Intermediate maturity - is the level at which all compliance with legislation is achieved. At this level, there is a good level of strategic thinking in asset management practice, including a better understanding of service delivery. At this level, the organisation has developed a detailed asset hierarchy, understands componentisation and has developed a systematic approach to collecting and maintaining information across the inventory attributes, financial information and strategic planning.</p> <p>Advance maturity - decisions are optimised to deliver the best service outcomes for the community.</p> <p>Service Levels – describes the purpose of the asset, either as a technical or community outcome. The service levels are descriptive and measurable to ensure that the community can identify whether the service level is achieved.</p> <p>Operations – activities required to ensure the asset perform. This includes rates, insurance, compliance and safety inspections, cleaning, utilities, security and other related costs.</p> <p>Maintenance and rehabilitation – interventions required to ensure the asset is kept in the required condition. Maintenance is usually works of a minor nature, rehabilitation is works of a major nature. Both maintenance and rehabilitation maintain the existing service potential of an asset.</p> <p>Upgrades – works required to increase the service potential of an asset.</p> <p>Components – the basic parts of an asset where asset management practice will be undertaken.</p> <p>Hierarchy – a framework to define the subgroups within an asset group. The hierarchy forms the basis of the relational structure of an asset group (parent-child relationships).</p> <p>Intervention Levels and Response Times – together these determine how and when a maintenance or rehabilitation treatment will be triggered. Intervention levels relate to the actual defects, whilst the response time defines when a treatment will be completed.</p>
Related Local Law	
Related Policy	
Management Practice	
Legislation	<p>Local Government Act 1995</p> <p>Australian Accounting Standards Board - Standards 5; 10; 116; 117; 120; 136; 138; 140; 1051</p> <p>Commonwealth Disability Access and Inclusion Act 1992</p> <p>Road Traffic Act 1974</p> <p>Occupational Health and Safety Act 2004</p> <p>Protection of the Environment Operations Act 1997</p>
Conditions	The policy has a life of four years. It will be reviewed annually in line with the industry standards and national asset management guidelines.

Attachment 2

Review of Asset Management Policy ENG15

Proposed Policy

[TBA]: Asset Management Council Policy	
Management Procedure	Relevant Delegation

Purpose

To provide a framework for undertaking long term strategic asset management of the Shire's asset portfolio, incorporating corporate leadership and reflecting a sustainable approach to service delivery to meet the current and future needs of the community.

Policy Statement

- (a) All relevant legislation, regulatory and mandatory requirements together with political, social, environmental and economic perspectives are to be taken into account in strategic asset management.
- (b) Asset management relates directly to the Shire of Kalamunda Strategic Community Plan and is to be practiced by all Directorates of the Shire as part of a "whole of organisation" approach.
- (c) Asset management principles will be integrated within existing planning, construction and maintenance processes.
- (d) As part of a continuous improvement process, the Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council.
- (e) Systematic and cyclic reviews will be applied to all asset classes to ensure the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards to effectively inform decision making.
- (f) Service levels will be determined in consultation with the community and be reflected in the Asset Management Plans. Annual budget estimates will fully reflect the cost to deliver the agreed service levels.
- (g) Asset renewals will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- (h) Asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long-term financial plans will be reflected in the annual budget estimates.
- (i) Life-cycle costs will be reported and considered in all decisions relating to services and assets.
- (j) The Shire will implement a Renew before New principle in regards to prioritising infrastructure works. This includes prioritising the allocation of revenue from the proceeds of asset disposals to renewal works.
- (k) The Shire will strive towards achieving the Asset Ratio benchmarks as set by the Department of Local Government and Communities.

Related Documentation

- Asset Management Strategy to 2023 "Kalamunda Builds"
- Asset Management Plans
- International Infrastructure Management Manual (IIMM)
- Australian Infrastructure Financial Management Manual (AIFMM)
- Optimised Decision Making Guidelines – A Sustainable Approach to Managing Infrastructure
- Strategic Community Plan to 2023 "Kalamunda Advancing"
- Corporate Business Plan 2013-2017 "Kalamunda Achieving"
- Long Term Financial Plan to 2026 "Kalamunda Accountable"
- Disability and Access Inclusion Plan
- Financial Management Regulations Act 1996

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation	<i>Local Government Act 1995</i> <i>Integrated Planning and Reporting – Asset Management Guidelines</i> <i>Australian Accounting Standards Board – Standards 5; 10; 116; 117; 120; 136; 138; 140; 1051</i> <i>Commonwealth Disability Access and Inclusion Act 1992</i> <i>Road Traffic Act 1974</i> <i>Occupational Health and Safety Act 2004</i> <i>Protection of the Environment Operations Act 1997</i> <i>Financial Management Regulations Act 1996</i>		
Conditions			
Authority			
Adopted		Next Review Date	August 2019

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

52. Draft Street Tree and Streetscape Management Policy and Procedures

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset Maintenance
File Reference	EV-EPP-056
Applicant	N/A
Owner	N/A
Attachment 1	Street Tree and Streetscape - Management Policy (Draft)
Attachment 2	Street Tree Preservation - Management Procedure (Draft)
Attachment 3	Streetscape Planting - Management Procedure (Draft)
Attachment 4	Verge Development - Management Procedure (Draft)
Attachment 5	Roadside Fire Mitigation - Management Procedure (Draft)

PURPOSE

1. To consider the draft Street Tree and Streetscape Management Policy and associated Management Procedures for referral to the Kalamunda Environmental Advisory Committee and advertising for 21 days to enable community feedback.

BACKGROUND

2. The Strategic Corporate Plan identifies a number of actions related to the protection and enhancement of verges and street trees:
 - Develop a concept to enhance verges and streetscapes within the Shire. (Strategy 3.2.2).
 - Development and adopt a Street Tree Policy (Strategy 3.2.4).
 - Develop and adopt a vegetation Preservation Policy to address the management of vegetation across the Shire (Strategy 3.2.4)
3. It is also recognised the following matters need to be addressed at a policy level:
 - The development of the verge, including soft (green) and hard landscaping.
 - Fire mitigation related to roadside vegetation.
4. The draft Street Tree and Streetscape Management Policy (the Policy) (refer Attachment 1) seeks to address all these issues holistically, recognising the Shire is committed to:
 - The conservation and preservation of existing street trees;
 - The protection of significant trees and remnant bushland on the roadside;

-
- The enhancement of streetscapes through street tree planting and landscaping of suitable species;
 - The reduction of risk through pruning, canopy reduction, tree removal and verge treatments, as appropriate; and
 - Vegetation care principles to aid health and resilience.
5. Subdivision and development has been identified as a significant risk area in relation to verge and street tree management with the widespread practice of mass clearing and removal of existing topsoil as part of subdivision works. This is further exacerbated with building practices which do not recognise the value of the verge and street trees, resulting in significant damage, requiring replanting and replacement.
6. Street trees are also under increasing 'threat' of removal or significant pruning works as a result of several factors, such as:
- The inconvenience around the removal of debris and vegetative materials (nuts, leaves and branches);
 - The impact of shadowing on lawns and infrastructure (solar systems and satellite dishes);
 - The perceived 'threat' of injury or damage; and
 - Actual injury or damage to property.

DETAILS

7. The draft Policy provides a mechanism for the protection of the environmental value of the roadside and verge, whilst recognising the need to:
1. Take a proactive asset management approach to the management of street trees and streetscapes.
 2. Recognise and manage budget limitations and ensure decisions reflect the principles of financial sustainability.
 3. Achieve utility and infrastructure requirements.
 4. Minimise risk and meet legal obligations.
 5. Deliver broader ecological, social and aesthetic benefits to present and future generations.
 6. Retain trees wherever possible; and
 7. Remove street trees where:
 - a. All or part of the tree is dead, suffering termite or other damage or is determined by the Shire or its arborist to be declining in health. In some cases, dead trees may provide habitat for local fauna and they will be assessed accordingly for possible retention.
 - b. It is a cultivated street tree and is considered a hazard to residents, motorists or property.
 - c. The street tree was planted without approval from the Shire and is determined to be unsuitable in the area.
 - d. As part of the development approval process the tree is considered, by the Shire, appropriate to remove.
 - e. The tree causes reoccurring damage to public infrastructure.
 - f. The tree impacts sight lines, visibility and access.

STATUTORY AND LEGAL CONSIDERATIONS

8. The *Local Government Act 1995 - Section 3.1 (1) General Function* provides that the local government is to provide for the good government of persons in its district.
9. The *Land Administration Act 1997 - Section 55 Property in and Management etc. of Roads* provides that the local government within the district of which a road is situated has the care, control and management of the road. This includes verges and areas of roadside vegetation.
10. In accordance with the Shire's civil insurance responsibilities, the current practice by insurers is to assess trees according to the following factors:

Factor	Commentary
Is the tree 'naturally occurring' or 'cultivated'?	<p>If the tree is naturally occurring, then the claim is more likely to be rejected as the Shire had no role in its planting or maintenance and therefore has limited responsibility.</p> <p>If the tree is considered to be 'cultivated', then liability is assessed according to the reasons for the incident.</p>
Has the tree undergone appropriate management?	<p>If the pruning works is undertaken inappropriately, a tree can develop epicormic growth, resulting in new branches which may be more likely to fail in some species of street tree. For this reason, the shire and its contractors require works comply with Australian Standard AS4373 – 2007 Pruning of Amenity Trees.</p>
Other factors	<p>Trees are impacted by local conditions and events, including:</p> <ul style="list-style-type: none">• Drought• Excessive water• Wind• Storms• Impact by vehicles• Pest and disease• Adjacent excavation, etc. <p>These factors are also assessed in relation to a claim and may change the level of responsibility.</p>

11. Current practice by insurers is to assess verge areas according to the following factors:

Factor	Commentary
Is the verge area safe?	<p>Safety is impacted by various elements such as:</p> <ul style="list-style-type: none">• Steep grades.• Sudden/unexpected changes in grade or level.• Obstructions to movement and sight line, such as overhanging vegetation, structures or rocks.• Light levels and shadowing.• Excavations, openings or gaps in surfaces. <p>These elements are assessed in relation to a claim and may change the level of responsibility.</p>
Have specific actions caused injury or damage?	<p>Specific actions in relation to works and maintenance may cause an incident. Examples include:</p> <ul style="list-style-type: none">• Use of mechanical tools and equipment causing items to be projected in an uncontrolled manner.• Damage to private assets or public infrastructure, such as damage to reticulation whilst excavating.

POLICY CONSIDERATIONS

12. This is a proposed new policy to address the management of Street Trees and Streetscapes across the Shire.

COMMUNITY ENGAGEMENT REQUIREMENTS

13. Subject to Council endorsement, the draft Policy and Management Procedures will be advertised to the community for further comment and input.
14. Subject to Council endorsement, the draft Policy and Management Procedures will be referred to Kalamunda Environmental Advisory Committee for review and comment.
15. All comments will be reviewed and collated into a final draft for Council to consider.

FINANCIAL CONSIDERATIONS

16. Current practices in relation to street trees and streetscapes is a combination of proactive maintenance and reactive activities.

17. The management of the verge and maintenance of street trees is a significant budgetary activity, with budgets in 2015/16 of \$503,000 and \$1,211,000 respectively. These amounts can be broken down as follows:

• Verge Maintenance	\$475,854
• Streetscape works (planting and horticulture)	\$27,149
• Power Line Clearance	\$862,921
• General Street Tree Maintenance	\$347,771

Total Annual	\$1,713,695
---------------------	--------------------

18. The majority of reactive works are related to the following scenarios:

Description	Commentary	Budget Impact
Street trees depositing vegetative matter on the verge, footpath or private property	This is normal behaviour for a tree and should not be a reason for removal or pruning. Current practice is to reject requests for tree removal.	Additional (not programmed) tree works including removal as a result of this issue accounted for \$21,000 of expenditure.
Street tree branches overhanging properties	Current practice is to undertake these works on behalf of the resident.	Estimated budget impact of \$124,000 .
Damage to driveways and fences	In most cases, these trees have been assessed as naturally occurring and claims are rejected. In these cases, removal and repairs would need to be fully funded from municipal funds	No claims were supported by the Shires insurer in this period, however the payments for rejected insurance claims totalled \$1,500 .
Perceived 'threat' of injury or damage.	The normal programmed maintenance cycles ensure that these issues are identified and managed, however specific complaints are dealt with reactively. An assessment is made of the tree and pruning works undertaken to remove dead branches or any identified at risk. Current practice is to reject tree removal.	The reactive works is estimated to have had a budgetary impact of \$62,000 .

Description	Commentary	Budget Impact
Actual (evidence based) damage to property.	An insurance claim is processed and tree works undertaken to remedy the issue. If the tree is assessed to be in declining health, removal may be required. Current practice is to limit work based on an assessment of the tree and its condition by professional staff or third party assessment.	Additional work undertaken is estimated to have had a budgetary impact of \$20,000 in 2015/16
Storm damage	This is variable and with the climate change impacts currently identified, will increase.	\$65,000 across three events in 2015/16
	Total (proportion of general street tree maintenance budget - \$347,771)	\$293,500 (84%)

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 3.2 - To protect and enhance the Shire's local bushland reserves, Local Natural Areas and biodiversity Conservation Areas.

- | | |
|----------------|---|
| Strategy 3.2.1 | Implement and regularly review the Shires Biodiversity Strategy. |
| Strategy 3.2.2 | Continue planting local provenance species in road reserves and wildlife corridors to maintain the biodiversity conservation values of the shire. |
| Strategy 3.2.4 | Ensure appropriate environmental controls are implemented throughout and land development process and policies and guidelines are developed to assist in these processes. |

SUSTAINABILITY

Social Implications

20. The development, protection and retention of an urban forest has been shown to provide significant social benefits such as:
- Maintaining comfortable temperatures in urban and suburban areas through shading.
 - Protection of property and infrastructure by creating wind-breaks.
 - Providing habitat and corridors for local fauna to inhabit and move safely in an urban /suburban environment.
 - Provide increased health and wellbeing to the population and increasing amenity by providing green spaces in built up areas with increasing densities.

Economic Implications

21. Nil.

Environmental Implications

22. The draft Policy provides a clear intent for the protection of trees and recognition and protection of the environmental values of streetscapes through the following Policy Statement:

The Shire recognises the significance of streetscapes and naturally occurring and planted trees as integral to the identity of the Shire and having an urban forest is shown to contribute to the health and wellbeing of the community.

23. The draft Policy is supported by four management procedures as per the following table:

Management Procedure	Purpose
Street Tree Preservation Procedure (Attachment 2)	To provide a framework for the maintenance and removal of street trees recognising the importance of maintaining an urban forest for the health and wellbeing of the community and protection of the unique local biodiversity supported by roadside vegetation.
Streetscape Planting Procedure (Attachment 3)	To provide a framework for streetscape planting to permit the community to increase amenity and provide opportunities for increased pride in the local area through the appropriate planting of verges and roadsides.
Verge Development Procedure (Attachment 4)	To provide a framework for the development of the verge to provide increased amenity and functionality, whilst protecting the community from practices that can harm the local environment, public infrastructure or have negative amenity outcomes.
Roadside Fire Mitigation Procedure (Attachment 5)	To provide a framework for the mitigation of fire risks and hazards on the roadside through appropriate management practices to reduce fuel loads and provide safe means of escape in emergency situations.

RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Without a Policy there will be continuing issues around the management of the streetscape and trees on the road reserve. Current budget impact of \$220,000 per annum.	Possible	Minor	Medium	Endorse a policy to provide guidance and direction to staff to support consistent quality operational decisions
The Policy does not adequately protect street trees and streetscape environment	Possible	Minor	Medium	Ensure that the policy balances the need to protect the environmental value of street trees and streetscapes, whilst recognising the need to undertake selected removal or maintenance to manage the statutory and legal responsibilities.

OFFICER COMMENT

25. The Shire has care and management of the road reserve, including the verge and this includes any vegetation within that area.
26. The lack of policy impacts on the ability to make consistent decisions when specific issues are raised. This has resulted in variable outcomes across the Shire.
27. The current budget impact is significant at 84% of the general tree maintenance budget, with nearly half of this impact related to managing trees dropping debris or overhanging branches. The remaining balance is allocated to the maintenance of sight lines, obstructions and roadside clearances.
28. The draft Street Tree and Streetscape Management Policy would form part of a future Urban Forest Protection Policy, which would include private property.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 52/2016)

That Council:

1. Endorses the draft Street Tree and Streetscape Management Policy for referral to the Kalamunda Environmental Advisory Committee and advertising for 21 days to enable community feedback.
2. Notes the four draft Management Procedures:
 - Street Tree Preservation – Management Procedure;
 - Streetscape Planting - Management Procedure;
 - Verge Development - Management Procedure; and
 - Roadside Fire Mitigation – Management Procedure.
3. Notes that a further report will be provided to Council incorporating the outcomes of the Kalamunda Environmental Advisory Committee review and community input.

Moved:

Seconded:

Vote:

Attachment 1

Draft Street Tree and Streetscape Management Policy

Street Tree and Streetscape Management Policy (Draft)

[#TBA]: Street Tree and Streetscape Management Policy (Draft)	
Management Procedure	Relevant Delegation
Street Tree Preservation Procedure (Draft) Streetscape Planting Procedure (Draft) Verge Development Procedure (Draft) Roadside Fire Mitigation Procedure (Draft)	

Purpose

To provide a framework for the provision, maintenance and removal of street trees and development of streetscapes to meet the needs and expectations of the Shire of Kalamunda (Shire) and community which is consistent with the Shire's strategic objectives and operational requirements.

Application

This Policy does not apply to trees or landscaping on private property or on Shire reserves or land under the care or management of Federal or State Government instrumentalities.

Policy Statement

The Shire recognises the significance of streetscapes and naturally occurring and planted trees as integral to the identity of the Shire and having an urban forest is shown to contribute to the health and wellbeing of the community.

The Shire is committed to:

- The conservation and preservation of existing street trees.
- The protection of significant trees and remnant bushland on the roadside.
- The enhancement of streetscapes through street tree planting and landscaping with suitable species.
- The reduction of risk through pruning, canopy reduction, tree removal and verge treatments, as appropriate.
- Vegetation care principles to aid health and resilience.

In achieving these principles, the Shire will:

1. Take a proactive asset management approach to the management of street trees and streetscapes.
2. Recognise and manage budget limitations and ensure decisions reflect the principles of financial sustainability.
3. Achieve utility and infrastructure requirements.
4. Minimise risk and meet its duty of care legal obligations.
5. Deliver broader ecological, social and aesthetic benefits to present and future generations.
6. Retain trees wherever possible.
7. Remove street trees where:
 - a. All or part of the tree is dead, suffering termite or other damage or is determined by the Shire or its arborist to be declining in health. In some cases, dead trees may provide habitat for local fauna and will be assessed accordingly for possible retention.
 - b. It is a cultivated street tree and is considered a hazard to residents, motorists or property.
 - c. The street tree was planted without approval from the Shire and is determined to be unsuitable in the area.
 - d. As part of the development approval process the tree is considered, by the Shire, appropriate to remove.
 - e. The tree causes reoccurring damage to public infrastructure.
 - f. The tree impacts sight lines, visibility and access.

The implementation of this policy reinforces the strategic priorities as set out in the Kalamunda Advancing: Strategic Community Plan to 2023.

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation			
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 2

Draft Street Tree and Streetscape Management Policy

Street Tree Preservation – Management Procedure (Draft)

[#TBA] Street Tree Preservation – Management Procedure (Draft)	
Relevant Council Policy	Relevant Delegation
[#TBA] Street Tree and Streetscape Policy (Draft)	

Purpose

To provide a framework for the maintenance and removal of street trees recognising the importance of maintaining an urban forest for the health and wellbeing of the community and protection of the unique local biodiversity supported by roadside vegetation.

Application

This Procedure does not apply to trees or landscaping on private property or on Shire reserves or land under the care or management of Federal or State Government instrumentalities.

Glossary and Definitions

Cultivated Street Tree – a street tree that has been selectively planted.

Debris – accumulation of vegetative materials such as leaves, nuts and bark.

Development application – relates to sub-division, crossovers and / or building development.

Naturally-Occurring Street Tree – a street tree that meets the following criteria:

- an endemic species in that locality.
- appears to have grown randomly and not part of a planting program.
- no record of significant human intervention.

Pruning – living and dead material above and below ground.

Significant tree – Any tree that has heritage, cultural, social or environmental value as recorded within the Shire's street tree register.

Streetscape – the combination of hard and soft landscaping of the verge.

Street tree – Any tree that has more than 50% of the base located within a verge/road reserve.

Tree – Any plant over 1.5m in height, normally of a single stem.

Verge – the section of road reserve between private property and the road kerb or edge of the road pavement.

Detail

Tree Maintenance

All street tree maintenance work shall be authorised by the Shire and undertaken by suitably qualified Shire staff or approved Contractor in accordance with AS 4373 – 2007 Pruning of Amenity Trees.

This includes, but is not limited to, pruning, canopy reduction, under pruning, power line clearances, tree removal, pest and disease treatment

Where legislation permits, other authorities or instrumentalities are authorised to undertake work in accordance with the requirements of those acts and regulations.

Where branches overhang private property, authority may be given to property owners or tenants to prune branches at the boundary and leave any pruned material on the verge for collection, subject to the following:

- **Work must be in accordance with AS 4373 – 2007 Pruning of Amenity Trees.**
- **Pruned materials must be stacked neatly in an area no greater than 1.5m wide x 1.5m deep x 1.0m high.**
- **Pruned materials must not obstruct footpaths, roads, drains or impact on other infrastructure.**
- **Notification to the Shire prior to the material being placed on the verge.**

Power Line Clearances

Street trees located under power lines will be pruned to comply with Western Power clearance zones by a contractor suitable qualified and certified to undertake work adjacent to power lines.

Street Tree Removal

The following reasons for street tree removal are **not considered acceptable**:

- Damage to private infrastructure from a naturally-occurring street tree in good health.
- The species is considered unpopular.
- The street tree is alleged to cause allergic reactions or health issues*.
- The street tree attracts undesirable fauna.
- To reduce leaf or flower litter or other debris that trees may seasonally shed.
- Record of previous limb drop from a tree identified as a healthy specimen.
- To enhance views or for aesthetic reasons.
- The tree overshadows private gardens/lawns, solar energy panels, solar hot water systems, satellite dishes.

* The Shire may consider removal on a case-by-case basis subject to the implementation of other reasonable solutions to resolve issues. Where removal is approved, the applicant will need to contribute the reasonable cost of removal and replacement of the street tree.

Unauthorised street tree removal or pruning may result in prosecution under regulation 5 of the of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Street trees may be pruned or removed if:

- The street tree or part of is dead, suffering termite or other damage or is determined by the Shire or its arborist to be declining in health. Dead street trees may provide habitat for the local fauna and will be assessed accordingly for retention.
- A cultivated street tree is considered a hazard to residents, motorists or property.
- Approval from the Shire was not sought before the street tree was planted and is determined to be inappropriate in the area.
- In the Development Approval stage the Shire considers remedial street tree works is necessary.
- Re-occurring damage to infrastructure.
- Sight lines and access need to be maintained.

The Shire may obtain an independent report from a qualified Arboriculturalist for specific assessment if deemed necessary.

Unauthorised Street Tree Removal

If a street tree has been removed without Shire authority, a minimum of one replacement street tree will be planted on the verge of the property during the following planting season.

Where sufficient space is available on the verge, an additional replacement tree may be planted if agreed to by the property owner. If there is insufficient space, then the property owner will be required to pay for the 100 litre replacement tree to be planted elsewhere within the Shire.

Costs associated with the planting and maintenance thereafter for a period of two years will be borne by the owner.

Protection and Planting of Street Trees in Developments

Any trees authorised for removal as part of a development application or pending application will require the applicant to fund the cost of the tree removal and two replacement trees on the verge of the property during the following planting season.

Where there is inadequate space to plant two replacement trees due to verge size restrictions, offset planting of the tree/s will be added to the winter planting program and planted elsewhere within the Shire.

Prior to and during development site works, trees to be retained are to be protected with barrier mesh. The mesh is to be positioned 2 metres from the base of the tree encompassing the circumference.

If a tree is damaged during development works then any pruning, removal and/or replacement costs are at the expense of the applicant.

The Shire may apply a tree protection bond to ensure care and protection of any tree determined for retention.

Attachment 3

Draft Street Tree and Streetscape Management Policy Streetscape Planting – Management Procedure (Draft)

[#TBA] Streetscape Planting – Management Procedure (Draft)	
Relevant Council Policy	Relevant Delegation
[#TBA] Street Tree and Streetscape Policy (Draft)	

Purpose

To provide a framework for streetscape planting to permit the community to increase amenity and provide opportunities for increased pride in the local area through the appropriate planting of verges and roadsides.

Application

This Procedure applies to street verges under the care, control and management of the Shire.

Glossary and Definitions

Pruning – Living and dead material above and below ground.

Significant tree – Any tree that has heritage, cultural, social or environmental value as recorded within the Shires street tree register.

Streetscape – The combination of hard and soft landscaping of the verge.

Street tree – Any tree that has more than 50% of the base located within a verge/road reserve.

Tree – Any plant over 1.5m in height, normally of a single stem.

Verge – The section of road reserve between private property and the road kerb or edge of the road pavement.

Detail

Item	Shire Responsibility	Community Involvement
Street Tree Selection	<p>The Shire will develop streetscape master plans and nominate the preferred species for all tree planting.</p> <p>The Shire will maintain a street tree planting programme with reference to the street tree database and customer requests.</p>	Residents are encouraged to plant trees on their verges if the species is approved by the Shire.
Street Tree Location	<ul style="list-style-type: none"> All tree planting will follow sight lines and services clearances as stated in Main Roads and Austroads Standards, Utility Providers Code of Practice and Management Procedures. Trees will be planted on the existing alignment where practicable, and centrally aligned between property boundaries. The property owner can negotiate with the Shire as to the final location of the tree. 	

	<ul style="list-style-type: none"> All new tree plantings will be more than two metres away from crossovers and paths. Locations and species in new developments will be approved by the Shire at the Planning Approval Stage. 	
Street Tree Size	Trees will be of a minimum of 100lt in size or the closest size available.	
Item	Shire Responsibility	Community Involvement
Street Tree Planting	<p>Street trees are to be planted during the winter months.</p> <p>The Shire is responsible for the planting of trees as part of the normal Shire program of streetscape improvement.</p>	<p>Street trees are to be planted during the winter months.</p> <p>Residents are encouraged to plant trees on their verges as part of regular community planting programs supported by the Shire.</p> <p>Residents are encouraged to design and implement their own verge improvements if the proposal is approved by the Shire.</p>
Hard Landscaping and Structures	<p>The Shire will provide formed footpaths and kerb.</p> <p>The Shire is responsible for the development and installation of structures or services on the verge.</p>	<p>Residents are encouraged to design and implement their own verge improvements if the proposal is approved by the Shire.</p> <p>Residents are encouraged to implement environmentally sensitive principles in the design philosophy, including:</p> <ul style="list-style-type: none"> Waterwise plants. Local and endemic species. Plantings that have low requirements for artificial or additional fertilisers. Mulching. <p>The following will NOT be approved:</p> <ul style="list-style-type: none"> Artificial lawn. Structures (including retaining walls, except as part of an approved fence). Treatments such as gravel and paving which aids parking. Treatments that are slippery and promote trips, slips or falls. Treatments or plants that have sharp spines or edges; may be toxic to animals or humans; have been known to cause damage to infrastructure or otherwise increase risk to the general public. Treatments or plants that will impact on visibility for motorists and/or pedestrians. Species that may become a weed. Plants or planting design that will increase fuel loads in fire risk areas. Treatments that significantly increase the water needs.
Reticulation	The Shire may install reticulation in the verge to meet its own operational needs. In these circumstances, residents are not to interfere with the installation.	Residents may install reticulation in the verge. Any maintenance or repairs to the reticulation is the full responsibility of the resident.

Street Tree Preservation	Please refer to the "Street Tree Preservation Management Procedures".
Establishment Period	Newly planted street trees will require a two year establishment period from the time of planting. Residents are encouraged to water street trees during this period. Residents are also encouraged to undertake regular weeding during this period.
Unauthorised Street Tree Planting	Inappropriate species, such as weed species or tall growing species under power lines, will be removed. Trees located in such a way to obstruct road sight clearances or property access may be pruned, removed or otherwise maintained, as appropriate.

Attachment 4

Draft Street Tree and Streetscape Management Policy

Verge Development – Management Procedure (Draft)

[#TBA] Verge Development – Management Procedure (Draft)	
Relevant Council Policy	Relevant Delegation
[#TBA] Street Tree and Streetscape Policy (Draft)	

Purpose

To provide a framework for the development of the verge to provide increased amenity and functionality, whilst protecting the community from practices that can harm the local environment, public infrastructure or have negative amenity outcomes.

Application

This Procedure applies to street verges under the care, control and management of the Shire.

Glossary and Definitions

Artificial Turf – a synthetic product designed to provide an alternative to grass turf. Artificial turf has been shown to:

- Harbour high levels of bacteria.
- Increase heat generation.
- Impact on stormwater infiltration into groundwater.
- Release hydrocarbons into the soil profile.

Streetscape – The combination of hard and soft landscaping of the verge.

Street tree – Any tree that has more than 50% of the base located within a verge/road reserve.

Tree – Any plant over 1.5m in height, normally of a single stem.

Verge – The section of road reserve between private property and the road kerb or edge of the road pavement.

Detail

Item	Shire Responsibility	Community Involvement
Street Tree Preservation	Please refer to the "Street Tree Preservation Management Procedures"	
Street Trees Maintenance	The Shire is responsible for all maintenance on street trees.	
Landscaped verges	The Shire may undertake basic brush cutting and mowing as part of the normal verge maintenance program.	Residents are required to maintain their verges, including water, fertilising planting, debris and weed control and/or removal.
Turf (excluding artificial Turf)		Residents are required to regularly maintain their lawns, including water, fertilising weed control and/or removal and mowing.
Artificial Turf	The Shire does not support the placement of artificial turf on the verge. Residents will be encouraged to removal all artificial turf. The Shire will not undertake any maintenance or reinstatement where artificial turf has been placed.	Residents are required to regularly maintain their verge, including weed control and/or removal and clearing.

Item	Shire Responsibility	Community Involvement
Unformed and gravel verges	<p>The Shire will undertake basic mowing and/or brush cutting as part of the normal verge maintenance program.</p> <p>The Shire may undertake weed spraying as required.</p>	<p>Residents are required to regularly maintain their verge, including weed removal.</p> <p>Where gravel is found to regularly spread onto footpaths or the road, the Shire may require the resident to undertake additional treatments to prevent further occurrence.</p>
Utility or Third Party Works	<p>From time to time, utilities and third parties are permitted to undertake work on the verge. This work is generally permitted under separate legislation. If damage occurs, the resident should, in the first instance, contact and negotiate any repairs directly with the responsible authority. If the matter remains outstanding, the resident should utilise the standard complaint process for the responsible authority.</p>	
Fire Mitigation	<p>The Shire is responsible for fire mitigation works on the verge.</p>	<p>Residents are encouraged to undertake mechanical removal and chemical treatment of their verges to assist in the protection of their properties and neighbourhood</p> <p>Please refer to "Roadside Fire Mitigation Management Procedures"</p>
Storage of materials on verge	<p>The Shire does not support the long term storage or stockpile of materials on verges. The Shire may request the resident removes such materials as they detract from the streetscape and hinder maintenance.</p>	<p>Upon completion of works inside a property or on a verge and as initiated by the resident, all materials must be removed and the site levelled.</p>

Attachment 5

Draft Street Tree and Streetscape Management Policy

Roadside Fire Mitigation – Management Procedure (Draft)

[#TBA] Roadside Fire Mitigation – Management Procedure (Draft)	
Relevant Council Policy	Relevant Delegation
[#TBA] Street Tree and Streetscape Policy (Draft)	

Purpose

To provide a framework for the mitigation of fire risks and hazards on the roadside through appropriate management practices to reduce fuel loads and provide safe means of escape in emergency situations.

Application

This Procedure applies to street verges under the care, control and management of the Shire.

Glossary and Definitions

Cultivated Street Tree – A street tree that has been selectively planted.

Debris – Accumulation of vegetative materials such as leaves, nuts and bark.

Development application – Relates to sub-division, crossovers and / or building.

Fire Mitigation – A combination of mechanical removal, chemical treatment and the burning of living and dead vegetative material to reduce fuel loads.

Naturally-Occurring Street Tree – A street tree that meets the following criteria:

- An endemic species in that locality.
- Appears to have grown randomly and not part of a planting program.
- No record of significant human intervention.

Pruning – Living and dead material above and below ground.

Significant tree – Any tree that has heritage, cultural, social or environmental value as recorded within the Shires street tree register.

Streetscape – The combination of hard and soft landscaping of the verge.

Street tree – Any tree that has more than 50% of the base located within a verge/road reserve.

Tree – Any plant over 1.5m in height, normally of a single stem.

Verge – the section of road reserve between private property and the road kerb or edge of the road pavement.

Detail

Item	Shire Responsibility
Street Tree Preservation	Please refer to the "Street Tree Preservation - Management Procedure".
Matters that need to be addressed	<p>The verge provides a range of benefits including:</p> <ul style="list-style-type: none"> • Aesthetic value to the community. • Habitat for flora and fauna. • Wildlife corridors. • A barrier to traffic. • Wind and heat reduction. <p>These positive benefits need to be balanced against the need to minimise risk to life and property from fire.</p> <p>It is acknowledged that the majority of the Shire is considered a fire risk area.</p>
Prioritisation of Fire Mitigation on verges	<p>The following factors will be considered when prioritising fire mitigation works on the verge.</p> <ul style="list-style-type: none"> • Traffic volumes and thoroughfares. • Provision of buffer zones adjacent to the carriageway. • Whether properties have an alternative means of escape. • Environmental values of the roadside. • Local environmental conditions such as topography, vegetation type and structure. • Distance to high priority areas such as evacuation centres and emergency assets (dams and water tanks). • Distance to major community infrastructure.
Hierarchy of Control	<p>The range of treatments are varied and have different benefits and costs. In general terms the selection of a fire mitigation treatment should be in the following order, however this will depend on the local conditions:</p> <ol style="list-style-type: none"> 1. Mechanical removal of vegetation and fuel litter– includes hand removal of vegetation, grading of fire-breaks, mechanical removal of litter and debris, pruning and brush cutting. 2. Chemical treatments – limits the growth and spread of vegetation. Most useful for the maintenance of fire breaks and ongoing treatment of recently burnt areas. 3. Burning – using cool or hot fires as appropriate to burn in a controlled manner.
Hierarchy of Treatment	<p>The methodology of treatment below is to balance the competing demands of maintaining environmental values while managing fuel loads. Fire mitigation methods should occur in the following order:</p> <ol style="list-style-type: none"> 1. The removal or maintenance of weed species. 2. Removal or maintenance of dead materials and debris. 3. The removal or maintenance of non-endemic species. 4. The removal or maintenance of middle layer vegetation.

Fire Mitigation	Shire Responsibility	Community Involvement
	<p>The Shire is responsible for fire mitigation works on the verge.</p> <p>The Shire will develop and implement an ongoing program of fire mitigation works across the Shire.</p> <p>The Shire will encourage and assist the community to minimise fire risks.</p> <p>Where appropriate, the Shire will undertake fuel reduction on the verge in conjunction with work on adjacent reserves.</p>	<p>Residents are encouraged to undertake mechanical removal and chemical treatment of their verges to assist in the protection of their properties. This should be undertaken with the approval of the Shire to ensure that environmental and aesthetic values are not compromised.</p> <p>Residents will NOT be permitted to undertake burns on the verge.</p>
Community Assistance with Fire Mitigation Actions	<p>The Shire's Fire Mitigation activities are undertaken with the assistance of a number of community and volunteer groups. This includes the Volunteer Bush Fire Brigade and the volunteer Fire and Rescue Service.</p>	

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

53. Pickering Brook Road – Extension of 70km/h Speed Limit

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	EG-TFC-005
Applicant	N/A
Owner	N/A
Attachment 1	Letter from Main Roads WA

PURPOSE

1. To consider endorsement of an extension of the 70km/h speed limit on Pickering Brook Road between Kings Mill Road to the road termination, approximately 1.4 kilometres east of Sala Road.

BACKGROUND

2. The Shire requested Main Roads WA (MRWA) to review, and extend, the existing 70 km/h speed limit on Pickering Brook Road due to a lack of speed and curve warning signage on this road and a recent fatality near Kings Mill Road.
3. MRWA has recently installed 'End of 70 km/h' signs on Pickering Brook Road near Kings Mill Road in accordance with the speed zoning for this road approved in 1987.

DETAILS

4. MRWA has responded to the Shire (refer Attachment 1) and has confirmed as a result of an on-site assessment incorporating a Curve Survey Report, it has no objection to the Shire's request to extend the 70 km/h speed limit on Pickering Brook Road and also install appropriate signage with advisory speed tags at any curves considered sub-standard.
5. As with all speed limit amendments affecting local government controlled roads, MRWA seeks Council endorsement for this proposed speed limit change.

STATUTORY AND LEGAL CONSIDERATIONS

6. Nil.

POLICY CONSIDERATIONS

7. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. Residents will be advised of any speed limit changes if endorsed by Council.

FINANCIAL CONSIDERATIONS

9. There is no financial impact on the Shire as MRWA is responsible for the supply and installation of speed limit and advisory signs.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

10. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 1.5 – To provide a safe environment for the entire community to enjoy.

Strategy 1.5.3 Work in partnership with the community and other levels of government to achieve lasting improvements in community safety.

SUSTAINABILITY

Social Implications

11. The continuation of the 70 km/h speed zone is considered suitable for the road environment along this 1.7km section of Pickering Brook Road. This speed zone is envisaged to meet the social and business needs of the Pickering Brook community.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 14.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|---|
| Should the 70 km/h speed limit not be extended then the likelihood of crashes will increase with vehicles travelling at speeds in excess of that appropriate for the road geometry. | Unlikely | Major | Medium | Ensure appropriate information to Council on the consequences of speeding traffic in this road environment. |

OFFICER COMMENT

15. The State default speed limit of 110 km/h is not suitable for this winding and undulating section of Pickering Brook Road and has not been reviewed since 1987.
16. The adjacent properties and road side development of this section of road is consistent with the preceding section of this road which is zoned at 70 km/h. The extension of the 70 km/h speed limit and installation of curve advisory signs with speed tags is supported for road safety reasons.

Voting Requirements Simply Majority
--

OFFICER RECOMMENDATION (D&I 53/2016)

That Council:

1. Endorses the extension of the 70km/h speed limit on Pickering Brook Road between Kings Mill Road to the road termination, approximately 1.4 kilometres east of Sala Road.
2. Authorises the Chief Executive Officer to advise Main Roads WA of this endorsement.

Moved:

Seconded:

Vote:

Attachment 1

Pickering Brook Road – Extension of 70km/h Speed Limit

Letter from Main Roads WA



ABN: 50 860 676 021

Our Ref: 16/7005
Your Ref: N/A
19 August 2016

Mr D Blair
DIRECTOR ASSET SERVICES
Shire of Kalamunda
PO Box 42
KALAMUNDA, WA 6926

Dear Dennis

SPEED LIMIT EXTENSION – PICKERING BROOK RD, PICKERING BROOK

Thank you for Council's recent e-mail request to review and extend the existing 70km/h speed limit on Pickering Brook Rd in Pickering Brook, received by Main Roads on the 17 August 2015. This is in response to recent contact from Council regarding a lack of speed and curve warning signage and a recent fatality near Kings Mill Rd intersection.

I wish to advise that an on-site assessment has been completed and conclusions from this assessment is that an extension of the existing 70km/h speed limit for Pickering Brook Rd, between Kings Mill Rd and the road termination approximately 1.4 kilometres east of Sala Rd, appears to be justified and reasonable in light of the winding and undulating nature of the road. Pickering Brook Rd east of Kings Mill Rd, does not meet the built up area default speed limit of 50km/h so is subject to the higher State default speed limit of 110km/h. Adjacent properties and roadside development is not dissimilar to the preceding section zoned at 70km/h.

Part of the assessment process involved a drive-by along the section being considered at the proposed speed limit. Having driven the abovenamed section of Pickering Brook Rd, it was concluded that the proposed speed limit appeared reasonable for the current environment. Another component of the assessment includes a Curve Survey Report for the entire length of road and to identify any sub-standard curves for the proposed extension of the 70km/h limit or the preceding speed zoned section. Any curves deemed to be sub-standard will be signed with the appropriate signage and relevant advisory speed tags.

Main Roads has no objection to the Shire's request to extend the 70 km/h speed limit on Pickering Brook Rd, between Kings Mill Rd and the road termination approximately 1.4 kilometres east of Sala Rd.

As with all proposed speed limit amendments affecting Council controlled roads, Main Roads seeks Council endorsement for the abovementioned change. Once endorsement has been received, Main Roads will progress to the design and approval stage and install all relevant signage.

Yours sincerely

Rick Hunnisett

A/TRAFFIC SERVICES OFFICER – SPEED ZONING

Main Roads Western Australia
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
PO Box 6202, East Perth WA 6892

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
138 138

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

54. Proposed 24 Hour Family Day Care – Lot 328 (28) Oak Court, Forrestfield

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	OK-01/028
Applicant	Susan Olson
Owner	Susan and Leonard Olson
Attachment 1	Site Plan
Attachment 2	Floor Plan
Attachment 3	Applicants Management Procedure
Attachment 4	Submission Table and Map

PURPOSE

1. To consider a planning application for a proposed change of operating hours for an existing family day care service at Lot 328 (28) Oak Court, Forrestfield.

BACKGROUND

2. Land Details:

Land Area:	715 m ²
Local Planning Scheme Zone	Residential R20
Metropolitan Regional Scheme Zone:	Urban

3. The Shire approved a family day care at the subject site on 28 November 2012. The hours of operation approved were Monday to Friday between 7:30am and 5:30pm
4. A number of complaints have been received regarding the operating hours of the current family day care. As part of the Shire's compliance investigation it was revealed that the family day care business was operating outside of its approved hours.
5. The family day care operator subsequently lodged a retrospective application for a change of operating hours, which is the subject of this report.

Locality Plan

6.



DETAILS

7. The application proposes a change of hours of operation from Monday to Friday between 7:30am and 5:30pm to 24 hours a day, 7 days per week (including Public Holidays).
8. The applicant currently operates a family day care at the subject site, which is located at the far end the Oak Court cul-de-sac.
9. In support of the proposal the applicant has prepared a management procedure (Attachment 3).

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

10. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives of the Residential zone are as follows:
 - To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
 - To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
 - To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
 - To encourage the retention of remnant vegetation.

11. Under the Scheme, a family day care has the same meaning as defined in the *Community Services (Child Care) Regulations 1988*, as follows:

"Family Day Care means a child care service provided to a child in a private dwelling in a family or domestic environment."

12. Family day care is a 'D' (Discretionary) use within the Residential zone, which means the use is not permitted unless the Shire has exercised its discretion by granting planning approval.

Planning and Development (Local Planning Schemes) Regulations 2015

13. In considering an application for planning approval, Clause 67 of *The Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings;
 - Amenity in the locality;
 - The amount of traffic to be generated by the Development, particularly in relation to the capacity of the road system and effect of traffic flow and safety; and
 - Any relevant submissions received on the application.
14. Clause 65 of the Regulations and section 164 of the *Planning and Development Act 2005* sets out the procedure and the effects of assessing applications for retrospective approval for development already commenced.
15. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act (2005)*.

POLICY CONSIDERATIONS

16. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

17. The proposal was advertised for a period of 14 days and involved letters being sent to the surrounding neighbours. A total of nine (9) submissions were received, comprising seven (7) non-objections and two (2) objections with comments.
18. The following key concerns were raised during the advertising period:
- Car parking and traffic congestion within the cul-de-sac.
 - Impact upon amenity by virtue of potential noise, especially in the early morning. Further details are provided in Attachment 4.

19. In response to the above concerns the applicant submits as follows:

Traffic Congestion:

The applicant submits that there is room for up to five (5) vehicles on the property and that parking is always available on the property. The applicants' clients drive only passenger vehicles and a neighbouring property has been purpose built for overflow parking (that clients are permitted to use if needed). The applicant believes that parking and congestion problems are being caused by residents of the street and their own personal visitors.

Noise Pollution and Amenity:

The applicant submits that they always notify their clients to keep noise volume to a minimum prior to 7:30am and after 5:30pm. The applicant also stated that the residents of the street leave for work as early as 4:30am and believes that the noise issues are caused by these movements and not the applicants' clients. The applicant has drafted a new management procedure for the proposed hours of operation (Attachment 3).

FINANCIAL CONSIDERATIONS

20. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.3 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

SUSTAINABILITY

Social Implications

22. A 24 hour family day care operation may result in an undue impact on the amenity of the local area, particularly upon adjoining neighbours.
23. The applicant submits that a 24 hour family day care service is an important service for those who do not work standard business hours.

Economic Implications

24. 24 hour family day care may enable people who do not work standard business hours to access day care services for their children in order to facilitate their employment.

Environmental Implications

25. The proposal would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

RISK MANAGEMENT CONSIDERATIONS

26.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Overflow of cars from site blocking driveways.	Unlikely	Minor	Low	Ensure that adequate parking is provided on site to reduce chances of overflow into street.
Excessive noise caused by dropping off/picking up overnight care children.	Likely	Major	High	Ensure that appropriate management measures are in place for dropping off and picking up children to minimize noise emissions.
More than the maximum allowable seven (7) children on site.	Possible	Minor	Medium	Ensure that conditions are imposed requiring a maximum of seven (7) children and accurate book-keeping.

OFFICER COMMENT

27. The applicant currently has approval to operate the family day care business between the hours of 7:30am and 5:30pm Monday to Friday. It is acknowledged that the extended business hours requested will accommodate families that do not work conventional business hours. In considering this application however, Council should be mindful of the potential amenity impacts of the extended hours on the surrounding residential area and the complaints received in this regard.
28. Clause 1.6 (ii) of the Scheme states that the aim of the Scheme is "*to secure the amenity, health and convenience of the Scheme area and the residents thereof*". Furthermore, the objectives of the Residential Zone is to primarily facilitate residential development. Any non-residential land uses should operate harmoniously in a residential context, without unduly impacting residential amenity.
29. Given that the Shire has received complaints in regard to operating outside of the allowable hours of operation it is particularly important to consider the amenity implications of a 24 hour operation.

-
30. As noted previously in this report Clause 67 of The Regulations require Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings;
 - Amenity in the locality;
 - Any relevant submissions received on the application.
31. **Compatibility of the Development Within its Settings:**
It is considered that due to the location of the family day care at the end of a cul-de-sac and issues that have been raised in regards to provision of parking, the blocking of driveways by clients, and noise levels at unapproved times that a 24 hour family day care would not be compatible within the surroundings.
32. **Amenity in the Locality:**
It is considered that to allow a development that is already negatively impacting the surrounding area to expand its hours of operation would potentially compound the issues previously raised by affected neighbours.
33. In regard to the concerns raised during advertising, the following is noted:
- Car Parking and Traffic Congestion:**
A key concern raised was in respect to the parking situation within the cul-de-sac. It has been alleged that during pick up and drop off times a number of clients are utilising spaces not set aside for parking and are either waiting on the verge or blocking access for residents at the end of the cul-de-sac. It is considered that the lack of adequate parking both on the site and on the street by the subject family day care causes congestion that may obstruct residents of the street as they go about their daily activity.
- The applicant submits that permission has been granted by a neighbour in order to allow parking upon their property should it be required. However, the initial approval granted in 2012 conditioned that all parking be retained on the property. It is considered that if the applicant has had to seek permission for external parking from a neighbour then adequate parking has not been provided on the family day care site.
- Noise:**
A number of noise complaints have been previously received by the Shire in relation to the operation of the family day care outside of the hours approved in the previous development application. It is considered that allowing the family day care to operate at early hours will cause noise that may impact upon the amenity of the adjacent neighbours.
34. In summary, it is acknowledged that the existing business will provide some families who do not work conventional business hours access to family day care during these times. The move however to 24 hour day care suggests that potential amenity impacts are likely, which is evidenced by the complaints received from adjoining residents to the current extended hours for which the applicant has no approval for.
-

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 54/2016)

That Council:

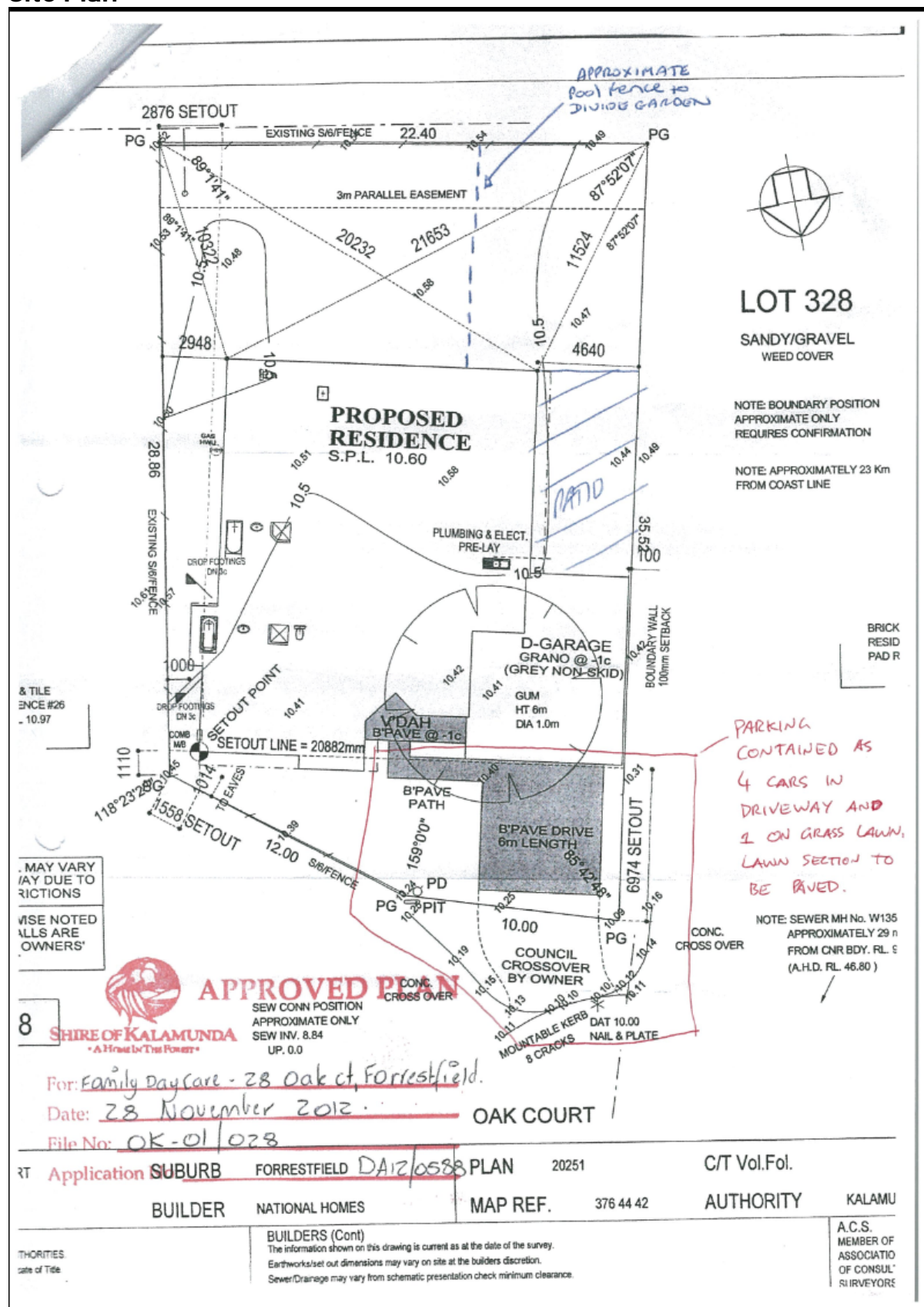
1. Refuses the planning application for the change of hours at the currently established Family Day Care at Lot 328 (28) Oak Court, Forrestfield, for the following reasons:
 - a) The increase in operation hours is considered to unduly impact the amenity of the surrounding area.
 - b) Due to the context of the site in a cul-de-sac it is considered that the site is inappropriate for a 24 hour family day care centre.
 - c) The proposal is considered to be inconsistent with the orderly and proper planning of the locality.

Moved:

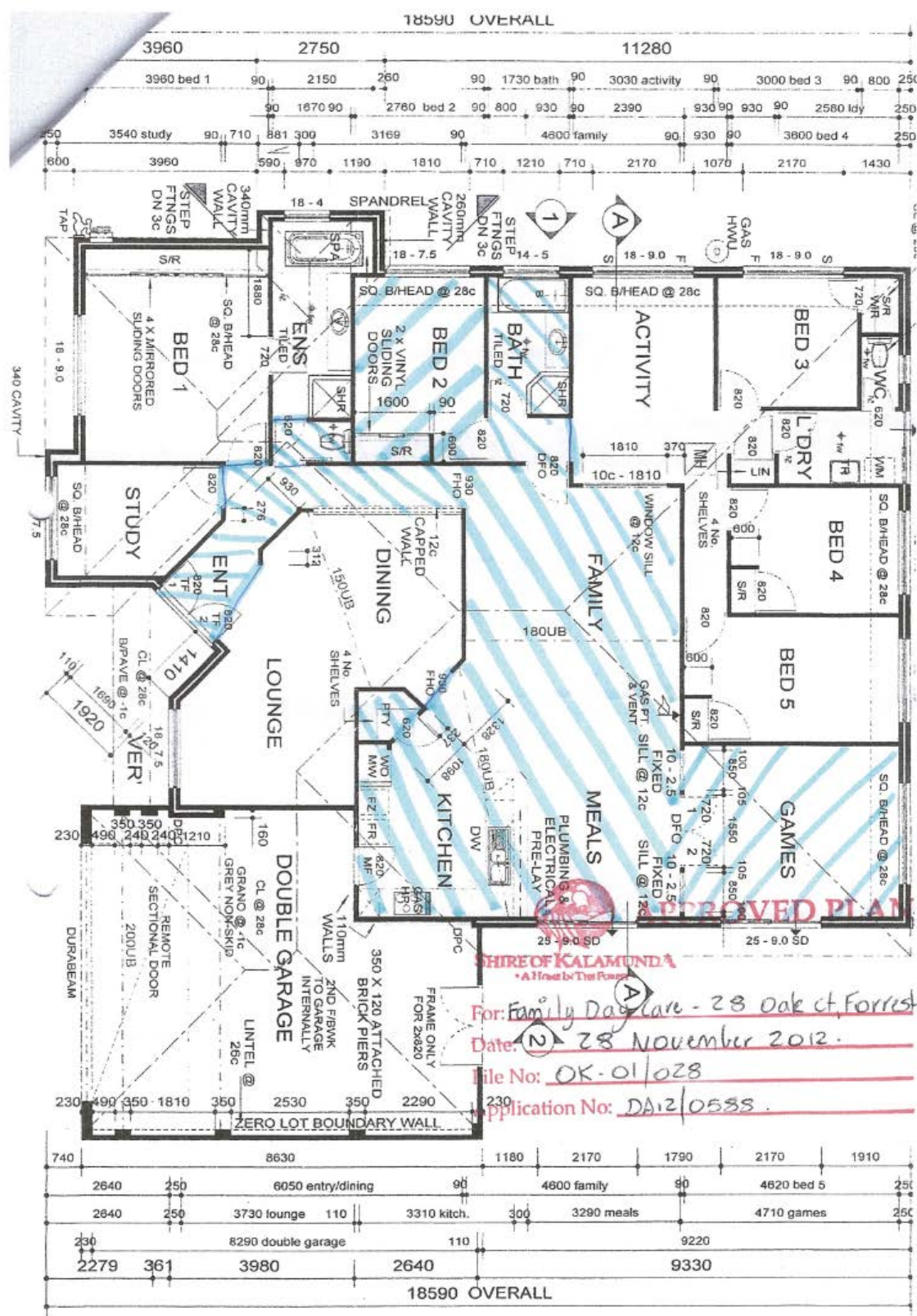
Seconded:

Vote:

Proposed 24 Hour Family Day Care – Lot 328 (28) Oak Court, Forrestfield Site Plan



Proposed 24 Hour Family Day Care – Lot 328 (28) Oak Court, Forrestdfield



Attachment 3

Proposed 24 Hour Family Day Care – Lot 328 (28) Oak Court, Forrestfield

Applicant's Management Procedure

Suecare Family Day Care

Delivery and Collection of Children Outside of Core Hours

(in addition to Elite Childcare Solutions Delivery, Collection & Supervision of Children Policy v2016)

Policy Statement

Suecare Family Daycare will maintain a duty of care to families and neighbours when enrolling children outside of core hours.

Strategy for Policy Implementation

1. This policy is applicable for care outside of the hours of 7.00am and 6.00pm.
2. Passenger vehicles only. No trucks or heavy vehicles.
3. Upon delivery/collection of a child, parent/guardian will respect neighbours with regards to noise levels (car stereos, over revving of engines).
4. As Suecare Family Daycare is located within a residential area, please limit noise levels to normal vehicle sound levels that are reasonable to the area.
5. Consequences of noise levels unreasonable to the area (i.e. complaints received from at least 3 different residential addresses) may lead to cancellation of care agreement.

Child's Name

Parent's Name

Parent's Signature

Date

Attachment 4

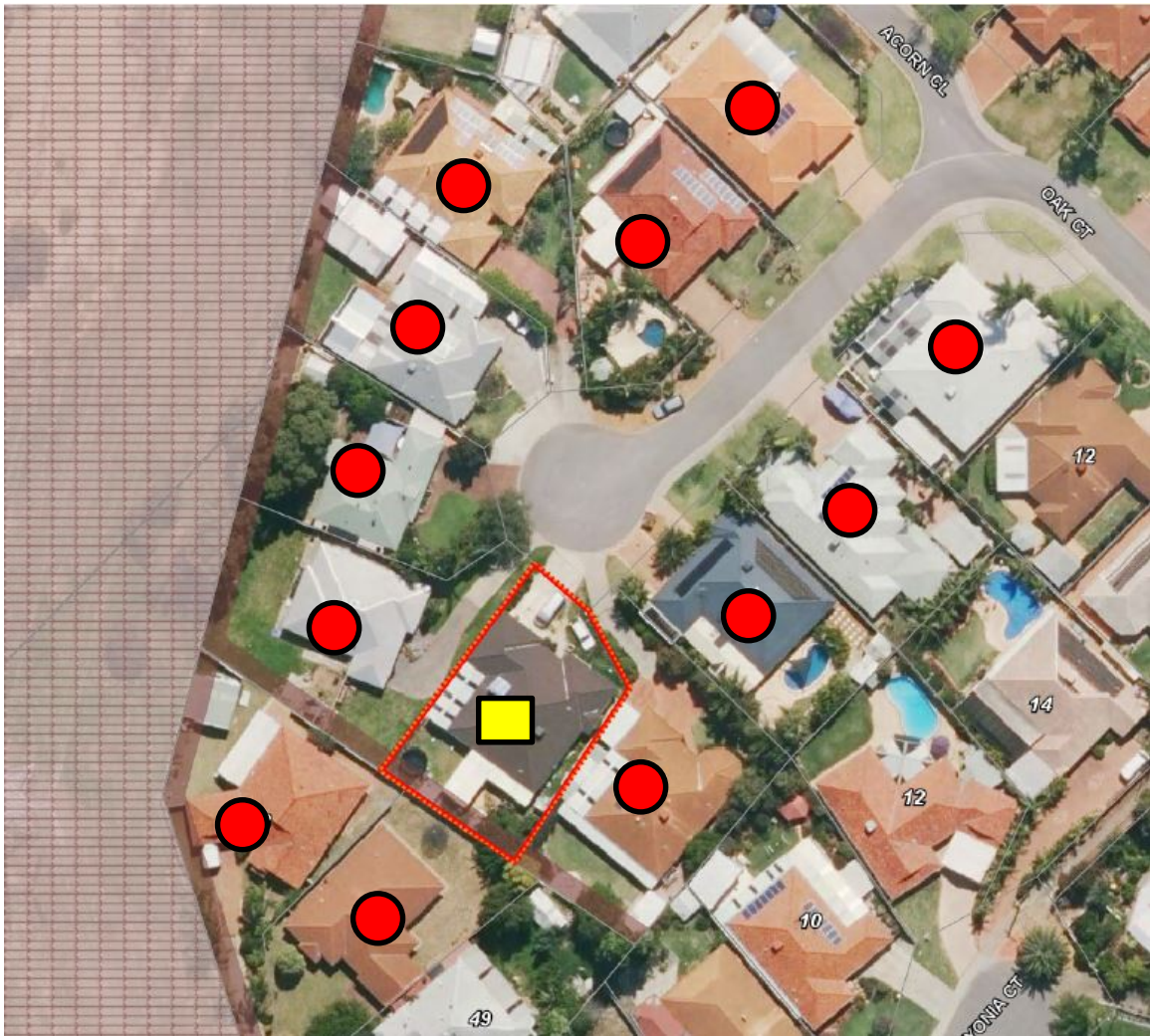
Proposed 24 Hour Family Day Care – Lot 328 (28) Oak Court, Forrestfield

Submission Table and Map

Details		Comment	Staff Comment
1.	J Osgood 31 Oak Court FORRESTFIELD WA 6058	<p>Objection</p> <p>a) Police have already been involved in the disturbance caused by clients attending early.</p> <p>b) Clients have been parking across the entrance to the driveway of No. 31 and have also parked down on the gravel corner of Oak court while waiting to pick up their children.</p> <p>c) Clients have not been adhering to the 'by appointment' rule and have been dropping off children for the past year from 5-5:30am.</p> <p>d) Constant slamming of car doors prior to 7:30am is disturbing the peace.</p>	<p>a) Noted.</p> <p>b) Please refer to the officer comment section of the report regarding Car Parking and Traffic Congestion.</p> <p>c) This comment were passed on to Compliance when the initial complaint was lodged (prior to the application for 24 hour operation) and the issues regarding the non-compliance with the conditions of the original approval were addressed. In the event that the application is approved conditions will be imposed to ensure accurate book-keeping to account for children that are being dropped off outside of core hours.</p> <p>d) Please refer to the officer comment section of the report regarding Noise.</p>

		e) All above points have previously been lodged as complaints with the Shire of Kalamunda over the past three (3) months. f)	e) Noted.
2.	L Thompson 22 Oak Court FORRESTFIELD WA 6058	Objection a) Speed of cars visiting the subject site is dangerous. b) Appropriate parking has not been provided on site.	a) Noted. b) Please refer to the officer comment section of the report regarding Car Parking and Traffic Congestion.
3.	A Whitaker 25 Oak Court FORRESTFIELD WA 6058	No Objection a) Has not noticed any issues with traffic or upset children.	a) Noted.
4.	M Encott 14 Oak Court FORRESTFIELD WA 6058	No Objection a) People living in the street begin leaving for work at early hours so there is some traffic noise in the area prior to 7:30am.	a) Noted.
5.	D & S Heatherly 23 Oak Court FORRESTFIELD WA 6058	No Objection a) People living in the street begin leaving for work at early hours so there is some traffic noise in the area prior to 7:30am.	a) Noted.
6.	D & A Derwort 26 Oak Court FORRESTFIELD WA 6058	No Objection – No Comment	Noted.

7.	V Turvey 29 Oak Court FORRESTFIELD WA 6058	No Objection – No Comment	Noted.
8.	G & R Van Herpt 27 Oak Court FORRESTFIELD WA 6058	No Objection – No Comment	Noted.
9.	J & K Shepherd 21 Oak Court FORRESTFIELD WA 6058	No Objection – No Comment	Noted.



Subject Site: 

Advertised Neighbour: 

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

55. CONFIDENTIAL ITEM – Consideration of Tenders Forrestfield United Soccer Club Spectator Seating and Change Room Upgrades (RFT1612)

Reason for Confidentiality Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

Previous Items	OCM 133/2016
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	RFT 1612
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Tender Evaluation Report
<i>Reason for Confidentiality Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>	

This report was circulated to all Councillors under separate cover.

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

Cr Dylan O'Connor – Aldi Development

Q1. Has the Chief Executive Officer heard of whether the Kalamunda Chamber of commerce have a position on the Aldi Building?

A1. The Chamber of Commerce have not raised this development with the Shire of Kalamunda, nor has it appeared as a matter for discussion at executive meetings.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.0 TABLED DOCUMENTS

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE