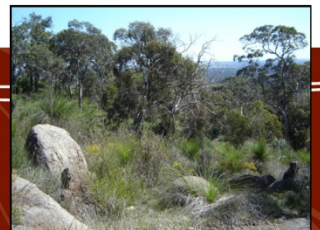


# Development & Infrastructure Services Committee Meeting

Minutes for Monday 12 December 2016

**UNCONFIRMED**



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kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 7.04pm, and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Sara Lohmeyer	North West Ward
Sue Bilich	North Ward
Tracy Destree	North Ward
Simon Di Rosso	(Presiding Member) North Ward
Michael Fernie	South East Ward
John Giardina	South East Ward
Geoff Stallard	South East Ward
Allan Morton	South West Ward
Brooke O'Donnell	South West Ward
Noreen Townsend	South West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Natalie Martin Goode	Director Development Services
Dennis Blair	Director Asset Services
Gary Ticehurst	Director Corporate & Community Services
Darrell Forrest	Manager Governance, Strategy & Legal Services
Donna McPherson	Executive Research Officer to Chief Executive Officer
Carrie Parsons	Manager Customer & Public Relations
Ian Berry	A/Manager Financial Services
Andrew Fowler-Tutt	Manager Approval Services
Sara Slavin	Council Support Officer

**Members of the Public** 12

**Members of the Press** Nil

#### 2.2 Apologies

##### Councillors

Andrew Waddell JP	(Shire President) North West Ward
Dylan O'Connor	North West Ward

**Members of Staff** Nil

**2.3 Leave of Absence Previously Approved** Nil

### **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 are summarised.

#### **3.1 Mr Kevin Gorman, 20 Lewis Road Wattle Grove**

Q. Regarding item D&I 67 on the Agenda how is it that this item is on this Agenda when the correct procedure regarding advertising protocol has not been followed in Policy P DEV 52?

A. The Director Development Services responded, the relevant clauses of that Policy talks about “invite the applicant”, that doesn’t require the applicant to undertake a community information session it also doesn’t require the Shire to undertake a community information session, it is simply an invitation for the applicant to do that and I understand the applicant has declined that invitation.

### **4.0 PETITIONS/DEPUTATIONS**

#### **PETITIONS**

#### **4.1 D&I 67. Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove**

A Petition with 85 signatures was received from the members of the Wattle Grove community regarding the above item (the Petition was tabled at the meeting).

#### **4.2 The reopening of Hummerston Road East, Paulls Valley**

A Petition with 65 signatures was received from members of the Paulls Valley community regarding the above item (the Petition was tabled at the meeting).

#### **DEPUTATIONS**

#### **4.3 Ms Corina Johnson – Johnson Property Corporation**

A Deputation was received from Ms Corina Johnson regarding item D&I 69. Retrospective Approval for the Parking of a Commercial Vehicle - Lot 131 (18) Sunrise Heights, Maida Vale. Ms Johnson spoke on behalf of the landowners Karen & Peter Breese in favour of the item.

#### **4.4 Mr Laurie Chantry - Planning Solutions**

A Deputation was received from Mr Laurie Chantry regarding item D&I 67 Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove. Mr Chantry spoke on behalf of Optus in favour of the item.



## **5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- 5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 14 November 2016, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (10/0)**

## **6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

- 6.1 Nil.

## **7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

- 7.1 **76. CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of the Wimbridge Road Extension (eQuote 27-2016)**  
(Provided under separate cover). 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.”*

## **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*.)
- 8.1.1 Cr Michael Fernie disclosed an Indirect Financial Interest in Item D&I 68 Proposed Telecommunications Facility at George Spriggs Reserve – Lot 809 (35) Weston Road, Pickering Brook as he is a financial member of the Pickering Brook Sports Club and the Pickering Brook Sports Club may receive a financial contribution from this lease arrangement.

**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.

8.2.1 Nil.

**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.**

**67. Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	LW-04/012
Applicant	Planning Solutions
Owner	Stuart & Jenny Chamberlain

Attachment 1	Site Plan
Attachment 2	Floor Plans
Attachment 3	Elevations
Attachment 4	Photographs of Views
Attachment 5	Submission Table
Attachment 6	Zoning Plan
Attachment 7	Mobile Phone Coverage Maps
Attachment 8	EME Report
Attachment 9	Alternative Sites Assessment

**PURPOSE**

1. To consider a planning application for a proposed telecommunications mobile phone base station at Lot 39 (12) Lewis Road, Wattle Grove.

**BACKGROUND**

2. Local Planning Policy P-DEV52: Telecommunications Infrastructure was adopted by Council at its Ordinary Meeting held 25 July 2016.

**Land Details**

- 3.

Land Area:	9549m <sup>2</sup>
Metropolitan Regional Scheme Zone:	Rural
Local Planning Scheme Zone:	Rural Composite

4. The surrounding area is predominantly characterised by rural properties and bush forever (open space). The site is also approximately 480m to low density residential sites in Forrestfield. The subject site is (9549m<sup>2</sup>) consistent with surrounding lots within the area and is currently being utilised for business purposes associated with an animal supplies outlet, and bird, reptile and fish sales outlet.

## Locality Plan

5.



## DETAILS

6. The application proposes the erection of a 36.5 metre high monopole with a galvanised steel finish. Refer Attachments 1,2 and 3.
7. Ancillary components include three new panel antennas mounted to a turret on the top of the proposed monopole. One radio communication dish mounted to the proposed monopole, and one equipment shelter at ground level together with cabling and ancillary equipment including 21 radio remote units.
8. The mast is proposed to be located approximately 74 metres from the nearest residential dwelling, and approximately 1290m from the nearest boundary of the Forrestfield Primary School.
9. Upon meeting with the applicant and after receiving submitters feedback, the applicant submitted revised plans which proposed the following:
  - Increased setback to 8.2m to compound lease area.
  - Increased setback to 12.3m to proposed Optus equipment shelter
  - Increase setback to 20.3m from corner lot boundary (Rear)
  - Maintaining 3 metres setback to Welshpool Road East.
10. The applicant submits the following in respect to the proposed facility:

*An Assessment by Planning Solutions under the provisions of the Telecommunications (Low-Impact Facilities) Determination 1997 (The Determination) determined the proposed facility not to be 'low impact' for the purposes of the determination. Nokia has supported the assessment by Planning Solutions.*

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

11. In accordance with the Local Planning Scheme No.3 (The Scheme), the proposed telecommunications infrastructure is defined as follows:

*"telecommunications infrastructure means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, on or in connection with a telecommunications network."*

12. Telecommunications infrastructure is a 'D' (discretionary) use within the Local Planning Scheme Zoning Table for Rural Composite Zoning.

Clause 5.14 of the Scheme state that for Rural Composite Zone "it is recognised that there is a mix of semi-rural and commercial land uses which the local government seeks to maintain as a balance in a rural setting. Commercial land uses within the zone will only be considered for approval when it has been demonstrated that the use is appropriate to the area and that the commercial activity will not have a detrimental impact on the surrounding area.

LPS3 Table 2 Requirement (Rural Composite Zone)	Requirement	Proposed
Setback Front (Lewis Road)	20 metres	141.0m
Setback Minor Street (Welshpool Rd East)	15 metres	3.0m
Setback Side (East)	10 metres	12.381m
Setback Side (West)	10 metres	107.0m
Site Cover	N/A	N/A
Plot Ratio	N/A	N/A
Landscape Strip (road frontage)	5 metres	Existing landscape strip remains

- Welshpool Road East is classified as an "Other Regional Road" as such this application was referred to the Department of Planning who raised no objections to the proposal.
- It is considered that in this instance Welshpool Road East is the "*minor street*" for the purpose of access and egress, therefore a 15 metre setback is specified in Table 2- Site Requirements of the Scheme for Rural Composite Zones.

13. In considering an application for approval, Clause 5.6, Variations to Site and Development Standards and Requirements is applicable in this instance. The proposed tower, does not comply with the rear setback requirement of the Scheme. Clause 5.6.2 of the Scheme which states:  
"In considering an application for planning approval under this clause, where in the opinion of the local government, the variation is likely to affect any

owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to:

- a) Consult the affected parties following on or more of the provisions for advertising uses pursuant to clause 9.4 and
- b) Have regard to any expressed views prior to making its decision to grant the variation.'

### **Planning and Development (Local Planning Schemes) Regulations 2015**

14. 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.
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**

### **State Planning Policy 5.2 – Telecommunications Infrastructure (2015)**

16. State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2) aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.
17. In respect to Electromagnetic Emissions (EME), SPP 5.2 states as follows:

*“The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) Radio communications Licence Conditions (Apparatus Licence) Determination 2003. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.*

*Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that typical exposures to radiofrequency fields were well below one per cent of the Standard's public exposure limits. It concluded that "given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research".*

*Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters; therefore it is not within the scope of this Policy to address health and safety matters. Based on ARPANSA's findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions."*

18. In regard to the visual impact and siting of telecommunications infrastructure, SPP 5.2 contains several planning principles to be considered which are summarised as follows:

- Located where the facility will not be prominently visible from significant viewing locations, such as scenic routes, lookouts, and recreation centres.
- Located so as to avoid detracting from a significant view of a landmark, streetscape, vista or panorama, whether viewed from public or private land.
- Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised.
- Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.
- Located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.
- Facilities should be co-located whenever possible.

#### **P-DEV52 – Telecommunications Infrastructure**

19. The objectives of P-DEV52 is as follows:

*"The Shire recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The Shire also recognises that some telecommunications infrastructure, particularly mobile telephone towers, can be visually obtrusive. This policy supports low-impact facilities, and opposes other telecommunications infrastructure that would have a significant adverse visual impact."*

20. P-DEV52 recognises that the Shire is not in a position to consider the alleged public health impacts of telecommunications infrastructure when determining an application for development approval. National and international health authorities have determined that these facilities do not have major health impacts.

21. In considering an application for development approval, in particular the visual impact of the facility, P-DEV52 recommends that regard be given to the provisions of the Scheme and SPP 5.2. In this respect, development approval may be refused where the Shire is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, the Shire may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

22. Public advertising was undertaken in accordance with Council's policy for a period of 28 days. This involved letters being sent to surrounding property owners within an 800m radius, two signs being placed on site, advertisement in local newspapers with information being displayed on the Shire's website.

During the advertising period, the Shire received 117 submissions comprising 102 objections and 12 non objections and 3 who commented, Refer Attachment 5. Key concerns raised during the advertising period included the following:

- Potential health issues resulting from exposure to EME.
- Visual amenity impacts of the facility.
- The proposal will devalue properties in the area.
- Other locations would be more appropriate.
- The proposal does not satisfy the requirements of the Rural Composite Zone.

23. The above concerns raised by the community are addressed in the officer comment section of the report.

## **FINANCIAL CONSIDERATIONS**

24. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

25. *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

26. Some sections of the community are concerned regarding alleged public health risks associated with exposure to EME. State and local planning policies state that the alleged public health impacts associated with telecommunication infrastructure is not a matter to be considered as part of the planning application process. Please refer to the paragraphs 16 and 19 of this report for more detailed discussion on this matter.

### Economic Implications

27. The proposal would facilitate improved wireless network coverage to the Wattle Grove / Forrestfield area and surrounds, which will support business, emergency services and the community generally.

### Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

29.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposal may detract from the visual amenity of the locality.	Unlikely	Moderate	Low	Ensure the facility is appropriately located and designed so as to minimise undue impacts on visual amenity.

## OFFICER COMMENT

30. In regard to the concerns raised during advertising, the following is noted:

### Potential health issues resulting from exposure to EME:

Some of the objections received during advertising raised concern regarding the proximity of the proposed facility to residential properties and associated public health risks from EME. As noted above, the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval.

### Visual amenity impacts of the facility:

Given the slimline pole design and proposed colour, it is considered that the facility will likely blend with the existing landscape. Furthermore, the facility will be positioned at a height and location where the visual impact will be

lessened by the existing tree canopy. On this basis it is considered that the facility will not be visually prominent and is therefore acceptable.

**The facility will devalue properties in the area:**

This is not considered to be a relevant land use planning consideration.

**Other locations would be more appropriate:**

In regard to the appropriateness of the site selected, the applicant submits as follows:

*“In selecting network base station sites, Optus endeavours to utilise existing mobile network sites as extensively as possible, or share other forms of existing infrastructure to build the network. In addition to the utilisation of existing infrastructure, the use of ‘low impact’ facilities is the preferred solution, where possible, to achieve the network deployment. It is considered that this approach leads to the least possible impact on the local environment and community. Detailed investigations of the locality revealed no opportunities to co-locate telecommunications infrastructure, or utilise existing buildings, which would satisfy the coverage objectives for the facility”*

Alternative sites were reviewed and analysed as part of the site selection process. Please refer to Attachment 9 which lists the property owners approached and sites considered in this instance.

31. The setback variation applies to the secondary street, being Welshpool Road East. The proposed 3.0m setback was referred to the Department of Planning who had no concerns with the reduced setback. Should the proposal be setback an additional 12.0m from Welshpool Road East to comply with the setback requirements of the scheme, it is considered that the visibility of the 36.5m high tower is not likely to be significantly reduced. It is therefore considered that the varied setback is not of a direct consequence or impact on immediately adjoining properties and therefore should be approved.
32. In conclusion, the proposed telecommunication facility will deliver to the local community an improved mobile phone coverage service. This has been balanced against the visual impact of the proposal which has been designed to minimise any impacts with appropriate street setbacks and the location of existing trees. The visual impact of the proposal is therefore considered to comply with SPP 5.2 policy measures and the objectives of Local Planning Policy P-Dev 52.

*Mr Kevin Gorman from 20 Lewis Road, Wattle Grove spoke against the recommendation.*

*Mr Peter O'Malley from 44 Lewis Road, Wattle Grove spoke against the recommendation.*

*Mrs Leonie Gorman from 20 Lewis Road, Wattle Grove spoke against the recommendation.*

*Queries from Cr Noreen Townsend, Cr Tracy Destree and Cr Geoff Stallard were clarified on this item.*

*Councillors went into debate before the vote was taken.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 67/2016)**

That Council:

1. Approves the planning application for a telecommunications facility Lot 39 (12) Lewis Road, Wattle Grove, subject to the following conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) 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 to the satisfaction of the Shire of Kalamunda.
  - c) Development works shall be carried out in accordance with AS 4970 2009 "Protection of Trees on Development Sites".
  - d) The building material colours shall match the monopole tower and be of a colour that blends and harmonises with the surrounding natural bushland to the satisfaction of the Shire of Kalamunda.
  - e) No building materials, rubbish or any other matter shall be deposited on the site after construction of the development is completed to the satisfaction of the Local Government.

Moved: **Cr Tracy Destree**

Seconded: **Cr Simon Di Rosso**

Vote:

For	Against
Cr Allan Morton Cr Sara Lohmeyer Cr Tracy Destree Cr Simon Di Rosso	Cr Michael Fernie Cr John Giardina Cr Geoff Stallard Cr Brooke O'Donnell Cr Noreen Townsend Cr Sue Bilich LOST (4/6)

## Attachment 1

Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

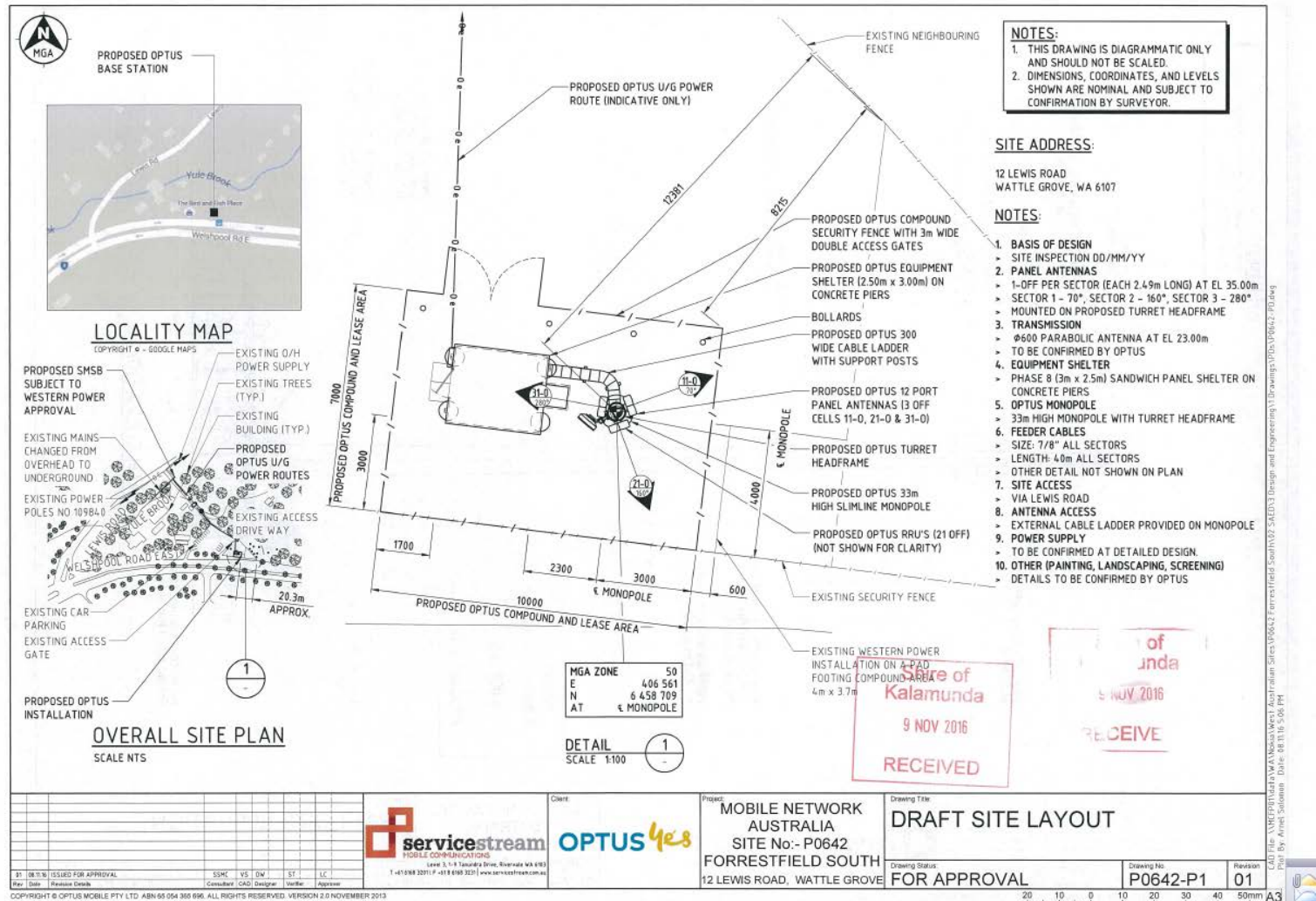
### Site Plan





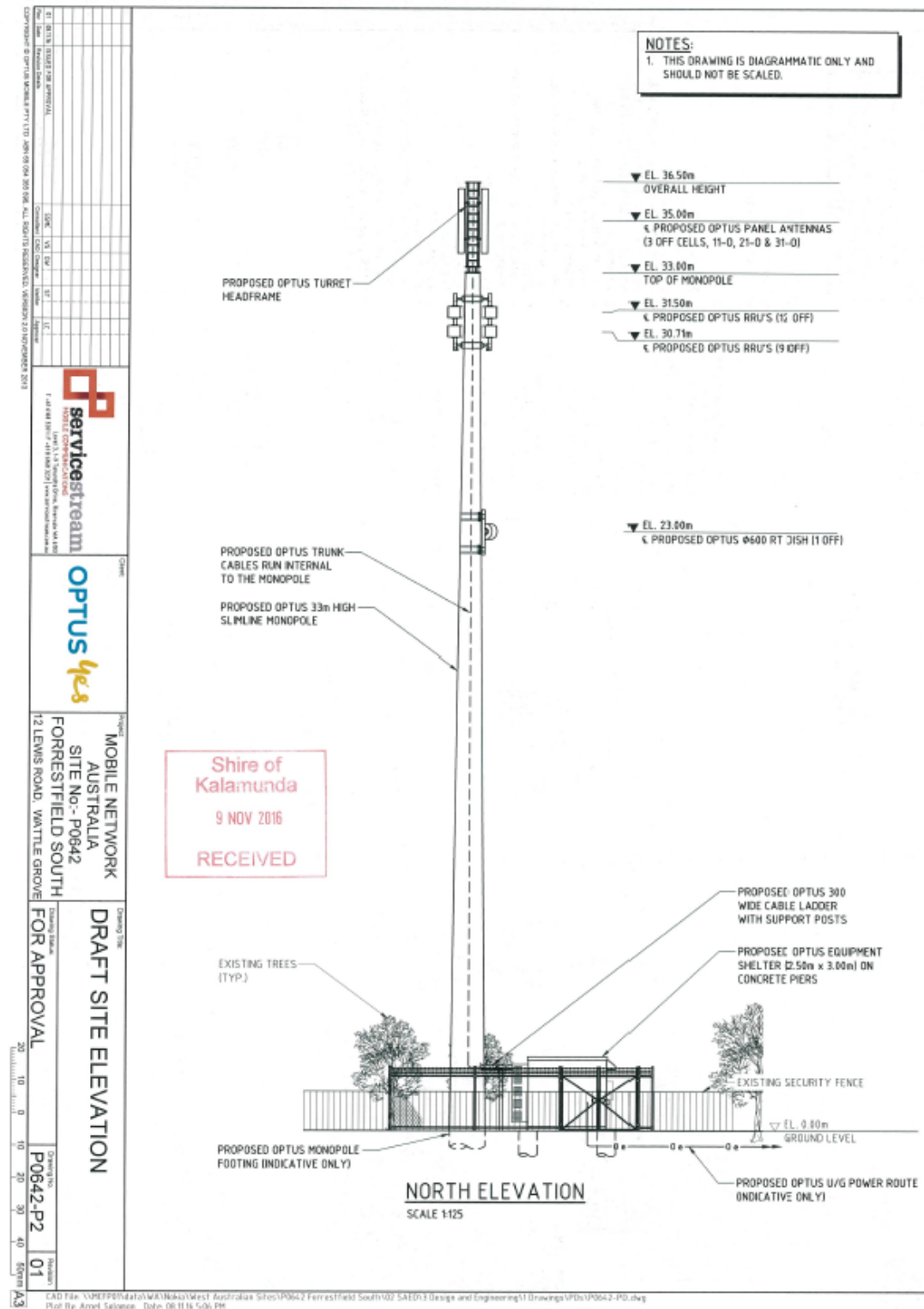
## Attachment 2

### Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove Floor Plan



### Attachment 3

## Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove Elevation Plan



#### Attachment 4

Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

#### Photographs of views to the Site

Lot 39 (12) Lewis Road, Wattle Grove  
Telecommunications Infrastructure



Photograph 1 – View to subject site looking north west



Photograph 2 – View of subject site looking south east towards Welshpool Road East



Photograph 3 – View of subject site looking north east

## Attachment 5

Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

### Submission Table

Nature of submission	Submitter number	Officer Comment
No objection	1,2,3,4,5,6,7,8,9,14,15,16 (12 submissions)	Noted.
Comment	18,10,11 (3 Submissions)	Noted.
Objection- Mobile phone monopole will: Increase the risk to human health through EME	12,18,20,23,26,27,28,29,30,10,11,53,65,76,77 (15 submissions)	<p><b>Applicant's comments</b></p> <p><i>The calculated maximum RF EME Level of this facility is 0.67% (approximately 1/150<sup>th</sup>) of the mandated limit.</i></p> <p><b>Officer Comment</b></p> <p>The Shire does not have the legal ability or technical expertise to assess EME safety factors. The Shire has acted to date on the direction of the State and Federal governments on such matters.</p> <p>Currently Australian Standards for EM radiation is enforced by ARPANSA. The precautionary principle is already used in existing safety standards and deployment processes. State Planning Policy 5.2 requires that a development application is accompanied by a report demonstrating compliance with the deployment industry code, which also includes the precautionary principle. The applicant has provided information as part of the application.</p>



<p><b>Objection -Mobile phone monopole will:</b> Have visual affects / impact</p>	<p><b>12,26,28,29,30,10,53,39,40,76,77 (11 Submissions)</b></p>	<p><b>Officer Comment</b></p> <p>When the Shire of Kalamunda considers the application is to have due regard to the preservation of the locality.</p> <p>In this instance it has been assessed that the proposed location, being within the triangular portion of the lot, setback 3 metres from Welshpool Road, the tower will not have a prominent impact of visual amenity.</p> <p>It will be recommended to the Shire that the colours of the monopole tower and the ancillary equipment be of a colour which is sympathetic to the surrounding buildings and landscape.</p>
<p><b>Objection- Mobile phone monopole will:</b> Effect land values in the area</p>	<p><b>28,29,30,11 (4 Submissions)</b></p>	<p><b>Officer Comment</b></p> <p>The effect on land values is not a planning consideration.</p>
<p><b>Objection- Mobile phone monopole will:</b> Not satisfy approval requirements for this zone, setbacks. Should be setback 20m from Welshpool Rd as it's not a minor street.</p>	<p><b>12,39,40,76,77 (5 Submissions)</b></p>	<p><b>Officer Comment</b></p> <p>The proposed application is made in accordance with the provision of the Local Planning Scheme No.3.</p> <p>The proposed setback to Welshpool Road is deemed to be the minor street as the property has primary frontage and access to and from Lewis Road.</p>

		<p>The application has been referred to the Department of Planning given that Welshpool Road is classified as an “Other Regional Road”. No objection was received from the Department in relation to the location of the proposed monopole and equipment.</p> <p>The slimline nature of the structure, as well as the position of existing mature trees will mitigate the impact of the tower.</p>
<p><b>Objection - Mobile phone monopole will:</b> Effect the Special Rural Character of the area</p>	<p><b>21,25,27, 39,40, 76,77</b> <b>(7 Submissions)</b></p>	<p><b>Applicant’s comments</b></p> <p><i>The proposed antennas will be flush-mounted to a turret on top of the monopole, reducing the visual impact of the facility, with the equipment shelter colour-matched to the surrounding environment in ‘pale eucalypt’. The monopole and antennas are to be of a galvanised finish to match the surrounding light poles, however the colour of the monopole and equipment shelter is at the discretion of council. Surrounding mature trees along Welshpool Road East will mitigate the impact on the visual amenity.</i></p> <p><i>Telecommunications facilities need to be located in the area they are to service.</i></p> <p><b>Officer Comment</b> The proposed structure and equipment will form part of a site which has commercial operations and parking existing on-site. The colours and materials will be recommended to</p>

		be matching colours and finishes of surrounding buildings to the satisfaction of the Shire.
<b>Objection</b> – Serious concerns, no further information	<b>31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,101,102,103,104,105,106,107,108,109,110,111,112</b> <b>(82 Submissions – Petition )</b>	<b>Officer Comment</b> Noted.
<b>Objection</b> – No further comment	<b>13,17,19,22,24</b> <b>(5 Submissions)</b>	<b>Officer Comment</b> Noted.
<b>Objection</b> -The owner of the property does not live there and therefore appears to have no concerns of the impact of surrounding neighbours.	<b>12,27,76,77</b> <b>(4 Submissions)</b>	<b>Officer Comment</b>  <b>Noted</b> – opinion only, not a planning consideration.
<b>Objection</b> – The proposed location is too close to my home	<b>27</b> <b>(1 Submission)</b>	<b>Applicant’s Comments.</b>  <i>The proposal complies with Shire of Kalamunda setback requirements to the nearest neighbour under its town planning scheme.</i>  <b>Officer Comment</b> In response to this objection, the applicant has submitted revised plans which have moved the proposed monopole tower and equipment from 3m from the boundary to 10m from the boundary to accord with the requirements of Table 2, Site Requirements of the Local Planning Scheme 3.

<b>Objection</b> – what restrictions will this place on my property being directly next to it?	<b>27</b> <b>(1 Submission)</b>	<b>Officer Comment</b>  No additional restrictions are imposed on adjoining sites as a result of the monopole and ancillary equipment if it were approved and constructed.
<b>No- Objection</b> , As long as there is no induction interference with our phones	<b>14</b> <b>(1 Submission)</b>	<b>Applicant's Comments.</b>  <i>Carriers are allocated different technologies and frequencies to ensure there is no interference with other mobile or landline phones.</i>  <b>Officer Comment</b>  Applicants' comments noted.
<b>Objection</b> , - Should be located in another area / location	<b>18,29,30,76,77</b> <b>(5 submissions)</b>	<b>Applicant's Comments.</b>  <i>The proposed infrastructure has been located to best meet the coverage objectives, and needs to be located within the area to be serviced. Location outside the coverage area will result in reduced coverage and capacity and may result in additional facilities being required in adjacent locations.</i>  <b>Officer Comment</b> Applicant's comments noted. The applicant has undertaken a site selection analysis of which this site was deemed to best meet their service requirements.

<p><b>Objection</b> – If the Shire approves this tower then I don't believe that they have the Perth Foothills best interests at heart</p>	<p><b>29,30</b> <b>(2 submissions)</b></p>	<p><b>Applicant's Comments.</b></p> <p><i>The Shire's Telecommunication Policy: 'Recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community'. Telecommunications infrastructure is essential infrastructure for business and personal reasons. Telecommunications infrastructure is also essential for emergencies – which (being in a bushfire prone area) is a very important consideration.</i></p> <p><b>Officer Comment</b></p> <p>The Shire, in considering the location of telecommunications towers, as per the applicant's comments relates to the importance for provision of telecommunications services in particular for emergency services with many areas in this vicinity being in Bushfire Prone Areas. It is considered to be to the best interests of the community to provide adequate mobile phone coverage where possibly, at the same time mitigating visual impacts when approving locations for this infrastructure.</p> <p>In this instance given that the location is at a key intersection, and the applicant has provided site selection analysis, the Shire of Kalamunda does believe that it has the best</p>
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		interests of the community in assessing this application in accordance with Councils' adopted planning policy for telecommunications and within the context of state and federal policy framework.
<b>Objection</b> – if the shire approves the installation I would expect my rates to be lowered	<b>29,30</b> <b>(2 submissions)</b>	<b>Officer Comment</b>  Not a Planning consideration
<b>Objection</b> – I do not believe that there are any insufficiencies with the current mobile phone coverage in the area	<b>29,30</b> <b>(2 submissions)</b>	<b>Applicant's Comments.</b>  <i>While individual parties may not consider there are any issues with their phone service, which may be with other carriers, Optus has identified a serious lack of coverage and capacity in the area and needs to address this for its customers.</i>  <b>Officer Comment</b> Applicant's comments noted.
<b>Objection</b> – Make companies share towers and help reduce the risks of radiation	<b>53,76,77</b> <b>(3 submissions)</b>	<b>Applicant's Comments.</b>  <i>Optus endeavours to utilise existing mobile network sites as extensively Detailed investigations of the locality revealed no opportunities to co-locate telecommunications infrastructure which would satisfy the coverage objectives for the facility.</i>  <b>Officer Comment</b> Applicant's comments noted.

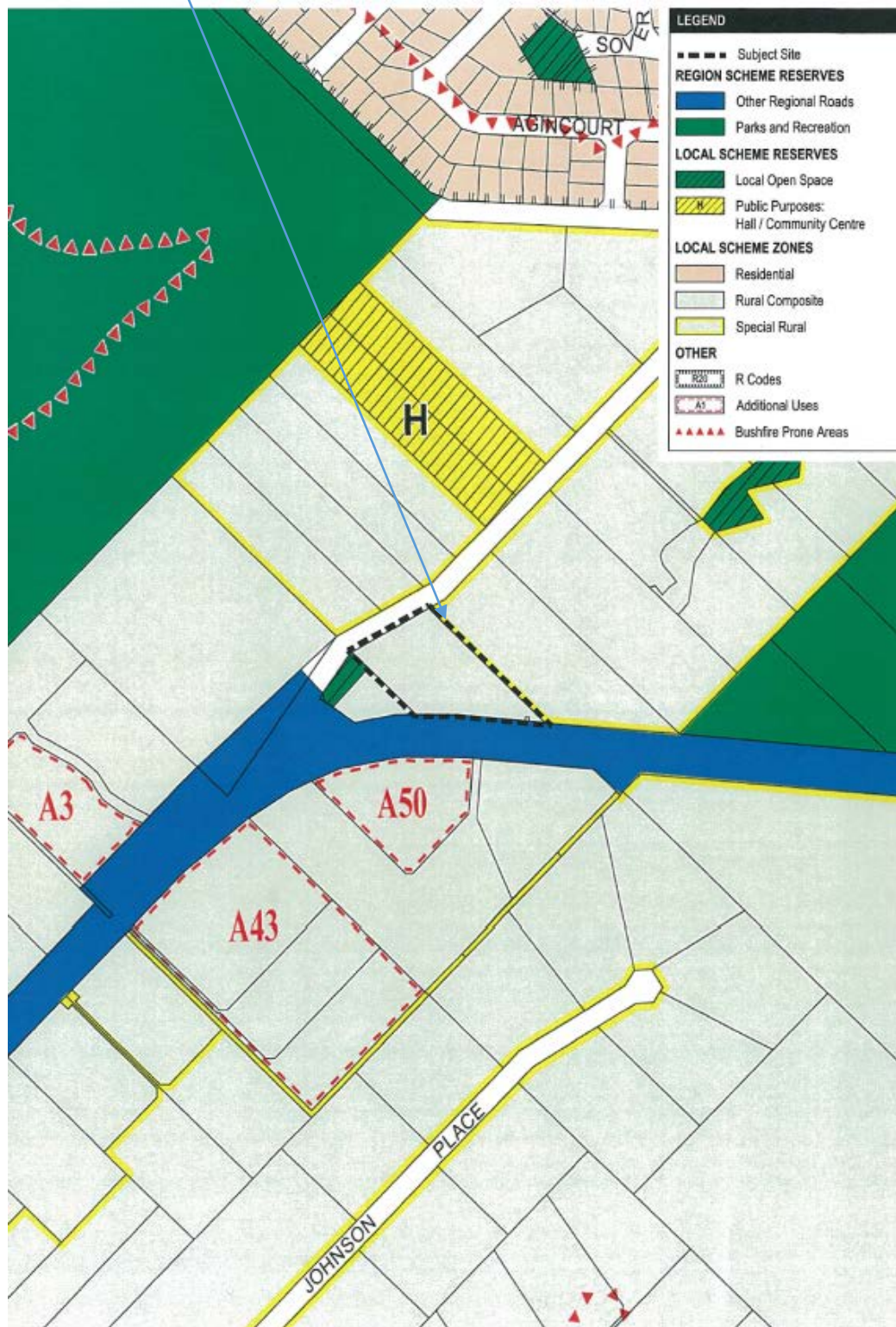
<p><b>Objection</b> – Concerned about Wildlife and landscape character. There have been a number of overseas reports that mobile phone towers have an effect on wildlife specifically the birds, this is a cockatoo habitat area.</p>	<p><b>53, 76,77</b> <b>(3 submissions)</b></p>	<p><b>Applicant's Comments;</b></p> <p><i>Mobile phone base stations are located throughout rural and metropolitan areas and areas of environmental significance nationally. There is no evidence that towers have an adverse effect on wildlife.</i></p> <p><b>Officer Comment</b> Applicant's comments noted. No site clearing of natural vegetation is proposed as part of this application.</p>
<p><b>Objection</b> – I am an Optus customer and I currently have adequate service so why is this needed?</p>	<p><b>53,76,77,26</b> <b>(4 submissions)</b></p>	<p><b>Applicant's Comments;</b></p> <p><i>While individual parties may not consider there are any issues with their phone service, which may be with other carriers, Optus has identified a serious lack of coverage and capacity in the area and needs to address this for its customers. The proposed infrastructure will also provide for future demand and improved high-speed data coverage for the local community.</i></p> <p><b>Officer Comment</b> Applicant's comments are noted.</p>

## Attachment 6

Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

### Zoning Plan

Subject location



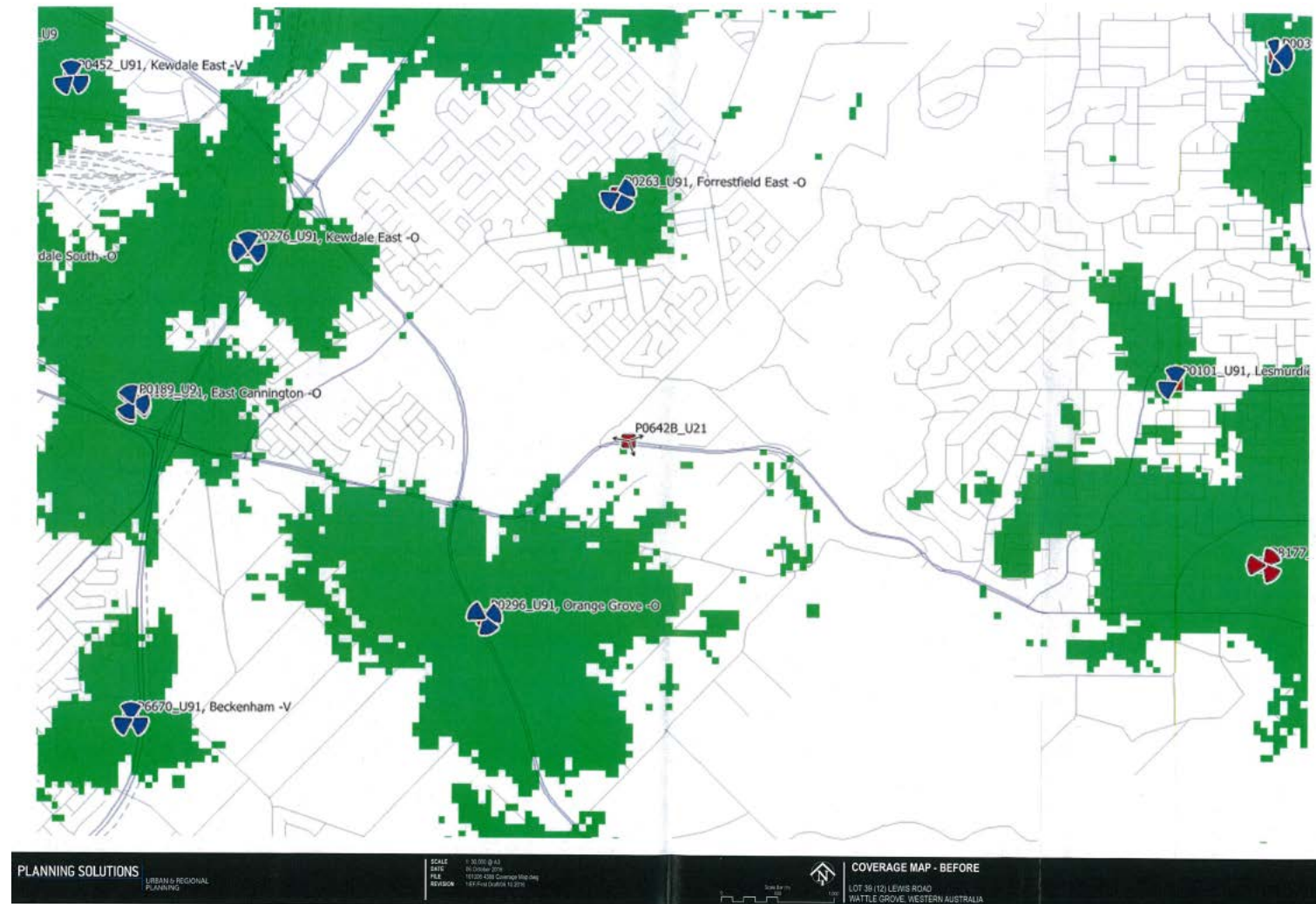


## Attachment 7

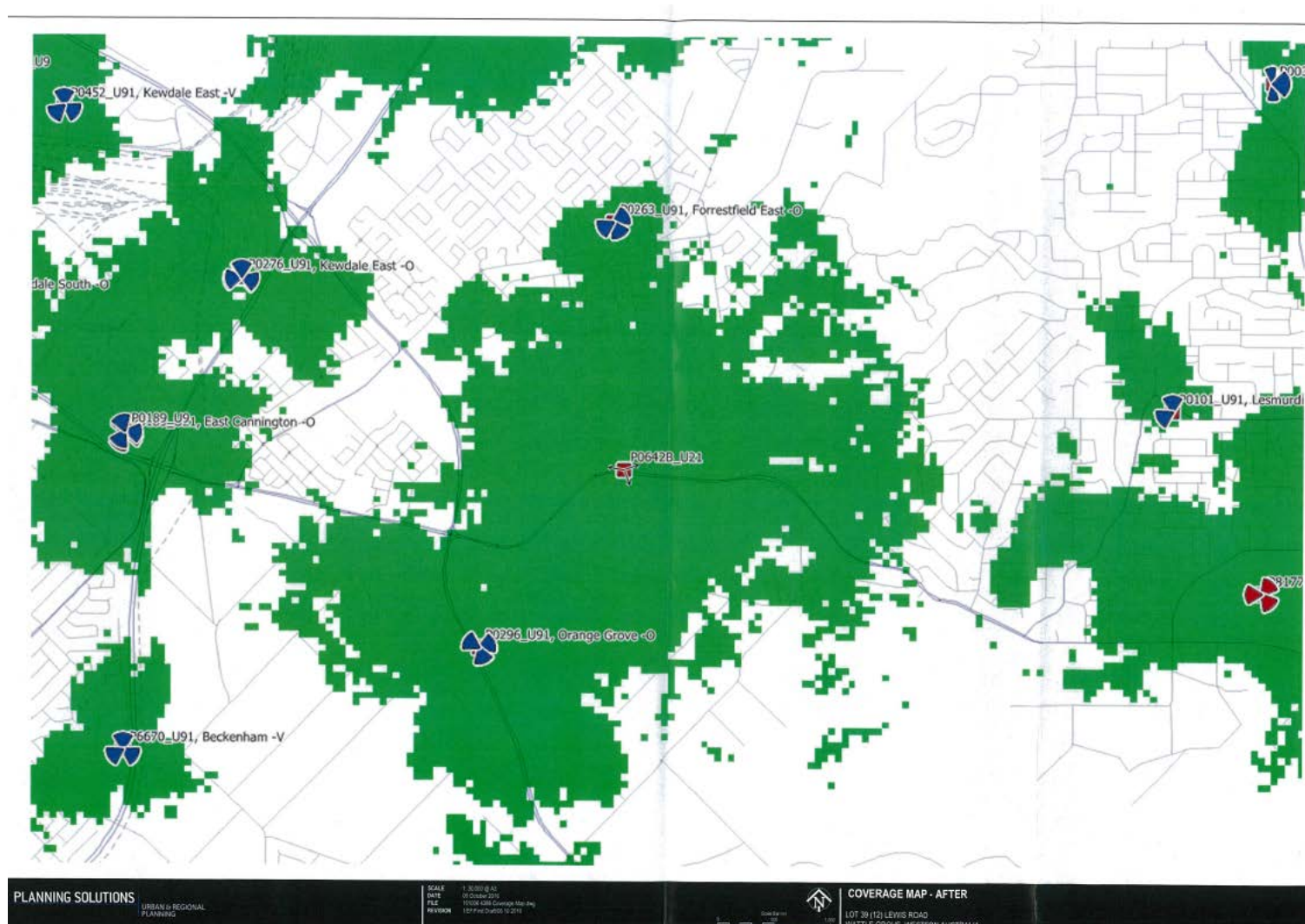
Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

### Mobile Phone Coverage Maps

#### Before



## After



## Attachment 8

Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

### EME Report

#### Environmental EME Report 12 Lewis Road, WATTLE GROVE WA 6107

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 4/8/2016

RFNSA Site No. 6107017

#### Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 12 Lewis Road WATTLE GROVE WA 6107. These levels have been calculated by Radhaz Consulting using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.67% of the public exposure limit.

#### The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

#### How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m<sup>2</sup>) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

#### Results

The maximum EME level calculated for the proposed systems at this site is 4.24 V/m; equivalent to 47.76 mW/m<sup>2</sup> or 0.67% of the public exposure limit.



## Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
Optus	LTE700 (proposed), WCDMA900 (proposed), LTE1800 (proposed), WCDMA2100 (proposed), LTE2600 (proposed), LTE2300 (proposed)

## Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at 12 Lewis Road in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m <sup>2</sup>	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m <sup>2</sup>	% ARPANSA exposure limits
0m to 50m				2.95	23.13	0.32%
50m to 100m				2.57	17.49	0.22%
100m to 200m				3.99	42.27	0.63%
200m to 300m				4.24	47.76	0.67%
300m to 400m				3.64	35.12	0.47%
400m to 500m				2.76	20.16	0.27%
<b>Maximum EME level</b>				4.24	47.76	0.67
	211.83 m from the antennas at 12 Lewis Road					

## Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m <sup>2</sup>	% of ARPANSA exposure limits
Bus stop	0m to 3m	2.0075	10.69	0.12%
Dwelling	0m to 3m	1.9	9.57	0.14%
Bird Fish	0m to 3m	2.43	15.62	0.2%

## RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m<sup>2</sup>), microwatts per square centimetre (μW/cm<sup>2</sup>) and milliwatts per square metre (mW/m<sup>2</sup>). Note: 1 W/m<sup>2</sup> = 100 μW/cm<sup>2</sup> = 1000 mW/m<sup>2</sup>.

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m <sup>2</sup> = 375 μW/cm <sup>2</sup> = 3750 mW/m <sup>2</sup>
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m <sup>2</sup> = 450 μW/cm <sup>2</sup> = 4500 mW/m <sup>2</sup>
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m <sup>2</sup> = 450 μW/cm <sup>2</sup> = 4500 mW/m <sup>2</sup>
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m <sup>2</sup> = 900 μW/cm <sup>2</sup> = 9000 mW/m <sup>2</sup>
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>

## Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard  
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.  
[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.

Issued by:  
RADHAZ Consulting Pty Ltd  
Level 4, 357 Collins Street, Melbourne VIC 3000

Data reference file – 12 Lewis Road - 20160804091701

## Attachment 9

Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

### Alternative Sites Assessment

Lot 39 (12) Lewis Road, Wattle Grove  
Site Name: Forrestfield South  
Telecommunications Infrastructure

	Site Address	Candidate Type	Co-Ordinates	Reasons for selection / discount
A	37 LEWIS RD WATTLE GROVE 6107	35m Monopole	-32.000166 116.009408	Will not provide effective coverage to Tonkin Highway No interest from owner
B	33 LEWIS RD WATTLE GROVE 6107	35m Monopole	-32.000461 116.009224	Will not provide effective coverage to Tonkin Highway No interest from owner
C	25 LEWIS RD WATTLE GROVE 6107	35m Monopole	-32.000896 116.008636	Will not provide effective coverage to Tonkin Highway No interest from owner
D	3 LEWIS RD WATTLE GROVE 6107	35m Monopole	-32.002430 116.006800	Closer to Welshpool Road but will not provide effective coverage to Tonkin Highway No interest from owner
E	12 LEWIS RD WATTLE GROVE 6107	35m Monopole	-32.003855 116.010743	<b>Selected candidate</b>
F	712 WELSHPOOL RD WATTLE GROVE 6107	35m Monopole	-32.006772 116.000373	Uninterested owner
G	720 WELSHPOOL RD WATTLE GROVE 6107	35m Monopole	-32.006597 116.001858	Uninterested owner
H	831 WELSHPOOL RD WATTLE GROVE 6107	35m Monopole	-32.004644 116.009165	Back up candidate Commercial terms could not be agreed
I	32 Gavour Road WATTLE GROVE 6107	35m Monopole	-32.004647 116.012993	Uninterested owner Outside search area – unsuitable from RF perspective
J	37 RIDLEY RD WATTLE GROVE 6107	35m Monopole	-32.005018 116.017021	Uninterested owner Outside search area – unsuitable from RF perspective
K	199 (Reserve 17098) Hale Road, Forrestfield - Country Club	35m Monopole	-32.001155 116.004723	A Class reserve. Registered Aboriginal Heritage Site. DA cannot be approved for use proposed.
L	199 (Reserve 17098) Hale Road, Forrestfield - Sporting Oval	Installation on existing light poles	-31.995720 115.997272	A Class reserve. Registered Aboriginal Heritage Site. Cannot be Low-impact proposal. DA cannot be approved for use proposed.

Cr Michael Fernie declared an Indirect Financial Interest.

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

**68. Proposed Telecommunications Facility at George Spriggs Reserve – Lot 809 (35) Weston Road, Pickering Brook**

Previous Items	OCM 59/2016
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	WS-04/035 and DA16/0499
Applicant	Aurecon Australasia
Owner	State of Western Australia – Vested to the Shire of Kalamunda
Attachment 1	Development Plans
Attachment 2	Site Photographs
Attachment 3	Applicant's Report
Attachment 4	Submission Table

**PURPOSE**

1. To consider a planning application for a proposed telecommunications facility at George Spriggs Reserve, Lot 809 (35) Weston Road, Pickering Brook.

**BACKGROUND**

2. Council at its Ordinary Meeting held 26 April 2016 resolved to refuse a planning application for a telecommunications facility at Lot 103 (65) McCorkill Road, Pickering Brook, for the following reasons:
  - a) The proposal does not comply with Clause 5.1.1 (ii)(a and b) of State Planning Policy 5.2 – Telecommunications Infrastructure, as it will be prominently visible and detract from a significant view in the Pickering Brook area.
  - b) The proposal does not comply with the setback requirements for the Rural Agriculture zone under Table 2 of the Local Planning Scheme No. 3.
  - c) The proposal is inconsistent with the orderly and proper planning of the locality for the following reasons:
    - i. The proposal does not meet the objectives of the Rural Agriculture Zone under the Local Planning Scheme No. 3.
    - ii. The proposal does not adequately protect rural character and landscape, which will result in a detrimental impact on tourism developments encouraged through the Hills Rural Study 2014.
3. The applicant lodged an application for review to the State Administrative Tribunal (SAT) in respect to the abovementioned decision.
4. It is noted that during advertising of the application for telecommunications facility at 65 McCorkill Road, large numbers of submissions provided support for a telecommunications facility being located at George Spriggs Reserve.
5. Subsequent to the abovementioned refusal and SAT review, the Shire in consultation with the applicant explored opportunities for alternative candidate



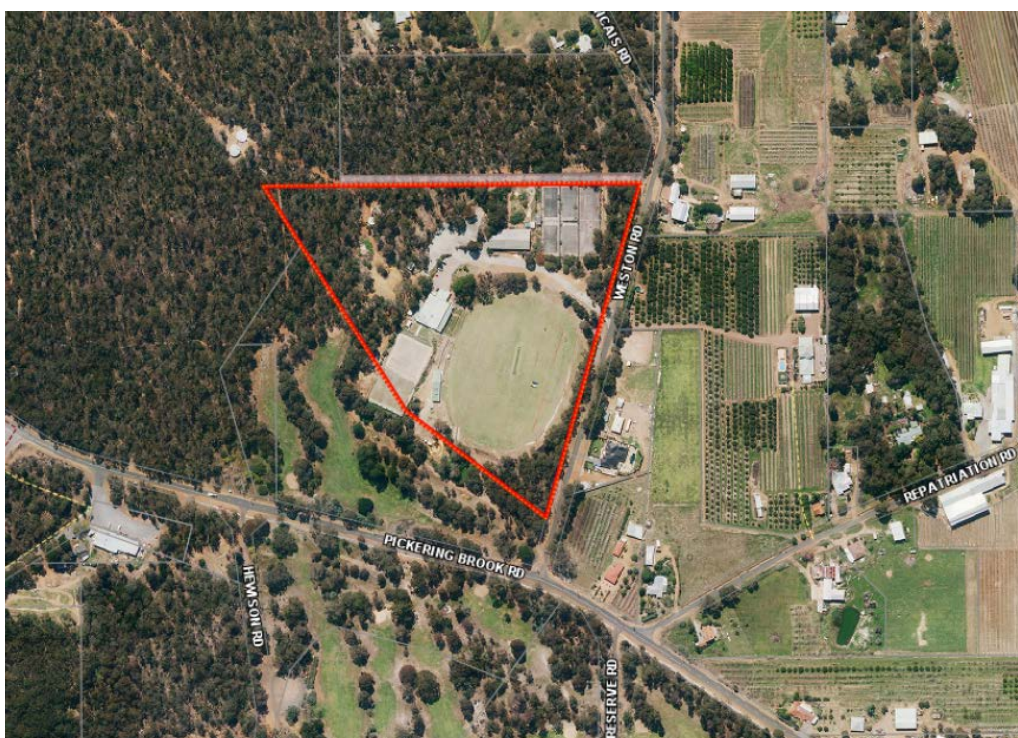
sites, with George Spriggs Reserve being determined by the applicant to be technically feasible.

6. Local Planning Policy P-DEV52: Telecommunications Infrastructure was adopted by Council at its Ordinary Meeting held 25 July 2016.
7. During assessment of this application, it was revealed that the compound location initially proposed would result in the removal of five (5) native trees, and the potential removal of a significant tree that would be classified as a 'nesting tree' used by Black Cockatoos, and is protected under Commonwealth legislation. Accordingly, the applicant elected to relocate the compound to a cleared and relatively flat area approximately 25m to the south of the initial location.
8. **Land Details:**

Land Area:	7.52 hectares
Local Planning Scheme Zone	Local Reserve – Local Open Space
Metropolitan Regional Scheme Zone:	Rural

### Locality Plan

- 9.



10. The subject land is owned by the State Government, however the land is vested to the Shire of Kalamunda for the purposes of recreation. The site is currently occupied by the Pickering Brook Sports Club, who hold a lease over the land with the Shire. The Shire will also be required to enter into a lease with the NBN.



## DETAILS

11. The application proposes the erection of a 50 metre high lattice mast and ancillary components (antennas, fencing and ground equipment) on elevated ground to the rear (north-west) of the site, in bushland behind the Pickering Brook Sports Club pavilion. The plans indicate a facility compound area of 10m metres by 12 metres (120m<sup>2</sup>). Refer to (Attachment 1).
12. The mast is proposed to be located approximately 230 metres from the nearest residential dwelling to the north, and approximately 80m from the sports club pavilion.
13. The applicant submits the following in respect to the proposed facility:  
*"The NBN is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet services. NBN plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.*  
  
*To support Fixed Wireless component of this network, NBN requires a fixed wireless transmission site to provide fixed wireless internet coverage to the Pickering Brook area. The proposed site in Pickering Brook will serve as a terminal site that connects through Bickley into the fibre network."*

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

14. In accordance with the Local Planning Scheme No. 3 (Scheme), the proposed telecommunications infrastructure is defined as follows:  
*"telecommunications infrastructure means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, on or in connection with a telecommunications network."*
15. There are no specific development standards for a local reserve. However Clause 3.4 of the Scheme stipulates that a person must not use, or commence or carry out development, on a local reserve without first having obtained planning approval. In determining the application for planning approval, the Shire is required to have regard to clause 67 (matters to be considered) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the ultimate purpose intended for the local reserve.

### *Planning and Development (Local Planning Schemes) Regulations 2015*

16. In considering an application for planning approval, Clause 67 of *The Planning and Development (Local Planning Schemes) Regulations 2015* (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.

17. The applicant may apply to the SAT for a review, in accordance with Part 14 of the *Planning and Development Act 2005*, in the event that the Shire decides to not approve the development, or impose conditions which are unacceptable to the applicant.

## POLICY CONSIDERATIONS

### State Planning Policy 5.2 – Telecommunications Infrastructure (2015)

18. State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2) aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.

19. In respect to Electromagnetic Emissions (EME), SPP 5.2 states as follows:

*"The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) Radio communications Licence Conditions (Apparatus Licence) Determination 2003. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.*

*Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that typical exposures to radiofrequency fields were well below one per cent of the Standard's public exposure limits. It concluded that "given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research".*

*Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters; therefore it is not within the scope of this Policy to address health and safety matters. Based on ARPANSA's findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions."*

20. In regard to the visual impact and siting of telecommunications infrastructure, SPP 5.2 contains several planning principles to be considered which are summarised as follows:
- Located where the facility will not be prominently visible from significant viewing locations, such as scenic routes, lookouts, and recreation centres.
  - Located so as to avoid detracting from a significant view of a landmark, streetscape, vista or panorama, whether viewed from public or private land.
  - Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised.
  - Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.
  - Located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.
  - Facilities should be co-located whenever possible.

### **P-DEV52 – Telecommunications Infrastructure**

21. The objectives of P-DEV52 is as follows:
- "The Shire recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The Shire also recognises that some telecommunications infrastructure, particularly mobile telephone towers, can be visually obtrusive. This policy supports low-impact facilities, and opposes other telecommunications infrastructure that would have a significant adverse visual impact."*
22. P-DEV52 recognises that the Shire is not in a position to consider the alleged public health impacts of telecommunications infrastructure when determining an application for development approval. National and international health authorities have determined that these facilities do not have major health impacts.
23. In considering an application for development approval, in particular the visual impact of the facility, P-DEV52 recommends that regard be given to the provisions of the Scheme and SPP 5.2. In this respect, development approval may only be refused where the Shire is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, the Shire may deem that the development will not cause undue visual impact and grant planning approval, or impose appropriate conditions to minimise the adverse visual impact.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

24. As noted above in the background section of this report, the applicant elected to change the proposed compound location to avoid removing significant vegetation. While the initially proposed location was used at the time of advertising, it was not considered necessary to re-advertise this proposal given the relatively insignificant impacts resulting from the change.

- 
25. Public advertising was undertaken in accordance with the P-DEV52 involving letters being sent to surrounding property owners within a 500m radius, a sign being placed on site, advertisement in local newspapers with information be in displayed on the Shire's website.
26. During the advertising period, the Shire received 33 submissions comprising 27 non-objections and 6 objections (refer to Attachment 4). Key concerns raised during the advertising period included the following:
- Unknown health risks.
  - The location and distance from nearby residences.
  - Visual amenity of nearby property owners.
  - Impact on property values.

The above concerns are addressed in the officer comment section of this report.

## **FINANCIAL CONSIDERATIONS**

27. The Shire will be required to enter into a lease with NBN, which will result in rent that is required to be used for the purposes of maintenance and upkeep of the local reserve.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

28. *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**

29. Some sections of the community are concerned regarding alleged public health risks associated with exposure to EME. State and local planning policies state that the alleged public health impacts associated with telecommunication infrastructure is not a matter to be considered as part of the planning application process. Please refer to the paragraphs 16 to 18 of this report for more detailed discussion on this matter.

### **Economic Implications**

30. The proposal would facilitate improved wireless network coverage to the Pickering Brook area and surrounds, which will support business, emergency services and the community generally.

## Environmental Implications

31. Nil.

## RISK MANAGEMENT CONSIDERATIONS

32.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposal may detract from the visual amenity of the locality.	Unlikely	Moderate	Low	Ensure the facility is appropriately located and designed so as to minimise undue impacts on visual amenity.

## OFFICER COMMENT

33. The subject site is considered to represent an appropriate alternative location to No. 65 McCorkill Road for a telecommunications facility in the Pickering Brook area, given that the facility will not be prominently visible from Pickering Brook Road or surrounding residences, and will not unduly impact on the rural character or landscape of the area. Additionally, there was support provided from number of submitters for the subject location during advertising.

34. In regard to the concerns raised during advertising, the following is noted:

### Unknown health risks:

The objections received raised concern regarding the proximity of the proposed facility to residential properties and associated public health risks from EME. As noted above, public health risks associated with EME is not a valid planning consideration and the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval.

### The location and distance from nearby residences:

The mast is proposed to be located approximately 230 metres from the nearest residential dwelling to the north, and 310 metres to the east and south. To the west of the site is regional reserve.

It is noted that the nature of these concerns relates to both perceived public health risks and visual amenity. In regard to public health risks, as noted above, public health risks are not a valid planning consideration. In respect to visual amenity, inspection of the site reveals that the site is surrounded by mature forest, and the facility will not be directly visible from the outlook of nearby residences. In this regard, the proposal is not considered to unduly affect the amenity of nearby residences.

### **Visual amenity of nearby property owners:**

It is considered that the facility is not likely to be highly visible in the context of the existing landscape. Furthermore, the facility will be positioned at a height and location where the visual impact will be lessened by the existing tree canopy. On this basis it is considered that the facility will not be visually prominent and is therefore acceptable.

### **Impact on property values:**

This is not considered to be a relevant land use planning consideration.

35. In conclusion, the proposed telecommunication facility will deliver to the local community an improved fixed-wireless network coverage. The compound is proposed to be located a significant distance (over 250 metres) from Pickering Brook Road and Weston Road, and is situated amongst thick vegetation. In this regard, there is not considered to be significant adverse visual impact as a result of the proposed installation. The visual impact of the proposal is therefore considered to comply with SPP 5.2 policy measures and the objectives of Local Planning Policy P-DEV 52. Accordingly, approval is recommended subject to appropriate conditions.

*Cr Michael Fernie left the Chambers at 7.47pm as he declared an indirect financial interest on this item and was not present for the vote.*

<b>Voting Requirements: Simple Majority</b>
---

### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 68/2016)**

That Council:

1. Approves the planning application for a telecommunications facility Lot 809 (35) Weston Road, Pickering Brook, Subject to the following conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) 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 to the satisfaction of the Shire of Kalamunda.
  - c) Prior to the commencement of development works, a landscaping plan for the area adjacent to the perimeter fence of the telecommunications facility compound is to be submitted to, and approved by, the Shire of Kalamunda.
  - d) Landscaping of the area adjacent to the perimeter fence of the telecommunications facility compound is to be installed within 28 days of practical completion of the development works, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Shire of Kalamunda.
  - e) The colours of the facility shall be sympathetic to the surrounding landscape, to the satisfaction of the Shire of Kalamunda.
  - f) Development works shall be carried out in accordance with AS 4970 2009 "Protection of Trees on Development Sites".

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

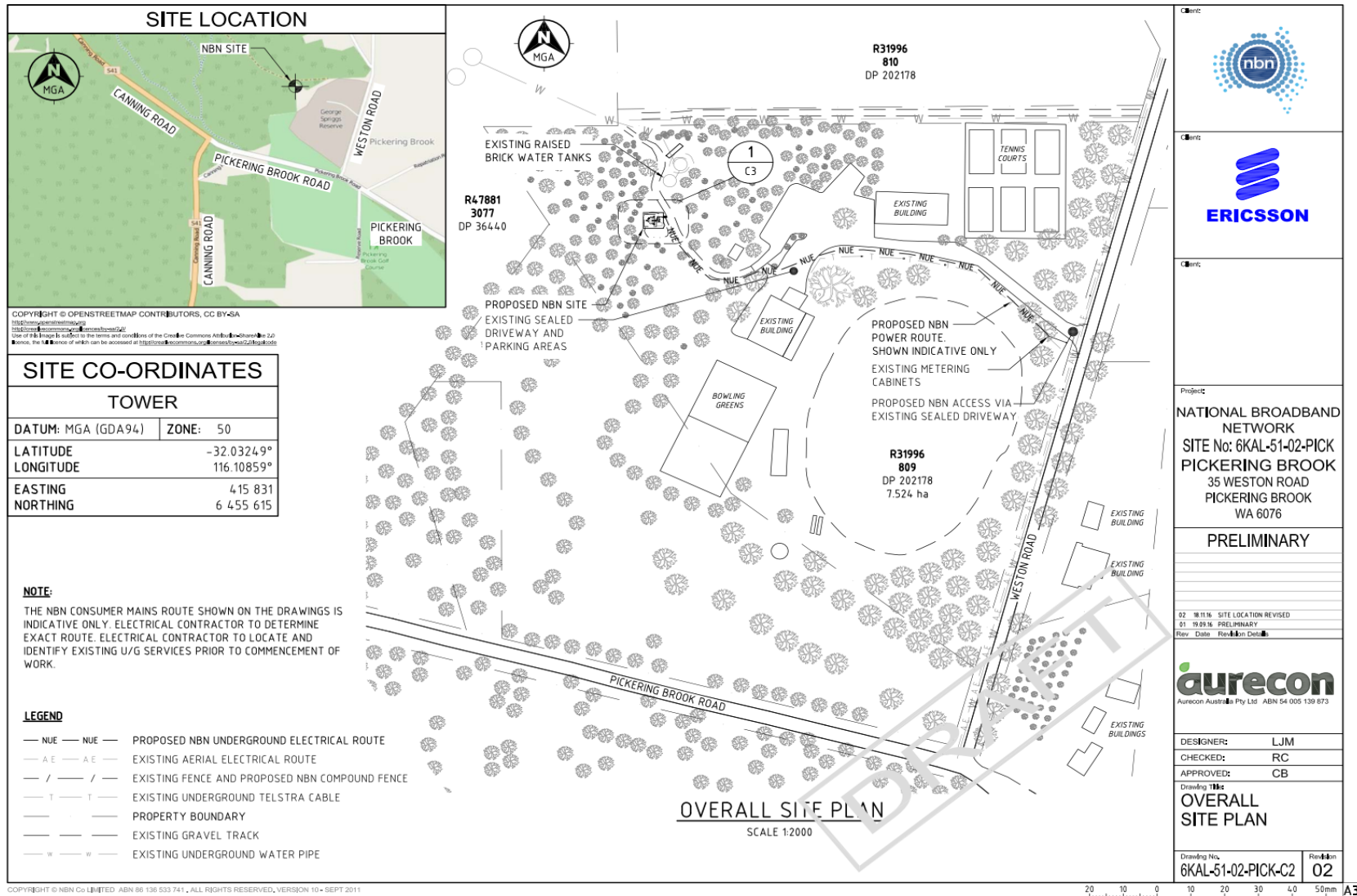
Vote:

<b>For</b>	<b>Against</b>
<b>Cr John Giardina Cr Geoff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Noreen Townsend Cr Sara Lohmeyer Cr Tracy Destree Cr Simon Di Rosso CARRIED (8/1)</b>	<b>Cr Sue Bilich</b>

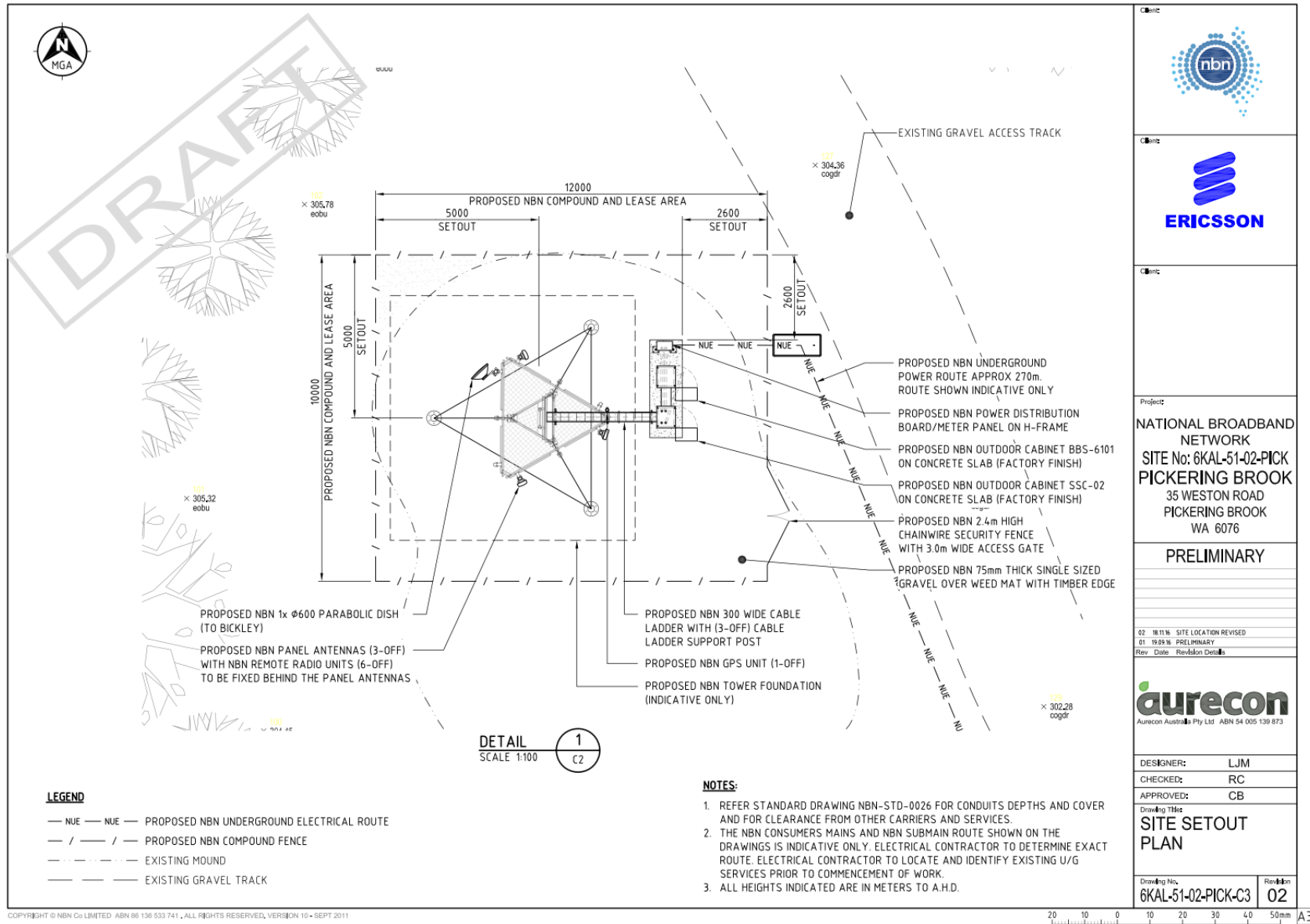
## Attachment 1

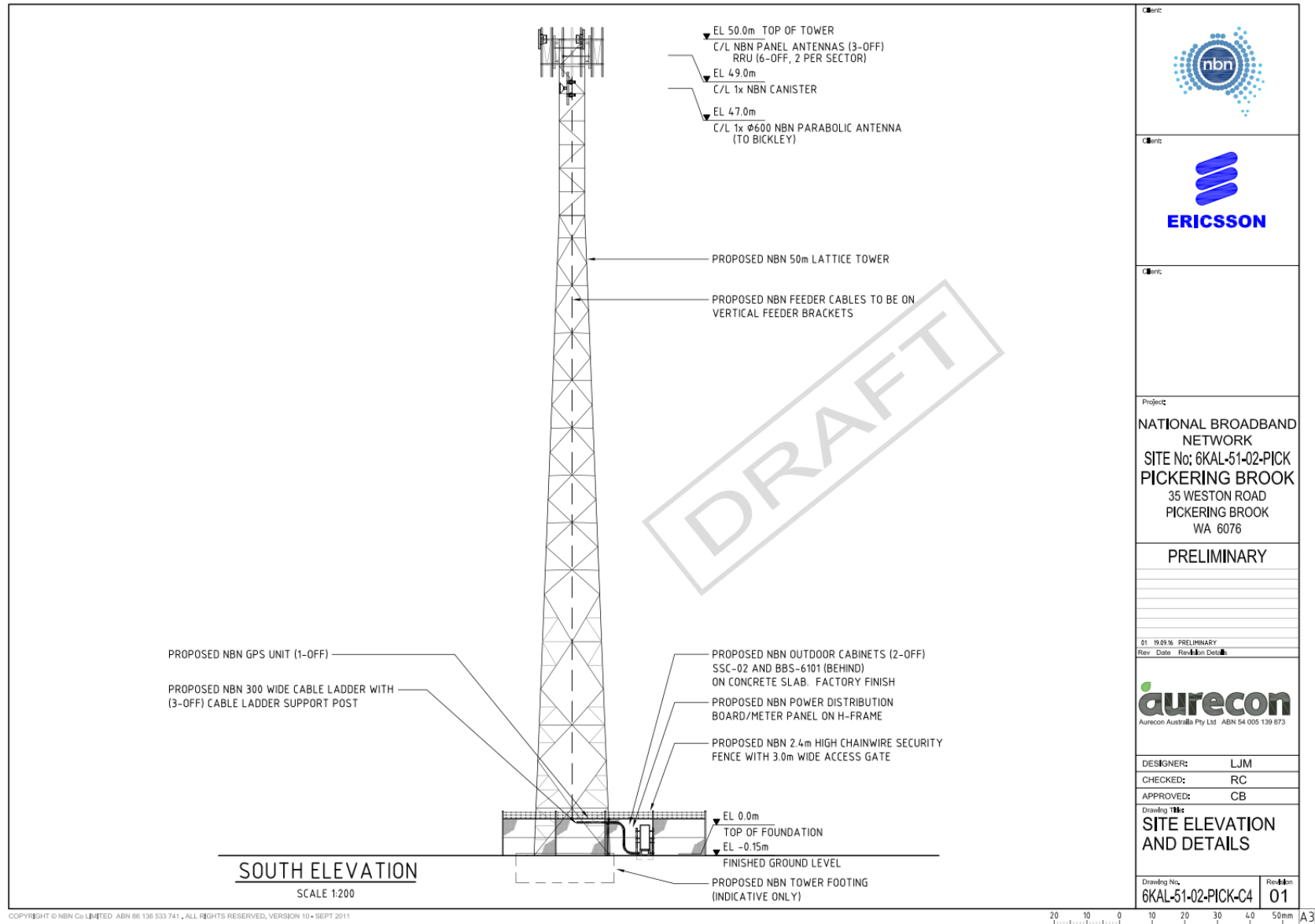
### Proposed Telecommunications Facility – Lot 809 (35) Weston Road, Pickering Brook

### Development Plans











## Attachment 2

Proposed Telecommunications Facility – Lot 809 (35) Weston Road, Pickering Brook

### Site Photographs



### **Attachment 3**

Proposed Telecommunications Facility at George Spriggs Reserve – Lot 809 (35) Weston Road,  
Pickering Brook

#### **Applicant's Report**

[Click HERE to go directly to the document](#)

#### Attachment 4

Proposed Telecommunications Facility – Lot 809 (35) Weston Road, Pickering Brook

#### Submission Table

Comment	Staff Comment
Non Objection: a) The telecommunications infrastructure is unlikely to impact on Water Corporation's infrastructure.	a) Noted
Non-Objection	Noted
Objection: a) Unknown health risks.  b) The location should be in non-populated bushland.	a) Public health risks associated with electromagnetic emissions is not a valid planning consideration and the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval. b) The location of the facility is considered to be appropriate as it will not unduly impact on the amenity of the area.
Objection a) Unknown effects on health.	a) Public health risks associated with electromagnetic emissions is not a valid planning consideration and the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval.
Non-Objection	Noted
Non-Objection	Noted



Comment	Staff Comment
Non-Objection	Noted
<p>Objection:</p> <p>a) Long term effects on public health.</p> <p>b) There are plenty of unpopulated bushlands with greater than 1km from residential homes.</p>	<p>a) Public health risks associated with electromagnetic emissions is not a valid planning consideration and the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval.</p> <p>b) There is not a requirement to locate telecommunications facilities a minimum of 1km from residential areas.</p>
<p>Non-Objection:</p> <p>a) We are pleased the structure will not be in close proximity to the school.</p>	a) Noted
Non-Objection	Noted
<p>Non-Objection:</p> <p>a) Will the tower also be used for improving phone coverage?</p>	a) The primary purpose of the proposal is for fixed wireless internet coverage. However there will be opportunities in the future for telecommunications carriers to co-locate on the facility to provide phone coverage.
<p>Non-Objection:</p> <p>a) We believe the proposed location at the Pickering Brook Sports Club is the best option for the community.</p>	a) Noted.
Non-Objection	Noted

Comment	Staff Comment
Non-Objection	Noted
Non-Objection: a) Comprehensive, detailed and impressive documentation with explanation.	a) Noted
Non-Objection: a) The proposed location is acceptable. b) Would like to see it designed to the minimum height possible.	a) Noted. b) The applicant has indicated that a 50m height is required to meet coverage objectives.
Non-Objection	Noted
Objection: a) Health of surrounding residents.  b) Should be located further away from people.	a) Public health risks associated with electromagnetic emissions is not a valid planning consideration and the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval. b) The location of the facility is considered to be appropriate as it will not unduly impact on the amenity of the area.
Non-Objection: a) Happy with the proposed site.	a) Noted.
Non-Objection	Noted
Non-Objection	Noted



Comment	Staff Comment
Non-Objection	Noted
Non-Objection	Noted
Non-Objection	Noted
Non-Objection	Noted
Non-Objection	Noted
Non-Objection: a) Perfect location with overwhelming community support.	a) Noted
Non-Objection	Noted
Objection: a) The proposed town is located too close to residences. b) The minimum acceptable distance from residences is 400 metres. c) Negative health impacts.  d) Property values will be negatively impacted.	a) The location of the facility is considered to be appropriate as it will not unduly impact on the amenity of the area. b) There is not a requirement to locate telecommunications facilities a minimum of 400m from residential areas. c) Public health risks associated with electromagnetic emissions is not a valid planning consideration and the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval. d) This is not a valid land use planning consideration.

Comment	Staff Comment
<p>Objection:</p> <ul style="list-style-type: none"> <li>a) The proposed town is located too close to residences.</li> <li>b) The minimum acceptable distance from residences is 400 metres.</li> <li>c) Negative health impacts.</li> <li>d) Property values will be negatively impacted.</li> </ul>	<ul style="list-style-type: none"> <li>a) The location of the facility is considered to be appropriate as it will not unduly impact on the amenity of the area.</li> <li>b) There is not a requirement to locate telecommunications facilities a minimum of 400m from residential areas.</li> <li>c) Public health risks associated with electromagnetic emissions is not a valid planning consideration and the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval.</li> <li>d) This is not a valid land use planning consideration.</li> </ul>
Non-Objection	Noted
Non-Objection	Noted
Non-Objection	Noted

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

**69. Retrospective Approval for the Parking of a Commercial Vehicle - Lot 131 (18) Sunrise Heights, Maida Vale**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	SN-06/018
Applicant	Corina Johnson ( Johnson Property Corporation Pty Ltd)
Owner	Karen Ann Breese & Peter Gwynne Breese
Attachment 1	Site plan
Attachment 2	Site Photos and Ariel Photo
Attachment 3	Submission Table

**PURPOSE**

1. To consider a retrospective application for the Parking of a Commercial Vehicle (Prime Mover with Semi-trailer) at Lot 131 (18) Sunrise Heights, Maida Vale (the Site). Refer Attachment 1.

**BACKGROUND**

2. **Land Details:**

Land Area:	5321sqm
Local Planning Scheme Zone	Residential Bushland – R2.5
Metropolitan Regional Scheme Zone:	Rural

3. The applicant had previously parked a number of commercial vehicles on the site which have subsequently been removed following investigation of the matter by the Shire. Refer Attachment 2.

## Locality Plan

4.



## DETAILS

5. The applicant is seeking retrospective planning approval to park a prime mover with a semi-trailer on the site. The proposed commercial Vehicle is non-complaint with the local planning policy PDEV22 in respect to the operating hours of the vehicle.

Details of the proposal are contained in the Policy Considerations of this report.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No.3

6. In accordance with Table 1 of Local Planning Scheme No.3 (the Scheme) the proposed land use of 'Commercial Vehicle Parking' is identified as an "A" use, which means that the use is not permitted unless Council has granted permission following public advertising.
7. In accordance with Schedule 1 of the Scheme, Commercial Vehicle Parking is defined as:

*"Commercial vehicle parking" means the parking of a commercial vehicle(s) for any period which is longer than necessary to load and unload or to complete a service being rendered to the property.*

8. Clause 5.2 of the Scheme establishes a number of provisions relating to Commercial Vehicle Parking, these include:

*'5.20.6 Approval for parking a commercial vehicle may only be granted where an occupier of the lot on which the commercial vehicle is to be parked is also:*

- a) the owner of;*
- b) the driver of; or*
- c) the proprietor of a business which owns or operates the commercial vehicle in respect of which the approval is sought.*

*5.20.7 An approval for the parking of a commercial vehicle is –*

- a) personal to the applicant for approval; and*
- b) specific to the commercial vehicle which is the subject of the application for approval.*

*5.20.8 Council may revoke any approval granted for parking of a commercial vehicle(s) if there is failure to comply with any condition of approval.'*

### **Planning and Development (Local Planning Schemes) Regulations 2015**

9. 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.
10. If Council refuses the application or imposes conditions that are unacceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

### **POLICY CONSIDERATIONS**

#### **Local Planning Policy – P-DEV51 – Planning and Development Compliance Policy**

11. Under the clause 4.4 of P-DEV51, where an unauthorised land use has occurred and is capable of being considered for retrospective consideration, the land owner can make application to the Shire for such a use.

#### **Local Planning Policy – P-DEV22 – Parking of Commercial Vehicles on Private Property**

12. The objective of the P-DEV22 is to provide opportunities for the parking of commercial vehicles in a manner that does not detrimentally impact on the amenity of the surrounding area.

13. The parking of a Commercial Vehicle is assessed against Policy DEV 22 – Parking of Commercial Vehicles on Private Property. The following is an analysis of the proposal in relation to the assessment criteria:

<b>Policy requirement</b>	<b>Proposal</b>	<b>Compliant with policy</b>
Maximum 17.5m in length	14.5 metres coupled	Yes
Maximum 4.3 metres in height	3.7 metres in height	Yes
Vehicle is to be parked behind the front alignment of the dwelling and preferably behind the rear alignment of the dwelling. Where the vehicle is parked alongside the dwelling, then gates or fencing to a height of 1.8m should be erected to satisfactorily screen the vehicle.	The vehicle is proposed to be parked behind the dwelling, and is screened from the public realm with vegetation in the front of the site.	Yes
The vehicle must be parked on the lot so that it does not interfere with access and egress of other vehicles. Where possible, vehicles should be parked such that they do not need to be reversed out.	The vehicle is parked on the rear end of the site and as such will not interfere with other vehicles on the site. The vehicle is able to leave the site in forward gear.	Yes
Spray painting, panel beating and major servicing of the vehicle will not be permitted on the lot.	If approved, this will be included as a condition.	Yes
Washing of the vehicle on the lot is limited to the use of water and mild detergent and excludes the use of solvents, degreasers and steam cleaning.	If approved, this will be included as a condition.	Yes

Policy requirement	Proposal	Compliant with policy
The vehicle shall only be started and manoeuvred on the lot in accordance with times and a manner approved by Council. Standard start and manoeuvring times are 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm Sundays, unless otherwise approved by Council. The cleaning and maintenance of the vehicle is restricted to the hours of 8.00am to 7.00pm Monday to Saturday and 9.00am and 6pm Sunday, unless otherwise approved by Council.	The applicant advises that operating times are 5.00am to 5.00pm Monday to Saturday. If approved movement, cleaning and maintenance times can be included as a condition.	No
Idling and cooling down shall be restricted to 5 minutes per day.	Idling periods are 5 minute start time and 5 minute stop time.	Yes

## COMMUNITY ENGAGEMENT REQUIREMENTS

14. In accordance with Scheme requirements, the proposal was advertised to nearby and affected land owners for a 14 day submission period. At the end of the submission period four submissions had been received, consisting of three objections and one non-objection. Refer Attachment 3.
15. The main issues raised in the objections are:
  - The vehicle has been parked on the site for some time and it regularly leaves at 5.00am.
  - The objectors are concerned that the applicant would not adhere to the stipulated movement times.
  - The subject street does not have a footpath, and is in the end of a cul-de-sac and a large vehicle travelling on it would pose a risk to pedestrians, particularly children.
  - The proposal to start at 5am will cause disturbance to the neighbours.
  - The property has a narrow access and hence is dangerous to park the truck as there are 5 driveways close to each other.
16. The above concerns raised by the local community are addressed in the officer comment section of the report.



## FINANCIAL CONSIDERATIONS

17. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

18. *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

19. The proposed operating hours of the commercial vehicle may impact on the amenity of local residents.

### Economic Implications

20. The parking of the commercial vehicle on the property will assist the owner with his transport business.

### Environmental Implications

21. Any noise generated by the proposal will be in accordance with EPA Regulations (Noise) 1997.

## RISK MANAGEMENT CONSIDERATIONS

- 22.
- | Risk   | Likelihood | Consequence | Rating | Action/Strategy   |
|--|------------|-------------|--------|---|
| The proposed parking of the commercial vehicle may impact on the amenity of surrounding residents. | Possible   | Significant | High   | Ensure the proposal complies with PDEV22 in respect to amenity impacts. |

## OFFICER COMMENT

23. The proposal is compliant with the Policy with the exception of the proposed vehicle movement start up times.

24. The hours of operation should be restricted to 7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on Sunday in accordance with the policy. The 7.00am start time is consistent with the Noise Regulations.
25. In respect to the principal concerns raised regarding the proposed the following is noted:

**Amenity impacts resulting from the operation of the truck**

It is noted that the proposed operating hours of the vehicle, particularly leaving the site at 5am, has the potential to adversely impact on adjoining residents along the Street. It is therefore recommended that the operating hours be amended in accordance with the Policy.

**Traffic and pedestrian safety**

Sunrise Heights is a cul de sac with a road width of 16m that provides access to 10 properties. Whilst there is no pedestrian footpath provided on the road, its geometry combined with its relatively short length of approximately 200m would reduce the speed of all road users alike thereby not compromising safety of vehicles and pedestrians alike.

*Cr Michael Fernie returned to the chambers at 7.49pm.*

*Queries were clarified from Cr Tracy Destree, Cr Noreen Townsend and Cr Sara Lohmeyer on this item.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 69/2016)**

That Council:

1. Approve the retrospective planning approval for the parking of a commercial vehicle at Lot 131(18) Sunrise Heights, Maida Vale subject to the following conditions:
- a) The vehicle must, at all times, be parked in the location shown on the site plan.
  - b) Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday.
  - c) Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b). No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
  - d) The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
  - e) Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
  - f) Movement and start-up times of the vehicle being restricted to 7.00am and 7.00pm Monday to Saturday and 9.00am to 6.00pm Sunday.

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

Vote:

<b>For</b>	<b>Against</b>
<b>Cr Michael Fernie Cr Geoff Stallard Cr Allan Morton Cr Sara Lohmeyer Cr Tracy Destree Cr Simon Di Rosso CARRIED (6/4)</b>	<b>Cr John Giardina Cr Brooke O'Donnell Cr Noreen Townsend Cr Sue Bilich</b>

## Attachment 1

### Lot 131 (18) Sunrise Heights, Maida Vale – Parking of One Commercial Vehicle Site Plan



## Attachment 2

Lot 131 (18) Sunrise Heights, Maida Vale – Parking of One Commercial Vehicle  
**Site photographs November 2016 and Aerial photograph September 2015**















### Attachment 3

Lot 131 (18) Sunrise Heights, Maida Vale – Parking of One Commercial Vehicle

#### Submission Table

Comment		Staff Comment
1.	<p>Objection to the proposal.</p> <ul style="list-style-type: none"><li>a) There will be increased noise and traffic if the truck leave at 5.00 am and will be detrimental to the street.</li><li>b) The cul-de-sac has a narrow bend which would preclude a truck and vehicle driving at the same time.</li><li>c) There is a guard dog on the property, which can escape from the fence because of the truck movement</li></ul>	<p>Noted.</p> <ul style="list-style-type: none"><li>a) It is recommended that in the event, the application is approved the operator will be restricted to the operation times in accordance with the policy</li><li>b) Sunrise Heights comprises a 16m road reserve with a 6m seal providing 11.0m width for vehicles to pass either side.</li><li>c) This is not a planning consideration.</li></ul>
2.	<p>Objection on the proposal.</p> <ul style="list-style-type: none"><li>a) There will be increased noise in the otherwise quiet street even otherwise and more if the truck leaves at 5.00 am.</li><li>b) The street is narrow with dangerous bend with limited visibility which increases the risk of a serious accident.</li><li>c) Vehicle speed to the access site to be very slow.</li></ul>	<p>Noted.</p> <ul style="list-style-type: none"><li>a) Refer previous comments in (a)</li><li>b) Refer previous comments in (b)</li><li>c) Noted</li></ul>

	<p>d) The property is adjacent to a walkway used by families. Moreover, the street has no footpath so not safe for a truck to come and go regularly.</p> <p>e) There are lot of young children and young drivers in the street and hence there is a risk of a serious accident</p> <p>f) There is two guards dog on the property, which will increase the chances of escaping because of the truck movement</p> <p>g) The owner has truck movements throughout the day.</p>	<p>d) If granted the planning consent could not impose off site requirements, such as the speed the vehicle may travel. However the site is on a relatively short street and as such, it is anticipated that the vehicle would travel relatively slowly on Sunrise Heights.</p> <p>e) Whilst it is noted that Sunrise Heights has no pedestrian footpath, the 16m road reservation provides adequate width for pedestrians to walk safely down the street.</p> <p>f) This is not a planning consideration.</p> <p>g) If approved, the application will be subject to conditions stipulating movement times.</p>
3.	No objection.	Noted.
4.	<p>Objection to the proposal.</p> <p>a) There will be increased noise in the otherwise quiet street if the truck leaves at 5.00 am. It will impact the lifestyle of the residents.</p> <p>b) The owner has been operating as a transport depot for a year causing negative impact on the lifestyle.</p> <p>c) The owner proposes no servicing of truck at the property, but there is washing and maintenance on Sunday.</p>	<p>Noted.</p> <p>a) Refer to previous comments in 1 (a) and 2(g).</p> <p>b) Noted, however all the other commercial vehicles have been removed from site.</p> <p>c) If approved there will be conditions imposed stipulating the level of servicing permitted.</p>

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

**70. Proposed Expansion of Existing Workshop – Lot 563 (700) Abernethy Road, Forrestfield**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	AB-03/700
Applicant	Ahrens Group
Owner	Co-operative Bulk Handling
Attachment 1	Site Plan
Attachment 2	Elevation Plan
Attachment 3	Transport Impact Statement

**PURPOSE**

1. To consider a planning application for a proposed expansion to the existing workshop at Lot 563 (700) Abernethy Road, Forrestfield.
2. The applicant is seeking Council approval for a reduction in the required number of car parking bays.

**BACKGROUND**

**3. Land Details:**

Land Area:	32.19 hectares
Local Planning Scheme Zone	General Industry
Metropolitan Regional Scheme Zone:	Industrial

4. The subject site contains Bluescope Steel located on the southern portion of the site, with Co-operative Bulk Handling (CBH) Operating the northern portion of the site.
5. The property fronts Abernethy Road, which is classified as an 'Other Regional Road' under the Metropolitan Region Scheme.

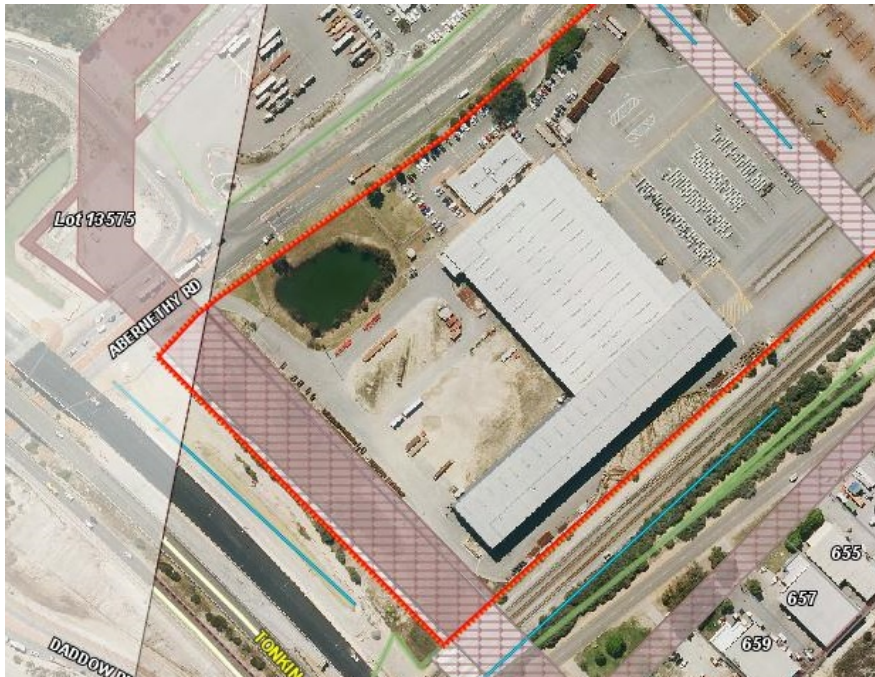


## Locality Plan

6.



7.





## DETAILS

8. The applicant is proposing to expand the existing workshop comprising 12,788m<sup>2</sup> by a further 5,127m<sup>2</sup> of floorspace (refer Attachments 1 and 2). The existing office area of 670m<sup>2</sup> remains unchanged. In addition, the applicant is proposing:
- A new storage area to the west of the new workshop.
  - Minor alterations to the existing workshop with the relocation of the existing gates.
  - No changes are proposed to the existing vehicular arrangements via Abernethy Road.
  - No change to the existing number of 122 car parking bays.
  - No additional staff are proposed to be employed as part of the proposed workshop extension.
9. The applicant is seeking a variation in parking bays as follows:

Site requirement	Required number of bays	Proposed	Variation
<b>Industry General</b> - 2 bays per 100m <sup>2</sup> of industrial area, or 1 per employee plus two visitor bays whichever the greater.  <b>Office</b> – 4 bays per 100m <sup>2</sup> of NLA	Workshop – 17,915m <sup>2</sup> = 358 bays  Office – 670m <sup>2</sup> = 27bays	122 bays	263 bays
	Total = 385		

10. In support of the proposal the applicant has prepared a traffic impact statement (refer Attachment 3). In respect to the number of staff employed at the premises, the applicant has advised that a maximum of 56 staff are employed on site at any one time.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

11. Clause 4.2.4 (Objectives of the Zones – Industrial) of Local Planning Scheme No. 3 (The Scheme) stipulates that the objectives for the General Industry zone are as follows:
- To provide for a wide range of manufacturing or associated industrial uses and services whilst allowing for a limited range of non industrial uses where ancillary to predominant industrial areas.
  - To ensure that the movement of goods and services in and out of the zone causes minimal impact on the nearby area directly accessing the regional road system.

12. Under the Scheme, the proposed addition is defined as follows:  
*“Industry means premises used for the manufacture, dismantling, processing, assembly, testing, servicing, maintenance and repairing of goods products, and if on the same land as any of these operations, the storage of goods, the work of administration or accounting, the selling of goods by wholesale or retail and the provision of amenities for employees, where incidental operations carried out on the land.”*
13. Industry is a ‘P’ (Permitted) use within the General Industry zone.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

14. In considering an application for planning approval, Clause 67 of the Regulations (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings.
  - The preservation of amenity in the locality.
  - Any local Planning Policy adopted by the local government.
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**

#### **Local Planning Policy DEV 41 – Framework for Assessing Requests for Variation to the Number of Car Parking Bays**

16. Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the number of Car Parking Bays stipulates that a reduction in parking will only be considered by Council and not under delegation. The Policy further states that Council may approve a variation in parking if:
- “The circumstances of a development justify such a variation and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of car parking spaces required by Table 3 of Local Planning Scheme No.3.”*

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

17. In accordance with Clause 64(2) of the Regulations the proposed shortfall in the number of car parking bays was considered minor in nature given the ratio of staff to the existing number of car parking bays available.
18. The proposal was referred to the Western Australian Planning Commission (WAPC) for their comments due to the site abutting Abernethy Road which is classified ‘Other Regional Road’ under the MRS.
19. The WAPC reviewed the proposal and submitted traffic impact statement and stated that they had no objection to the proposed development.

## 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. Nil.

### Economic Implications

23. Bluescope Steel is a major national and international company dealing with painted steel products and a significant contributor to the local economy.

### Environmental Implications

24. Chemicals used for the current works on site may have environmental implications if not disposed of correctly and safely. The use of chemicals is controlled by legislation separate to the town planning scheme.

## RISK MANAGEMENT CONSIDERATIONS

- 25.
- | Risk   | Likelihood | Consequence | Rating | Action/Strategy   |
|--|------------|-------------|--------|---|
| Chemicals and products used on site may cause undue harm to the environment. | Possible   | Significant | High   | Ensure that all chemicals and runoff on site are dealt with correctly and safely in accordance with relevant Health legislation |

Allowing the reduction in parking may cause a shortfall in required parking on site	Unlikely	Moderate	Low	Ensure that the existing number of bays contained on site is sufficient to accommodate the number of staff employed at the premises.
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#### OFFICER COMMENT

26. There are currently 122 parking bays available on site for staff and visitors to the site. The applicant has advised that a maximum of 56 staff are employed on site at any one time. The applicant has provided a traffic impact assessment which demonstrates the subject site has areas to the east of the workshop which could provide additional parking bays in the future if required and the increase in workshop space will not lead to a shortfall in the current parking on site.
27. Whilst the shortfall in parking is significant, the shortfall should be viewed in the context of the number of staff employed on site and the number of existing car parking bays provided on site. In this regard, the 112 bays is considered more than sufficient to accommodate the 56 staff employed at the premises.

<b>Voting Requirements: Simple Majority</b>
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#### COMMITTEE RECOMMENDATION TO COUNCIL (D&I 70/2016)

That Council:

1. Approve the application for the Workshop Extension at Lot 563 (700) Abernethy Road, Forrestfield, with the shortfall in required parking, subject to the following Conditions:
  - a) Stormwater drainage from roofed and paved areas is to be disposed of on-site to the specification and satisfaction of the Shire of Kalamunda. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings to ensure that stormwater is contained on-site.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

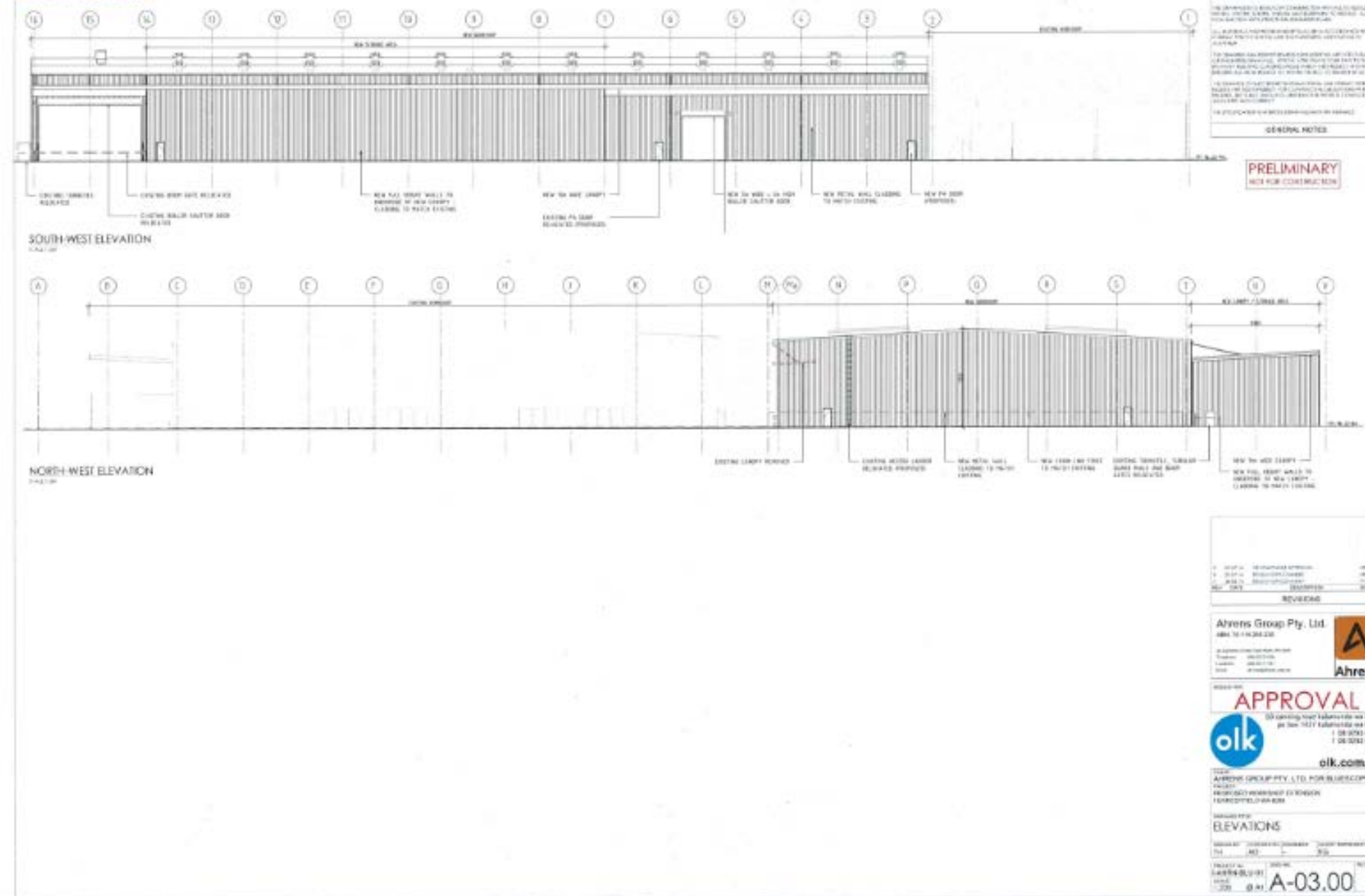
Vote: **CARRIED UNANIMOUSLY (10/0)**



## Attachment 2

### Proposed Expansion of Existing Workshop - Lot 563 (700) Abernethy Road, Forrestfield

#### Elevation Plan



### **Attachment 3**

Proposed Expansion of Existing Workshop – Lot 563 (700) Abernethy Road, Forrestfield

### **Transport Impact Statement**

[Click HERE to go directly to the document](#)



**Attachment 4**

Proposed Expansion of Existing Workshop – Lot 563 (700) Abernethy Road, Forrestfield

**Submission Table**

Details		Comment	Staff Comment
1.	Department of Planning 140 William Street, PERTH WA 6000 Simon Luscombe	No Objection	Noted

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

**71. Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield**

Previous Items	OCM 143/2016
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PG-DEV-046
Applicant	Rowe Group
Owner	Satterley
Attachment 1	Proposed Local Structure Plan, Density and Indicative Subdivision Maps
Attachment 2	Existing Cell 7 Forrestfield Structure Plan
Attachment 3	Applicant's Supplementary Information
Attachment 4	Indicative R60 Dwelling Typology
Attachment 5	Landscape Master Plan and Concept Plans
Attachment 6	Subdivision Plans for Stages 1a and 1b
Attachment 7	Submission Table

**PURPOSE**

1. To consider a report and recommendations to the Western Australian Planning Commission (WAPC) on a proposed Forrestfield Local Structure Plan (LSP) for Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield. Refer to (Attachment 1).

**BACKGROUND**

2. The proposed LSP effectively seeks to replace a 28.9 hectare central portion of the Cell 7 Forrestfield Structure Plan area (Cell 7). Cell 7 was first adopted in 1994 and currently identifies the site as follows:
  - Predominantly residential development with an R20 density code and a grid pattern road and block layout;
  - Public open space within and adjacent to Crumpet Creek and a small portion in the south-east of the site;
  - An 80m wide Western Power easement crossing the centre of the site; and
  - Large areas to the south-east of the site and adjacent to Hawtin Road is set aside for a Western Power terminal substation, which is no longer required.

A copy of the adopted Cell 7 Forrestfield Structure Plan as it relates to the amendment area is included as (Attachment 2).

3. A Cell 7 Forrestfield Structure Plan Amendment relating to the north-east portion of the subject site was considered and supported at Council's Ordinary Meeting held on 22 August 2016. This structure plan amendment is currently pending determination by the WAPC. It is noted that the proposed LSP is consistent with the aforementioned structure plan amendment, and in the event that this LSP is approved, it will not impact on the amendment previously supported.

4. The site has been subject to two (2) recent subdivision proposals, as follows:
1. On 13 May 2016 the WAPC Approved a 57 lot subdivision application (referred to as Stage 1a) for a portion of the subject lots to the north-west of the LSP area. This subdivision is generally aligned with the existing Cell 7 Forrestfield Structure Plan.
  2. A 36 lot subdivision application was also lodged in relation to land immediately north-west of Crumpet Creek (referred to as Stage 1B). At the time of writing the subdivision application is in the process of being finalised by the WAPC.

Subdivision plans for stages 1a and 1b are provided in (Attachment 6).

5. **Land Details:**

Land Area:	28.9 hectares
Local Planning Scheme Zone	Urban Development
Existing Cell 7 Structure Plan Zone:	Residential R20 Public Open Space Western Power Terminal Sub Station
Metropolitan Regional Scheme Zone:	Urban

6. The site comprises six (6) lots configured in a north-west/south-east linear arrangement. The site is surrounded by single storey residential development which is predominantly zoned Residential R20 situated between Sultana Road East, Berkshire Road and Hawtin Road. Two (2) schools, Darling Range Sports College and Hillside Christian College occur adjacent to the south-west boundary of the LSP area.
7. The site is located approximately 1.5 kilometres north-east of the Forrestfield District Centre.
8. With exception of the subject site, Cell 7 has largely undergone subdivision and development in accordance with the R20 density.

## Locality Plan

9.



## DETAILS

10.

The proposed LSP seeks to create a planning framework to coordinate future subdivision and development over the following lots:

- Lots 55, 3000 and 9502 Forrestfield; and
- Lots 14, 15 and 515 (302, 308, 320) Hawtin Road.

11.

The proposed LSP is comprises of the following key elements:

- 14.9 hectares of Residential area with the following density coding:
  - Residential R30 – approximately 354 lots.
  - Residential R60 – approximately 64 lots.
- 1.8 hectares for future development area with a density code of R60.
- 7.5 hectares of road reserve comprising 17.4m, 16.4m, 16.2m, 16m, 15m, and 13.2m wide road reserves connecting with the surrounding road network, namely Gala Way, Mandon Street, Moonbooli Street, Pearce Avenue, Lovett Drive, Setosa Drive and Hawtin Road.
- 3.2 hectares of public open space and drainage reserve, of which a total of 27,251m<sup>2</sup> of public open space (POS) is provided within nine (9) parcels of POS, which equates to a total of 10.1% of the gross subdivisible area in the LSP.
- 1.5 hectares occupied by an existing 80m wide Western Power easement.

The proposed LSP, density and indicative subdivision maps are provided in (Attachment 1).

12. The proposed LSP proposes the first stages of subdivision and development within the areas to the north of Crumpet Creek. This has already commenced through stages 1a and 1b, as mentioned above. Subsequent stages of development is proposed to commence from the Hawtin Road frontage of the site and progressively occur northwards towards Crumpet Creek until completion. The applicant submits that the development will proceed in stages of 30-50 lots at a time, with release rates of approximately 150 lots per year.
13. In support of the proposal, the applicant has undertaken a number of studies, including:
- Local Water Management Strategy;
  - Traffic Impact Assessment;
  - Environmental Assessment;
  - Bushfire Management Plan;
  - Servicing Report; and
  - Landscape Strategy.

Further discussion and reference to these documents is provided in the officer comment section of this report.

## **STATUTORY AND LEGAL CONSIDERATIONS**

### ***Planning and Development (Local Planning Schemes) Regulations 2015***

14. Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), the Shire is required to take the following actions:
1. Determine the level of information required to be provided with the LSP;
  2. Assess the LSP against appropriate planning principles;
  3. Advertise the LSP;
  4. Consider and respond to submissions received during advertising; and
  5. Prepare a report and recommendation on the proposed structure plan amendment, and provide it to the WAPC for its decision.
15. Under the Regulations, the WAPC after considering the LSP and report may:
- a) approve the LSP; or
  - b) require the Shire or the applicant to –
    - i) modify the LSP in the manner specified by the WAPC; and
    - ii) Resubmit the modified LSP to the WAPC for approval.
- or
- c) Refuse to approve the LSP.
16. Given the Shire is not the determining authority for this proposed LSP, there is no right of appeal/review with the State Administrative Tribunal (SAT) in respect to Councils recommendation. However, the applicant may apply to the SAT for a review, in accordance with Part 14 of the *Planning and Development Act 2005*, in the event that the WAPC decides to not approve the structure plan.

17. In the event that the proposed LSP is approved, the Shire is required to have 'due regard' to, but is not bound by, the LSP when making a decision in respect to development application or recommendation on a subdivision application.

### **Local Planning Scheme No. 3**

18. The subject site is zoned 'Urban Development' under the Local Planning Scheme No. 3 (Scheme), which enables a structure plan to be prepared over the land. The objectives of the Urban Development zone are as follows:
- To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
  - To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.

## **POLICY CONSIDERATIONS**

### **Directions 2031 and Beyond**

19. Directions 2031 and Beyond is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years.

### **Draft Perth and Peel @ 3.5million - North-East Sub-Regional Planning Framework**

20. In May 2015, the WAPC released the Draft Perth and Peel @ 3.5 million suite of documents, including the Sub-Regional Frameworks for comment. These documents aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.
21. The North-East Sub-Regional Framework (Framework) is a spatial plan of the north-east region, which will provide guidance on strategic planning for the next 35 to 40 years. This Framework encourages a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form, and places a greater emphasis on urban infill and increased residential density of existing urban areas. Under this Framework, the subject site is identified as an existing urban area.

### **Liveable Neighbourhoods**

22. Liveable Neighbourhoods is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.
23. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters.

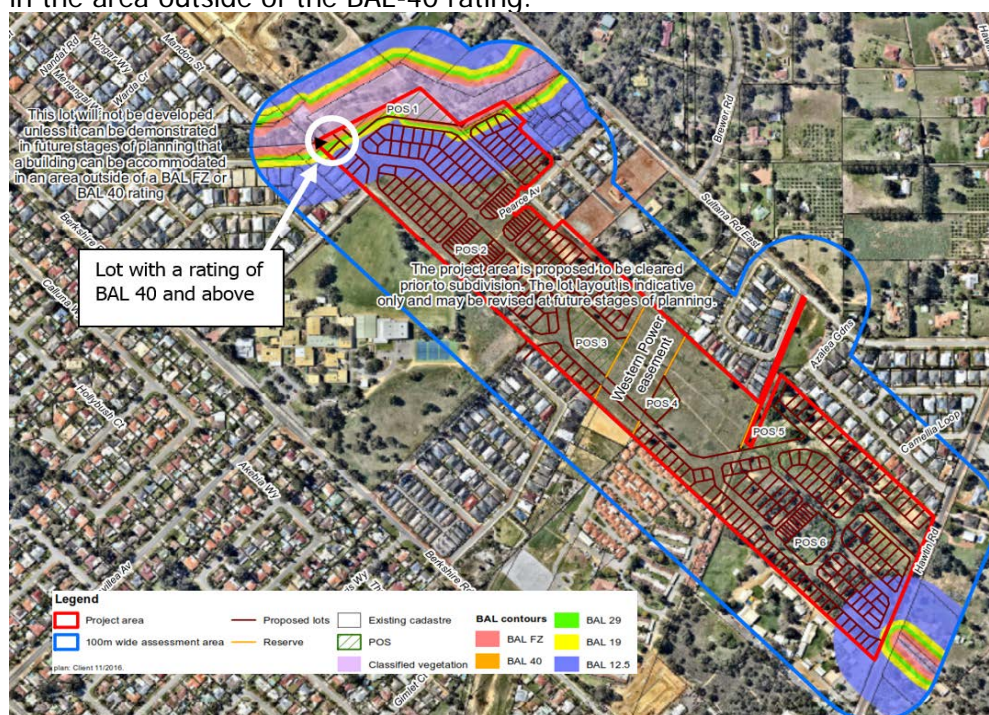


### State Planning Policy 3.1 – Residential Design Codes

24. The Residential Design Codes (R-Codes) apply to any Residential zoned land that has a coding number superimposed on the Scheme Map. The core objective of the R-Codes is to ensure appropriate residential design and density in line with the Scheme.
25. The core application of the R-Codes, as it relates to the proposed LSP, is the reference to residential density and associated development requirements, including lot size. In this regard the proposed R30 and R60 areas on the LSP will be required to achieve an average lot size of 300m<sup>2</sup> and 150m<sup>2</sup> respectively.

### State Planning Policy 3.7 – Planning in Bushfire Prone Areas

26. State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals take into account bushfire protection requirements. SPP 3.7 contains objectives and policy measures relating to strategic planning proposals (such as the proposed LSP) in designated bushfire prone areas, as well as reference to the Guidelines for Planning in Bushfire Prone Areas.
27. Given the subject site is located within a bushfire prone area, the applicant has submitted a bushfire hazard level assessment, a bushfire attack level (BAL) contour map, and a bushfire management plan.
28. The BAL contour map, which represents the potential radiant heat impacts and associated BAL ratings after subdivision works, indicates a maximum BAL rating of BAL-40 for one lot within the LSP area (located adjacent to the southern side of Crumpet Creek and Gala Way). In this regard, the applicant submits that the lot will not be developed unless it can be demonstrated in future stages of planning (subdivision) that a building can be accommodated in the area outside of the BAL-40 rating.





29. Excluding the lot referred to above, the bushfire management plan concludes that bushfire hazards within and adjacent to the project area and the associated bushfire risk is readily manageable through standard management responses under the WAPC Guidelines for Planning in Bushfire Prone Areas and construction standards under *Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas*.

### **WAPC Development Control Policy 2.3 Public Open Space in Residential Areas**

30. Development Control Policy 2.3 (DC 2.3) establishes the requirement that 10 percent of gross subdivisible area shall be given up free of cost by a subdivider for public open space.

### **Shire of Kalamunda Aged Accommodation Strategy (2008) and Draft (2016)**

31. The Shire's Aged Accommodation Strategy notes, among other findings, that there is a significant shortfall of residential aged care in the community.
32. It is noted however that a new Draft Shire of Kalamunda Aged Accommodation Strategy (2016) has been prepared and among the findings of this document, the landscape of retirement living and aged care is evolving in the following key areas:
- A reduction in the number of retirement living providers;
  - Higher demand for in-home care;
  - Retirement villages reliance on market value of land and community facilities;
  - Aged care providers becoming highly specialised with on-site health care services; and
  - The demographics of retirees is becoming more diverse.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

33. In accordance with clause 18 (2) the Regulations, and Local Planning Policy *P-DEV 45 – Public Notification of Planning Proposals*, the LSP was advertised for 28 days using the following methods:
- a) Letters to property owners within 100m of the subject site;
  - b) Letters to public authorities and relevant utility service providers;
  - c) Newspaper advertisement;
  - d) Sign on site;
  - e) Website notice; and
  - f) Copies of the LSP being made available at the Shire's Administration Offices.
34. During advertising, the Shire received 29 submissions, comprising six (6) objections, 10 non-objections, four (4) comments on the proposal, and nine (9) submissions from public authorities and utility service providers. Refer to (Attachment 7).

35. The concerns raised in the objections received are summarised as follows:
- Traffic and access:
    - Access road crossing Crummet Creek.
    - Gala Way being a main thoroughfare for the development.
    - Possible speeding behaviour and the requirement for traffic controls to ensure the safety for pedestrians.
    - Suitability of Gala Way to accommodate additional traffic.
    - Insufficient side access roads connecting to Berkshire Road and Sultana Road East.
    - Impact on Hawtin Road; particularly during drop-off and collection periods of nearby schools.
  - Insufficient detail to consider the proposal.
  - R60 density.
  - Impact on the rural feel on Hawtin Road.
  - Environmental issues (sand and dust) during development.
  - Reduction of public open space.

## **FINANCIAL CONSIDERATIONS**

36. In accordance with Regulations 48 and 49 of the *Planning and Development Regulations 2009*, any costs associated with advertising and assessment of the structure plan amendment is to be borne by the applicant.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

37. *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**

38. The amendment would facilitate the development of a greater diversity of lot sizes and housing typologies which in turn will provide greater housing choice, affordability, and a potential broader demographic.

### **Economic Implications**

39. The proposed LSP represents a significant development within the Forrestfield area. Increased levels of development as a consequence of the LSP will result in more jobs for the building and construction industry.

## Environmental Implications

40. Crumpet Creek is a significant environmental feature in the Cell 7 Forrestfield Structure Plan area. The environmental condition of the existing creek line varies from degraded to good in some areas. As part of future subdivision works, and subject to the Department of Water's advice on the Local Water Management Strategy, Crumpet Creek will be required to undergo restoration works to minimise ongoing risks of erosion to the creek banks and revegetation to improve the environmental and aesthetic qualities of the creek and proposed adjacent public open space.
41. As part of the Applicant's Environmental Assessment, a Level 1 Flora Survey was undertaken across the LSP area. The survey identifies the LSP area as being a mixture of predominantly cleared farmland with areas of native marri and eucalypts. The survey identified no vegetation within the LSP area considered to be of conservation significance, given the largely disturbed nature of vegetation, fragmented distribution of native species and the dominance of introduced species.
42. It is noted that several mature trees exist in the northern part of the site, however a majority of trees are located in the south-eastern portion of the site, abutting Hawtin Road. It should be noted that the existing topography will require earthworks across the site to facilitate residential subdivision and development, which will result in clearing of vegetation in areas outside of areas set aside for open space. Trees are proposed to be retained within the proposed public open spaces, along Hawtin Road, and adjacent to the entry of the subdivision from Hawtin Road.
43. Given the proposal involves approximately 3.71 hectares of vegetation clearing, the application was referred to the Commonwealth Department of the Environment and Energy for consideration under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), who made the decision that the proposed clearing is not a controlled action.

## RISK MANAGEMENT CONSIDERATIONS

44.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposal may result in undue amenity impacts on surrounding residential properties.	Possible	Moderate	Medium	It is acknowledged that there will be earthworks that involve retaining walls adjacent to the boundary of the LSP area. The Shire's officers are in discussion with the applicant to minimise retaining walls wherever possible. Furthermore,

				provisions (such as LDPs) should be incorporated in the Local Structure Plan adequately address amenity impacts on surrounding residential areas.
The LSP will not set aside suitable land for aged residential care.	Unlikely	Moderate	Low	Recommend to the WAPC that the 1.8 hectare R60 site be indicated on the LSP map as residential aged care only.
The proposal will result in further degradation to Crumpet Creek.	Unlikely	Moderate	Low	Prior to approving subdivision works around Crumpet Creek, ensure appropriate restoration works to minimise ongoing risks of erosion to the creek banks and revegetation to improve the environmental and aesthetic qualities of the creek.
The proposal will result in clearing of significant vegetation which is protected under Commonwealth legislation	Unlikely	Moderate	Low	The applicant has lodged an application with the Commonwealth Department of Environment, who have confirmed that the proposed clearing is not a controlled action.

#### OFFICER COMMENT

45. In respect to density, the proposed LSP incorporates a base residential density of R30 and a maximum density of R60 in selected areas adjacent to public open space. This will result in average lot sizes ranging between 150m<sup>2</sup> and 300m<sup>2</sup>. The LSP proposes an average of 28 dwellings per site hectare, which is greater than the minimum recommended under Liveable Neighbourhoods requirements (22 dwellings per site hectare).
46. In respect to justification for the R60 coded area on the proposed structure plan amendment, applicant submits as follows:

- The proposal addresses Perth and Peel @3.5m (Draft) by addressing and achieving infill density targets, and facilitating the provision of town houses that are affordable and provide for diversity and choice.
- The proposal addresses Directions 2031 and Beyond by providing increased residential development within close proximity to Perth Airport and adjacent employment areas.
- The proposal addresses Liveable Neighbourhoods by achieving an urban density of 28 dwellings per site hectare.
- The proposal addresses the Shire's Local Housing Strategy by introducing diversity of housing types to an area with an oversupply of larger dwellings with fewer occupants.

47. One objective of Liveable Neighbourhoods encourages higher densities such as R60 to be located in close proximity to activity centres, public transport infrastructure and public open spaces. In this respect, the applicant notes that the site is adjacent to the local centre at the intersection of Berkshire Road and Apricot Street, a short walk from the Berkshire Road bus service, and in close proximity to the Darling Range Sports College and Hillside Christian School.

48. While it is acknowledged that the R60 density would ordinarily be located within 400m of an activity centre (e.g. Forrestfield District Centre or Edinburgh Road Neighbourhood Centre), it is considered that there is merit in facilitating higher densities adjacent to areas of public open space with high levels of amenity, to encourage diversity in housing typologies, and from an urban design, housing choice and affordability perspective. In this regard, the applicant proposes a townhouse dwelling typology (Attachment 4) that includes two storey dwellings on narrow lots oriented towards areas of public open space with rear laneway access.

49. At the subdivision stage, Local Development Plans (LDP) will be required for all areas indicated on the LSP as R60 to facilitate design standards in regard to:

- Building design and dwelling orientation;
- Vehicular and pedestrian access;
- Street and public open space surveillance;
- Setbacks to retaining walls; and
- Fencing.

This is included as a recommended modification under the officer's recommendation of this report.

50. In regard to the provision of aged care accommodation, the LSP provides for a 1.8 hectare site which has been identified as 'future development R60'. It is recommended that the site be identified for aged care. Bethanie Aged Care has provided advice that aged care accommodation can be accommodated on a site with an area of 1.5 hectares.

51. In respect to the provision of public open space in the LSP area, the location and distribution of open spaces is considered to make spaces readily available to residents within and surrounding the LSP area. While the spaces are relatively small (ranging between 1,455m<sup>2</sup> and 5,528m<sup>2</sup> in area), a minimum

of 10 percent of the gross subdivisible area in the LSP will be set aside for public open space. Additional space will also be provided within the 1.5 hectare Western Power Easement which will function as active public open space.

52. In respect to stormwater drainage, it is noted that the applicant has prepared a Local Water Management Strategy (LWMS) which outlines, among other findings and conclusions, that the drainage will be collected in three (3) catchment areas within the site and discharged into the POS within and adjacent to the Western Power easement, and into Crumpet Creek. The LWMS has undergone an assessment by the Shire and the Department of Water (DoW), however at the time of writing this report, the DoW provided preliminary comment, however has not finalised its recommendations and approved the LWMS. It is not expected that the recommendations of the DoW will fundamentally change the broad layout of the LSP; the assessment process will need to continue and be resolved prior to the WAPC approving the LSP.

53. Due to the requirement to manage stormwater from roads and lots within the LSP area, it will be necessary to raise and retain levels throughout the site. The applicant has indicated that levels adjacent to the boundary of the LSP area will range between approximately 0.75m and 1.75m above the existing natural ground levels along the boundary adjoining the Hillside Christian School to the south-west, however retaining of approximately 1m will be necessary adjoining the aged persons accommodation in Walridge Country Estate, and residential lots on Boodjera Bend and Azalea Gardens. It is recommended that LDPs be implemented for all lots directly adjoining the south-west and north-east boundary on the south of where Malo Link intersects the subject site to require appropriate building setbacks to address impacts on adjoining properties.

54. In regard to the proposed road network, the applicant submits as follows:  
*"Recognising the linear proportions of the site, the movement network proposes a road layout which primarily aligns parallel with the long boundaries allowing for legible and permeable network to integrate and intersect with the surrounding road connections currently terminating at the site boundary."*

It is noted that the proposed road network does appropriately align with the surrounding network without resulting in modifications to the Cell 7 Forrestfield Structure Plan. Furthermore, the road reserve widths proposed are largely considered appropriate based on the requirements of Liveable Neighbourhoods. However, one (1) road reserve adjacent to the entry point of Gala Way onto Hawtin Road has been indicated on the LSP as 9m and 13.2m wide in lieu of the minimum 14.2m width throughout the LSP area. It is considered that this reserve should be widened to align with the existing Gala Way Road Reserve, and rectified through modifications of the LSP; this has been included within the officer's recommendation.

55. The traffic impact assessment (TIA) provided by the applicant concludes that the traffic generated by the proposed LSP area, once developed, will not unduly impact on the flow, speed or safety of the surrounding road network and intersections. The TIA makes the following key recommendations:



- Minimum pavements width of 7.2m for Gala Way, and 6m for all other roads.
- Embayment parking adjacent to R60 lots and public open space.
- Different pavement treatments on the minor road legs coming off Gala Way.
- Traffic calming on straight stretches of road, including raised plateaus in three (3) locations along Gala Way.

56. In respect to the concerns raised during advertising, the following is noted:

**Traffic and access**

- **Access road crossing Crumpet Creek**

The access road across Crumpet Creek is consistent with the existing approved Forrestfield U7 Outline Development Plan.

- **Suitability of Gala Way to accommodate additional traffic.**

The existing pavement width of Gala Way is 6m. A recommendation provided in the applicant's TIA includes widening of the existing length of Gala Way from 6m to 7.2m pavement width or prohibiting on road parking and providing embayed parking on Gala Way at the park area.

- **Gala Way being a main thoroughfare for the development.**

Gala Way is considered to represent a logical connection road for legible and permeable access through the LSP area. A pavement width of 7.2m and road reserve width of 16.4m is proposed for the extension to Gala Way. This will be capable of carrying the expected volume of traffic and addresses the minimum width required under Liveable Neighbourhoods.

- **Possible speeding behaviour and the requirement for traffic controls to ensure the safety for pedestrians.**

The applicant's traffic impact assessment includes recommendations to construct traffic calming road treatments such as different pavement treatments and raised plateaus.

A pedestrian path is proposed along the new section of Gala Way within the LSP area and extending up to the existing park. Due to the location of the park at the corner of Gala Way and Apricot Street, there may be a high concentration of pedestrians crossing Gala Way at Seville Road.

- **Insufficient side access roads connecting to Berkshire Road and Sultana Road East; and**

Access is provided off Berkshire Road via Malo Link and somewhat via Bardock Gardens (in the vicinity of the College). Access to Sultana Road East is provided via a connection on Pearce Avenue.

- **Impact on Hawtin Road; particularly during drop-off and collection periods of nearby schools.**

It is noted that the development proposed by the LSP will increase traffic volumes on Hawtin Road. As noted above, the traffic generated by the proposed LSP area, once developed, will not unduly impact on the flow, speed or safety of the surrounding road network and intersections, including on Hawtin Road.

### **Insufficient detail to consider the proposal**

The current proposal is a Local Structure Plan that has been prepared in accordance with the guidelines provided by the WAPC. Additional subdivision and development detail is provided at later stages of the development.

### **R60 density**

As noted above, it is considered that there is merit in facilitating higher densities such as R60 in the LSP area, particularly adjacent to areas of public open space with high levels of amenity, to encourage diversity in housing typologies, and from an urban design, housing choice and affordability perspective.

### **Impact on the rural feel on Hawtin Road**

While much of the vegetation towards the south-eastern portion of the site will need to be removed to facilitate subdivision and development, the applicant's Landscape Master Plan proposes the retention of existing healthy vegetation on the Hawtin Road reserve along the main entry road into the LSP area.

### **Environmental issues (sand and dust) during development**

Appropriate environmental and dust management will be required during all subdivision and development works at the site.

### **Reduction of public open space**

While the site does currently appear (from Hawtin Road) to be a park/reserve given the amount of vegetation in this part of the site, there are no existing parks within the subject site. On this basis Public Open Space is not being reduced. The proposed LSP incorporates 27,251m<sup>2</sup> of public open space, which equates to 10.1% of the gross subdivisible area of the LSP site. This complies with the minimum 10% requirement under WAPC's DC 2.3 policy.

<b>Voting Requirements: Simple Majority</b>
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## **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 71/2016)**

That Council:

1. Pursuant to Clause 20(1) and (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in respect to the proposed Forrestfield Local Structure Plan for Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield, forwards this report, attachments, together with the following comments and recommendations, to the Western Australian Planning Commission:
  - a) The Shire of Kalamunda has been actively pursuing increases in aged care accommodation provision in the Shire in accordance with the findings it's Aged Accommodation Strategy (2008) and Local Housing Strategy (2014). Based on advice received from an aged care provider, the 1.8 hectare future development site indicated on the LSP map is a sufficient size to deliver an aged care facility. As part of the assessment of the LSP, the applicant lodged supplementary information which indicates a concept of what an aged care site may be achieved on the site.

The Shire requests that the LSP be modified to designate this site as 'residential aged care' on the LSP map and incorporated into Part 1 (4) of the LSP report, to the satisfaction of the Shire of Kalamunda.

- b) The applicant's Bushfire Management Plan indicates that a lot located adjacent to the southern side of Crumpet Creek and Gala Way is subject to the BAL-40 and BAL-FZ rating. It is requested that LSP map be modified to indicate that the area subject to BAL-40 and above be included as an extension of the Public Open Space area 2.
- c) At the time of writing, the Department of Water is yet to approve the Local Water Management Strategy (LWMS) for the Local Structure Plan area. A revised LWMS was provided to the Department on 28 September 2016. It is requested that the Shire of Kalamunda be involved in the ongoing consideration of the LWMS and is given the opportunity to comment prior to this document being finally approved.
- d) It is considered that Local Development Plans are required in all areas indicated on the LSP as R60 to facilitate design standards in regard to:
  - i) Building design and dwelling orientation;
  - ii) Vehicular and pedestrian access;
  - iii) Street and public open space surveillance;
  - iv) Setbacks to retaining walls; and
  - v) Fencing.

It is recommended that Part 1 (4) of the LSP report be amended to address this.

- e) The areas of public open space located between the Western Power easement and the R60 grouped dwelling site, and adjacent both sides of the Western Power easement on the south side of Gala Way, is considered to be too small and irregular in shape and location to be of practical use. It is recommended that the LSP be modified to incorporate these areas of POS to into the adjoining residential areas. Additional POS may be recovered by increasing areas of POS elsewhere in the LSP, to achieve a minimum of 10 percent of gross subdivisible area, or alternatively a cash in lieu contribution may be made for the deficiency of POS in accordance with WAPC Development Control Policy 2.3 and the *Planning and Development Act 2005*.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**Proposed Local Structure Plan, Density and Indicative Subdivision Maps**





# Attachment 1

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield

## Proposed Local Structure Plan, Density and Indicative Subdivision Maps

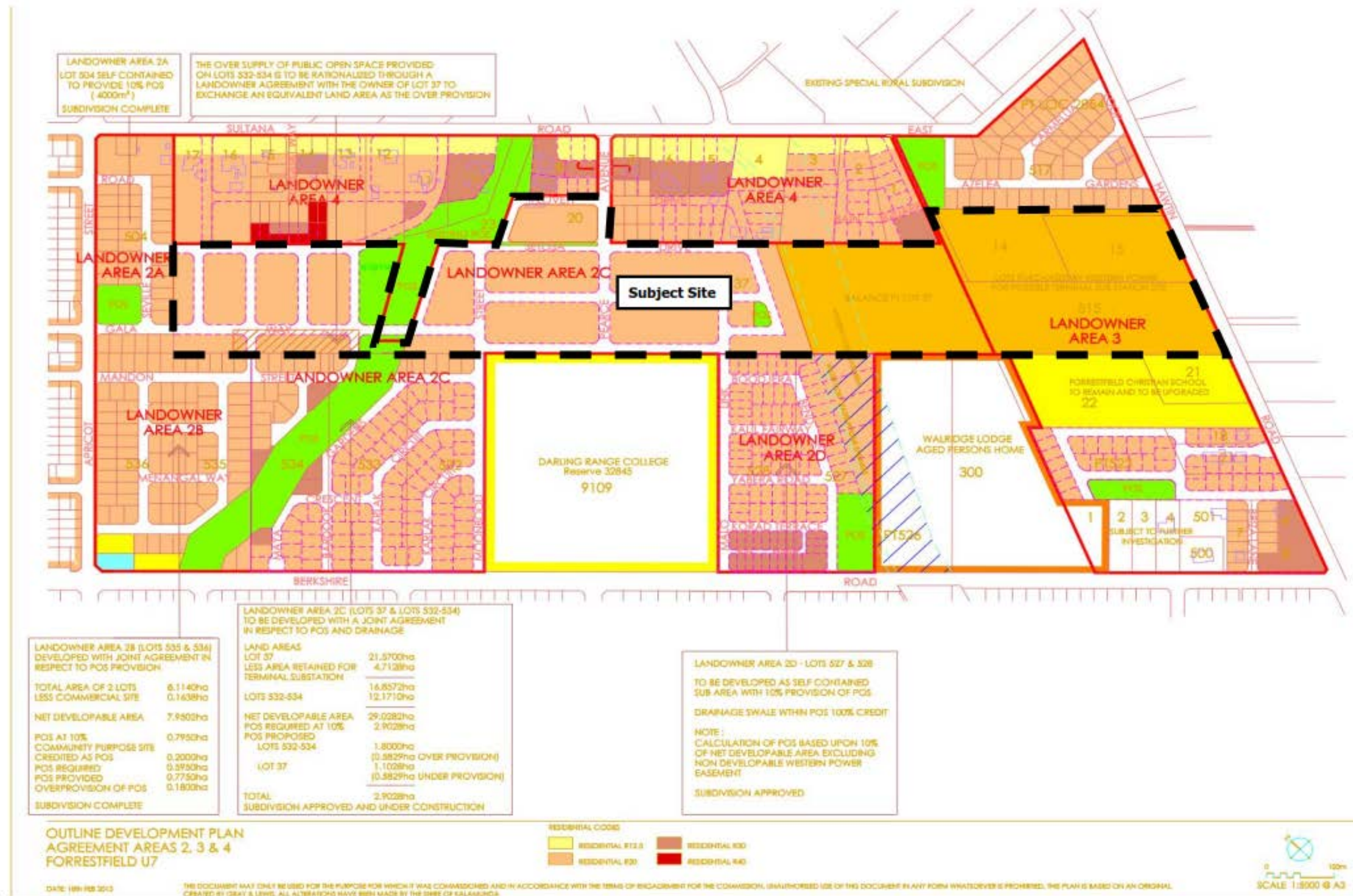




## Attachment 2

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield

### Existing Cell 7 Forrestfield Structure Plan





**Attachment 3**

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield

**Applicant's Supplementary Information – Aged Persons Development**

Job Ref: 8485  
15 July 2016

Shire of Kalamunda  
PO Box 42  
KALAMUNDA WA 6926

**Attention: Mr. Andrew Fowler-Tutt**

Dear Mr Fowler-Tutt

**Proposed Local Structure Plan – Aged Persons  
Lots 14, 15 and 515 Hawtin Road, Lot 3000 on Deposited Plan 400892 and  
Lot 9502 Pearce Avenue, Forrestfield**

We refer to our previous correspondence dated 16 May 2016 and to our recent meeting with your Mr Andrew Fowler-Tutt and Mr Chris Lodge regarding the above mentioned matter.

As agreed we have prepared the attached supplementary information for the Local Structure Plan (LSP) which identifies a potential Aged Persons development concept for the "Future Development Area". It is understood that the attached will be included with the LSP documents that are to be released for public comment. As such further consideration of the aged persons issue can continue whilst progressing the advertising of the LSP documentation.

In accordance with the timelines identified in the *Planning and Development (Local Planning Schemes) Regulations 2015*, the advertising of the LSP should have commenced by no later than 11 July 2016. As such it would be greatly appreciated if the advertising of the LSP can be progressed as a priority.

Should you require any further information or clarification in relation to this matter, please do not hesitate to contact the undersigned on 9221 1991.

Yours faithfully,



**George Hajigabriel**  
Rowe Group

cc. Department of Planning: Mr John Di Rosso



**ROWEGROUP**

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Western Australia  
  
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## SUPPLEMENTARY INFORMATION

### LOCAL STRUCTURE PLAN

LOTS 14, 15, 515, HAWTIN ROAD 3000 AND 9502 PEARCE AVENUE, FORRESTFIELD

The Shire of Kalamunda has identified through its Local Housing Strategy that the municipality has a lack of housing choice for elderly members of the Community.

An area of 1.8 hectares located adjacent the eastern boundary of the Western Power Easement has been identified in the Local Structure Plan as a Future Development Area and has been noted as a potential future strata complex.

The attached plan has been prepared to provide an indication of one possible development scenario for aged care.

At the time of development, this area may be subject to a reclassification of the 2,000m<sup>2</sup> Public Open Space area associated with the Future Development Area so that it is included in the aged persons complex. Approval from Western Power would also be required for the provision of parking within the power easement.

The final form of development in the Future Development Area will require further consideration of market demand. The attached is provided to indicate the current intent for the land however should a development such as that identified on the attached plan ultimately be proposed, a separate Local Development Plan would need to be prepared and advertised for public comment. The Local Development Plan will need to address a number of matters including, but not limited to, building heights, access arrangements and setbacks.

Planning Design Delivery

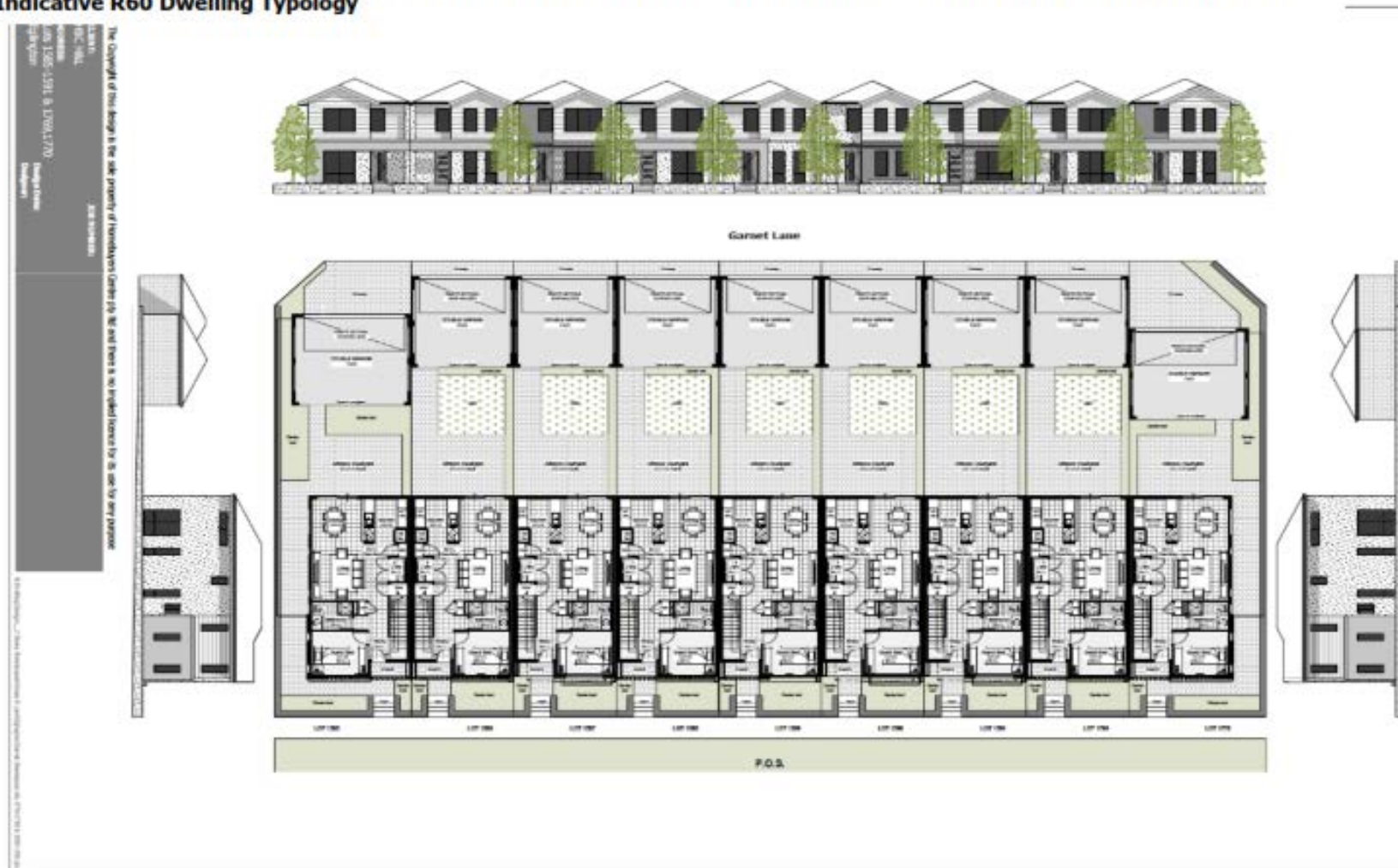
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#### Attachment 4

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield  
**Indicative R60 Dwelling Typology**



**Attachment 5**

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield

**Landscape Master Plan and Concept Plans**



## Attachment 5

### Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield Landscape Master Plan and Concept Plans





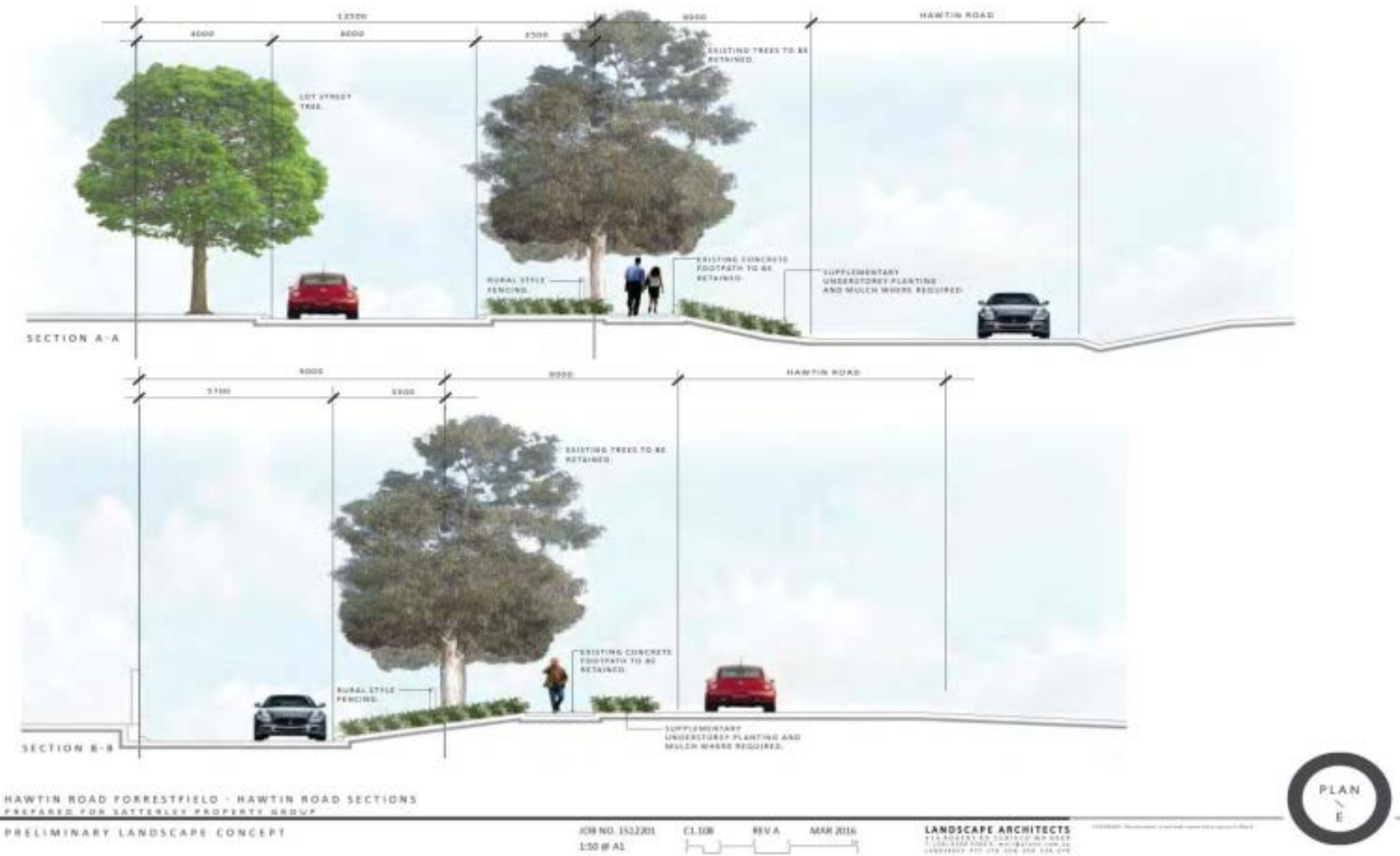
### Attachment 5

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield  
**Landscape Master Plan and Concept Plans**



## Attachment 5

### Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield Landscape Master Plan and Concept Plans



**Attachment 5**

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield  
**Landscape Master Plan and Concept Plans**



HAWTIN ROAD FORRESTFIELD - VERGE AND ENTRY  
PREPARED FOR SUTTERLEY PROPERTY GROUP

LANDSCAPE CONCEPT PERSPECTIVES

JOB NO. 1512201  
1:250 @ A1

CS.102

REV A

MAR 2016

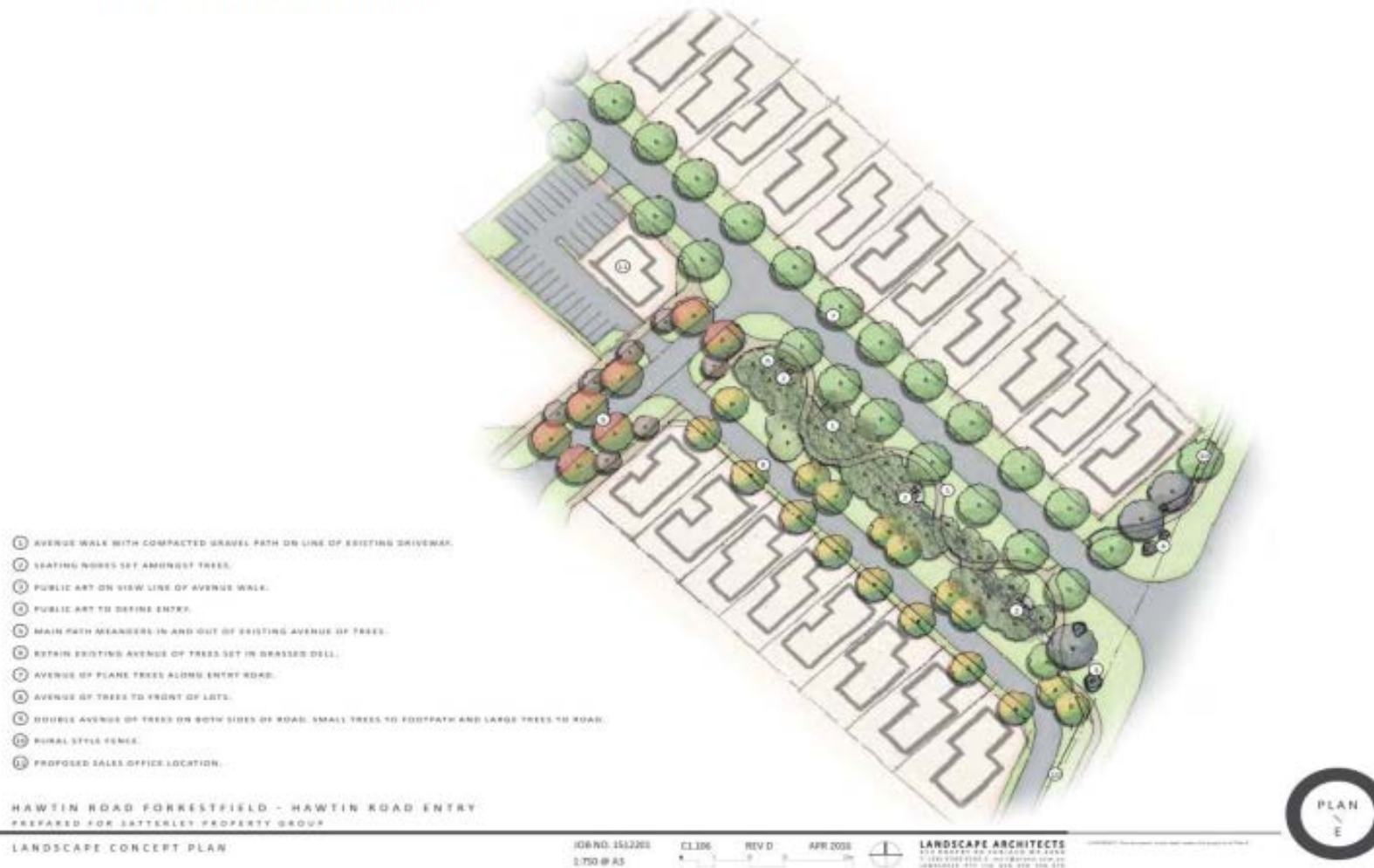
**LANDSCAPE ARCHITECTS**  
414 ROBERTS RD, DOCKLAND WA 6104  
P 08 9438 4100 F 08 9438 4101  
LANDSCAPE ARCHITECTS PTY LTD ABN 61 614 616





## Attachment 5

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield  
**Landscape Master Plan and Concept Plans**



### Attachment 5

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield  
**Landscape Master Plan and Concept Plans**



HAWTIN ROAD FORRESTFIELD - VERGE AND ENTRY  
PREPARED FOR SATTARLEY PROPERTY GROUP

LANDSCAPE CONCEPT PERSPECTIVES

JOB NO. 1512201  
1:250 @ A1

CS 101

REV A

MAR 2016

LANDSCAPE ARCHITECTS  
211 FLORENCE ST, PERTH WA 6000  
P: 08 9447 2012 E: info@lsc.com.au  
WWW.LSC.COM.AU





## Attachment 6

Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield  
Subdivision Plans for Stages 1a and 1b



## Attachment 7

### Proposed Forrestfield Local Structure Plan - Lots 9502, 3000, 55 and Lots 515, 14 and 15 (302, 308 and 320) Hawtin Road, Forrestfield Submission Table

Comment	Staff Comment
Objection: b) Disagree with the proposal to have the access road across Crumpet Creek. This road provides no value to the residents and breaks up the creek board walk and is a hazard for any children playing around the creek.	b) The access road across Crumpet Creek is consistent with the existing approved Forrestfield U7 Outline Development Plan. Gala Way is considered to represent a logical connection road for legible and permeable access through the LSP area.
Non-objection.	Noted.
Non-objection.	Noted.
Comment on the proposal: a) The structure plan will either need to adopt the Residential Medium Density Codes over all of the land, or a notification within the structure plan document stating that a Local Development Plan may be prepared for all, or any, of the allotments	a)

Comment	Staff Comment
within the structure plan area.	
<p>Comment on the proposal:</p> <p>a) Given the majority of traffic will be using Gala Way, what controls will the Shire put in place to ensure the safety of children and pedestrians accessing the park area on the corner of Gala Way and Apricot Street?</p>	<p>a) The applicant's traffic impact assessment includes recommendations to construct traffic calming road treatments such as different pavement treatments and raised plateaus.</p> <p>The road pavement on Gala Way is presently 6m in width promoting a slow speed environment. The location of the roundabout on Gala Way/Apricot Street and its proximity to the park area should ensure a slow speed environment for those approaching and exiting the park area.</p>
Non-objection.	Noted.
<p>Objection:</p> <p>a) Gala Way is a very narrow street with no foot paths to safely cross over to the park.</p> <p>b) There are no footpaths down Gala Way or Seville Grove.</p> <p>c) If there is only two main entrances to the subdivision, how will Gala Way cope with the additional vehicles?</p>	<p>a) A pedestrian path is being provided along the new section of Gala Way within the estate and extending up to the existing park.</p> <p>b) See response (a) above.</p> <p>c) The existing Gala Way carries around 200 vehicles per day. It is forecast that approximately an additional 1,700 vehicles per day on Gala Way at the northern boundary of the LSP area, near Apricot Street, when fully developed. A pavement width of 7.2m is proposed on the extended Gala Way, which can carry up to 3,000 vehicles per day.</p>

Comment	Staff Comment
d) Why can't the other side streets be opened on either side of the high school to ease traffic flow and safety?	d) Malo Link and Moonbooli Street (via Bardock Gardens), which is on the south and north boundaries of the Darling Range Sports College does provide access to the proposed LSP area.
Non-objection.	Noted.
Non-objection.	Noted.
Non-objection and comment: a) I feel that there are not enough access streets to the proposed plan. Another access off Berkshire Road and Sultana Road East is necessary to evenly distribute the flow of traffic in the area.	a) Access is provided off Berkshire Road via Malo Link and Moonbooli Street (via Bardock Gardens). Access to Sultana Road East is provided via a connection on Pearce Avenue.
Objection: a) The Hillside Christian College supports the general development of the subject property as it will increase the student enrolment at the school. b) R30 zoning is most conducive to the College	a) Noted.  b) Noted.

Comment	Staff Comment
<p>due to the large block sized compared with R60.</p> <p>c) Concern regarding the R60 zoning:</p> <p>i. R60 is currently restricted to the area around the Forrestfield District Centre. This density appears to be favourable to the developer, however inequitable to other stakeholders.</p> <p>ii. The R60 near the College is too close to the College boundary, and may negatively impact on the College's operations considering R60 may be multi-storey.</p> <p>d) The additional development will increase the traffic on Hawtin Road. The afternoon exit zone of the College is already congested, and the College would ask that the developer and Shire be required to install either a roundabout at the mouth of the development's entry onto Hawtin Road, or</p>	<p>c)</p> <p>a. As noted in the report, it is considered that there is merit in facilitating higher densities such as R60 in the LSP area, particularly adjacent to areas of public open space with high levels of amenity, to encourage diversity in housing typologies, and from an urban design, housing choice and affordability perspective.</p> <p>b. The R60 areas would result in a maximum height of three (3) storeys, however it is more likely that the development will not exceed two (2) storeys. The areas of R60 proposed would be located approximately 40 metres from the boundary adjoining the School, removing any overlooking or privacy issues.</p> <p>d) It is noted that the development proposed by the LSP will increase traffic volumes on Hawtin Road. As noted in the report, the traffic generated by the proposed LSP area, once developed, will not unduly impact on the flow, speed or safety of the surrounding road network and intersections, including on Hawtin Road.</p>



Comment	Staff Comment
<p>alternatively traffic improvements to road works near the College exit to improve traffic flow.</p> <p>e) Housing on the College boundary will cause some expected friction between residents and the College. Currently the College has a 6m wide staff service road running along the boundary. If the future residents conduct their affairs in a noisy or disruptive manner, the teaching and learning programme might be negatively affected. Recommend that there be covenants to ensure that residents are aware of the School, and for the public open space to be constructed adjacent to the college boundary.</p> <p>f) The current development proposal is minimalistic. The College could not fully agree to the current proposal without more specificity and direct consultation. There is a</p>	<p>e) Residential development is commonly located adjacent school boundaries as the two uses are considered to be compatible. Any noise generated within residential areas is required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. A restrictive covenant in this respect is not considered necessary.</p> <p>f) The current proposal is a Local Structure Plan that has been prepared in accordance with the guidelines provided by the WAPC. Additional subdivision and development detail is provided at later stages of the development.</p>

Comment	Staff Comment
<p>large range between 400 and 600 possible lots.</p> <p>g) The College has established a good working relationship with the developer and would like it noted that the College is prepared to assist and liaise in relation to the abovementioned points where possible.</p>	<p>g) Noted.</p>
<p>Comment on the proposal:</p> <p>a) I would like to see a strip of the existing bush left along the Hawtin Road boundary, to retain the rural feel along Hawtin Road.</p>	<p>a) While much of the vegetation towards the south-eastern portion of the site will need to be removed to facilitate subdivision and development, the applicant's Landscape Master Plan proposes the retention of existing healthy vegetation on the Hawtin Road reserve along the main entry road into the LSP area.</p>
<p>Comment on the proposal:</p> <p>a) I would like to see a strip of public open space left along the Hawtin Road boundary, to retain the rural feel along Hawtin Road.</p>	<p>a) While much of the vegetation towards the south-eastern portion of the site will need to be removed to facilitate subdivision and development, the applicant's Landscape Master Plan proposes the retention of existing healthy vegetation on the Hawtin Road reserve along the main entry road into the LSP area.</p>
<p>Non-objection and comment:</p> <p>a) Hawtin Road is already very busy during peak</p>	<p>a) The proposal does not generate the need for the widening of Hawtin Road. It is noted that the development proposed by the LSP will increase traffic volumes on Hawtin Road. The traffic generated by</p>

Comment	Staff Comment
hours. Are there plans to widen Hawtin Road?	the proposed LSP area, once developed, will not unduly impact on the flow, speed or safety of the surrounding road network and intersections, including on Hawtin Road.
<p>Objection:</p> <p>a) The construction works have already started.</p> <p>b) I feel that no matter how many people object, it wouldn't make any difference and the Shire are simply going to agree to this proposal anyway.</p> <p>c) Concern regarding the noise of machinery and vibration.</p> <p>d) Interference to the parks.</p>	<p>a) The site has been subject to two (2) recent subdivision proposals, as follows:</p> <ul style="list-style-type: none"> <li>On 13 May 2016 the WAPC Approved a 57 lot subdivision application (referred to as Stage 1a) for a portion of the subject lots to the north-west of the LSP area. This subdivision is generally aligned with the existing Cell 7 Forrestfield Structure Plan. Subdivision works in respect to Stage 1A have commenced.</li> <li>A 36 lot subdivision application was also lodged in relation to land immediately north-west of Crumpet Creek (referred to as Stage 1B). At the time of writing the subdivision application is in the process of being finalised by the WAPC.</li> </ul> <p>b) Under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, the Shire is required to give due regard to all submissions received.</p> <p>c) Construction work will need to comply with the standard requirements of the Shire during subdivision and development works.</p> <p>d) While the site does currently appear (from Hawtin Road) to be a park/reserve given the amount of vegetation in this part of the site, there are no existing parks within the subject site. Public Open Space is not being reduced. The proposed LSP incorporates 27,251m<sup>2</sup> of public open space, which equates to 10.1% of the</p>

Comment	Staff Comment
<p>e) Destruction of wildlife and trees.</p> <p>f) Increase of traffic flow.</p> <p>g) Increase of population.</p>	<p>gross subdivisible area of the LSP site. This complies with the minimum 10% requirement under WAPC's DC 2.3 policy.</p> <p>e) An Environmental Assessment has been prepared which identified no vegetation within the LSP area considered to be of conservation significance, given the largely disturbed nature of vegetation, fragmented distribution of native species and the dominance of introduced species.</p> <p>f) It is noted that the development proposed by the LSP will increase traffic volumes in and around the area. As noted in the report, the traffic generated by the proposed LSP area, once developed, will not unduly impact on the flow, speed or safety of the surrounding road network and intersections.</p> <p>g) The proposed LSP, once developed, will result in an estimated additional 900 to 1,100 people. The Shire is required to provide additional housing in accordance with various local and state policies and strategies.</p>
<p>Objection:</p> <p>a) Continuation of Gala Way to Hawtin Road.</p> <p>b) Increase in traffic flow.</p> <p>c) Speeding and hoon issues due to the long stretch of proposed road.</p>	<p>a) The access road across Crumpet Creek is consistent with the existing approved Forrestfield U7 Outline Development Plan. Gala Way is considered to represent a logical connection road for legible and permeable access through the LSP area.</p> <p>b) It is noted that the development proposed by the LSP will increase traffic volumes in and around the area. As noted in the report, the traffic generated by the proposed LSP area, once developed, will not unduly impact on the flow, speed or safety of the surrounding road network and intersections.</p> <p>c) A traffic impact assessment has been prepared and includes recommendations to construct traffic calming road treatments such as different pavement treatments and raised plateaus.</p>

Comment	Staff Comment
d) Possibility of road being used as an alternative to Sultana Road East.	d) Noted.
Non-objection.	Noted.
Non-objection.	Noted.
Non-objection.	Noted.
<p>Objection:</p> <p>a) Why is Gala Way the main thoroughfare? It should be stopped at Crumpet Creek.</p> <p>b) Why haven't the foot paths been finished in Seville Street?</p> <p>c) Over summer a constant surveillance program from the Shire is required to make sure any environmental issues are dealt with immediately, for example, pollution from dust and sand blown east from strong easterlies.</p>	<p>a) The access road across Crumpet Creek is consistent with the existing approved Forrestfield U7 Outline Development Plan. Gala Way is considered to represent a logical connection road for legible and permeable access through the LSP area.</p> <p>b) XX</p> <p>c) Appropriate environmental and dust management will be required during all subdivision and development works at the site.</p>



Comment	Staff Comment
<p>d) Why is the letter being sent now, and not months ago?</p> <p>e) Why is the public open space reduced again?</p> <p>f) Is there compensation for the constant dust pollution and cleaning of properties?</p>	<p>d) The public comment advertising has been undertaken in accordance with the requirements of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Subdivision works that are occurring now relate to subdivision stage 1a (see response 15(a) above)</p> <p>e) While the site does currently appear (from Hawtin Road) to be a park/reserve given the amount of vegetation in this part of the site, there are no existing parks within the subject site. Public Open Space is not being reduced. The proposed LSP incorporates 27,251m<sup>2</sup> of public open space, which equates to 10.1% of the gross subdivisible area of the LSP site. This complies with the minimum 10% requirement under WAPC's DC 2.3 policy.</p> <p>f) No, appropriate environmental and dust management will be required during all subdivision and development works at the site.</p>
<p>Comment on the proposal:</p> <p>a) The DER understands that none of the parcels of land subject of the structure plan have been reported or classified under the <i>Contaminated Sites Act 2003</i>.</p> <p>b) The site is located within an area mapped as representing a moderate to low risk of acid sulphate soils occurring within 3 metres of the natural surface.</p>	<p>a) Noted.</p> <p>b) Noted.</p>

Comment	Staff Comment
c) Based on the available information, with respect to contamination and acid sulphate soils, DER has no objection to the proposed structure plan.	c) Noted.
At the time of writing, assessment of Bushfire Management Plan is pending	
Non-objection.	Noted.
The Department of Mines and Petroleum has determined that this proposal raised no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	Noted.
Non-objection and comment: a) All developments are required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy – Perth Metropolitan Region. b) Water supply, water management plan including the utilisation or recreational water and any	a) Noted.  b) Noted.

Comment	Staff Comment
<p>waste water recycling is to comply with Department of Health guidelines and requirements.</p>	
<p>The Department of Water provided preliminary comments on the Local Water Management Strategy (LWMS) on 7 September 2016, outlining that there are several outstanding issues that needed to be addressed by the applicant.</p> <p>The applicant subsequently provided additional information and an amended LWMS on 28 September 2016.</p> <p>At the time of writing, assessment of LWMS by the Department of Water is pending.</p>	<p>The Shire will be involved with the ongoing consideration of the LWMS and should be given the opportunity to comment prior to this document being finally approved by the Department of Water and the Western Australian Planning Commission.</p>
<p>Non-objection and comment:</p> <p>a) The Department of Parks and Wildlife is aware that the subject area contains potential breeding, roosting and feeding habitat for black</p>	<p>a) The project was referred for consideration under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> (EPBC 2016/7770). The proposed action referred was to clear Lots 302, 308 and 320 Hawtin Road and part of Lot 9502 Lovett Drive, Forrestfield, Western Australia, for the development of a residential estate. The Commonwealth Department of Energy and Environment</p>

Comment	Staff Comment
<p>cockatoos, that are protected under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC ACT). The structure plan indicates that there will be up to 50 significant trees which will be cleared as part of this proposal.</p> <p>b) If it is likely that the proposed development may result in one or more of the following:</p> <ul style="list-style-type: none"> <li>i. Clearing of any known nesting tree;</li> <li>ii. Clearing of any part or degradation of breeding habitat;</li> <li>iii. Clearing of more than 1 hectare of quality foraging habitat; or</li> <li>iv. Clearing or degradation (including pruning the top canopy) of a known roosting site;</li> </ul> <p>Then the proposal should be referred to the Commonwealth for assessment under the EPBC Act as it is likely to significantly impact upon a</p>	<p>subsequently made the decision that the proposed clearing is not a controlled action.</p> <p>b) Refer to response (a) above.</p>

Comment	Staff Comment
matter of national environmental significance.	
<p>Comments on the proposal:</p> <p>a) Reticulated water is currently available to the subject area. All water mains must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p>b) Initial stages of any subdivision will be served by extensions off the surrounding reticulation. The need, sizing, routes and timing for subsequent stages will need to be determined by the developer's consulting engineers in consultation with the Corporation's Land Servicing Team at the subdivision stage.</p> <p>c) Lot 9501 is served with water from the Foothills Gravity Scheme (South), with connections to existing services able to</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) Noted.</p>



Comment	Staff Comment
service the development of this site.	
d) Lot 14, 15 and 515 are situated at a higher elevation and are located within the Water Corporation's Forrestfield High Level water supply zone, which is supplied via a water pumping station at the corner of Hawtin Road and Sultana Road where the site elevation makes it too high to be gravity fed.	d) Noted.
e) A 1065mm diameter Canning Foothills Trunk Main traverses the site and is protected by an easement approximately 12.5m wide. The easement protecting this main should be incorporated into public open space or a future road reserve.	e) This main falls within the Western Power easement.
f) Reticulated sewerage is currently available to the subject area. All sewerage mains should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the	f) Noted.

Comment	Staff Comment
<p>Utility Providers Code of Practice.</p> <p>g) Sewerage will need to be extended through the site to service the proposed subdivision. The detailed routes and sized of gravity sewers will be determined through the preparation of a detailed sewer catchment plan at the subdivision stage.</p> <p>h) There is a 300mm PVC sewer traversing the site which will be protected by a 3m wide easement or within road reserves.</p> <p>i) The existing 225mm sewer along the northern boundary within the site will also need to be protected by an easement.</p> <p>j) Water strategy and management issues should be addressed in accordance with the State Water Strategy 2003, State Water Plan 2007, and Department of Water document Better Urban Water Management.</p> <p>k) The principle followed by the Water Corporation for</p>	<p>g) Noted.</p> <p>h) Noted.</p> <p>i) Noted.</p> <p>j) Noted.</p> <p>k) Noted.</p>

Comment	Staff Comment
<p>the funding of subdivision or development is one of user pays. The developers are expected to provide all water and sewerage reticulation. A contribution for water, sewerage and drainage head works may also be required. In addition the developers may be required to fund new works or the upgrading of existing works and protection of all Water Corporation Works. Any temporary works needed are required to be fully funded by developers. The Water Corporation may also require land being ceded free of cost for works.</p>	
<p>Comment on the proposal: a) The proposal does not appear to impact upon any heritage places.</p>	<p>a) Noted.</p>

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

**72. Amendment to Local Planning Scheme No. 3 – Lot 1107 (40)  
Masonmill Road, Carmel – Amendment 85 Additional Uses (Reception  
Centre, Tavern, Shop, Caretakers Dwelling, Garden Centre,  
Recreation – Private, and Tourist Development)**

Previous Items	D&I 25/2016
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	TP-LPS-003/085
Applicant	Land Insights
Owner	Holmes Management Group Pty Ltd

Attachment 1	Locality Plan.
Attachment 2	Submission Table
Attachment 3	Form 3B
Attachment 4	Department of Fire and Emergency Services
Attachment 5	Traffic Management Report
Attachment 6	Site Photos

**PURPOSE**

1. To consider the adoption of an amendment to Local Planning Scheme No. 3 (Scheme), to include additional uses for reception centre, tavern, shop, caretakers dwelling, garden centre, recreation – private, and tourist development.

**BACKGROUND**

**2. Land Details:**

Land Area:	4.486ha (40,468.6m <sup>2</sup> )
Local Planning Scheme Zone	Rural Conservation Existing Additional Use (A 32) for a 'Tea Room and Craft Shop'
Metropolitan Regional Scheme Zone	Rural and Reserved for Water Catchments

## Locality Plan

3.



4. The subject site has an approximate frontage of 170m and two (2) constructed vehicle access ways to the north and south of the site.
5. The site contains an existing tearoom, craft shop, dwelling, caretakers dwelling and a dam. The site has been used historically for horticultural purposes as a 'rose farm' (garden centre).
6. The surrounding area is predominantly characterised by rural land uses, Water Corporation land, parks and recreation reserve and state forest.
7. 4<sup>th</sup> June 2015 The Shire of Kalamunda granted development approval for two water tanks on site.
8. 16<sup>th</sup> February 2016 the Shire of Kalamunda granted development approval for a craft shop and retractable shelter.
9. 14<sup>th</sup> October 2016 The Shire of Kalamunda granted development approval for an Alfresco area, servery and retaining wall.
10. The applicant has commenced the landscaping development for a mini golf course on site, however, has been advised by the Shire that the proposed use is not yet approved and any significant earthworks that are not considered landscaping in nature will require a development approval. The advice has consisted of the following: "playground, gardens, water tanks, maintenance buildings and parking are considered either works only, incidental or landscaping, and will not need to be specifically mentioned in the additional use table." Officers have advised the applicant's builder on several occasions that the construction of mini golf course is not in itself something that needs planning approval (unless significant earth works are required). The use of the golf course for "recreation-private" would however need a change of use application.

11. The Shire's Environmental Health Department have advised that a waste-water treatment facility has been constructed on-site and has received approval from the Department of Health.

## DETAILS

12. The site is currently listed in Schedule 2 of the Scheme (Additional Uses) as follows:

No.	Description of Land	Additional Use	Conditions
A 32	40 Masonmill Road, Carmel Lot 1107	Tearoom and Craft Shop	(a) The activities being limited to a total floor area of 220m <sup>2</sup> .  (b) The development to be general in accordance with a Development Plan endorsed by Council.

13. The proposed Scheme amendment would effectively remove the abovementioned additional uses from Schedule 2 of the Scheme, and replace it with the following proposed additional uses:

- Reception centre;
- Tavern;
- Shop;
- Caretakers dwelling;
- Garden centre;
- Recreation – Private; and
- Tourist development.

14. In support of the initial Scheme amendment request, the applicant submits as follows:

*"The additional uses will facilitate the development of the site as a key tourism site within the Shire, comprising a restaurant, function centre, gardens and associated activities."*

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No.3

15. The subject lot is currently zoned Rural Conservation under the Scheme, which includes the following objectives under Part 4.2.2 (Rural Zones):

- *Ensure development is in harmony with the natural environment.*
- *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
- *Conserve and preserve the bushland status of private freehold and Crown land within the zone.*



- *Conserve indigenous flora and fauna to ensure the viability of natural ecosystems.*
- *Encourage the reduction of bush fire hazard.*
- *To retain large lot sizes.*

16. Should Council resolve to support the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning. If the proposal proceeds to the Minister's determination, there is no Right of Review (appeal) irrespective of the Minister's decision.
17. In the event that Council does not support the amendment, the process ceases and there is no right of review (appeal) to the State Administrative Tribunal.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

18. The *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the *Town Planning Regulations 1967* and associated Model Scheme Text.
19. In relation to the processing of Scheme amendments, the Regulations distinguish 'complex', 'standard' and 'basic' types of amendments with procedural requirements for each to streamline and simplify the amendment process, particularly in relation to advertising and processing timeframes.
20. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment', for the following reasons:
- a) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
  - b) The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area.
  - c) The amendment is not considered to meet the definition of a 'complex' or 'basic' amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. It is noted that the proposed Scheme amendment includes the additional use of 'tourist development' which is not currently defined under the Scheme. Furthermore, the existing Scheme definitions for reception centre, tavern, shop, caretakers dwelling and garden centre are inconsistent with the Model Provisions under the Regulations.
22. While updating definitions under a Scheme is ordinarily considered through a Scheme review, the proposed amendment is considered to present an opportunity to bring the aforementioned definitions into alignment with the Model Provisions, as an interim measure. Accordingly, the amendment includes the following textual amendments:
1. Amending Schedule 1 by replacing the existing definitions for Reception Centre, Tavern, Shop, Caretakers Dwelling, and Garden Centre, with the corresponding Model Provision definitions under the

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

2. Inserting a new definition for Tourist Development in accordance with the Model Provision definition under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

23. The proposed additional uses are defined under the Scheme and Regulations as follows:

<b>Use</b>	<b>Planning and Development (Local Planning Schemes) Regulations 2015 Definition</b>	<b>Local Planning Scheme No. 3 Definition</b>
<b>Reception Centre</b>	Reception centre means premises used for hosted functions on formal or ceremonial occasions.	Reception centre means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.
<b>Tavern</b>	Tavern means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .	Tavern means premises used to sell liquor for consumption on the premises and the subject of a tavern licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> .
<b>Shop</b>	Shop means premises other than a bulky goods showroom, a liquor store – large or liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.	Shop means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet.
<b>Caretakers Dwelling</b>	Caretakers dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.	Caretakers dwelling means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.
<b>Garden Centre</b>	Garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of	Garden centre means any land or building or part thereof used for the sale and display of

	products associated with horticulture and gardens.	garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display, but not manufacture, of pre-fabricated garden buildings.
<b>Recreation – Private</b>	Recreation – private means premises that are – (a) Used for indoor or outdoor leisure, recreation or sport; and (b) Not usually open to the public without charge.	Recreation – private means premises used for indoor and outdoor leisure, recreation and sport which are not usually open to the public without charge.
<b>Tourist Development</b>	Tourist development means a building, or group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide: <ul style="list-style-type: none"> <li>• Short-term accommodation for guests; and</li> <li>• Onsite facilities for the use of guests; and</li> <li>• Facilities for the management of the development.</li> </ul>	Not defined.

24. As discussed above, the definitions prescribed under the Regulations are proposed to be inserted into the Scheme as part of this amendment.

### Metropolitan Region Scheme

25. The site is zoned Rural and falls within a Water Catchments Reserve under the Metropolitan Region Scheme.

### STRATEGIC PLANNING IMPLICATIONS

#### Hills Rural Study 2014

26. The Hill Rural Study (HRS) was prepared to identify and address future requirements relating to land use, horticulture/agriculture, and environmental, economic and social issues in the study area.

27. Objectives of the HRS include, among others, protecting agricultural land, rural amenity and the Public Drinking Water Source Areas, while facilitating new revenue opportunities and diversification of land uses, including for tourism based ventures.

## **POLICY CONSIDERATIONS**

### **Draft State Planning Policy 2.5 – Rural Planning Policy**

28. The Western Australian Planning Commission (WAPC) has prepared the Draft Rural Planning Policy which intends to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.

### **State Planning Policy 3.7 – Planning in Bushfire Prone Areas (Western Australian Planning Commission)**

29. The intent of State Planning Policy 3.7 (SPP 3.7) is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
30. The requirements under SPP 3.7 apply in addition to the provisions or requirements of the Special Control Area relating to bushfire prone areas under the Scheme.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

31. The *Planning and Development (Local Planning Schemes) Regulations 2015* establish the procedures relating to amendments to Local Planning Schemes. Upon Council initiating the amendment it was formally advertised with a consultation period of 42 days.

Advertising took the form of notice in the Shire's community newspaper, a sign being placed on site as well as letters being sent to surrounding neighbours and a range of government bodies.

32. A total of 13 responses were received, all of them from government departments. No responses were recorded from surrounding neighbours or members of the general community. The comments received can be noted in Attachment 2
33. Further to the previous tabling of this Amendment the Environmental Protection Authority chose to decline to provide advice or recommendations in this case.

## **FINANCIAL CONSIDERATIONS**

34. Any costs associated with the preparation of the amendment document will be borne by the applicant. Costs associated with public consultation will be met through the Planning and Development Services budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

35. *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

36. Nil.

### Economic Implications

37. The proposed Scheme amendment would ultimately facilitate a variety of land uses, which would provide additional employment opportunities and facilitate additional tourism to the area.

### Environmental Implications

38. The proposal is located within a Water Catchment Reserve under the MRS and as such any approvals for development will require a dual approval by the Shire under the Local Planning Scheme and the Department of Planning under the MRS. A detailed water management plan will be required to be submitted as part of any subsequent development application for the proposed land uses.

## RISK MANAGEMENT CONSIDERATIONS

- 39.
- | Risk  | Likelihood | Consequence | Rating | Action/Strategy   |
|---|------------|-------------|--------|---|
| The proposed amendment may facilitate uses which will impact on the amenity of the area and adjoining properties. | Possible   | Moderate    | Medium | Ensure Council is aware that the amendment does not in itself enable development to occur. The detailed impacts of development and land uses will be further considered at the development application stage. |

The loss of additional tourism related opportunities in the area.	Possible	Moderate	Medium	Demonstrate the benefit of the proposal for tourism for the local area.
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## OFFICER COMMENT

40. The applicant submits that each of the proposed uses are intended to complement the existing tea rooms and craft shop at the site to encourage additional tourism. The following future improvements to the land have been indicated by the applicant:

Use	Reason for additional use
Reception Centre	The owner has future plans to build a function centre to host events such as wedding receptions, ceremonies and other private functions from time to time.
Tavern	The owner would like the opportunity to apply for a Restricted Tavern Liquor licence to allow patrons to be served local wines, beers and ciders without the need to order food. A beer garden is planned to complement the Tavern. This use will be subject to liquor licensing.
Shop	A craft shop has been approved on the site as part of a recent application and has been permitted on the site for some time. Its inclusion allows for the continuation of this use. The shop will sell crafts and other tourism-oriented products to patrons of the property.
Caretakers Dwelling	It is the owner's intention to employ an on-site caretaker. The inclusion of this use will allow for the caretaker to live on the site while employed in that role.
Garden Centre	A garden centre has been a significant component of the site for many years. At the present time the garden centre is not operating, however the owners are considering re-establishing this use in future.
Recreation – Private	It is the intention to construct a small amphitheatre on site to complement the function centre on an as-required basis. It is also envisaged that some independent events, such as drama/plays and concerts may also be staged at the amphitheatre.



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Tourism Development	The owner has future plans to develop short term accommodation on the site, with accompanying onsite facilities for guests and management of the development.
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41. The proposed amendment will provide the statutory framework that will allow the Shire to consider a broader variety of uses and development at the site. The current Scheme provisions do not allow development applications to be considered for the additional uses, despite these uses being potentially compatible and beneficial to the emerging tourism industry in the area. If the amendment is approved, a development application would be required prior to the development and operation of any of the additional uses.
42. Specific matters relating to potential impacts the use may have on the amenity of the area, such as the visual impact of development, detailed environmental considerations, parking, traffic safety and access, effluent disposal and specific management and operation of the uses are appropriately considered at the development application stage.
43. The proposed amendment is consistent with the objectives of the Hills Rural Study in that the proposal seeks to provide a variety of land uses which will promote tourism development.
44. In regard to the current objectives of the Rural Conservation zone under the Scheme, the following is noted:
- **Ensure development is in harmony with the natural environment.**  
Details regarding the specific nature and intensity of development, and the compatibility of the development with the natural environment will ultimately be considered at the development application stage if the amendment is approved. These matters are considered to be appropriately addressed through the development application process.
  - **Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.**  
Whilst it is noted that the site falls within a MRS reserve for Water Catchments, the Bickley Brook Public Drinking Water Source Area has been de-proclaimed, meaning there is no longer rigorous land use restrictions relating to public drinking water supply. Nevertheless, a Water Management Plan will be required to be lodged as part of the development application process to ensure the amendment adequately addresses water management and environmental considerations.
  - **Conserve and preserve the bushland status of private freehold and Crown land within the zone.**  
The proposal itself does not seek to preserve and conserve the bushland status of freehold or crown land, however, through the development application stage, conditions can be placed on any approval granted seeking the preservation of natural vegetation. If clearing is required the applicant will be subject to any associated Department of Environment

legislation or federal legislation where required. Further flora and fauna studies may be required if clearing is proposed as part of any development application in the future.

- **Conserve indigenous flora and fauna to ensure the viability of natural ecosystems.**

The proposed amendment does not incorporate the removal of vegetation from the land. Large areas of the site have in the past been used for horticultural activities and the site is largely clear of native vegetation. There are a small number of larger trees in the centre of the site, which should be retained as part of any future development.

- **Encourage the reduction of bush fire hazard.**

The proposal in-itself does not reduce bush fire hazard in the area, however a Bushfire Hazard Assessment and Bushfire Attack Level Contour Map has been submitted to support the amendment request. These documents indicate that the site is the subject to an extreme and moderate Bushfire Hazard Level and BAL-40/FZ, which means that development will only be able to be located in specified areas of the lot. Given the property is surrounded by dense vegetation on adjoining lots, any new development will be required to be predominantly located to the centre of the site, outside of the high risk areas. A Bushfire Management Plan will be required at the development application stage to demonstrate that key bushfire protection criteria (relating to location, siting/design, vehicle access and water) have been addressed in accordance with relevant requirements.

The applicant has submitted a proposed Bushfire Management Plan (BMP) for the purpose of the Scheme amendment which was referred to the Department of Fire and Emergency Services (DFES) on the 10<sup>th</sup> October 2016 prepared by Bushfire Prone Planning Pty. Ltd. Advice was given, See Attachment 4, which acknowledges that some of the proposed land uses which are determined to be vulnerable uses must be located in BAL 12.5 areas or lower. Further assessment based on BAL rating will be required to be submitted as part of any application for development on the subject site.

- **To retain large lot sizes.**

The amendment will not result in any reduction of the existing lot size.

45. A key consideration of the amendment will be to determine the appropriateness of traffic safety and access to the site, particularly from Canning Road. In this respect, the applicant/owner has been required to provide a traffic impact assessment during the amendment process, see (Attachment 5). Where improvements are required to the surrounding road system and access to the site, these improvements will be required to be addressed at the development application stage through a condition of development approval.
46. In summary, the proposed amendment is considered appropriate for the subject site to enable the Shire to consider additional uses which will be complementary to the emerging tourism activity in the area.

*A query from Cr Michael Fernie and Cr Geoff Stallard were clarified on the item.*

*Cr Geoff Stallard asked if the Shire could consider down the track as another option to look at maybe taking it down to a 45 kilometre per hour speed limit, we would have to do it through the appropriate authorities, but to me it's an option to make it safer as well.*

*The Director Asset Services advised we can certainly put in a request to Main Roads. Main Roads is the sign erecting authority that will make that final decision they will do it on the basis of a speed zoning analysis so we can put in that request but it won't be our decision.*

<b>Voting Requirements: Simple Majority</b>
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## **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 72/2016)**

That Council:

1. Notes the submissions received during the advertising of this application.
2. Adopts the amendment to Local Planning Scheme No.3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO.3  
AMENDMENT NO.85

Resolved that pursuant to Section 72 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- a) Amending Schedule 1 by replacing the existing definitions for Reception Centre, Tavern, Shop, Caretakers Dwelling, and Garden Centre, with the corresponding Model Provision definitions under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- b) Inserting a new definition for Tourist Development in accordance with the Model Provision definition under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- c) Amending Schedule 2 Additional uses by inserting the following:

No.	Description of Land	Additional Use	Conditions
A 55	Lot 1107 (40) Masonmill Road, Carmel	Reception Centre Tavern  Shop  Caretakers Dwelling  Garden Centre	a) The development to be in accordance with a Development Plan endorsed by Council.  b) The applicant / land owner shall prepare and implement a

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		Recreation Private Tourist Development	Bushfire Management Plan. c) The applicant / landowner shall prepare and implement a Traffic Management plan
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3. Pursuant to Clause 53 of the *Planning and Development (Local Planning Scheme) Regulations 2015* the scheme amendment documents and public submissions are forwarded to the Western Australian Planning Commission for their consideration.

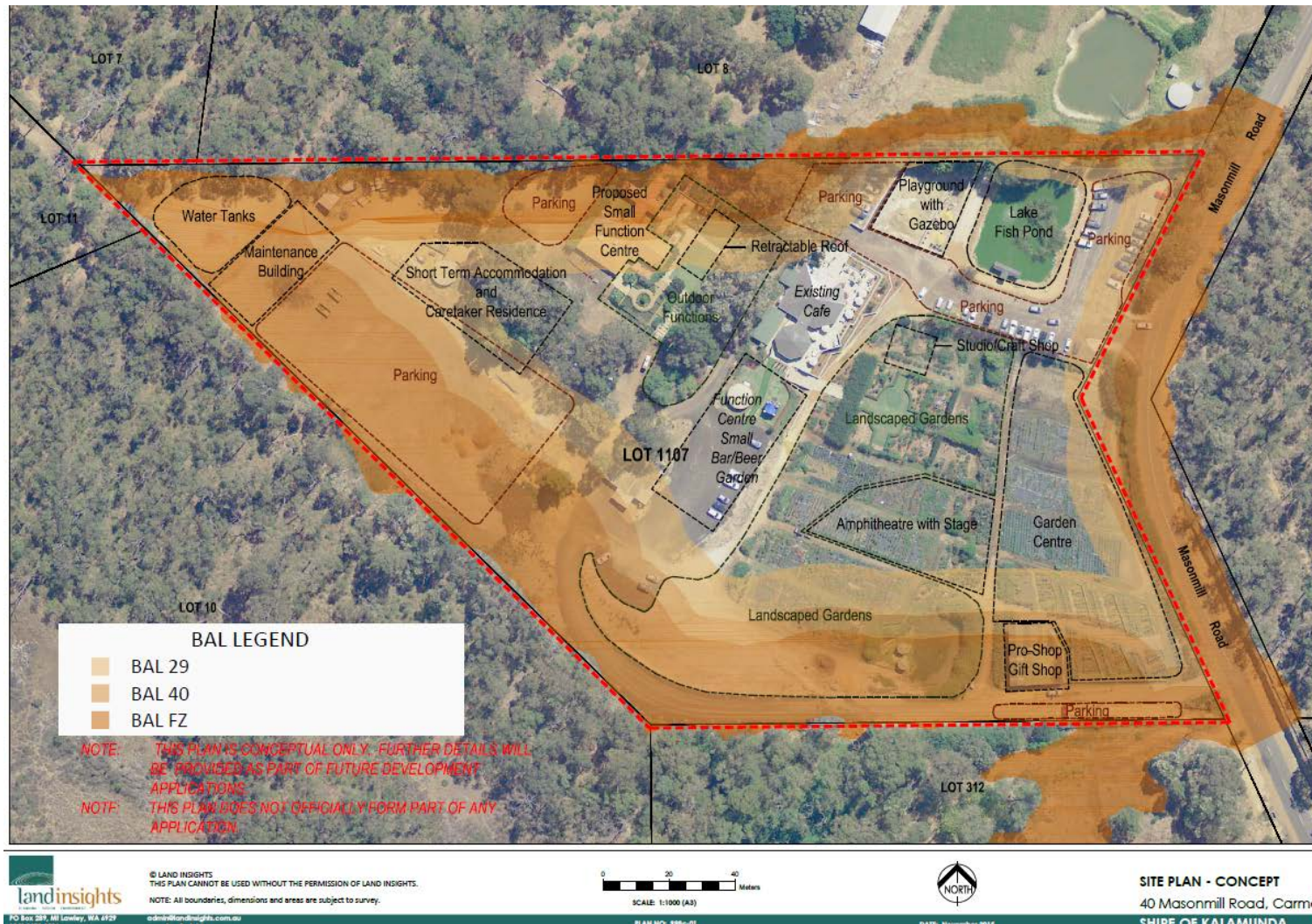
Moved: **Cr John Giardina**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (10/0)**

## Attachment 1

### Lot 1107 (40) Masonmill Road, Carmel – Scheme Amendment 85 – Additional Uses & BAL Legend Locality Plan



## Attachment 2

Amendment to Local Planning Scheme No 3. – Lot 1107 (40) Masonmill Road, Carmel – Amendment 85 Additional Uses (Reception Centre, Tavern, Shop, Caretakers Dwelling, Garden Centre, Recreation – Private, and Tourist Development)

### Submission Table

Details		Comment	Staff Comment
1.	Environmental Protection Authority  Locked Bag 10, East Perth WA 6892 Angela Coletti	Decline to provide advice or recommendations.	Noted
2.	Department of Mines and Petroleum  100 Plain Street, East Perth WA 6004 Colin Strickland	No Objection	Noted
3.	Water Corporation  PO box 100, Leederville WA 6902 Ross Crockett	a) Water Corporation cannot guarantee the water quality, pressure, or continuity of supply. Maximum flow rate of 20 litres per minute. b) Additional proposed development or retrospective development on this lot shall require approval by the building services department of the Water Corporation.	a) Noted  b) Noted



4.	Department of Education  151 Royal Street, East Perth WA 6004 Stephen Muldoon	No Objection	Noted
5.	Department of Aboriginal Affairs  PO Box 3153, East Perth WA 6892 Sally McGann	a) Location does not fall within the boundary of any sites under the Aboriginal Heritage Act. However, there may be sites that have not yet been identified, and these are still afforded protection by the Act.  b) It is recommended that the developers familiarise themselves with the State's Cultural Heritage Due Diligence Guidelines.	a) Noted  b) Recommendation shall be passed on to applicant.
6.	Department of Agriculture and Food  Locked Bag 4, Bentley Delivery Centre WA 6983 Melanie Strawbridge	No Objection	Noted
7.	Department of Environment Regulation	No Objection – Recommends that no contamination condition will be required.	Noted

8.	<p>Main Roads</p> <p>PO Box 6202, East Perth WA 6892</p> <p>Joanne Cammack</p>	No Objection	Noted
9.	<p>Department of Water</p> <p>PO Box K822, Perth WA 6842</p> <p>Bree Lyons</p>	<p>a) A waterway intersects the site. It is recommended that the site be operated in line with best management practices outlined in Water Quality Protection Note 79: Rural Restaurants, Cafes and Taverns near Sensitive Water Resources.</p>	<p>a) Recommendation shall be passed on to applicant</p>
10.	<p>Department of Fire and Emergency Services</p> <p>GPO Box P1174, Perth WA 6844</p> <p>Sasha De Brito</p>	<p>a) Location is classified as a bushfire prone area. Any development in this area is to be accompanied by a BAL assessment, BAL Contour map, and the identification of any hazards arising from the contour map or assessment, and an assessment against the bushfire protection criteria requirements contained within the Guidelines for Planning in Bushfire Prone Areas.</p> <p>b) If the Shire considers that the amendment creates a</p>	<p>a) After the provision of additional information subsequent to the initial advice, DFES has further advised that the proponent has adequately identified issues arising from the Bushfire Attack Level Contour Map and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP.</p> <p>b) Any future application for development including vulnerable land uses will be subject to DFES requirements for those uses to only be located in areas subject to BAL-12.5 or lower and this shall form a condition of the Additional Use Amendment.</p>

	<p>The Bushfire Management Plan was referred back to DFES for comments (See Attachment 4) received 11<sup>th</sup> November 2016</p>	<p>vulnerable or high risk land use the proposed Amendment will also need to demonstrate compliance with Policy Measure 6.6 – Vulnerable or High Risk land uses of SPP 3.7.</p> <p>c) It is considered that the amendment has the potential to increase the threat of bushfire to people, property and infrastructure and the amendment should not be supported until such a time that the bushfire risk and hazard reduction measures are established and understood.</p> <p>d) The submitted Contour map requires updating to be aligned with current methodology.</p> <p>e) DFES Recommends the amendment be deferred to allow the proponent to submit the required information.</p> <p>f) DFES advise that the work undertaken within the submitted BMP and BAL contour Map must be used to inform the subsequent stages of the planning process. Critically,</p>	
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		<p>consideration must be given to any proposed vulnerable uses, (Short Term Accommodation, Function Centre, and Caretaker Residence) as indicated in the Concept Development Plan, to ensure such development is located in areas subject to BAL-12.5 or lower.</p> <p>g) Notwithstanding the above changes, DFES advises that the proponent has adequately identified issues arising from the BAL Contour Map and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP</p>	
11.	<p>Department of Parks and Wildlife Swan Region</p> <p>Locked Bag 104, Bentley Delivery Centre WA 6983 Rebecca Ong</p>	No Objection	Noted
12.	<p>State Heritage Office</p> <p>PO Box 7479 Cloisters Square Post Office, WA 6850 Callum Crofton</p>	No Objection	Noted

13.	Department of Health  PO Box 8172, Perth Business Centre, WA 6849 Jim Dodds	<p>a) All developments are required to connect to scheme water and reticulated sewerage.</p> <p>b) All food related aspects are to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.</p> <p>c) All public areas/developments are to comply with the provisions of the Health Act 1911, related regulations and guidelines and in particular part IV – Public Buildings.</p>	<p>a) It is noted that availability of sewer to this site is some kilometres away and is not a viable option. It is noted that the applicant has constructed a waste water treatment facility on site which has been approved by the Shire of Kalamunda.</p> <p>b) Noted</p> <p>c) Noted</p>
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### **Attachment 3**

Lot 1107 (40) Masonmill Road, Carmel – Scheme Amendment 85 – Additional Uses  
**Form 3B**

## **1. FORM 3B PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEME) REGULATIONS 2015**

*Planning and Development Act 2005*

### **APPROVED LOCAL PLANNING SCHEME AMENDMENT**

Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 85

It is hereby notified for public information, in accordance with Section 87 (3) of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Kalamunda Local Planning Scheme No. 3 Amendment on the .....day of ..... 2016:

RESOLVED that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Amending Schedule 1 by replacing the existing definitions for Reception Centre, Tavern, Shop, Caretakers Dwelling, and Garden Centre, with the corresponding Model Provision definitions under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Inserting a new definition for Tourist Development in accordance with the Model Provision definition under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Amending Schedule 2 Additional uses by inserting the following:

No.	Description of Land	Additional Use	Conditions
A 55	Lot 1107 (40) Masonmill Road, Carmel	Reception Centre Tavern Shop Caretakers Dwelling Garden Centre Recreation Private Tourist Development	a) The development to be in accordance with a Development Plan endorsed by Council. b) The applicant / land owner shall prepare and implement a Bushfire Management Plan. c) The applicant / landowner shall prepare and implement a Traffic Management plan



\_\_\_\_\_  
(Secretary, Western Australian Planning Commission)

\_\_\_\_\_  
(Shire President)

\_\_\_\_\_  
Chief Executive Officer

## Attachment 4

Lot 1107 (40) Masonmill Road, Carmel – Scheme Amendment 85 – Additional Uses  
**Department of Fire and Emergency Services**



Government of Western Australia  
Department of Fire & Emergency Services



Our Ref: D00703  
Your Ref:

Luke Harris  
Shire of Kalamunda  
[Luke.Harris@kalamunda.wa.gov.au](mailto:Luke.Harris@kalamunda.wa.gov.au)

Dear Luke

### **LOT 1107 MASONMILL ROAD CARMEL - SCHEME AMENDMENT NO. 85 - PROPOSED ADDITIONAL USES**

I refer to your email dated 10 October 2016 regarding the submission of a Bushfire Management Plan (BMP), Version 1.0 prepared by Bushfire Prone Planning Pty. Ltd. for the above proposed Local Planning Scheme Amendment. The Department of Fire and Emergency Services (DFES) provide the following comments with regard to *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)* and the *Guidelines for Planning in Bushfire Prone Areas (Guidelines)*:

DFES advise that the work undertaken within the submitted BMP and BAL Contour Map must be used to inform subsequent stages of the planning process. Critically, consideration must be given to any proposed vulnerable uses (e.g. Short Term Accommodation, Function Centre, Caretaker residence) as indicated in the Concept Development Plan, to ensure such development is located in areas subject to BAL-12.5 or lower.

Notwithstanding the above changes, DFES advises that the proponent has adequately identified issues arising from the Bushfire Attack Level Contour Map and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP.

Should you require further information, please contact me on telephone number 9482 1761.

Yours sincerely

**Sandeep Shankar**  
**LAND USE PLANNING OFFICER**

11 November 2016


## Attachment 5a

### Lot 1107 (40) Masonmill Road, Carmel – Scheme Amendment 85 – Additional Uses Traffic Management Report



CONSULTING CIVIL & TRAFFIC ENGINEERS, RISK MANAGERS.



Project:	Transport Assessment for the development of 40 Masonmill Road, Carmel, Kalamunda
Client:	Landinsights
Author:	E Wilks
Signature:	
Date:	24 <sup>th</sup> March 2016

1 ST. FLOOR, 908 ALBANY HIGHWAY, EAST VICTORIA PARK WA 6101.

PHONE	+61 8 9355 1300
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### **Attachment 5b**

Lot 1107 (40) Masonmill Road, Carmel – Scheme Amendment 85 – Additional Uses

### **Traffic Management Report**

[Click HERE to go directly to the document](#)

**Attachment 6**

Lot 1107 (40) Masonmill Road, Carmel – Scheme Amendment 85 –  
Additional Uses

**Site Photographs**



Existing Car Parking and function area



Function Area



Gardens for Receptions and Events



Irrigation area for waste water





Watertanks and parking area



Constructed Mini Golf Course



Existing landscaped gardens



Constructed Mini Golf Course



Constructed Mini Golf Course



Existing Restaurant





Waste water irrigation system



Existing Craft Shop, to be converted into "Shop"

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

**73. Wattle Grove Street Tree Planting Project**

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	EG-CMP-032
Applicant	N/A
Owner	N/A
Attachment 1	Wattle Grove Street Trees – Areas and Primary Streets
Attachment 2	Tree Species
Attachment 3	House Numbers for Tree Planting
Attachment 4	Residential Information Pack - Example

**PURPOSE**

1. To consider the program for the Wattle Grove Street Tree Planting Project.

**BACKGROUND**

2. Subdivision and development in the suburb of Wattle Grove has not always included controls for the planting of street trees. As a result, many of the streets are devoid of street trees which are considered to be an integral component of quality residential streets.
3. The draft Cell Nine Wattle Grove Landscape Master Plan 2011 identified the need for street tree planting in this area.
4. In 2016/2017 an amount of \$60,000 was approved in the Environmental Reserves Program for Stage 1 of the Wattle Grove Street Tree Planting Program. Further funding is proposed in future years for the staged implementation of this program.

**DETAILS**

5. Street Trees are proven to provide the following benefits to the community:
  - Improve the visual appearance of residential streets.
  - Used as a traffic calming device and encourages lower vehicle speeds.
  - Reduce traffic noise and pollution.
  - Provide a layer of separation between a property and the road.
  - Provide shade and cooling to assist with mitigating the urban heat island effect.
  - Reduce radiant heat generated from driveways and roads.
  - Provide food and shelter for fauna.
  - Encouraging healthy and active lifestyles through the creation of a shaded walkable environment.
  - Increasing residential property values.

- 
6. Preliminary investigations have been completed to review verges in Wattle Grove on a street by street basis for planting. It has been confirmed some streets are not amenable to street planting due to:
    - Verge width.
    - Underground services (electricity, gas and water).
    - Street lighting.
  7. The proposed street tree planting program for Wattle Grove has been divided into 3 zones (Attachment 1) which determines what species will be planted and is based on site constraints and the environmental factors.
  8. It is proposed that each primary road or main thoroughfare in Wattle Grove be themed with a single tree species to create formality and street identity. It is recommended that planting in these streets be mandatory to provide an identity to the suburb.
  9. The primary roads and their designated tree species are:
    - Sheffield Road: Chanticleer Ornamental Pear - *Pyrus calleryana*
    - St John Road: Chinese Tallow - *Traidica sebivera* (formerly *Sapium*)
    - Arthur Road: Chanticleer Ornamental Pear
    - Hale Road: Chanticleer Ornamental Pear
    - Hardy Road East: Purple Leaved Plum - *Prunus cerasifera*
  10. It is proposed to focus the 2016/2017 planting on the following primary roads:
    - Sheffield Road – 47 Chanticleer Ornamental Pear
    - Sheffield / Hale Road intersection - 3 Kurrajongs - *Brachychiton acerifolia* near the Hale Rd roundabout to complement the existing one in the roundabout.
    - St John Road - 16 Chinese Tallow on the eastern side only, due to services in the verge on the western side.
    - Arthur Road - 6 Chanticleer Ornamental Pear trees. Only a portion of this road adjacent to Hale Road is being planted within this budget.

Refer Attachment 2.
  11. Hale Road will be planted when the road widening is completed as part of Cell 9 Infrastructure works.
  12. Street trees cannot be planted on all verges due to the presence of existing trees, underground services and insufficient space. Attachment 3 lists those properties which it is proposed to plant a street tree on the adjoining verge.
  13. It is proposed the remaining roads will be planted with a mixture of species, allowing the resident an opportunity to choose their preferred street tree from a selection of three. Planting on the secondary streets at this stage will be a choice. Mandatory planting may come into place in future years if the take up of street trees is spasmodic.
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14. The mixed species as outlined in Attachment 1 includes the following; Peppermint Willow - *Agonis flexuosa*, Red Flowering Gum - *Corymbia calophylla*, Coral Gum - *Eucalyptus torquata*, Coolibah 'Snow Queen' - *Eucalyptus victrix*, Crepe Myrtle - *Lagerstromeria indica* and Broadleaf Paperbark - *Melaleuca quinquenervia*.
15. Tree species have been chosen for their suitability in the streetscape using the following guidelines:
- reliable form as a street tree
  - suitability in most soils and urban conditions (heat, wind and some pollution)
  - growth habit (height and width) in a variety of verge widths underground services and under powerlines
  - offer attractive seasonal interest
  - will require minimal maintenance after an initial 2-year summer watering period
  - non-invasive qualities (weeds) which is important due to the proximity to natural and bushland areas; Hartfield Park, Tomah Swamp and wetlands
  - broader ecological support (stepping stones, connectivity)
  - proven resilience to a warming climate, reduced rainfall, pests and diseases
  - low allergic reactions
  - provide a sense of place to their street
16. In addition to the street tree planting, Fennel Park will be planted with six Chanticleer Ornamental Pear and the local primary school will be engaged to participate in the planting to create community interest.
17. Trees will 100lt in size and will be planted in May/June 2017 to coincide with the winter rains.

## STATUTORY AND LEGAL CONSIDERATIONS

18. Nil.

## POLICY CONSIDERATIONS

19. This project complements the Draft Street Tree and Streetscape Management Policy where the planting of trees is integral to the identity of the Shire.

## COMMUNITY ENGAGEMENT REQUIREMENTS

20. Community engagement early in 2017 and in the following years will be very important. The engagement process will follow three themes as follows:
- i. **Education** – provide general information regarding the benefit of street trees. To commence in January 2017 and continue indefinitely. Mass marketing, media and advertising.
  - ii. **Direct Marketing** – provide specific information to residents of the proposal for their street. This will include species, benefits and other general information about the tree that will be mailed out as an information pack. Attachment 4 is an example of the fact sheet and covering letter.
  - iii. **Engagement** – provide specific information by direct mail regarding the property, including species, benefits, when the planting will take place and what maintenance will occur thereafter. Residents will also
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be asked to assist with supplementary watering and weed control around the base of the tree.

21. A communications plan will be developed by Customer and Public Relations to capture a variety of media formats to inform all residents of Wattle Grove of the street tree planting program.

## **FINANCIAL CONSIDERATIONS**

22. The 2016/2017 budget of \$60,000 will allow the planting of 78 trees. The cost will include bollards being placed around each tree to aid protection, growth and visibility.
23. Summer watering is important for survival and must be factored into the following years operating budget.
24. Any vandalised trees will be replaced immediately and will be funded from the Parks Maintenance budget.
25. An estimated annual budget of \$65,000 for the first five years and \$75,000 for an additional five years based on current figures will allow the completion of all street tree planting across Wattle Grove, providing for approximately 1,000 trees.
26. The above figures exclude \$32,000 currently available from Developer street tree planting bonds. These funds can be transferred into the capital expenditure budget as tree planting progresses through the relevant areas.
27. Should there be a community desire to progress this street tree planting program in a shorter timeframe and this is supported by Council, then the Long Term Financial Program will need to be adjusted accordingly.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

28. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 3.1 - To clearly identify the Shire's role in protecting, promoting, and enhancing the environmental values and biodiversity of the Shire in partnership with the community.
- Strategy 3.1.3                      Identify collaborative on-ground projects that can be achieved in partnership with the community.
- OBJECTIVE 4.5 - To create a desirable and recognisable image for the Shire.
- Strategy 4.5.1                      Support the creation and ongoing maintenance of quality streetscapes particularly at Shire entry points and a long major arterial roads.

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## SUSTAINABILITY

### Social Implications

29. A tree planting fact sheet in the information pack will be provided to the resident to increase their knowledge of the benefits of street trees and encourage involvement in the program.
30. Trees cool the environment and encourage people to spend more time outdoors. They can also reduce stress and enhance personal health and well-being.
31. Trees also create a sense of place, adding value and community pride.

### Economic Implications

32. Street trees are known to have two economic benefits:
- Increase the value of a property and suburb.
  - Reduce electricity consumption as they reduce the heat island effect of infrastructure.
33. Based on past experience in implementing street tree planting programs, it is expected that some trees may be vandalised. It is normal to experience losses of 1-2% and replacement of these trees will be factored into future budgets.

### Environmental Implications

34. Trees species have specially been selected to tolerate hot, dry conditions and be of a suitable growth habit to fit within the constraints of the site.
35. The trees will need to be watered twice weekly for the first two summers by the Shire.

## RISK MANAGEMENT CONSIDERATIONS

- 36.
- | Risk   | Likelihood     | Consequence   | Rating | Action/Strategy   |
|--|----------------|---------------|--------|---|
| Project – Hitting underground services when planting                             | Possible       | Moderate      | Medium | Underground service locators will determine where a tree can be planted                             |
| Reputational – resident(s) complaints about having a tree planted on their verge | Possible       | Insignificant | Low    | Utilise an extensive engagement strategy, including 'frequently asked questions'                    |
| Operational – Tree vandalism   | Almost Certain | Insignificant | High   | Act quickly to replace the tree, publicise the vandalism and look at ways to prevent it reoccurring |

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## OFFICER COMMENT

37. Over the past four years, the Shire has targeted Wattle Grove with community planting events and fauna workshops in its local parks to increase local knowledge and acceptance of plants generally and the benefits of street tree planting.
38. A project plan has been developed to work within the allocated 2016/2017 budget to implement Stage 1 of the Wattle Grove Street Tree Planting Program. The proposal to target primary roads initially is anticipated to increase community interest and uptake of street tree planting for future programs. The community engagement process is critical to the success of the program.
39. By providing residents on the secondary roads with the ability to select tree species (from a defined list) will encourage street tree ownership and street pride whereby the resident will be more likely to provide supplementary water during the summer months and reduce the incidence of tree vandalism.
40. The mixed arrangement of species that will be visible in our streets also complements contemporary tree planting approaches and will provide a diverse mix for fauna also in this area. This approach also reduces the risk of losing a number of trees of the same species to disease or other environmental factors.
41. There is an opportunity for the Shire to promote local community engagement and success stories throughout the project which will encourage future residents to become involved.

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 73/2016)

That Council:

1. Notes the process for the implementation of Stage 1 of the Wattle Grove Street Tree Planting Program.
2. Endorses the mandatory planting with a single species on the following primary roads:
  - Sheffield Road – 47 Chanticleer Ornamental Pear - *Pyrus calleryana*
  - Sheffield / Hale Road intersection - 3 Kurrajongs - *Brachychiton acerifolia*
  - St John Road – 16 Chinese Tallow - *Traidica sebivera* (formerly *Sapium*)
  - Arthur Road – 6 Chanticleer Ornamental Pear - *Pyrus calleryana*
  - Fennel Park - 6 Chanticleer Ornamental Pear - *Pyrus calleryana*
3. Notes that subsequent stages of the Wattle Grove Street Tree Planting Program will incorporate a mixed species approach on the secondary roads.

Moved: **Cr Brooke O'Donnell**

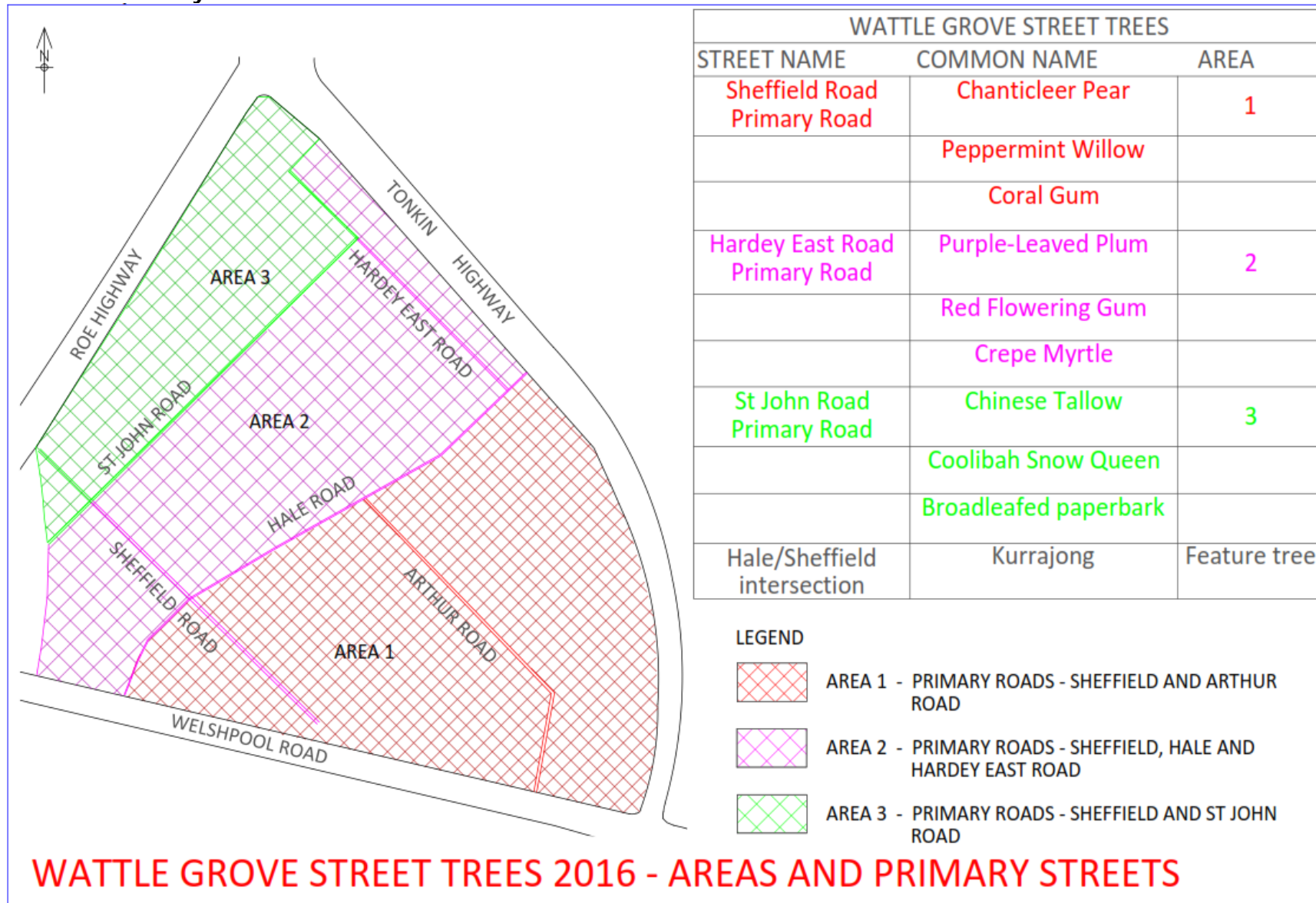
Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

## Attachment 1

Wattle Grove Street Tree Planting Project

### Areas and Primary Streets



## Attachment 2

### Wattle Grove Street Tree Planting Project

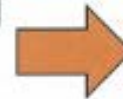
#### Tree Species

## Wattle Grove Street Tree Planting



Sheffield Road  
Arthur Road  
Hale Road  
Fennell Park

Hardy Road  
East



St John Road

Sheffield / Hale  
Intersection



Chanticleer Ornamental Pear – *Pyrus calleryana*

Purple Leaved Plum – *Prunus cerasifera*

Chinese Tallow – *Traidica sebivera* (formerly *Sapium*)

Kurrajong – *Brachychiton acerifolia*



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### Attachment 3

#### Wattle Grove Street Tree Planting Project House Numbers for Tree Planting

##### WATTLE GROVE STREET TREES - HOUSE NUMBERS AND QUANTITIES

SHEFFIELD ROAD	
<i>Pyrus calleyana</i> 'Chanticleer Pear' Pc	
<i>Brachychiton acerifolius</i> 'Kurrajong' Ba	
House number	Quantity
14	1 Pc
16	1 Pc
17	1 Pc
18	1 Pc
20	1 Pc
23	1 Pc
28	1 Pc
2 Drosera App	2 Pc
31	1 Pc
33	1 Pc
1 Drosera App	2 Pc
37	1 Pc
1 Carbine	2 Pc
40	2 Pc
2 Carbine	2 Pc
41	1 Pc
42	1 Pc
45	1 Pc
46	1 Pc
47	1 Pc
2 Ashtree	2 Pc
51	1 Pc
53	1 Pc
1 Ashtree	1 Pc
56	1 Pc
57	1 Pc
1 Archer	2 Pc
62	1 Pc
2 Archer	2 Pc
66	1 Ba
74	1 Ba
75	1 Ba
82	1 Pc
84	1 Pc
85	1 Pc
87	1 Pc
88	1 Pc
2 William	1 Pc
94	1 Pc
96	1 Pc
100	1 Pc
104	1 Pc
Quantity	50

ST JOHN ROAD	
<i>Triadica sebivera</i> 'Chinese Tallow' Ts	
House number	Quantity
3	1 Ts
9	1 Ts
1 Doepel Way	1 Ts
2 Doepel Way	1 Ts
19	1 Ts
21	1 Ts
23	1 Ts
31	1 Ts
33	1 Ts
35	1 Ts
37	1 Ts
41	1 Ts
81	1 Ts
83	1 Ts
85	1 Ts
91	1 Ts
Quantity	16

#### **Attachment 4**

##### **Wattle Grove Street Tree Planting Project Residential Information Pack - Example**

Enquiries: Officer

Date

Name  
Address  
Suburb

Dear xx

#### **Sheffield Road, Street Tree Planting – Winter 2017**

The Shire of Kalamunda recognises that many streets in Wattle Grove have no street trees and would like you to become involved in accepting a free tree to be planted on your verge by the Shire in Winter 2017.

All vegetation within the Shire is valued, street trees in particular provide multiple benefits to the adjacent property owner and the local streetscape. These benefits include:

- A reduction in traffic noise and pollution.
- Provide shade and reduce radiant heat known as the urban heat island effect.
- Improve aesthetics of a house and the neighbourhood and even boost property values.
- Enhance personal health and well-being and reduce stress.
- Reduce wind, provide food and shelter for birds and insects.
- Create a sense of place and community pride.

All trees at the time of planting will be approximately 1m high and will be staked and bollarded for visibility and protection. They will also be fertilised and watered twice a week for the first two summers. All maintenance will be undertaken by the Shire though we do encourage you to provide supplementary watering in the summer months to allow your tree to thrive.

The Shire has carefully selected the Chanticleer Ornamental Pear (fact sheet attached) for planting in your street, as this tree suits the size of your verge and local conditions. All trees release debris (flowers, leaves or nuts) at some point during the seasons however we hope that you can see how the benefits of a street tree far outweigh this natural activity.

If you have any further queries, please contact ....

Yours sincerely

Officer Name and Title

Attach: Fact Sheet

# Ornamental Pear

*Pyrus calleryana*



**Botanical name:** *Pyrus calleryana* "Chanticleer"

**Common name:** Ornamental Pear

**Origin:** China

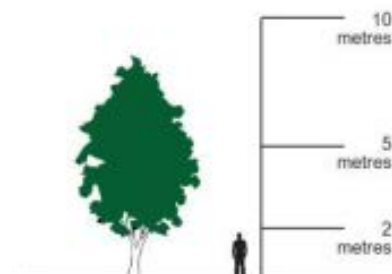
**General:** This tree is becoming popular in Australia due its ability to tolerate dry conditions and its columnar shape which is suitable for small spaces. Dark green leaves are oval, with fine serrations along the edge which turn gold, plum and burgundy in the autumn and finally drop of the tree in winter.

**Flowers:** White in spring

**Leaves:** The Ornamental Pear lose their leaves in autumn so will only require a sweep up at these times.

**Height:** 8 metres

**Spread:** 6 metres



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



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

**74. Draft Street Tree and Streetscape Management Policy**

Previous Items	OCM 157/2016
Responsible Officer	Director Asset Services
Service Area	Asset Maintenance
File Reference	EV-EPP-056
Applicant	N/A
Owner	N/A
Attachment 1	Submissions
Attachment 2	Street Tree and Streetscape – Management Policy (Draft)
Attachment 3	Street Tree Preservation – Management Procedure (Draft)
Attachment 4	Streetscape Planting – Management Procedure (Draft)
Attachment 5	Verge Development – Management Procedure (Draft)
Attachment 6	Roadside Fire Mitigation – Management Procedure (Draft)

**PURPOSE**

1. To consider the outcomes of the community consultation on the Draft Street Tree and Streetscape Management Policy.

**BACKGROUND**

2. The Draft Street Tree and Streetscape Management Policy ("the Policy") was endorsed by Council in September 2016 (OCM 157/2016) with the following recommendation:
  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.*

- 
3. The Policy was referred to the Kalamunda Environmental Advisory Committee and considered at its meeting on 27 October 2016 with the following recommendation:

*"KEAC supports the Street Tree and Streetscape Management Policy and Procedures subject to adding the bullet point "The health and resilience of the plants" to the Policy Statement, and considering the addition of Management Procedures for Weed Management and for Providing Foraging Habitat for Wildlife."*

4. The Policy was advertised for public comment for a period of three weeks, with the submission period ending on 4 November 2016. A total of four submissions were received and have been included in Attachment 1, along with officer comments.

## DETAILS

5. The comments received do not specifically impact on the Policy but will require further information and advice in response to that particular submission. This will be undertaken through direct correspondence to each person.
6. The Policy document has been revised to include the recommendation from KEAC regarding the "health and resilience of plants".
7. The recommendation from KEAC in relation to further management procedures for Weed Management and Providing Foraging Habitat for Wildlife are noted and these additional documents will be developed as part of the Shire's program for continuous improvement.
8. There are no changes proposed to the four Management Procedures.

## STATUTORY AND LEGAL CONSIDERATIONS

9. 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.
10. 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.
11. The Shire receives a number of insurance claims annually in relation to street trees. These claims can be for:
- damage caused to private property by tree roots
  - damage caused as a result of storms or
  - claims relating to vegetative debris (e.g. slip on honkey nuts)

Where the tree is assessed as naturally occurring, the claims are often denied, however recommendations can be made on specific maintenance to reduce the likelihood of further impacts.

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## 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. The Policy has been advertised for public comment and was referred to KEAC as required by Council resolution (OCM 157/2016).
14. A direct response will be provided to the four submissions indicating whether and how the comments have been incorporated into the final draft Policy. Where a recommendation has not been incorporated, reasons will be provided.
15. Once endorsed by Council, the Shire will undertake to develop guidelines, brochures and other information for the benefit of the community in understanding and implementing the policy and procedures.

## 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 |

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<b>Total Annual</b>	<b>\$1,713,695</b>
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## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

18. *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

19. 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

20. Nil.

### Environmental Implications

21. 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.*

22. 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

23.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Without a Policy there will be continuing inconsistencies around the management of the streetscape and trees on the road reserve.	Possible	Moderate	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	Moderate	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

24. The Shire has care and management of the road reserve, including the verge and this includes any vegetation within that area. This responsibility remains whether any work by a third party has been approved or not. Examples include the situation where a poorly pruned tree has caused damage to private property. In this case, the Shire was liable to compensate for the damage caused.
25. 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.
26. The Street Tree and Streetscape Management Policy would form part of a future Urban Forest Protection Policy, which would include private property.

*Several queries from Cr Geoff Stallard, Cr Tracy Destree and Cr Michael Fernie were clarified on this item.*

*Cr Tracy Destree asked if the pruning trees for powerline clearance work is an external contracted role?*

*The Director Asset Services responded yes specific contractors are utilized due to qualification requirements.*

*Cr Tracy Destree asked why not? it is a manageable risk I'm just interested in trying to reduce that cost because my experience is the contractors are quite keen to get out there and prune as much as possible and hit the bill back at the Shire. It could be more economical as well as planting more appropriate trees.*

*I'm just wondering if we could be more economical about that and if the Shire was actually involved in that process then that would fit I think a bit better with our program of replacing inappropriate trees that are planted under powerlines with ones which would be more appropriate.*

*The Director Asset Services responded that is certainly something to look at and report back in February at the Service Review. But certainly our crews are not equipped now both with training and also equipment that is required to comply with Western Powers requirements.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 74/2016)**

That Council:

1. Notes the development of the Street Tree and Streetscape Policy (Attachment 2).
2. Notes the Street Tree and Streetscape Management Procedures:
  - Street Tree Preservation Procedure (Attachment 3)
  - Streetscape Planting Procedure (Attachment 4)
  - Verge Development Procedure (Attachment 5)
  - Roadside Fire Mitigation Procedure (Attachment 6)

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (10/0)**

## Attachment 1

### Draft Street Tree and Streetscape Management Policy

#### Submissions

Reference	Details	Comment	Administration Comment	
1.	IE-192486	Sheriff Circuit WATTLE GROVE	<ul style="list-style-type: none"><li>• I suggest clarification to the meaning of the word “residents” in the Draft policy. Does to encompass all people residing at the properties or is it used to refer to property owners?</li><li>• I suggest clarification as to which residents are responsible for which verges. For example, in residential Wattle Grove I think there may be ambiguity as to who is responsible for verges between two houses around corner locations. I noted that there are many instances where residents on either side of the verge have mowed their garden but have mowed the adjoining verge between them resulting in it being overgrown (presumably because they do not consider it is their responsibility). I suggest it should be noted that residents are required to maintain the verge at the front and the side of their houses (for corner allotments).</li><li>• Where a resident as not maintained the verge as required by Shire policy, I suggest that the possible consequences/action by the Shire be set out e.g. The Shire will liaise with the resident regarding the matter.</li><li>• Where a resident has difficulty maintaining their verge or requires some assistance to maintain their verge (e.g. Because of disability or age), I suggest the resident should be encouraged to contact the Shire for an exemption to the requirement in Shire policy or alternatively for referral to appropriate community groups who may be able to assist.</li><li>• Where a resident chooses to not, or is unable, to maintain the verge area as required by Shire policy, I suggest that another neighbour or community group may apply to the Shire to “adopt” a verge in order to maintain and develop the area in accordance with Shire policy for the benefit of the community.</li></ul>	<ul style="list-style-type: none"><li>• The term “residents” has the common meaning encompassing all persons residing within the Shire.</li><li>• When referring to corner blocks, residents are responsible for both the front and side verges.</li><li>• The intent of the policy is to educate and communicate with residents. Appropriate documents will be developed.</li><li>• Noted and can be incorporated into documentation.</li><li>• Noted. This can be a private arrangement but noted in future documentation as an option.</li></ul>

Reference	Details	Comment	Administration Comment
1.	Continued	<ul style="list-style-type: none"> <li>• I suggest that it be set out that residents may apply to the Shire to have a street tree planted on their verge by the Shire. I note this appears to be a feature of most WA local government streetscape policies. In my view, priority should be given to residents from areas with lack of street trees (e.g. Residents Wattle Grove.)</li> <li>• I suggest that it be stated that the list of trees approved by the Shire for verge planting is available to view at Shire offices and on the Shire website.</li> <li>• I note that some residents have already developed gardens on their verges that would appear not to be consistent with the Draft Policy (e.g. by planting exotic plants not approved by the Shire). Where this has occurred, I consider that the Shire should have the discretion as to whether to remove the garden or not. In some cases, it would arguably not be appropriate (eg. Where the garden is well maintained by the resident and does not cause any hazards or management problems). However, the draft Policy (Attachment 3) currently states “Inappropriate species, such as weed species or tall growing species under power lines, <u>will</u> be removed” (my underlining). Consequently, I suggest that the word “will” be replaced with the word “may”.</li> <li>• I suggest that Shire approval should not be required by residents to install the following verge treatments:               <ol style="list-style-type: none"> <li>a) Planting a Street tree where the species is approved by Shire;</li> <li>b) Mulch;</li> <li>c) Low growing native/water wise verge gardens (to a prescribed maximum height e.g. 70cm);</li> <li>d) Natural lawn.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• The street tree planting program is already in place for Wattle Grove.</li> <li>• This will be available in future documentation and provided as hard copy and on-line.</li> <li>• Noted, however this refers specifically to <b>weed species</b> and <b>tall growing species under power lines</b>. In these situations, the vegetation must be removed for environmental and community safety reasons.</li> <li>• Noted. This will form part of the future documentation. Please note that tree planting will still need approval to ensure that services are not impacted.</li> </ul>

Reference	Details	Comment	Administration Comment
1.		Continued <ul style="list-style-type: none"> <li>• I suggest that it be stated that the leaving of green waste or other rubbish on verge areas is not permitted. I suggest that possible consequences/action by the Shire be set out in this regard. I notice that in residential Wattle Grove, some residents use the verge area adjacent to their property to store or dump rubbish.</li> <li>• I suggest that consideration be given to incorporating a tree donation policy whereby the Shire welcomes tree donations from the public. Details for tree selection, planting, maintenance and donor recognition could be set out in the policy. It may be worth considering a policy like that adopted by the City of Sydney in this regard.</li> <li>• I suggest that the Shire take steps to inform and educate residents of the Draft Policy once finalised e.g. By pamphlets and policies published on its website.</li> </ul>	<ul style="list-style-type: none"> <li>• This is covered in the Local Government Act and Litter Act.</li> <li>• Noted and to be considered further.</li> <li>• Noted and agreed. Several brochures and guidelines will be developed once the Policy is endorsed.</li> </ul>
2.	IE-192433	Falls Road LESMURDIE <p>The policy and procedure should encourage resident ownership of street trees, rather than the contrary. The Shire cannot afford to maintain all of its assets, and cannot be expected to achieve the aesthetic desire of its residents, with the limited resources available. Many residents would be happy to manage their street tree, within reason, if there was an element of choice and ownership provided.</p> <p>A blanket ban on resident maintenance of street trees is short-sighted. It is accepted that the Shire needs some control over street tree maintenance, and need to be conscious of liability. However, it is normal practice for a resident to mow or slash their own verge, and it should also be normal practice for a resident to under-prune their street tree. In my case, under-pruning takes 10 minutes with secateurs. It fixes the problem quickly, enhances passive surveillance, and creates an improved aesthetic. It is unreasonable to expect the Shire resources to be used to complete this task, and it is unlikely that the Shire would consider this a priority. Accordingly, The Shire is missing a ready resource available to assist with the management of the large asset base.</p>	<ul style="list-style-type: none"> <li>• Noted and agreed. The policy seeks to do so through the recognition of community development of their own verges.</li> <li>• Disagree. There are many examples of poor maintenance practices on street trees which have impacted on the integrity or health of the tree or resulted in an insurance claim. The Shire has suitably qualified and accredited arborist and contractors undertaking tree maintenance.</li> </ul>



Reference	Details	Comment	Administration Comment
2.	Continued	<p>The policy does not allow for a resident to seek to have removed non-performing trees, so that they can be replaced with new trees. My verge has two unattractive trees, which have not excelled. I would be prepared to replace my two trees with more attractive street trees, and I would be prepared to water, fertilise and tend to my trees, to ensure they thrive, they are safe, and they are aesthetically acceptable. I understand the need for the Shire to manage their liability and future cost risks, and accordingly expect that any trees I might propose would require an approval.</p> <p>However, I also expect that the choice would not be limited to local indigenous trees, and I would have the option to install suitable sized and safe deciduous trees. As above, this would give me ownership of my trees, and my verge. I would maintain both, resulting in an improved streetscape, without a cost to the Shire.</p> <p>The verge development procedure requires residents to do things on the Shire's land. The Shire does not have a power to compel a resident to do these things. In particular, the policy talks about requiring a resident to develop a verge to resolve problems with gravel on a footpath. This is not the responsibility of the resident. In the same way, the Shire cannot compel a resident to slash or weed a verge. However, many residents are prepared to undertake these works. The wording of the procedure should be changed to 'encourage' residents to take ownership of the verge. Such ownership may be enhanced by allowing more verge autonomy. Residents should have the ability to plant a garden on their verge, providing pedestrians have the ability to safely traverse the verge and the plantings do not present a hazard. Residents should have some ability to determine the street tree species on their verge, and a resident should be allowed to install reticulated turf, on their verge, if this suits the aesthetic of the property.</p>	<ul style="list-style-type: none"> <li>• The current practice will continue where these requests will be made to the Shire and assessed by Shire staff.</li> <li>• The Shire will be developing a list of suitable species from which residents can select a tree. It must be recognized that the Shire will ultimately become responsible for these trees.</li> <li>• The powers would be conferred through a Local Law, however it is intended to educate and encourage residents to take ownership and only seek enforcement where the situation warrants (e.g. community safety and amenity is impacted).</li> <li>• Verge development by residents will be permitted.</li> </ul>

Reference	Details	Comment	Administration Comment
2.		Continued	<p>Overall, the policies and procedures appear to encourage residents to ignore their verge and to call the Shire. Residents are a community resource with the capacity to enhance the sustainability of the Shire. Working with residents, to engender a sense of ownership, creates multiple wins: it results in better streetscapes; it results in lower cost, and improved sustainability; and it enhances the relationship between the Council and the residents – it entrenches a culture of working for the community, and with the community, rather than despite the community.</p> <ul style="list-style-type: none"> <li>Disagree. The policy provides for residents to be able to develop their verges in a manner that suits them, with some restrictions to ensure community safety and amenity are protected.</li> </ul>
3.	IE-193313	Wandoo Road FORRESTFIELD	<p>Fire mitigation with the encouragement of works to be undertaken on road verges by residence, can road reserves be included within Asset Protection Zones in accordance with SPP 3.7 and the Guidelines for Planning in BPAs for new developments?</p> <p>Furthermore, will the Shire allow residence to manipulate verge vegetation in an effort to reduce BAL ratings for new developments? If yes to both above queries, how will these mitigation works be enforced in perpetuity? I would hope the Shire takes an environmentally conscious position.</p> <ul style="list-style-type: none"> <li>This is a planning matter and outside the scope of the policy.</li> <li>The Shire will seek to minimise fuel loads on verges as part of its fire mitigation work, however this is unlikely to make a material change to the BAL ratings. These matters can be considered on a case-by-case basis.</li> </ul>
4.	Email	Walnut Road BICKLEY	<p>I have this afternoon been forwarded an email you sent to our Bushfire Ready Group Co-ordinator setting out proposed draft policy for the above.</p> <p>A number of years ago a number of residents, hoping to assist the shire to reduce the amount of flammable material occurring on rural verges, raised the issue of verge management with their Councillors who in turn arranged a meeting with the then Shire CEO. Among the issues raised was the legal position of residents who, in burning off their boundaries, happened to have their fire encroach on the Shire verges. For instance, In the rural areas of the shire, there are many instances where the road has cut into the contour and left the verge steeply sloping onto private property and where a burn will naturally run up/down to the road corridor.</p> <ul style="list-style-type: none"> <li>The matter raised in this submission regarding burning roadsides as part of private fire mitigation was assessed by a cross functional group of staff including compliance, community safety, maintenance, planning and environmental staff. It was identified that the risks to flora, fauna, infrastructure and community from this activity was significant and required a formalised process for approvals. This process would be an administrative burden and therefore this idea was rejected.</li> </ul>

Reference	Details	Comment	Administration Comment
4.	Continued	<p>In discussing the issues surrounding verge management it was felt that it would be helpful if a designated shire officer could deal with resident/ group applications to clear road side verges, especially where they posed a fire threat.</p> <p>The Kelty Report into the Kelmscott bushfire specifically identified road verges as potential corridors for the transference of fire through a district and castigated the City of Armadale for its lack of action in this matter.</p> <p>My response to your draft policy is that it is totally unsatisfactory as it does not deal with any of the issues raised by community groups over a number of years. I may say that I think it is insulting to the people involved that this document has only now been brought to their attention, leaving only 24 hours to make the deadline (4 November) for submissions.</p> <p>The document contains a number of contradictions. For instance, in the Roadside Fire Mitigation document under 'Hierarchy of Control' it indicates that fire will be the 3rd treatment in a range of 3 treatments, but then under 'Fire Mitigation - community involvement' it bans any resident permission to undertake burns on the verge. This indicates to me THAT NONE OF OUR INPUT HAS BEEN LISTENED TO AND OUR OFFER OF CO-OPERATION WITH THE SHIRE IN THIS MATTER HAS BEEN DECLINED.</p> <p>As far as I am concerned the only thing the draft clarifies is the Shire's legal responsibility for "fire mitigation works on the verge" and "is responsible for all maintenance on street trees"</p> <p>In conclusion I wish the Shire well with its acknowledged legal liability to fire mitigation on the verges.</p> <p>I would appreciate if you would forward this email to your CEO. I have sent this directly to your Shire President, Andrew Waddell, Crs John Giardina and Michael Fernie.</p>	<ul style="list-style-type: none"> <li>The Shire has significantly increased the budget for fire mitigation works in recognition of the need to reduce fuel loads and clear roadsides as appropriate.</li> </ul>

## **Attachment 2**

### **Draft Street Tree and Streetscape Management Policy Street Tree and Streetscape Management Policy (Draft)**

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

## **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 the health and resilience of plants.

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.

<b>Related Local Law</b>			
<b>Related Policies</b>			
<b>Related Budget Schedule</b>			
<b>Legislation</b>			
<b>Conditions</b>			
<b>Authority</b>			
<b>Adopted</b>		<b>Next Review Date</b>	

### Attachment 3

#### Approval of the 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 4

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
<b>Street Tree Selection</b>	<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.
<b>Street Tree Location</b>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	

	<ul style="list-style-type: none"> <li>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.</li> </ul>	
<b>Street Tree Size</b>	Trees will be of a minimum of 100lt in size or the closest size available.	
<b>Item</b>	<b>Shire Responsibility</b>	<b>Community Involvement</b>
<b>Street Tree Planting</b>	<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>
<b>Hard Landscaping and Structures</b>	<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"> <li>Waterwise plants.</li> <li>Local and endemic species.</li> <li>Plantings that have low requirements for artificial or additional fertilisers.</li> <li>Mulching.</li> </ul> <p>The following will NOT be approved:</p> <ul style="list-style-type: none"> <li>Artificial lawn.</li> <li>Structures (including retaining walls, except as part of an approved fence).</li> <li>Treatments such as gravel and paving which aids parking.</li> <li>Treatments that are slippery and promote trips, slips or falls.</li> <li>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.</li> <li>Treatments or plants that will impact on visibility for motorists and/or pedestrians.</li> <li>Species that may become a weed.</li> <li>Plants or planting design that will increase fuel loads in fire risk areas.</li> <li>Treatments that significantly increase the water needs.</li> </ul>
<b>Reticulation</b>	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.
<b>Street Tree Preservation</b>	Please refer to the "Street Tree Preservation Management Procedures".	



<b>Establishment Period</b>	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.
<b>Unauthorised Street Tree Planting</b>	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 5

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
<b>Street Tree Preservation</b>	Please refer to the "Street Tree Preservation Management Procedures"	
<b>Street Trees Maintenance</b>	The Shire is responsible for all maintenance on street trees.	
<b>Landscaped verges</b>	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.
<b>Turf (excluding artificial Turf)</b>		Residents are required to regularly maintain their lawns, including water, fertilising weed control and/or removal and mowing.
<b>Artificial Turf</b>	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
<b>Unformed and gravel verges</b>	<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>
<b>Utility or Third Party Works</b>	<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>	
<b>Fire Mitigation</b>	<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>
<b>Storage of materials on verge</b>	<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 6**

Draft Street Tree and Streetscape Management Policy

### **Roadside Fire Mitigation – Management Procedure (Draft)**

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

## **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
<b>Street Tree Preservation</b>	Please refer to the "Street Tree Preservation - Management Procedure".
<b>Matters that need to be addressed</b>	<p>The verge provides a range of benefits including:</p> <ul style="list-style-type: none"> <li>• Aesthetic value to the community.</li> <li>• Habitat for flora and fauna.</li> <li>• Wildlife corridors.</li> <li>• A barrier to traffic.</li> <li>• Wind and heat reduction.</li> </ul> <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>
<b>Prioritisation of Fire Mitigation on verges</b>	<p>The following factors will be considered when prioritising fire mitigation works on the verge.</p> <ul style="list-style-type: none"> <li>• Traffic volumes and thoroughfares.</li> <li>• Provision of buffer zones adjacent to the carriageway.</li> <li>• Whether properties have an alternative means of escape.</li> <li>• Environmental values of the roadside.</li> <li>• Local environmental conditions such as topography, vegetation type and structure.</li> <li>• Distance to high priority areas such as evacuation centres and emergency assets (dams and water tanks).</li> <li>• Distance to major community infrastructure.</li> </ul>
<b>Hierarchy of Control</b>	<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"> <li>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.</li> <li>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.</li> <li>3. Burning – using cool or hot fires as appropriate to burn in a controlled manner.</li> </ol>
<b>Hierarchy of Treatment</b>	<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"> <li>1. The removal or maintenance of weed species.</li> <li>2. Removal or maintenance of dead materials and debris.</li> <li>3. The removal or maintenance of non-endemic species.</li> <li>4. The removal or maintenance of middle layer vegetation.</li> </ol>

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>
<b>Community Assistance with Fire Mitigation Actions</b>	<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.**

**75. Amendment to 2016/2017 Asset Protection Bond**

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To consider a change to the Fees and Charges Schedule 2016/2017 for Asset Protection Bonds.

**BACKGROUND**

2. Prior to 2015/2016 an Infrastructure Bond was implemented to cover the cost of repairs to footpaths, kerbs and drainage assets which were damaged as the result of development or building activities.
3. In 2015/2016 the bond was retitled to the Asset Protection Bond (APB) to reflect the need to also protect environmental assets and undertake other activities such as managing erosion, pollution and dumping as a result of development works. In 2015/2016 the bond was set at \$1,550 for a single frontage and \$2,100 for two or more frontages.
4. In 2015/2016 the APB was identified as an area for financial risk for the organisation with insufficient funds being collected to adequately cover the cost of damage to community assets. In 2015/2016 the impact on maintenance budgets was estimated at \$65,000 in direct costs and a further \$65,000 impact on other maintenance activities.
5. Following on from the service review in April, an Asset Protection Officer was employed to assist in the management of the asset protection function and to address the backlog of bond resolutions.
6. The 2016/2017 APB of \$5,000 for a single frontage and \$8,500 for two or more frontages was adopted by Council as part of the 2016/2017 budget process.
7. Many complaints have been received regarding the large increase in the bond, particularly with the lower value developments such as patios, pergolas, sheds etc. An internal review has recognised the need to minimise the financial impact on applicants whilst continuing to improve the asset protection function.



## DETAILS

8. The 2016/2017 Fees and Charges for Asset Protection is:

<b>Asset protection bond for <u>all</u> major residential or industrial and commercial buildings including applications for demolition and swimming pool licences.</b>	
<i>Single road frontage</i>	\$5,000
<i>Two or more road frontages</i>	\$8,500

9. The amended 2016/2017 Fees and Charges for Asset Protection is:

<b>Asset protection bond for:</b> <ul style="list-style-type: none"><li>• <u>all</u> residential, industrial and commercial applications in excess of \$20,000.</li><li>• <u>all</u> applications for subdivision, demolition or clearing.</li><li>• <u>all</u> fibreglass or concrete swimming pool applications.</li></ul>	
<i>Single road frontage</i>	\$2,500
<i>Two or more road frontages</i>	\$4,000

## STATUTORY AND LEGAL CONSIDERATIONS

10. An amendment to the Schedule of Fees and Charges must be approved by an absolute majority of Council.

## POLICY CONSIDERATIONS

11. A local law for Asset Protection has been identified as an area for future consideration. This local law would include requirements around the following:
1. Traffic management and pedestrian movements around the building site.
  2. Protection of street trees, including tree protection zones.
  3. Protection of built assets.
  4. Protection of stormwater systems and managing water quality.
  5. Dust management measures and erosion control.
  6. Waste management for building and development.

## COMMUNITY ENGAGEMENT REQUIREMENTS

12. There has been no community engagement in the development of the increased APB for 2016/2017 or this amended bond. While not specifically required by the Local Government Act, it is proposed to advertise the amended 2016/2017 APB for information of the community.

## FINANCIAL CONSIDERATIONS

13. The amended bond will have no direct impact on income, however there may continue to be situations where reinstatements to community assets require municipal funding. This financial impact on maintenance budgets will reduce due to the amended bond still being greater than the 2015/2016 value.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

OBJECTIVE 4.7: To ensure selection, maintenance, inspection renewal, and disposal of all categories of assets within the Shire is managed efficiently.

Strategy 4.7.1      Maintain, refurbish or upgrade existing infrastructure, including public buildings, parks, reserves, local roads, footpaths, cycle ways, verges and drainage networks to encourage increased utilisation and extension of asset life.

## **SUSTAINABILITY**

### **Social Implications**

15.      The quantum of the amended APB has not increased significantly from the 2015/2016 amount and should not encourage applicants to undertake works without approval and then seek retrospective approval.

### **Economic Implications**

16.      The financial impact of an APB can be significant if it is of an amount which forms a large portion of the costs of undertaking development. This may delay the decision to commence works in order to raise the additional funds.

### **Environmental Implications**

17.      The APB identifies environmental assets as a key concern that needs to be protected. The asset inspection process includes assessment of:

- Damage or removal of street trees.
- Damage to the verge.
- Uncontrolled pollution of drains, creeks and waterways.
- Erosion.
- Dust.
- Illegal dumping.

As well as the reinstatement of infrastructure such as paths, kerbs, drains and road surfaces.

## RISK MANAGEMENT CONSIDERATIONS

18.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Insurance risk – that damage or injury occurs to a community member as a result of damage to community assets	Likely	Moderate	High	Undertake regular inspections of high risk areas. Reinstatement to be undertaken quickly to minimise exposure to the risk. Use of the Asset Protection Bond to implement reinstatement where required.
	Financial Risk – that the bond is insufficient to cover the cost of repairs to community assets and impacts on maintenance budgets	Likely	Moderate	High	Implement a bond value that is sufficient to cover the costs of undertaking reinstatement of community assets

## OFFICER COMMENT

19. The amended APB is likely to be more acceptable to the Community as it does not relate to the lower value developments such as patios, pergolas, sheds etc.
20. The average cost of reinstatement works in 2015/2016 undertaken as part of private works was \$1,900 with 25% of reinstatements over \$2,500 and 15% over \$3,000. The highest reinstatement cost in 2015/2016 was \$3,600. It is considered that the amended APB will accommodate most remediation costs required as part of development works.
21. The bond process will require further investigation and analysis to determine the most effective process and the appropriate value of the bond. This will include the collection of information and evidence over coming months with a further report incorporating any recommendations as part of the 2017/2018 budget deliberations.

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<b>Voting Requirements: Absolute Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 75/2016)**

That Council:

1. Approves the following amended 2016/2017 Asset Protection Bond:

<b>Asset Protection bond for:</b> <ul style="list-style-type: none"><li>• <b><u>all</u> residential, industrial and commercial applications in excess of \$20,000.</b></li><li>• <b><u>all</u> applications for subdivision, demolition or clearing.</b></li><li>• <b><u>all</u> fibreglass or concrete swimming pool applications.</b></li></ul>	
<i>Single road frontage</i>	\$2,500
<i>Two or more road frontages</i>	\$4,000

2. Approves where appropriate an adjustment to the Bond held to reflect the above amendment.
3. Requests the Chief Executive Officer to advertise the amended fee in the community newspapers.
4. Notes a further report will be provided in relation to the operation and further improvements of the Asset Protection Process as part of the 2017/2018 budget deliberations.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (10/0)**

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

**76. CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of the Wimbridge Road Extension (eQuote 27-2016)**

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 127/2016, OCM103/2015
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	eQuote 27-2016
Applicant	N/A
Owner	N/A
Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>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>	Tender Evaluation Report

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 76/2016)**

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint CQ & JM Dowsing Pty Ltd for the Construction of the Wimbridge Road Extension (eQuote 27-2016) for its tendered lump sum price of \$839,615.62 (excluding GST and allowance for contingency).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**This report item was circulated to all Councillors under separate cover and was discussed under point 15 of this Agenda.**

**10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Tracy Destree – Pedestrian Safety (Kalamunda Village Area – Canning Road & Haynes Street)

Q. I have raised my concerns about Pedestrian Safety in the Kalamunda Village Area. Although I have received advice of numbers from a visual observation, this was during school hours and I am still concerned about the safety of older residents in respect to Canning Road and Haynes Street at other busier times. Can this be addressed again please?

A. Director Asset Services advised this can be done because it's a pedestrian warrants versus car traffic that helps determine what sort of crossing that can be provided. It is also proposed to do a report to Council probably in March on some traffic studies undertaken in the Town Centre particularly with regards to traffic treatments along Canning Road which would actually support a pedestrian crossing and slow traffic down to make it a lot safer for pedestrians.

11.2 Cr Sue Bilich - Petition (Hummerston)

Q. Regarding the petition that we received this evening about the reopening of Hummerston Road East, how is that petition going to be dealt with?

A. Director Asset Services advised a Report will be presented to Council, however it will take some time.

Some initial research revealed:

- Council resolved to close that particular section of road reserve in 1999
- It appears to now be incorporated in State Forest
- Recreating and reopening the reserve is a lengthy process
- Need to do preliminary design and documentation
- Previous 20m reserve will not accommodate earthworks required for a safe road
- Could take up to two years to create a road reserve in State Forest as it needs to go through two sittings of Parliament.

But now that we have the petition tabled tonight we can start looking at it.

11.3 Cr Michael Fernie – Petition (Hummerston)

Q. I understand the land is under the control by Department of Parks & Wildlife (DPAW), have we written to DPAW to see whether they can actually do some clearing along that pathway for emergency access?



- A. Director Asset Services responded that a letter was sent to DPAW this week, asking for that work and also asking for a comment on the petition. Hopefully we should get a response in the new year on both of those questions.

**12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

12.1 Nil.

**13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

13.1 Nil.

**14.0 TABLED DOCUMENTS**

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

**15.1 Meeting Closed to the Public**

That the meeting be closed to the public to discuss Confidential Item D&I 76. (provided under separate cover).

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (10/0)**

*The meeting closed at 8.17pm. There were no members in the public gallery.*

- 15.2 **76. CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of the Wimbridge Road Extension (eQuote 27-2016)**

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 76/2016)**

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Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**15.3 Meeting Reopen to Public**

That the meeting reopen to the public following consideration of confidential item D&I 76 (provided under separate cover).

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

*The meeting reopened to the public at 8.18pm, the Presiding Member read the resolutions.*

**16.0 CLOSURE**

16.1 There being no further business the Presiding Member declared the meeting closed at 8.19pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2016