

# Development & Asset Services Committee Meeting

Minutes for Monday 3 July 2017

**CONFIRMED**



**city of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.38pm, and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

Andrew Waddell JP	(Shire President) North West Ward
Sara Lohmeyer	North West Ward
Dylan O'Connor	North West Ward
Sue Bilich	(Presiding Member) North Ward
Michael Fernie	South East Ward
John Giardina	South East 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
Andrew Fowler-Tutt	Manager Approval Services
Peter Varelis	Manager Strategic Planning
Simon Di Rosso	General Counsel & Executive Advisor, Governance & Legal
Michelle Rogers	Manager Community Safety Services
Donna McPherson	Executive Research Officer to Chief Executive Officer
Nicole O'Neill	Public Relations Coordinator
Sara Slavin	Council Support Officer

**Members of the Public** 25

**Members of the Press** Nil.

#### 2.2 Apologies

##### Councillors

Allan Morton	South West Ward
Geoff Stallard	South East Ward

##### Members of Staff

#### 2.3 Leave of Absence Previously Approved

Tracy Destree	North Ward
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### 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 Question taken on Notice from the Development & Asset Services Committee Meeting held on 6 June 2017.

Mr Tom Wier, 12 Pindara Place, Lesmurdie

Q. What is proposed for the Reserve on the corner of Kershaw Avenue and Pindara Place adjacent to Mazenod College?

A. The Director Development Services took this question on notice and advised she would seek advice from Mazenod College as the Reserve does not form part of the Planning Application included in tonight's Agenda.

**Update:** Subsequent to the meeting the Shire has confirmed that the land directly opposite 12 Pindara Place is crown land called Kershaw Avenue Reserve and is not owned by the Mazenod College. The Shire has also received advice that the College does not have any plans to develop the reserve.

### 4.0 PETITIONS/DEPUTATIONS

#### DEPUTATIONS

- 4.1 Harry Mazza, 811 Welshpool Road East, Wattle Grove

A Deputation was received from Mr Harry Mazza in relation to item 43. Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove. Mr Mazza spoke against the proposal.

- 4.2 Kevin & Leonie Gorman, 20 Lewis Road, Wattle Grove  
Peter O'Malley, 44 Lewis Road, Wattle Grove

A Deputation was received from Mr Kevin Gorman, (who spoke on behalf of Mrs Leonie Gorman and Michael Sala Tenna) and Mr Peter O'Malley in relation to item 43. Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove. Mr Gorman and Mr O'Malley spoke against the proposal.

- 4.3 Ben Doyle, Level 1 251 St Georges Terrace, Perth

A Deputation was received from Mr Ben Doyle on behalf of the applicant (Planning Solutions) in regard to item 43. Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove. Mr Doyle spoke in favour of the proposal.

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## 5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Asset Services Committee Meeting held on 6 June 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Michael Fernie**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (8/0)**

## 6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6.1 Nil.

## 7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 **41. Approval for the Existing Use of Parking of a Commercial Vehicle - Lot 100 (2) John Farrant Drive, Gooseberry Hill** - CONFIDENTIAL ATTACHMENT 4 (Confidential Submissions Map) - Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”

7.2 **42. Proposed Family Day Care – Lot 82 (36) Macao Road, High Wycombe** - CONFIDENTIAL ATTACHMENT 4 (Confidential Submissions Map) Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”

7.3 **43. Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove** - CONFIDENTIAL ATTACHMENT 11 – (Confidential Submissions Map) Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”

## 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 Dylan O'Connor disclosed a Proximity Interest in relation to item D&A 42, proposed family day care 36 Macao Road, High Wycombe as he has an interest in a nearby property.

**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.

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

**41. Approval for the Existing Use of Parking of a Commercial Vehicle - Lot 100 (2) John Farrant Drive, Gooseberry Hill**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	JH-02/002
Applicant	Mathew Mrkonjic
Owner	Daniel Mrkonjic & Mathew Mrkonjic

Attachment 1	Site Plan
Attachment 2	Commercial Vehicle Parked on Site- Photos
Attachment 3	Submission Table
Attachment 4	Confidential Submissions Map

*Reason for Confidentiality:  
Local Government Act 1995  
S5.23 (2) (b) – “the personal  
affairs of any person;”*

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider an application for the existing use of parking of a commercial vehicle (Truck) at Lot 100 (2) John Farrant Drive (the Site) Refer Attachment 1.
2. The proposal is compliant in respect to Local Planning Policy P DEV 22- Parking Of Commercial Vehicles on Private Property (the policy).
3. Having regard to the proposal’s compliance with the Policy, it is recommended to approve the application.

**BACKGROUND**

**4. Land Details:**

Land Area	1.29 ha
Local Planning Scheme Zone	Special Rural
Metropolitan Regional Scheme Zone	Rural

5. The applicant applied for the commercial vehicle parking following investigation of the matter by the Shire. The truck has since been parked at the site at the proposed location.

## Locality Plan

6.



## DETAILS

7. The applicant is seeking an approval for the existing use of parking of a commercial vehicle (flat tray truck) on the site. The proposed commercial vehicle is compliant with the local planning policy PDEV22. Details of the proposal are contained in the policy considerations section of this report.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No.3

8. In accordance with the Zoning Table of Local Planning Scheme No.3 (the Scheme) the proposed land use of 'Commercial Vehicle Parking' is identified as a "D" use, which means that the use is not permitted unless Council has exercised its discretion by granting development approval.
9. In accordance with Schedule 1 of the Scheme, Commercial Vehicle and Commercial Vehicle Parking is defined as:

*"commercial vehicle means a vehicle as defined in the Road Traffic Act 1974, whether licensed or not which has a gross vehicle mass greater than 1.5 tonnes and which is used, designed or intended for use in the course of any business or trade, and is limited to the following vehicles-*

- a) Any prime mover, truck, bus or earth moving equipment and any wheeled attachment to any of them or any wheeled article designed to be attached to any of them; and*
- b) A loaded combination, such as bob cat, forklift or any other vehicle, loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle."*



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*"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."*

10. Clause 5.19 of the Scheme establishes a number of provisions relating to Commercial Vehicle Parking, these include:

*'5.19.6 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.*

*5.19.7 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.*

*5.19.8 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**

11. 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.

12. 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**

13. Under the clause 4.4 of P-DEV51, where an unauthorised land use has occurred and is capable of being considered for approval, 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

14. 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.
15. 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:

Policy requirement	Proposal	Compliant with policy
Maximum 11 metres in length and 4.3 metres in height.	9.1 m in length and 2.6 m in height.	Yes
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 applicant has no specific movement times at this point. If approved, this will be included as a condition.	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 and side of the site. The applicant proposes to construct a shed in the future to park the commercial vehicle.	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	If approved, this will be included as a condition.	Yes

will not be permitted on the lot.		
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
Idling and cooling down shall be restricted to 5 minutes per day.	If approved, this will be included as a condition.	Yes
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.	If approved cleaning and maintenance times can be included as a condition.	Yes

### COMMUNITY ENGAGEMENT REQUIREMENTS

16. 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 two submissions had been received, consisting of one objection and one non objection on the proposal. Refer Attachment 3.
17. The main issues raised in the comments are:
- Preservation of the amenity of the Special Rural Zone.
  - The proposed parking of the commercial vehicle will have a negative impact on the nearby residents.
  - The proposal to park the truck at the proposed location will have a negative impact on the amenity of the area.
18. The above concerns raised by the local community are addressed in the officer comment section of the report.

### FINANCIAL CONSIDERATIONS

19. Nil.

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## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 3.3 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 3.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

## SUSTAINABILITY

### Social Implications

21. The location of the vehicle on site may impact the amenity of the neighbouring property however subject to planning approval conditions the proposal complies with the requirements of Planning Policy P-DEV22 – Parking of Commercial Vehicles on Private Property.

### Economic Implications

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

### Environmental Implications

23. Notwithstanding the proposal complying with the provisions of the policy in respect to the operating hours of the vehicle, the proposal will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

## RISK MANAGEMENT CONSIDERATIONS

- 24.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b><br>The proposed parking of the commercial vehicle may impact on the amenity of surrounding residents. |                    |               |
| <b>Likelihood:</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible   | Significant        | High          |
| <b>Action/ Strategy</b>  |                    |               |
| Ensure the proposal complies with PDEV22 in respect to amenity impacts.  |                    |               |

## OFFICER COMMENT

25. The proposal is compliant with the Policy- DEV 22 – Parking of Commercial Vehicles on Private Property.
26. In respect to the principal concerns raised regarding the proposal the following is noted:

### **Amenity impacts resulting from the parking of the truck**

It is noted that the proposed location of the truck is 18m from the boundary of the nearby residents and behind the alignment of the existing dwelling and therefore compliant with the Policy. However, due to the topography of the site, the truck is still visible from the neighbouring property. In order to minimise the location of the vehicle to the adjoining neighbour, it is recommended that the applicant undertake vegetation screening along a portion of the side boundary to limit potential amenity impacts.

### **Impacts on Special Rural Character of the area**

Under the Table 1 of the Scheme, the parking of a commercial vehicle can be considered on land zoned special rural. It is noted that the applicant does park two other vehicles on the property, however these are not classified as commercial vehicles under the definition of the Scheme as it is limited to truck, bus, prime mover or earth moving equipment and these are utility vehicles. The objective of the policy 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. The applicant through the conditions of the planning approval is required to comply with the provisions of the policy to ensure surrounding residents are not impacted.

*Mr Geoff Haines and Jean Lovell spoke against the item and Mathew Mrkonjic (applicant) spoke in favour of the item. Mr Mrkonjic clarified queries raised by Cr Brooke O'Donnell, Cr Dylan O'Connor and Cr John Giardina.*

*A query from Cr Dylan O'Connor was clarified by the City's Staff.*

<b>Voting Requirements: Simple Majority</b>
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### **COMMITTEE RECOMMENDATION TO COUNCIL (D&A 41/2017)**

That Council:

1. Approve the existing use of parking of a commercial vehicle (Truck) at Lot 100 (2) John Farrant Drive, Gooseberry Hill 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).
  - d) No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
  - e) The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
  - f) Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.

- g) 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.
- h) The applicant to provide mature vegetation screening along a portion of the common side boundary with Lot 120 adjacent to the parking area of the commercial vehicle within 60 days of the date of the planning approval to the satisfaction of the Shire of Kalamunda.

Moved: **Cr Noreen Townsend**

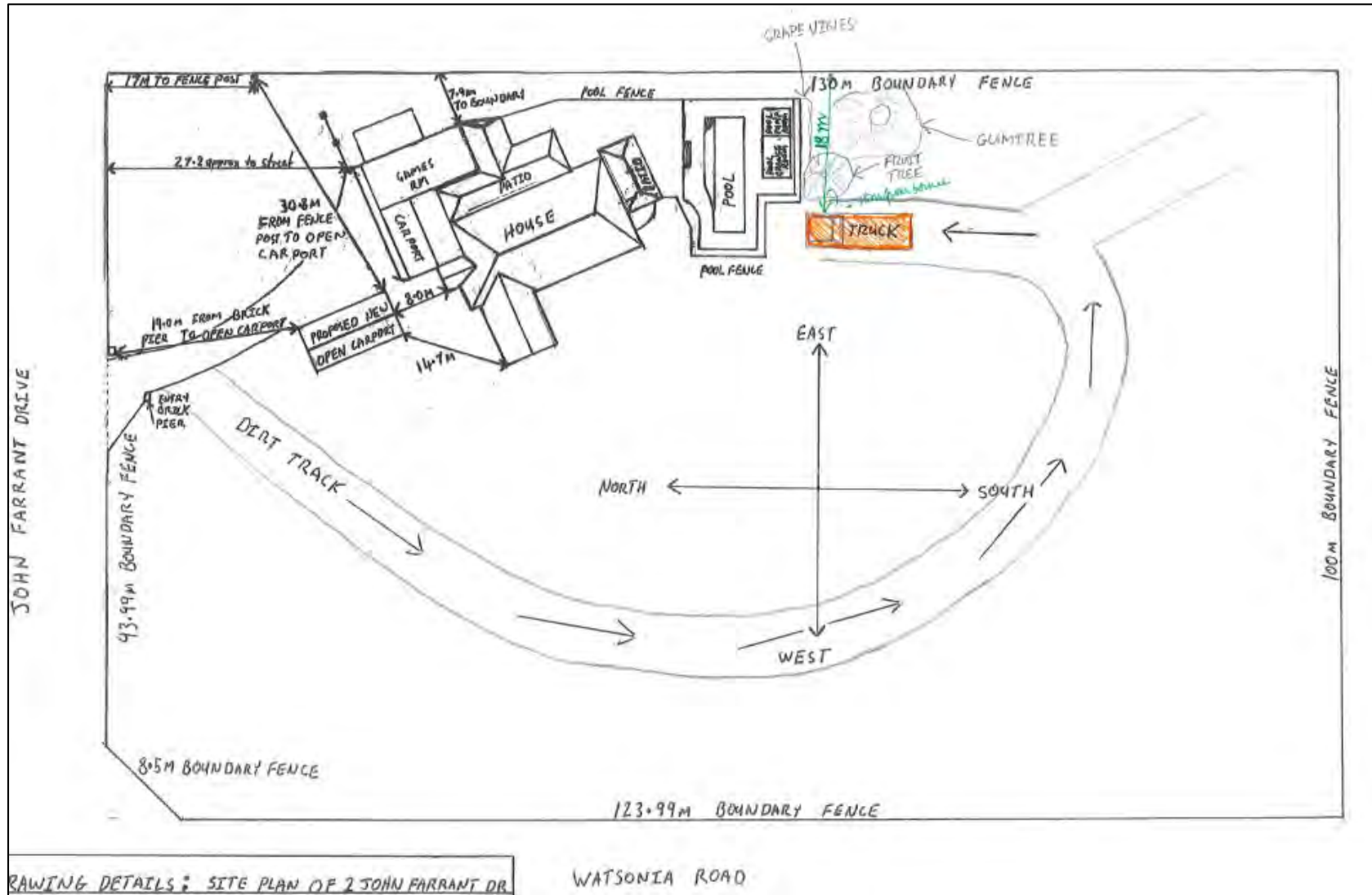
Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

### Attachment 1

Lot 100 (2) John Farrant Drive, Gooseberry Hill – Parking of a Commercial Vehicle

### Site Plan



## Attachment 2

Lot 100 (2) John Farrant Drive, Gooseberry Hill – Parking of a Commercial Vehicle  
**Commercial Vehicle Parked on Site Photos - Taken on 9 June 2017**



Photo taken from John Farrant Drive





Photo taken from Watsonia Road



The front of the house and the vegetation along the boundary from John Farrant Drive



Trucks parked visible from Watsonia Road



Trucks parked visible from Watsonia Road

**Attachment 3**

Lot 100 (2) John Farrant Drive, Gooseberry Hill – Parking of a Commercial Vehicle

**Submission Table**

Comment		Staff Comment
1.	No objection to the proposal.	Noted.
2.	<p>Objection to the proposal.</p> <p>a) Truck parking will have a detrimental impact on the pleasantness and attractiveness of the area as the property is in the corner of John Farrant Drive.</p> <p>b) The proposal will have a direct negative impact on the amenity of the neighbours. The amenity of the neighbours should be preserved as mentioned in Part 10.2 of the Local Planning Scheme -Matters to be considered by Local Government.</p> <p>c) The two utility vehicles parked on the property should be considered commercial vehicles as they are negatively impacting the amenity of the neighbouring properties.</p> <p>d) The topography of the area increases the effect of the proposal as the truck will be clearly visible from the neighbour's property.</p>	<p>Noted.</p> <p>a) The proposal is in accordance with the uses that can be considered on the land zoned 'Special Rural' and is compliant with the Policy.</p> <p>b) Noted. The proposal is compliant with the Policy and the proposed land use can be considered on the land zoned 'Special Rural'.</p> <p>c) Under the Local Planning Scheme No 3, the definition of commercial vehicle is limited to any prime mover, truck, bus or earth moving equipment and any wheeled attachment. The utility vehicles are not considered as commercial vehicles under the Scheme.</p> <p>d) The truck is proposed to be parked 18m from the nearest boundary and the area has natural vegetation that helps in screening the truck.</p>

	<ul style="list-style-type: none"><li>e) The truck parking will increase the negative impact that is being caused by the parking of the utility vehicles.</li><li>f) The truck should be parked at the designated parking sites for commercial vehicles to protect the amenity of the Special Rural areas.</li><li>g) An alternate location should be provided on site if the council considers the proposal for approval.</li><li>h) If the council approves the application, the applicant should construct a shed to house the truck.</li><li>i) The proposal to park the truck is not a use /activity /pursuit compatible with Special Rural Zoning as the truck may be used in a haulage business.</li></ul>	<ul style="list-style-type: none"><li>e) Noted.</li><li>f) Noted.</li><li>g) Every proposal is assessed in accordance with the information provided in the proposal. The location of the parking is compliant with the requirements under the Policy.</li><li>h) The applicant has mentioned that he will be applying for a shed in the future, but the proposal is assessed on its merit as it is. The proposal is compliant with the Policy.</li><li>i) The proposal is compliant with the Policy and if approved will be conditioned to reduce the impact on the neighbouring areas.</li></ul>
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**Confidential Attachment 4**

Approval for the Existing Use of Parking of a Commercial Vehicle - Lot 100 (2) John Farrant Drive, Gooseberry Hill

**Confidential Submissions Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”*

**This attachment has been circulated to all Councillors under separate cover**

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

*Cr Dylan O'Connor disclosed a direct a proximity interest in this item as he has an interest in a nearby property. Cr Dylan O'Connor left the Chambers at 7.23pm and returned at 7.48pm. Cr Dylan O'Connor did not vote on this item.*

**42. Proposed Family Day Care – Lot 82 (36) Macao Road, High Wycombe**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	MC-01/036
Applicant	Lisa Ledbury
Owner	Mark & Lisa Ledbury
Attachment 1	Site Plan
Attachment 2	Floor Plan
Attachment 3	Submission Table
Attachment 4	Confidential Submissions Map

Reason for Confidentiality:  
*Local Government Act 1995*  
*S5.23 (2) (b) – “the personal affairs of any person;”*

Attachment 5	Site Photos
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**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a development application for a proposed family day care at Lot 82 (36) Macao Road, High Wycombe.
2. The applicant is seeking approval to operate the family day care Monday to Friday 7am until 6pm, with a maximum number of seven (7) children inclusive of three (3) children who currently reside at the property.
3. In summary, given the application is considered low impact by virtue of the number of children and operating hours, it is recommended that the application be approved subject to appropriate conditions and advice notes.

**BACKGROUND**

4. **Land Details:**

Land Area:	873 sqm
Local Planning Scheme Zone	Residential R25
Metropolitan Regional Scheme Zone:	Urban

5. The Shire received an application for a family day care at the subject site on the 20<sup>th</sup> of April 2017.



## Locality Plan

6.



## DETAILS

7. The applicant is seeking approval to operate a family day care from the subject property, refer Attachments 1 and 2.
8. The applicant is seeking approval to operate the family day care Monday to Friday 7am until 6pm, with a maximum number of seven (7) children inclusive of three (3) children who currently reside at the property.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No.3

9. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives of the Residential zone are as follows:
  - To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
  - To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
  - To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
  - To encourage the retention of remnant vegetation.
10. Under the Scheme, a family day care has the same meaning as defined in the *Community Services (Child Care) Regulations 1988*, as follows:

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

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

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

12. 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.
13. 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**

14. The Shire is currently drafting local planning P-DEV 56 Family Day Care and Child Care Premises. The Policy will provide guidance relating to the development and location criteria for family day care and child care premises in zones where they can be considered for approval.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

15. The development application was internally referred to Environmental Health with two (2) conditions recommended to be included on the notice of determination. No objections to the proposed use were raised.

#### **External Referrals**

16. The proposal was advertised for a period of 14 days in accordance with P-DEV 45 Public Notification of Planning Proposals and involved letters being sent to the surrounding neighbours. A total of five (5) submissions were received, comprising one (1) non-objection and four (4) objections.
17. The following key concerns were raised during the advertising period:
- Impact upon amenity by virtue of potential noise and commercial nature of the family day care.
  - Car parking and traffic congestion.
18. Refer to attachment 3 for the submission table for further details and comments.

## FINANCIAL CONSIDERATIONS

19. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 3.3: to ensure the Shire's development is in accord with the Shires statutory and legislative obligations and accepted urban design planning standards.

## SUSTAINABILITY

### Social Implications

21. Nil.

### Economic Implications

22. Nil.

### Environmental Implications

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

## RISK MANAGEMENT CONSIDERATIONS

24.

<b>Risk:</b> There is an overflow of cars from the site blocking driveways.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Ensure that adequate parking is provided on site to reduce chances of overflow onto the street and include a condition on the approval to this effect.		

<b>Risk:</b> More than the maximum allowable number of seven (7) children on site.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/ Strategy</b>		
Ensure that conditions are imposed stipulating no more than seven (7) children are allowed under the approval.		

<b>Risk:</b> The proposal may impact on the amenity of adjoining land uses.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/ Strategy</b>		
Ensure that proposal is compliant with the conditions of the approval in respect to the hours of operation, number of children and vehicle maneuvering on site.		

## OFFICER COMMENT

25. A family day care is a business intended to be operated from a dwelling within a residential area, on the proviso that the proposal does not impact the amenity of the area and does not have an impact on the localised traffic flow and safety of the area.
26. In response to the concerns raised in the objections, the following comments are provided.

### **Amenity and Noise Pollution**

The application is considered low impact by virtue of the number of children and hours of operation and therefore is considered unlikely to have a negative impact on the amenity of the residential locality.

### **Parking Congestion**

The applicant is required to contain all parking onsite, thus avoiding on street parking occurring an impacting on surrounding residents. The applicant will also be required to ensure vehicles can enter and exit the site in forward gear by providing a dedicated reversing area constructed on site.

*Cr Dylan O'Connor left the Chambers at 7.23pm and returned at 7.48pm.  
Cr Dylan O'Connor did not vote on this item.*

*Mr Allan Williamson spoke against the item.*

*Ms Maureen Daniels (Manager Roberta Jull Day Family Care Service) spoke for the item and outlined she has received an application from Lisa Ledbury (applicant) to join her service as a Family Day Care Educator. Ms Daniels advised it is an excellent submission and she would be more than happy to take Lisa on board, however, outlined her disagreement with the condition d) regarding the reversing area.*

*Queries were clarified by the City's staff from Cr Brooke O'Donnell and Cr Michael Fernie.*

*Cr Sara Lohmeyer foreshadowed an amendment to remove point d) of the conditions due to the fact there would only be an additional 4 children attending the Family Day Care and they may not be attending the property at the same time. This amendment was agreed to by the Seconder and therefore it formed part of the Substantive Motion.*

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 42/2017)**

That Council:

1. Approves the application for a Family Day Care at Lot 82 (36) Macao Road, High Wycombe subject to the below conditions:
  - a) The Family Day Care is only to operate Monday to Friday, 7am to 6pm.
  - b) A maximum number of seven (7) children inclusive of those already residing at the property between the ages of 0-13 years are permitted.
  - c) All parking associated with the family day care is to be contained on the subject property.
  - ~~d) The applicant to provide a dedicated reversing area on site to enable vehicles to enter and exit the site in forward gear. The reversing area shall be constructed to the satisfaction of the Shire of Kalamunda.~~

Moved: **Cr Sara Lohmeyer**

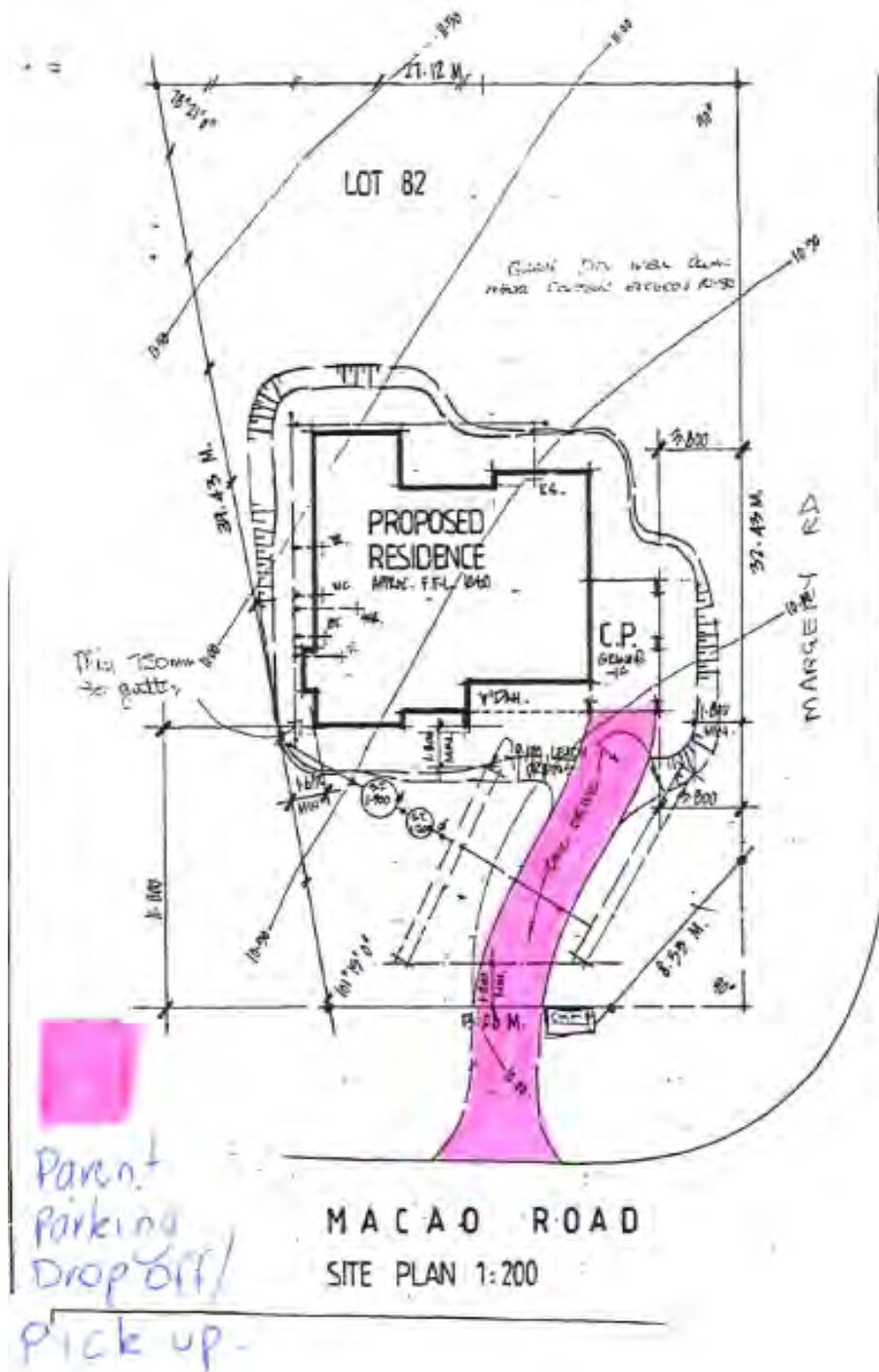
Seconded: **Cr Brooke O'Donnell**

Vote:

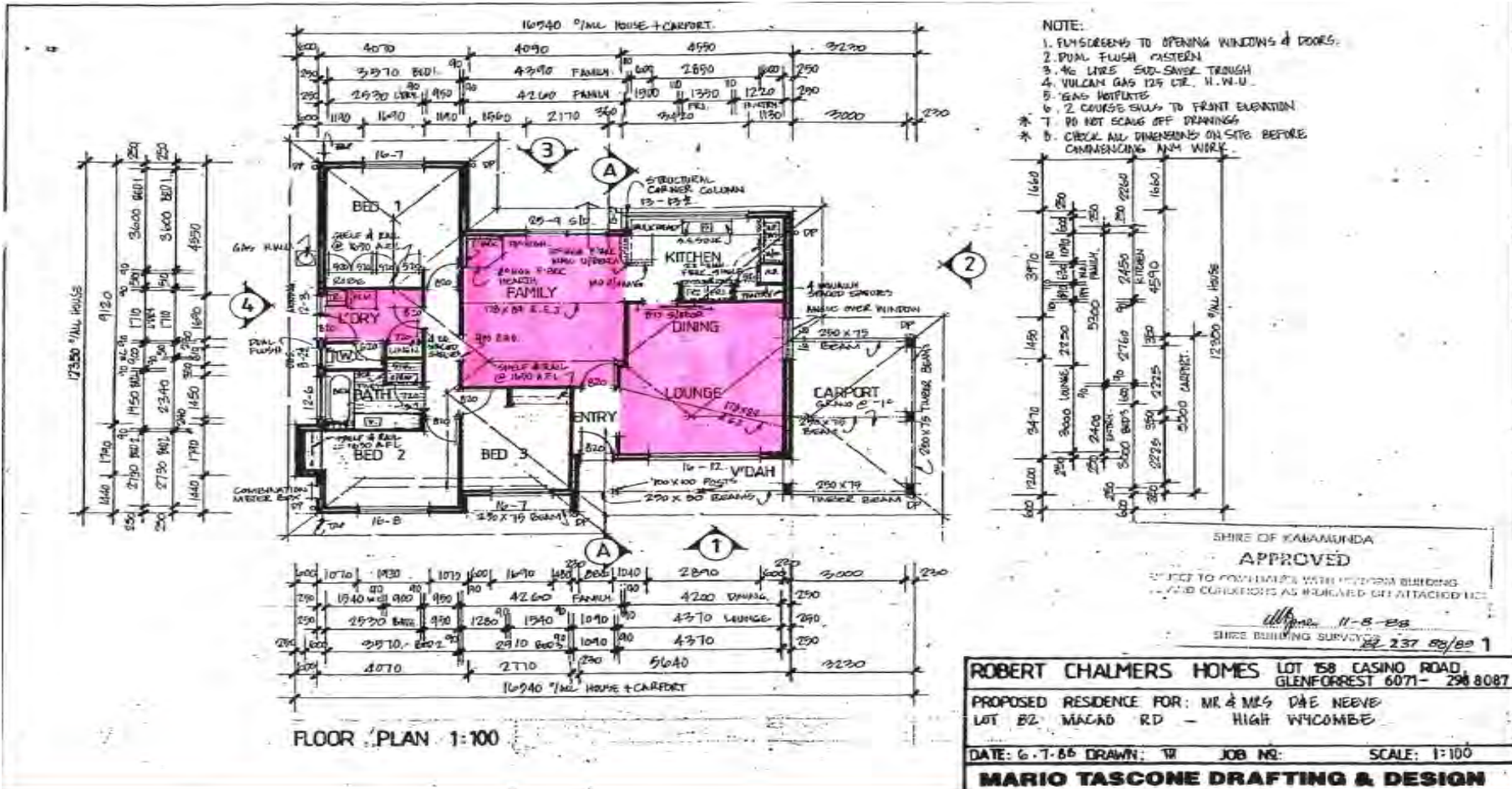
<b>For</b>	<b>Against</b>
<b>Cr Michael Fernie Cr John Giardina Cr Brooke O'Donnell Cr Noreen Townsend Cr Andrew Waddell Cr Sara Lohmeyer</b>	<b>Cr Sue Bilich</b>
<b>CARRIED (6/1)</b>	

**Attachment 1**

**Proposed Family Day Care Lot 82 (36) Macao Road, High Wycombe  
Site Plan**



**Attachment 2**  
Proposed Family Day Care Lot 82 (36) Macao Road, High Wycombe  
**Floor Plan**



**Attachment 3**

Proposed Family Day Care Lot 82 (36) Macao Road, High Wycombe

**Submission Table**

Comment		Staff Comment
1.	<p>Objection</p> <p>a) The presence will affect the current and future value of my property.</p> <p>b) I plead that what remains of this once extensive rural/residential land remains preserved as purely residential.</p> <p>c) Noise from cars arriving and departing at all hours of the day, and noise from the children.</p> <p>d) This once residential area is now bounded by industrial/commercial businesses.</p>	<p>a) This is not considered a planning consideration.</p> <p>b) Noted. A family day care is a business intended to be operated from a dwelling within a residential area, on the proviso that the proposal does not impact the amenity of the area and does not have an impact on the localised traffic flow and safety of the area.</p> <p>c) The proposal will be restricted in regard to its hours of operation.</p> <p>d) Noted.</p>
2.	Non Objection – No Comment	Noted.
3.	Objection – No Comment	Noted.



4.	Objection – a) Being a shift worker we oppose the family day care due to proximity to our property, it will be too noisy.	a) Noting your particular circumstances, the applicant is proposing to care for an additional 4 children at the premises, in addition to the 3 children currently residing, by virtue of the number of children, the proposal is considered unlikely to have an impact on the amenity of surrounding residents.
5.	Objection	Noted.

**Confidential Attachment 4**

Proposed Family Day Care – Lot 82 (36) Macao Road, High Wycombe

**Confidential Submissions Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”*

**This attachment has been circulated to all Councillors under separate cover**

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**Attachment 5**

Proposed Family Day Care Lot 82 (36) Macao Road, High Wycombe

**Site Photos**



View from Macao Road, High Wycombe



View from Margery Road, High Wycombe

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

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

Previous Items	OCM 215/2016
Responsible Officer	Director Approval Services
Service Area	Approvals Services
File Reference	LW-04/012
Applicant	Planning Solutions, Service Stream for Optus
Owner	Stuart & Jenny Chamberlain
Attachment 1	Location Plan
Attachment 2	Site and Set-out Plans
Attachment 3	Elevation Plan
Attachment 4	Applicant's Submission Report
Attachment 4A	Applicant's Site Photographs 2016
Attachment 5A	Submissions Table – Advertising November 2016
Attachment 5B	Submissions Table – Advertising May 2017
Attachment 6	Zoning Plan
Attachment 7	Mobile Phone Coverage Maps
Attachment 8	EME Report
Attachment 9	Alternative Sites Assessment
Attachment 10	Optus Community Engagement Session
Attachment 11	Confidential Submissions Map

Reason for Confidentiality:  
Local Government Act 1995  
S5.23 (2) (b) – “the personal affairs of any person;”

**EXECUTIVE SUMMARY**

1. An application for a telecommunications monopole and ancillary equipment was originally submitted to the Shire on the 9<sup>th</sup> September 2016. The application was presented to OCM on the 19<sup>th</sup> December 2016 with a resolution to defer the application for the following reasons:
  - a) *The applicant and the Shire to further discuss alternative sites as a location for the tower.*
  - b) *To enable community consultation between the applicant and the community in respect to the current proposed site.*
2. The applicant has explored alternative sites and provided an additional report back to the Shire providing reasons to exclude Hartfield Park for reasons of Class A Reserve limitations.

The applicant has also undertaken a community engagement drop in session and the Shire has further advertised the application for a period of 28 days and received further submissions and a petition in objection to the proposal.

3. The applicant has since submitted revised plans on the 6<sup>th</sup> June 2017 which seek to address the concerns of the submitters by relocating the telecommunications infrastructure within the original subject site, further away from adjoining properties and also in a position which is less visually prominent as seen from Welshpool Road heading East towards the hills.

The revised plans dated 6<sup>th</sup> June 2017 have not been re-advertised to the community and have been submitted by the applicant in response to the first two rounds of community engagement.

4. The officer recommendation is to approve the proposed telecommunications facility subject to conditions.

## BACKGROUND

5. **Land Details:**

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

6. At its Ordinary Meeting held 23 November 2015, Council resolved to revoke *DEV 26 – Radio, Television and Communication Transmission Facilities/Masts Policy* and requested the preparation of a draft Policy to address telecommunications facilities and masts that will facilitate mobile service coverage in critical and high fire risk areas of the Shire.
7. At its Ordinary Meeting held 19 December 2016, Council resolved the following:
- a) *The applicant and the Shire to further discuss alternative sites as a location for the tower.*
  - b) *To enable community consultation between the applicant and the community in respect to the current proposed site.*
8. 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 in size with surrounding lots within the Rural Composite Zone and is currently being utilised for commercial business purposes. The site currently contains an animal supplies outlet as well a bird, reptile and fish sales outlet.
9. Further to the resolution of Council 19th December 2016 to defer the consideration of this application, the applicant has undertaken further research regarding the alternative location at Hartfield Park and has provided a report to explain their findings, see (Attachment 9).

Consideration was given as to the potential for the Hartfield Park Class A reserve to be utilised for telecommunications infrastructure and it has been concluded that the Minister for Lands would be required to have the proposal considered by each House of Parliament, however it is stated that there does not appear to be any relevant clause in the *Land Administration Act 1997 (LAA)* which allows for the change of, or departure from a designated reserve purpose.

The applicant also explored the Aboriginal Heritage implications of the Class A Reserve option as it is a registered Aboriginal Heritage Site (Site No. 3773 – Welshpool Reserve) on the Department of Aboriginal Affairs Aboriginal Heritage Inquiry System, whereby any development on a registered Aboriginal Heritage site requires the consent of the Minister for Aboriginal Affairs, in accordance with Section 18 of the *Aboriginal Heritage Act 1972*.

The applicant further explains the process for obtaining this consent and states that it is not possible to confirm with any certainty whether or not Ministerial consent would in fact be granted, however it is acknowledged by the applicant that presenting a proposal to the traditional owners, Committee and Minister is not an insurmountable impediment to installing telecommunications infrastructure on that site.

It has been concluded however by the applicant that the status of Hartfield Park as Class A reserve under the (*LAA*), for the purpose of "Recreation and Public Park" would be a significant impediment to the use of that land for telecommunications infrastructure purposes. The applicant is not aware of any precedent of Parliament consenting to changes to Class A reserves to permit the installation of private telecommunications infrastructure.

The applicant has concluded that Hartfield Park is therefore not a viable alternative site, and further investigation would not be prudent use of resources.

## Locality Plan

10.



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## DETAILS

11. The applicant, following consultation with the community, submitted revised plans on the 6th June 2017 which includes the following detail, Attachments 1-4A:

- a) Relocation of the proposed 36.5m monopole tower and ancillary equipment to an alternative location within the subject site.
- b) The revised location is stipulated as being:
  - 15 metres from the Western Boundary with Lot 1 (850) Welshpool Road, Wattle Grove (under the same ownership as the subject site).
  - 50 metres setback from lot boundary with Lot 212 (20) Lewis Road to the East.
  - 4.5 metres from Welshpool Road East.
  - 90 metres from Lewis Road.

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.

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.

The applicant has indicated that no visual modelling has been undertaken regarding the revised location of the monopole tower and that they have decided on the revised location (through negotiations with the landowners following the drop-in session), to avoid a direct line of sight between the monopole tower and approximately five neighbours to the north east.

The applicant indicates that the new location is out of the visible line of sight which caused concerns previously. The location is now approximately 50 metres from the nearest lot boundary to the east to address the concerns of the community. In regard, to the reduced setback to the western side boundary, it is worth noting that the affected property (850 Welshpool Road) is under the same ownership as that of the subject site.

The applicant has also stated that with regards to the streetscape, the revised proposal is near an adjacent tree that's approximately 18 metres in height which will result in screening much of the proposal from traffic travelling east along Welshpool Road. It has also been stated that the proposed facility is also largely screened by the median strip vegetation when travelling west along Welshpool Road.



## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

12. In accordance with 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."

13. Telecommunications infrastructure is a 'D' (discretionary) use within the Local Planning Scheme Zoning Table for Rural Composite Zoning.
14. Clause 5.13 of the Scheme states 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.

<b>LPS3 Table 2 Requirement (Rural Composite Zone)</b>	<b>Requirement</b>	<b>Previously proposed</b>	<b>Revised proposal 6/6/17</b>
Setback Front (Lewis Road)	20 metres	141.0m	90.0m
Setback Minor Street (Welshpool Road East)	15 metres	3.0m	4.5m
Setback Side (East)	10 metres	12.381m	50.0m
Setback Side (West)	10 metres	107.0m	15.0m
Site Cover	N/A	N/A	N/A
Plot Ratio	N/A	N/A	N/A
Landscape Strip (road frontage)	5 metres	Existing Landscape Strip remains	Existing Landscape Strip remains

15. 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 purposes of access and egress, therefore a 15 metre setback is specified in Table 2 – Site Requirements of the Scheme for Rural Composite Zones.

16. In considering an application for approval, Clause 5.5 - Variations to Site and Development Standards and Requirements is applicable in this instance. The proposed tower, in this instance does not comply with the setback requirements of the Scheme in respect to the setback to Welshpool Road East.

Clause 5.5.1 of the Scheme states:

*"Except for development in respect of which the Residential Design Codes apply and development in a Bushfire Prone Area. If a development is the subject of an application for planning approval and does not comply with a standard or requirement under the Scheme the local government may, despite the noncompliance approve the application unconditionally or subject to such a condition as the local government sees fit."*

Clause 5.5.2 of the Scheme 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**

17. 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 the 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.

18. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Appeals Tribunal under Part 14 of the *Planning and Development Act (2005)*.

### **POLICY CONSIDERATIONS**

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

19. 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

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policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.

20. 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.”

21. 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.

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

22. 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.”
23. 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.
24. 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**

### **Internal Referrals**

25. The application was tabled for internal comment on the 13<sup>th</sup> September 2016 with no internal referrals requested.

### **External Referrals**

26. Public advertising was initially undertaken in accordance with Council's Policy initially for a period 28 days in November 2016. This involved letters being sent to surrounding property owners within 800m radius, two signs being placed on site, advertisement in the local newspaper with information be in displayed on the Shire's website.

During the initial November 2016 advertising period, the Shire received 117 submissions comprising 102 objections and 12 non objections and 3 who commented. Refer to Attachment 5A for details of submissions and staff comment. Key concerns raised during the advertising period included the following:

- The proposal is located too close to the adjoining properties and 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.

The proposal was further advertised for 28 days using the same methods as above as well as the applicant hosting a community engagement drop in session at Hartfield Park on the 2 May 2017. There were 16 people registered in attendance and 4 drop in session feedback forms completed and forwarded to the Shire.

During the advertising period, a total of 19 submissions were received, comprising 16 objections, one non objection, one comment and one petition comprising 147 signatures objecting to the proposal (Attachment 5B).

27. The original application was referred to the Department of Planning as the road is categorised as an Other Regional Road (ORR). The Department responded with no objections to the location of the monopole or associated infrastructure.

The revised plans of 6<sup>th</sup> June 2017 have not been referred back to Department of Planning because the setback of the proposed infrastructure has increased from 3.0m to 4.5m from Welshpool Road.

## **FINANCIAL CONSIDERATIONS**

28. In the event that Council resolves to refuse the application, it is anticipated that the proponent will appeal the decision to the State Administrative Tribunal. Notwithstanding Council has its own legal counsel, there may be costs incurred in the Shire engaging expert planning witnesses, which could be in the vicinity of \$20,000.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

29. *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**

30. 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 19 and 20 of this report for more detail discussion on this matter.

## Economic Implications

31. 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

32. Nil.

## RISK MANAGEMENT CONSIDERATIONS

33.

<b>Risk:</b> The proposal may detract from the visual amenity of the locality.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/ Strategy</b>		
With regard to policy requirements, ensure the facility is appropriately located and designed so as to minimise undue impacts on visual amenity.		

## OFFICER COMMENT

34. 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. In this basis it is considered that the facility will not be visually prominent such that the amenity of the area would be significantly adversely effected and is therefore considered 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*

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*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 see Attachment 9 which lists the property owners approached and sites considered in this instance.

Furthermore, the proponent has further explored the suggested alternative site at Hartfield Park, and due to Class A reserve status, the limitations and process for seeking an unprecedented approval by Parliament, this site has been eliminated from consideration.

35. The applicant is seeking a setback variation to the secondary street or minor street being Welshpool Road East. The original proposed 3.0m setback was referred to the Department of Planning who had no concerns with the reduced setback requested. As indicated previously, the applicant has submitted revised plans proposing a 4.5m setback in lieu of the 15m required under the Scheme. Should the proposal be setback an additional 11.5m from Welshpool Road East to comply with the setback requirements of the Scheme, it is considered that the visibility of the 36.5m height tower is not likely to be significantly reduced. Moreover, the compliant setback would result in the telecommunication facility moving closer to the landowner on Lot 212 Welshpool Road who objected to the proposal. It is therefore considered that the varied setback does not have a direct consequence or impact on immediate adjoining properties and therefore should be approved in accordance with Clause 5.5 of the Scheme.
36. Noting the substantive community opposition to the proposal, the applicant has sought to address some of the concerns by revising the location of the telecommunication facility, particularly in regard to the impact of the proposal on immediate neighbours. In this regard, the setback to the eastern side boundary has been increased from 12.381m to 50m. It is also considered that the new location is also less prominent and visually more consistent with intent of both the local and State government policies.
37. It is acknowledged that the proposal has generated significant public opposition which Council must have regard to, in accordance with Clause 67 of the regulations. From a planning perspective however, the Shire is guided by Scheme and policy requirements, and aside from the minor street (Welshpool Road) setback variation, the proposal is considered to be compliant.
38. 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 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.

*Cr Brooke O'Donnell sought clarity as to whether the drop in session were held and that no Councillors or Shire Staff attended. Cr Brooke O'Donnell then asked for clarity on the process around notifying City Staff and Councillors of these information sessions.*

*The Director Development Services advised the recommendation was that the applicant conduct the consultation as opposed to the City. This is rather unusual because the City's public consultation Policy states that normally it would be up to the City to conduct the Community Information Sessions. As the applicant held the sessions it was up to them to notify Staff and Councillors.*

*The Presiding Member requested for further feedback be provided on this matter.*

*Cr Andrew Waddell sought clarity regarding the wording of condition e), the Director Development Services advised there would be no objection from Staff if some minor amendments were made to provide further clarity of the intent condition.*

### **Voting Requirements: Simple Majority**

#### **OFFICER RECOMMENDATION (D&A 43/2017)**

That Council:

1. Approves the planning application for a telecommunications facility Lot 39 (No. 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 revised plans dated 6<sup>th</sup> June 2017 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 Local Government.
  - 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 Local Government.
  - e) No building materials, rubbish or any other matter shall be deposited **remain** on the site after construction of the development is completed to the satisfaction of the Local Government.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Dylan O'Connor**

Vote:

<b>For</b>	<b>Against</b>
<b>Cr Andrew Waddell Cr Sara Lohmeyer Cr Dylan O'Connor</b>	<b>Cr Michael Fernie Cr John Giardina Cr Brooke O'Donnell Cr Noreen Townsend Cr Sue Bilich LOST (3/5)</b>



*Cr Andrew Waddell foreshadowed an amendment to the recommendation to condition e) to remove the word "deposited" and replace with the word "remain". This was accepted by the Seconder therefore this took part of the substantive motion.*

*Debate took place, before the vote was put. As the Substantive Motion was lost (3/5) Cr Noreen Townsend foreshadowed an alternative recommendation to refuse the application.*

*Debate took place before the vote was put.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 43/2017)**

That Council:

1. Refuses the planning application on this occasion for a telecommunications facility Lot 39 (No. 12) Lewis Road, Wattle Grove and request the applicant to work with Councillors and Staff to investigate alternative sites.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote:

<b>For</b>	<b>Against</b>
<b>Cr Michael Fernie Cr John Giardina Cr Brooke O'Donnell Cr Noreen Townsend Cr Sue Bilich CARRIED (5/3)</b>	<b>Cr Andrew Waddell Cr Sara Lohmeyer Cr Dylan O'Connor</b>

**Attachment 1**

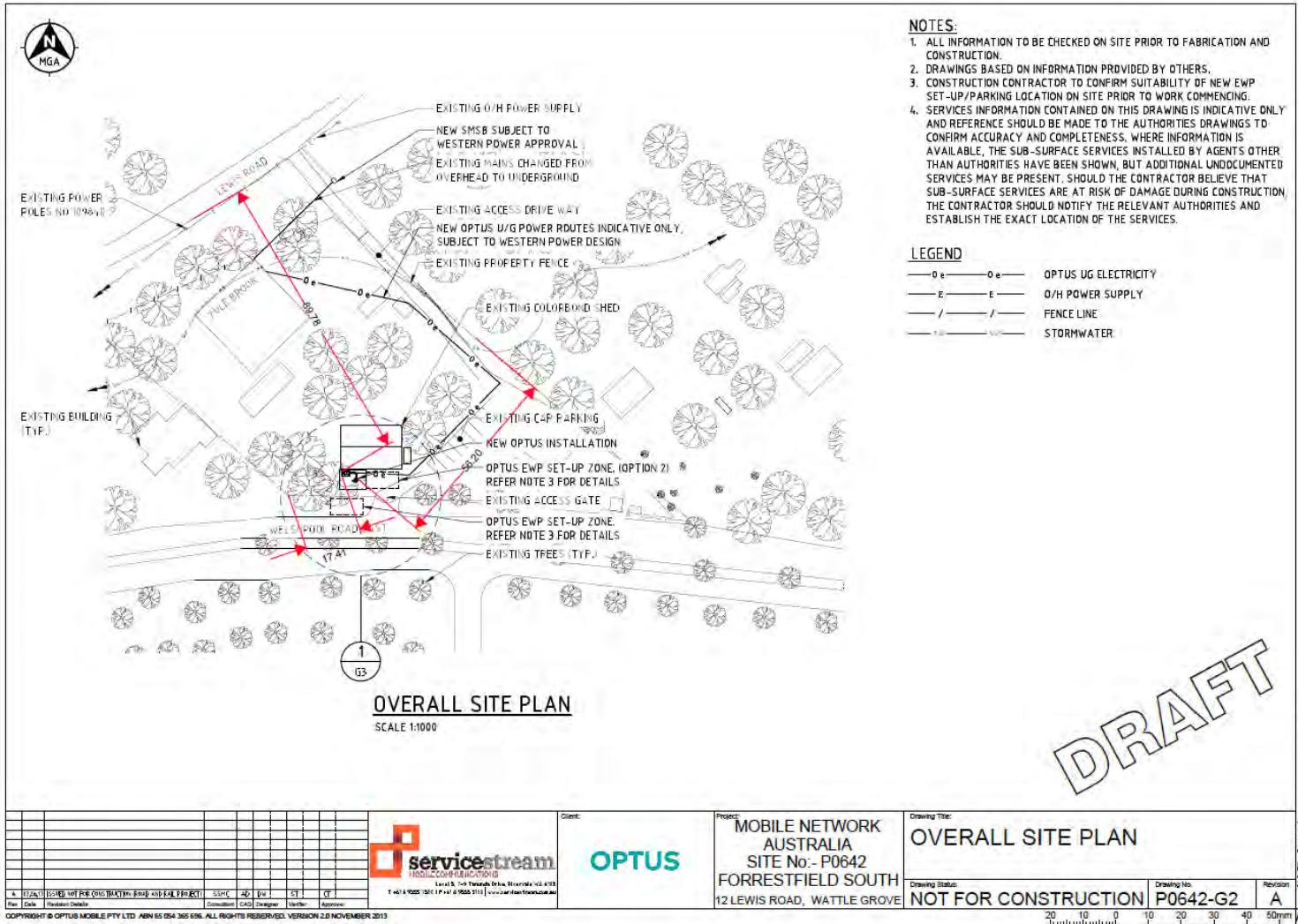
Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

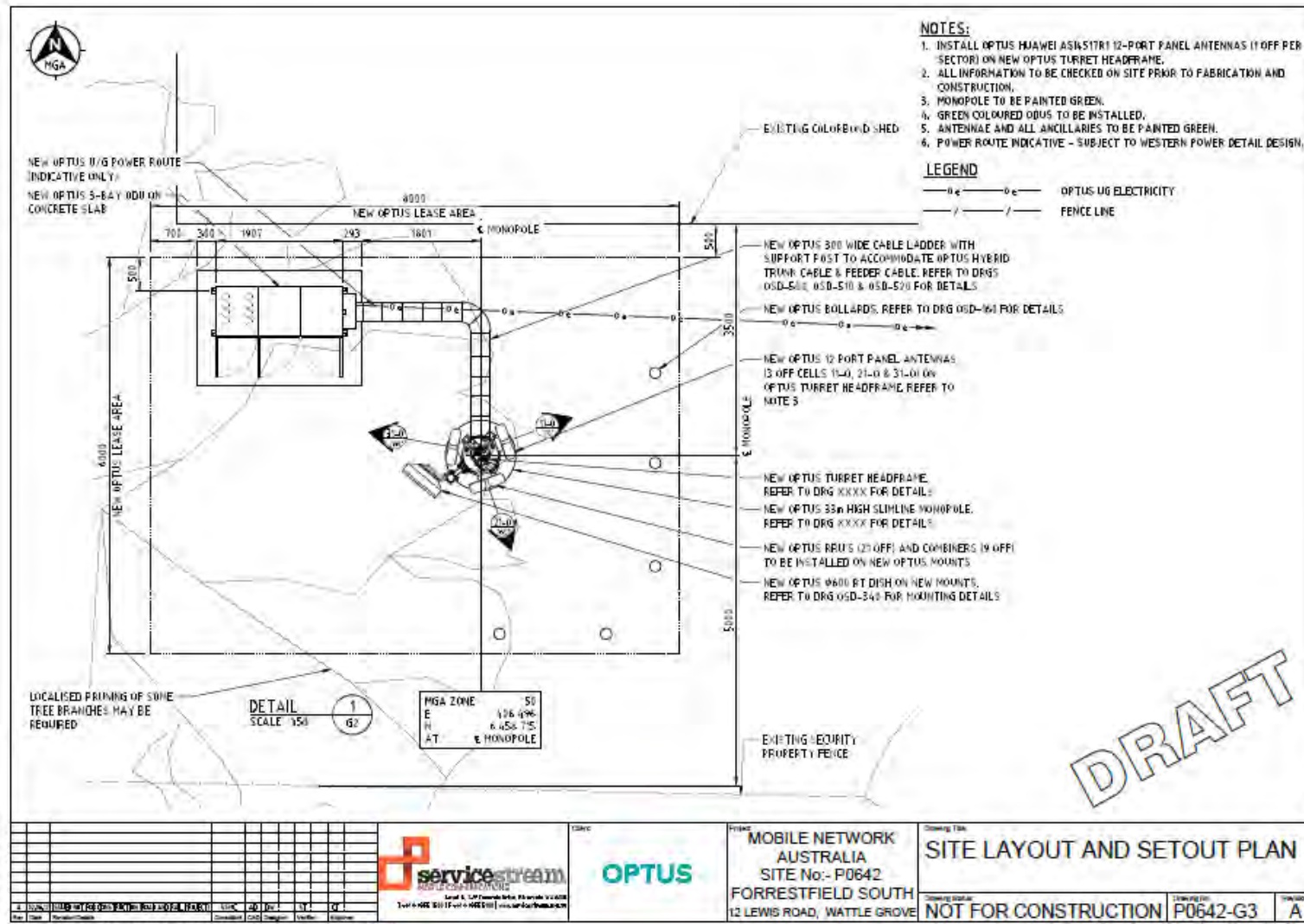
**Site Plan**



## Attachment 2

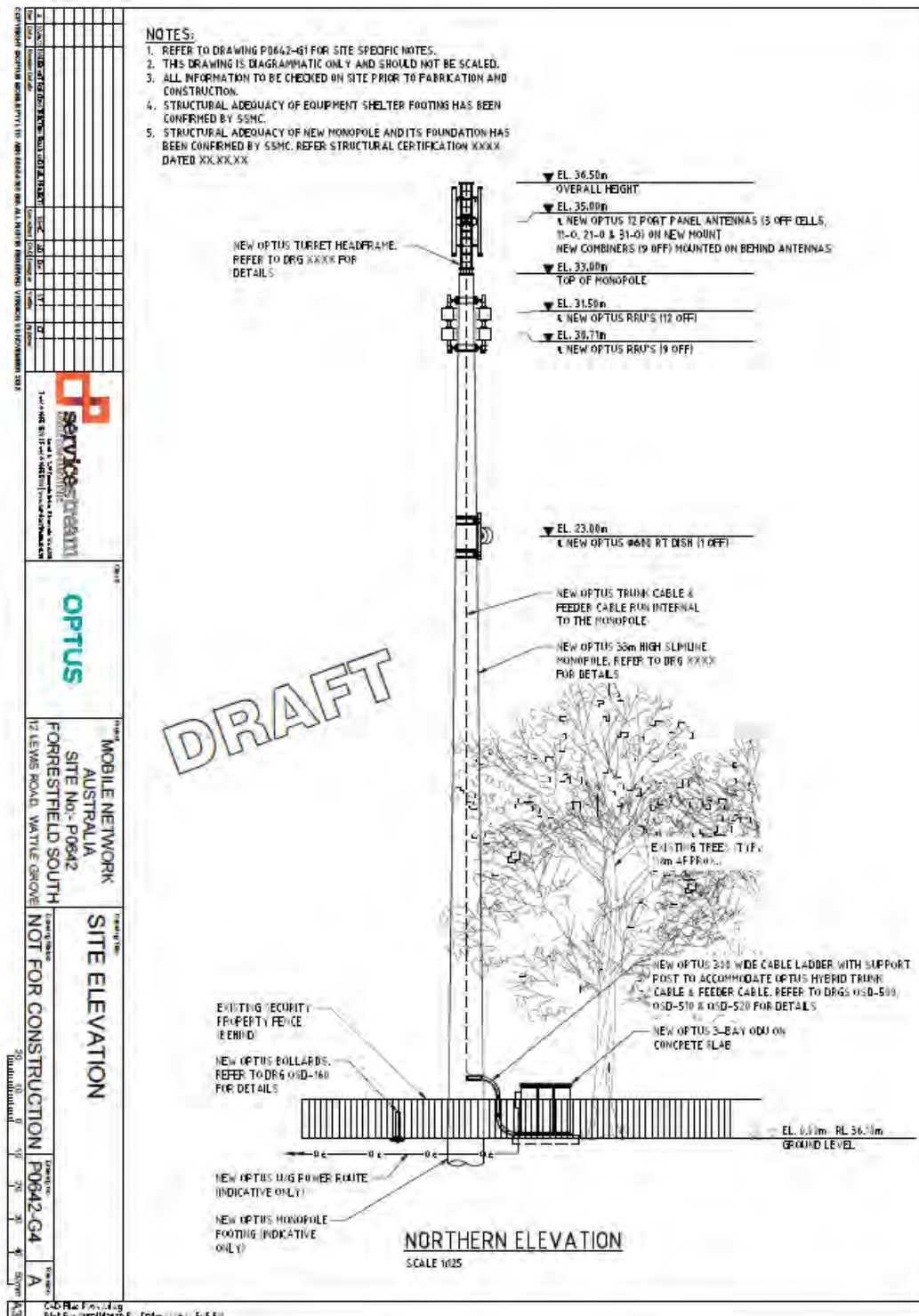
### Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove Site and Setout Plan





### 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

### Applicants Submission Report

PS ref: 4388  
SoK ref: LW-D4/0128

6 June 2017

Chief Executive Officer  
Shire of Kalamunda  
PO Box 42  
KALAMUNDA WA 6926

Attention: Ross Jutras-Minett – Senior Statutory Planning Officer

Dear Madam,

**OPTUS – PROPOSED MOBILE PHONE BASE STATION  
P0642 FORRESTFIELD SOUTH  
LOT 39 (12) LEWIS ROAD, WATTLE GROVE**

Following the community drop-in session held on Tuesday 2 May 2017 at Hartfield Park Recreation Centre, Planning Solutions, together with Service Stream Mobile Communications (**SSMC**) and Nokia agreed to undertake the following tasks:

1. Liaise with the Department of Lands on locating the facility on Hartfield Park.
2. Investigate several additional alternative sites for the proposed facility.
3. Review the design and location of the facility on Lot 39 (12) Lewis Road, Wattle Grove (**subject site**).

The following letter details the outcomes of each of the three above actions.

#### HARTFIELD PARK

Hartfield Park is designated as a class A Reserve under clause 42 of the *Land Administration Act 1997 (LAA)* for the purpose (land use) of 'Recreation & Public Park'. A Management Order to the Shire of Kalamunda confers on Council the power to lease and licence any part of the reserve for the designated purpose, for any term not exceeding 21 years, subject to the consent of the Minister for Lands in accordance with section 46 of the LAA.

Our correspondence with the Shire of Kalamunda (**Shire**) regarding Hartfield Park on 20 January 2017, stated a development application for a land use of telecommunication infrastructures for a private company was precluded from being approved on the reserve due to its A-Class classification. Notwithstanding that conclusion, Planning Solutions contacted the Department of Lands to seek additional advice on any further outstanding prospects of locating the proposed facility on Hartfield Park.

In liaising with the Department of Lands (**DoL**), the following advice was provided regarding the use of the reserve:

*As alluded to in your email, the excision of an approximate 60-100m<sup>2</sup> portion of Reserve 17098 is considered a major amendment to a Class A Reserve due to the commercial nature of the proposal, and will require Parliamentary consideration for the excision and potential registration of easement/s, pursuant to s.42 (4) of the LAA.*



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Planning Solutions (Aust) Pty Ltd

*The tenure required for high impact telecommunication facilities on Crown Land is via a direct lease between DoL and the Service Provider at full commercial rates pursuant to s.79 of the LAA.*

*In light of the aforementioned and due to the possibility the proposal would not be supported by Parliament, it is therefore suggested that other possible locations with less land constraints are considered.*

In addition, DoL in response to our request for any previous examples where such excisions may have occurred has advised:

*Excisions from Class A reserves are assessed on a case by case basis. They are dependent on many case specific factors (State agency responses, community consultation outcomes, Native Title...etc.) As such, there would not be any examples relevant to this case.*

In response to requests for an indication of DoL's recommendation to any formal application and the timeframe for any such determination DoL advised:

*The Department of Lands (DoL) will consider the application based on the specific factors mentioned above. DoL cannot pre-empt the Minister's decision. This decision will be based on the constraints, benefits, opportunities and risks realised as this case is further considered; and*

*It is extremely hard to provide any clear timeframes as this proposal would rely on liaising with stakeholders external to this agency which have unpredictable timelines to providing responses and completing set tasks. I can advise that most major class A excisions I have dealt with have taken more than 12 months to be finalised.*

Based on the above, our consideration remains that the Hartfield Park is highly unlikely to be supported.

#### ALTERNATIVE SITES

Further to investigations into the use of Hartfield Park, Planning Solutions, together with SSMC and Nokia, also investigated several other candidates within the search area identified through internal investigations, and through suggestions from attendees of the community drop-in session. Detailed investigations into each candidate by Planning Solutions, SSMC and Nokia revealed no location suitable for the proposed facility that would satisfy the coverage objectives. Table 1 below outlines the candidates considered and the reasons for discount:

Table 1 – Discounted candidates

Candidate:	Candidate Address:	Reason for discount:
A	Reserve 17098 - Hartfield Park 199 Hale Road, Forrestfield	Telecommunications infrastructure development applications cannot be considered on A Class reserves per previous advice.
B	712 Welshpool Road, Wattle Grove	RF coverage assessment determined that the coverage objectives could not be met.
C	Tonkin Highway Road Reserve	RF coverage assessment determined that the coverage objectives could not be met. Overlaps (conflicts) with coverage provided by the Optus facility at 69 Brentwood Road, Wattle Grove.
D	720 Welshpool Road, Wattle Grove	RF coverage assessment determined that the coverage objectives could not be met.

Candidate:	Candidate Address:	Reason for discount:
E	Bush Forever site BF50 <ul style="list-style-type: none"> <li>• 501 Welshpool Road East, Wattle Grove (Lot 501 On Plan 57971)</li> <li>• 880 Welshpool Road East, Wattle Grove (Lot 2 On Plan 61853)</li> <li>• Reserve 32901 – 36 Schofield Road, Wattle Grove (Lot 2615 On Plan 3609)</li> </ul>	RF coverage assessment determined that the coverage objectives could not be met.

The subject site remains best positioned to provide the level of network coverage required to service the community. The proposed location provides the highest level of coverage to Lewis Road, Welshpool Road and Tonkin Highway, and to the surrounding community.

It is therefore now the intention of Optus to minimise the impact of the proposal on the Lot to which this application currently applies.

#### RELOCATION OF THE PROPOSED INFRASTRUCTURE

Following discussions with the landowner of the subject site on 12 May 2017, agreement was reached to locate the facility further from the northeastern boundary of the subject site. The location was chosen to ensure the impact from the proposed facility on the surrounding properties, in particular, 20 Lewis Road, is minimised as much as possible through greater separation and ensuring the surrounding vegetation screens the monopole. The current design of the proposed facility has not changed.

Updated plans depicting the revised location of the subject site are attached (see **Appendix 1**).

#### Setbacks

Table 2 – Site Requirements by Zone of LPS3 provides the setback requirements for developments within the 'Rural Composite' zoning of the subject site.

**Table 2 – Setbacks**

Facility	Required (m)	Provided (m)	Compliance
Front	20	~90m	✓
Minor Street	15	4.5m	✗
Side	10	~15m	✓

Under the requirements outlined in LPS3 for setbacks, a 20-metre front setback and a 15-metre side setback are required for development within the Rural Composite zoning. An approximate 90 metre front setback, a 4.5 metre minor street setback and an approximate 15 metre side setback from the eastern boundary are proposed for the facility.

Clause 5.6.1 Variations to Site and Development Standards and Requirements of LPS3 provides the following:

- 5.6.1 *Except for development in respect of which the Residential Design Codes apply and development in a Bushfire Prone Area, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such condition as the local government thinks fit.*



Accordingly, the Shire can approve the development despite non-compliance with the development standards.

The proposed facility is now more than 50 metres from the boundary to 20 Lewis Road, Wattle Grove, approximately 35 metres positioned further away than previously proposed. The revised location is now over 50 metres from the nearest dwelling to the east of the subject site, and 110 metres from the nearest dwelling to the northwest. The mature vegetation on the subject site ensures the proposed facility will not clearly be seen from either of these locations.

Considering the above, it is clear the re-location of the proposed infrastructure on the subject site will further minimise the impact on the adjoining owners and The Wattle Grove community.

## **CONCLUSION**

The proposed infrastructure is critical for addressing a significant and growing deficiency in mobile telephone and wireless broadband data coverage and capacity in Forrestfield and Wattle Grove.

Following the Shire of Kalamunda Ordinary Council Meeting on 19 December 2016, Optus's consultants have:

- met with the subject site neighbours of 20 Lewis Road, Wattle Grove to understand and discuss their concerns in greater detail;
- hosted a community drop-in session on Tuesday 2 May 2017 at Hartfield Park Recreation Centre;
- liaised with the Department of Lands in relation to the utilisation of Hartfield Park as an alternative location;
- investigated five additional candidates; and
- met with the landowner of 12 Lewis Road, Wattle Grove to discuss the concerns of the community and agree an alternative location on the subject site to address the concerns of the community.

Optus has listened to community concerns and now proposes to re-locate the facility approximately 35 metres further west, achieving a separation distance of 110 metres from the neighbouring dwelling to the northeast. The new location is away from residential dwellings and sensitive sites, and the impact on the amenity from the proposal is minimal considering its location.

There are no alternative sites within the search area identified that are suitable for the proposed infrastructure. Planning Solutions has worked with the owner of 12 Lewis Road, Wattle Grove in identifying a location on the subject site that better addresses the concerns of the community and neighbours. The proposal presented in the subject application provides an appropriate solution for servicing the locality.

We trust the information contained within is sufficient for a favourable determination of the application. In the meantime, please do not hesitate to contact me should any further information be provided.

In the meantime, should you have any queries, or require further clarification, please do not hesitate to contact me on 9227 7970.

Kind regards,



**ELLIOT NELSON**  
**PLANNING CONSULTANT**

170508 4388 Lot 39 (12) Lewis Road, Wattle Grove submission

**Attachment 4A**

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 5A**

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

**Submission Table**

Advertising November 2016

Nature of submission	Submitter number	Officer Comment
<b>No objection</b>	<b>1,2,3,4,5,6,7,8,9,14,15,16 (12 submissions)</b>	Noted.
<b>Comment</b>	<b>18,10,11 (3 Submissions)</b>	Noted.
<b>Objection- Mobile phone monopole will:</b> Increase the risk to human health through EME	<b>12,18,20,23,26,27,28,29,30,10,11,53,65,76,77 (15 submissions)</b>	<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</b> <b>(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</b> <b>(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</b> <b>(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</p>

		<p>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></p> <p>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 be matching colours and finishes of surrounding buildings to the satisfaction of the Shire.</p>
<p><b>Objection</b> – Serious concerns, no further information</p>	<p><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></p>	<p><b>Officer Comment</b></p> <p>Noted.</p>
<p><b>Objection</b> – No further comment</p>	<p><b>13,17,19,22,24</b> <b>(5 Submissions)</b></p>	<p><b>Officer Comment</b></p> <p>Noted.</p>
<p><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.</p>	<p><b>12,27,76,77</b> <b>(4 Submissions)</b></p>	<p><b>Officer Comment</b></p> <p><b>Noted</b> – opinion only, not a planning consideration.</p>
<p><b>Objection</b> – The proposed location is too close to my home</p>	<p><b>27</b> <b>(1 Submission)</b></p>	<p><b>Applicant’s Comments.</b></p> <p><i>The proposal complies with Shire of Kalamunda setback requirements to the nearest neighbour under its town planning scheme.</i></p>

		<p><b>Officer Comment</b></p> <p>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.</p>
<p><b>Objection</b> – what restrictions will this place on my property being directly next to it?</p>	<p><b>27</b> <b>(1 Submission)</b></p>	<p><b>Officer Comment</b></p> <p>No additional restrictions are imposed on adjoining sites as a result of the monopole and ancillary equipment if it were approved and constructed.</p>
<p><b>No- Objection,</b> As long as there is no induction interference with our phones</p>	<p><b>14</b> <b>(1 Submission)</b></p>	<p><b>Applicant’s Comments.</b></p> <p><i>Carriers are allocated different technologies and frequencies to ensure there is no interference with other mobile or landline phones.</i></p> <p><b>Officer Comment</b></p> <p>Applicants’ comments noted.</p>
<p><b>Objection,</b> - Should be located in another area / location</p>	<p><b>18,29,30,76,77</b> <b>(5 submissions)</b></p>	<p><b>Applicant’s Comments.</b></p> <p><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</i></p>

		<p><b><i>will result in reduced coverage and capacity and may result in additional facilities being required in adjacent locations.</i></b></p> <p><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>
<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 (2 submissions)</b></p>	<p><b>Applicant’s Comments.</b></p> <p><b><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></b></p> <p><b>Officer Comment</b> 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</p>



		<p>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 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.</p>
<p><b>Objection</b> – if the shire approves the installation I would expect my rates to be lowered</p>	<p><b>29,30</b> <b>(2 submissions)</b></p>	<p><b>Officer Comment</b></p> <p>Not a Planning consideration</p>
<p><b>Objection</b> – I do not believe that there are any insufficiencies with the current mobile phone coverage in the area</p>	<p><b>29,30</b> <b>(2 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.</i></p> <p><b>Officer Comment</b></p> <p>Applicant's comments noted.</p>

<p><b>Objection</b> – Make companies share towers and help reduce the risks of radiation</p>	<p><b>53,76,77</b> <b>(3 submissions)</b></p>	<p><b>Applicant’s Comments.</b></p> <p><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></p> <p><b>Officer Comment</b> Applicant’s comments noted.</p>
<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</i></p>

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		<p><i>will also provide for future demand and improved high-speed data coverage for the local community.</i></p> <p><b>Officer Comment</b></p> <p>Applicant's comments are noted.</p>
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**Attachment 5B**

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

**Submission Table May 2017**

Nature of submission	Submitter number	Applicant's response	Officer Comment
<p><b>No objection</b> Please support trades who rely on their mobile phones to communicate with clients or contractors. Having poor coverage is frustrating as the other person can't hear clearly and this can result in a loss of business. Even worse when a call is missed because there is no signal</p>	<p><b>5. (1 submission)</b></p>	<p>The proposed infrastructure will comprehensively address a deficiency in mobile telephone services in the Wattle Grove area, and is deemed essential infrastructure for business, personal and emergency reasons in accordance with the objectives of SPP5.2</p>	<p>Noted.</p>
<p><b>Comment</b> As a Kalamunda resident for 55 years I am confident that the Council will do what is visually and health-wise best for our Shire.</p>	<p><b>7. (1 submission)</b></p>	<p>Noted.</p>	<p>Noted.</p>
<p><b>Petition</b> Petition is to stop the construction of the Proposed Telecommunications Monopole and Associated Equipment. <i>Action: "We the undersigned, are concerned citizens whom urge Council to support our petition"</i></p>	<p><b>(Total Signatories 147)</b></p>	<p>No planning grounds are provided through this petition.  Optus have listened to the concerns of the community, through the comments provided at the community drop-in session and through the submissions presented during both advertising periods, and have acted to comprehensively address all concerns through:</p> <ol style="list-style-type: none"> <li>1. Investigating alternative candidates for the facility, including Hartfield Park.</li> </ol>	<p>Noted.</p>

		<p>2. Investigating alternative designs and locations for the infrastructure on the subject site.</p> <p>In mitigating concerns of the abutting residents, the facility is now to be located approximately 50 metres from the closet property to the east of the subject site. Through being further positioned away from nearby dwellings, the new location reduces the visual impact on the immediate neighbours.</p>	
<p><b>Objection- Mobile phone monopole will:</b> Increase the risk to human health through EME The facility will be close to children living on properties either side of the site and senior citizens, both considered to be sensitive communities and should be avoided. Mobile Phone Base Station Deployment Industry Code Clause 4.1.5 c) application of the precautionary approach to mobile phone radio communications infrastructure placement and design.</p>	<p><b>1, 2, 3. (3 submissions)</b></p>	<p>The calculated maximum RF EME Level of this facility is 0.67% (approximately 1/150<sup>th</sup>) of the mandated limit.</p> <p>The required precautionary approach has been applied as part of this application process.</p> <p>The proposal needs to be in the area to be serviced. The facility has been located to ensure it is positioned away from sensitive sites including schools, child care facilities, aged care facilities and nursing homes.</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. 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</p>

			applicant has provided information as part of the application.
<p><b>Objection -Mobile phone monopole will:</b> Have visual affects / impact.</p> <p>Welshpool Road is a few metres from the proposal and it leads directly to Kalamunda which is trying hard to keep its country outlook for tourists and its inhabitants. It would certainly look awful.</p>	<p><b>1,2,6. (3 submissions)</b></p>	<p>The proposed infrastructure has been relocated behind an 18-metre high tree, with much of the lower part of the facility now less visible when travelling eastbound on Welshpool Road. Mature trees between the carriageways on Welshpool Road East also conceal the facility when travelling west.</p> <p>The additional impact of the proposed infrastructure is also minimised due to the presence of other vertical elements such as the light poles and powerlines servicing the surrounding area.</p>	<p>Noted. When the Shire of Kalamunda considers the application is to have due regard to the preservation of the locality.</p> <p>It is noted that in revised plans received 6/6/17 that the monopole tower in revised location is less visually prominent as viewed from Welshpool Road East.</p>
<p><b>Objection - Mobile phone monopole will:</b> Effect the Special Rural Character of the area</p>	<p><b>1. (1 submission)</b></p>	<p>The proposed infrastructure has been designed to ensure the rural character of the locality is not adversely affected by being located within a commercial property, on a major arterial road.</p> <p>Mobile coverage is an essential service and a reasonable expectation for residents in rural residential areas. Similar facilities are located within rural residential areas across the nation.</p> <p>The proposed facility provides emergency services coverage throughout Wattle Grove and Forrestfield, identified by Department of Fire and Emergency Services as Bush Fire Prone. Natural disasters, including the continuing threat of bushfires, have served to highlight the critical importance of effective telecommunications. Previous bushfire incident reviews have demonstrated</p>	<p>Applicant's comments are noted.</p> <p>The proposal is located in a Rural Composite Zone, within a property which is operating as a commercial premises.</p> <p>It has been assessed that a telecommunications tower and associated ancillary infrastructure is not a use which is inconsistent with the character of the area, subject to its appropriate location away from</p>

		effective telecommunications networks are essential for disaster response management, allowing emergency services providers to be alerted to medical or fire emergencies, which can be detrimental to the natural environment. Accordingly, the proposed use is essential, especially for rural residential areas.	dwelling and whereby it can be visually obscured with vegetation and associated canopy.
<b>Objection</b> – There is a substantial amount of land owned by the Shire of Kalamunda on the west corner (almost at the intersection of Lewis Rd and Welshpool Rd East) that would be ideal to be used to this proposal. This site was not shown in the list of discounted sites and by omission is either convenient or co-incidental.	<b>4. (1 submission)</b>	The land referred to in the objection is not specifically identified.  Land adjacent to Welshpool Road East and Lewis Road near the intersection mentioned are reserves under the Metropolitan Region Scheme for 'other regional roads'. Further west is the golf course, which was considered and discounted (Candidate K).  Notwithstanding, Council must assess the application as presented.	<b>Noted.</b>  The Shire's officers are not aware of any Shire owned land nearby which could be used for this purpose.
<b>Objection</b> – I do not believe that there are any insufficiencies with the current mobile phone coverage in the area	<b>1. (1 submission)</b>	Individual parties may not consider there to be any issues with their phone service, and may be with other carriers. Notwithstanding, there can be locations that are adequately serviced by other telecommunications facilities in the surrounding area.  This facility has been specifically designed to cover areas where Optus network coverage and capacity is inadequate, while complementing the coverage provided by other surrounding facilities. The proposed infrastructure will also provide for future demand, higher-speed data coverage and new digital technologies	Noted.

		<p>for the local community.</p> <p>Demand on Optus funding for mobile base stations across the country is substantial, and the carrier will not look to expend more than \$400,000 for a facility that is not required.</p>	
<p><b>Objection</b> – The drop in session at Hartfield Park was not a consultation process but specialists telling us that this was the only suitable site for their purpose. The Special Rural Area is being discriminated against because there is a perception that the population numbers are low and no-one will complain.</p>	<p><b>1.</b> <b>(1 submission)</b></p>	<p>The proposal needs to be in the location it is servicing. Telecommunications infrastructure is a use capable of approval in the “rural composite” zoning. The facility has been located to ensure it is positioned away from schools, child care facilities, aged care facilities and nursing homes. Simply, the area is being provided with an essential service that benefits the immediate community</p> <p>Following the drop-in session, from the comments of the residents, a further 5 candidates were investigated, while further engagement with the Department of Lands also occurred regarding Hartfield Park. Planning Solutions, Service Stream Mobile Communications and Nokia representatives also all met with the landowner of the subject site and negotiated to obtain a new location where the impact is minimised even further.</p> <p>The comments and concerns of the residents were listened to, and acted on accordingly.</p>	<p>Noted.</p> <p>In accordance with the Shire’s Telecommunication Infrastructure Policy P Dev. 52 Clause 2.3 (e) <i>The Shire will request the applicant to hold a community engagement session, run by a facilitator, to discuss the application with residents. The Shire will provide logistical support to assist with the community engagement process.</i></p> <p>The Shire is satisfied that consultation has taken place in accordance with the request of Council from OCM 19<sup>th</sup> December 2016.</p>
<p><b>Objection</b> – There is supposed proper and orderly planning for these facilities. This is not the only application</p>	<p><b>1</b> <b>(1 submission)</b></p>	<p>See Shire’s comments.</p>	<p>The selection of sites for telecommunications infrastructure including monopole towers is a</p>



<p>the Shire has had to deal with and the planning appears to be ad hoc and shambolic.</p>			<p>process undertaken by and driven by the needs of the telecommunication providers. The Shire of Kalamunda does not have a pre-selected list of chosen sites or a strategic plan which seeks to identify where this infrastructure should be located. Each application is assessed on its own merits based on the requirements of State Planning Policy 5.2 Telecommunications Infrastructure and Council's Policy P-Dev. 52 Telecommunications Infrastructure via a development application process.</p>
<p><b>Objection</b> – The Shire was able to suggest alternative sites for the McCorkhill Road tower, after a visit to SAT. Now is the time for the Shire to act on behalf of its residents.</p>	<p><b>1. (1 submission)</b></p>	<p>See Shire's comments. Planning Solutions will continue to work with the Shire to address all considerations and concerns as they arise.</p>	<p>The Shire via Council Decision of OCM December 2016 recommended that the applicant explore other sites, including Hartfield Park. The applicant is within their rights to continue with the application as proposed to seek a determination from the Shire. If the Shire does not recommend approval for the proposal,</p>

			<p>the applicant will have a right of appeal to the State Administrative Appeals Tribunal (SAT) In this instance, the suggested alternative site mentioned by Shire has been eliminated by the applicant due to complications regarding the status of Hartfield Park being a Class A Reserve requiring both levels of Parliament to approve for the use of a telecommunications tower within the reserve.</p>
<p><b>Objection</b> – A 36.5m tower is going to seriously negatively affect both landscape and the environmental qualities of the semi-rural area. The tower is not appropriate for this area.</p>	<p><b>2.</b> <b>(1 submission)</b></p>	<p>The proposed infrastructure has been designed and located in a commercial area to ensure the rural character of the locality is not adversely affected.</p> <p>The visual impact of the proposed facility is also reduced as much as possible through its design, including flush-mounting the antennas.</p> <p>While the facility itself is a total of 36.5 metres high, the sight lines from the top of the proposed infrastructure to a significant proportion of the surrounding dwellings will be significantly obstructed by the mature vegetation (much of which is 25+ metres high).</p> <p>The height of the tower is required to achieve the coverage. The height has been carefully considered to</p>	<p>Applicant's comments noted.</p>

		ensure it is appropriate to service the desired area, while having the least amount of impact on amenity.	
<p><b>Objection</b> – Welshpool Road East has been classed as a minor road for the proposal. The definition of frontage in relation to a building is that is used for b) purposes other than residential purposes, means the road at the front the lot and, if the lot abuts two or more roads, the one to which the building or proposed building faces. Therefore, Welshpool Road East is in fact the frontage of the proposal and the setback should be 20m from Welshpool Road East with a 5m landscaping strip, not 3m as in the proposal.</p>	<p><b>2.</b>  <b>(1 submission)</b></p>	<p>See Shire’s comments.</p>	<p>The subject site has buildings and road access from two separate street frontages. The street address for the lot is 12 Lewis Road and not a Welshpool Road address. For the purposes of assessment it has been determined that the Welshpool Road East is the minor street setback. It could be interpreted as the primary street frontage however, as buildings and access face both streets. The monopole tower, could therefore be further setback from the Welshpool Road East Frontage, encroaching into the existing car parking area. In any case, the Department of Planning, considering Welshpool Road East as an (Other Regional Road) have submitted no objection to the current proposed location in respect to distance from Welshpool Road East.</p>

<p><b>Objection</b> – The associated 3m equipment development screen to the North is our vegetation which is dying and the fence is only 1.5m                  The majestic row of lemon scented gums are a prominent landscape feature and are a significant view as tourist and locals enter the hills.                  There is no vegetative screening at ground level from Welshpool Road East and nothing will screen a 36.5m tower from neighbours of road users.</p>	<p><b>2.</b>  <b>(1 submission)</b></p>	<p>A new location is proposed for this submission which addresses the objectors' comments.</p>	<p>Noted.</p>
<p><b>Objection</b> - The Mobile phone coverage maps (Attachment 7) indicates the range of this tower to be significantly greater than any other tower coverage depicted, overlapping an area of special rural properties. This coverage is debateable or are the EME's to be much greater than any other tower? This tower is 1.2km from an existing tower and yet it will not benefit the populous Cell 9 Area of Wattle Grove but overlap the rural</p>	<p><b>2</b>  <b>(1 submission)</b></p>	<p>The closest facility for any carrier is approximately 1.7 kilometres from the subject site. The proposed facility is not only designed to improve coverage, but to also increase capacity for future growth for other nearby facilities.</p> <p>The coverage maps previously provided demonstrate there is minimal overlap. Nokia's radiofrequency engineers have determined that the proposed facility will improve network services to Tonkin Highway.</p>	<p>Noted.</p>

<p>area and exclude Tonkin Highway.</p>			
<p><b>Objection</b> – The applicant has assumed that the semi-rural environment meant that there would be few people objecting to their proposal. The fact that it is on a major road means there will be a huge impact. It seems we the residents living 58m from the facility, not a good separation for us, our children and grandchildren don't matter.</p>	<p><b>2</b> <b>(1 submission)</b></p>	<p>The proposal was advertised to landowners within a radius of 500 metres, ensuring surrounding residents and occupants in Wattle Grove and adjoining areas are adequately informed of the proposal. The location was chosen to service an area where a lack of network coverage exists.</p> <p>A new location has been identified on the subject site that is even further removed from dwellings and surrounding residents. There are numerous examples across the nation of mobile phone facilities being located adjacent to residences. Optus complies with all national health standards relating to EME exposure.</p> <p>Mobile coverage is an essential service and a reasonable expectation for residents in rural residential areas.</p>	<p>Noted.</p>
<p><b>Objection - Telecommunications Legislation, The Communications Alliance Industry Code C564:2011 (DC Code)</b> This Code 4.1.5, the procedures must require, as a minimum, that for each site the carrier have regard to:</p> <ul style="list-style-type: none"> <li>a) Reasonable service objectives of the carrier.</li> </ul>	<p><b>2.</b> <b>(1 submission)</b></p>	<p>We confirm that Optus has applied the Precautionary Approach in selecting the proposed site in accordance with Section 4.1 of the Code, as follows:</p> <ul style="list-style-type: none"> <li>a) Reasonable service objectives of the carrier <ul style="list-style-type: none"> <li>i) The area planned service must cover <b><i>(Already Covered by existing facilities)</i></b></li> </ul> </li> </ul> <p>Radio frequency mapping has identified that the area is deficient in mobile phone coverage and capacity.</p> <p>The proposed facility has been specifically located to ensure the coverage provided complements the</p>	<p>Noted.</p>

<p><b>i)</b> The area planned service must cover <i>(Already Covered by existing facilities)</i></p> <p><b>ii)</b> Power levels needed to provide quality of service <i>(Increased levels of EME's)</i></p> <p><b>iii)</b> The amount of usage the planned service must handle, <i>(Coverage of semi-rural area, golf course and bush block. Will not service Cell 9, Tonkin Highway and future housing developments along Hale Road.)</i></p>		<p>surrounding facilities in ensuring as much network coverage is provided to Wattle Grove as possible.</p> <p><b>ii)</b> Power levels needed to provide quality of service <i>(Increased levels of EME's)</i></p> <p>The above clause doesn't concern the output of electromagnetic emissions (see clause 4.1.5(b) for how the carrier minimises electromagnetic emissions).</p> <p>The transmit power settings at this facility will be set to accomplish the desired coverage, capacity and call quality within the areas listed above. The specifications provide for the ability for the facility to reduce the transmitting power to each user based on the radio environment.</p> <p><b>iii)</b> The amount of usage the planned service must handle, <i>(Coverage of semi-rural area, golf course and bush block. Will not service Cell 9, Tonkin Highway and future housing developments along Hale Road.)</i></p> <p>As determined by Nokia's radiofrequency engineers, the proposed infrastructure does provide the coverage required to service the required locations and road users of Tonkin Highway. Coverage to Hale Road is also improved by the proposed facility.</p> <p><b>b)</b> Minimisation of EMR exposure to the public – <i>(to cover the area depicted on their map the EMR's must be at a higher level than elsewhere.)</i></p>	
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<p><b>b)</b> Minimisation of EMR exposure to the public – <i>(to cover the area depicted on their map the EMR's must be at a higher level than elsewhere.)</i></p> <p><b>c)</b> <i>The likelihood of an area being a community sensitive location, (this facility is in a residential area with children and seniors in close proximity.)</i></p>		<p>The calculated maximum RF EME Level of this facility is 0.67% (approximately 1/150th) of the mandated limit. In practice, the EME levels shown on the EME Report are usually several times lower than predicted.</p> <p>Dynamic / Adaptive Power Control is a network feature of the facility that automatically adjusts the power and hence minimises EME from both base station and handset.</p> <p>Adjusting the number of transmitters in use to meet the active telephone traffic minimises EME from the network. Discontinuous transmission is a feature that reduces EME emissions by automatically switching the transmitter off when no speech or data is sent.</p> <p><b>c)</b> <i>The likelihood of an area being a community sensitive location, (this facility is in a residential area with children and seniors in close proximity.)</i></p> <p>The proposal needs to be in the location it is servicing. The facility has been located to ensure it is positioned away from schools, child care facilities, aged care facilities and nursing homes.</p> <p>Notwithstanding the above, Clause 6.1 e) of SPP5.2 provides that local governments should not consider buffer zones or setback distances in local planning schemes or local planning policies as considerations for determining applications for telecommunications infrastructure. Accordingly, the above is not a consideration that should be given any weight in the Council determination of the proposed facility.</p>	
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<p><b>Objection-</b> The proposal is inconsistent with the orderly and proper planning of the locality for the following reasons:</p> <ul style="list-style-type: none"> <li>i. The proposal does not meet the objectives of the Rural Composite Zone under Local Planning Scheme No.3</li> <li>ii. The proposal does not adequately protect the rural character and landscape, which will result in a detrimental impact on tourism developments.</li> <li>iii. As the subject site is surrounded by Special Rural Land, the proposal does not comply with Clause 1.6) (ii) and 4.22 of Local Planning Scheme No.3, specifically relating to the aims of the scheme and the objectives of the Special Rural Zone.</li> <li>iv. The proposal is considered not to</li> </ul>	<p><b>2.</b> <b>(1 submission)</b></p>	<p>Facilities such as the proposed exist in rural residential areas throughout Australia.</p> <p><b>i)</b> Clause 4.2.2 Rural Zones of LPS3 states the following objective for the Rural Composite zone:</p> <p style="text-align: center;"><i>To provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area.</i></p> <p>The proposed telecommunications infrastructure is deemed to be an essential service providing continuous mobile network coverage and improved telecommunications services to service the needs of the commercial and residential communities in the area.</p> <p>The proposed telecommunications infrastructure is therefore deemed to be consistent with, and does not compromise, the ultimate purpose intended for the Rural Composite zone.</p> <p><b>ii)</b> No justification has been provided on the proposed facility's impact on tourism. The proposed infrastructure will provide network coverage to tourists visiting the area, and will support the provision of tourism services and businesses that rely on tourism.</p> <p><b>iii)</b></p>	<ul style="list-style-type: none"> <li>i. The Shire advises that there are currently no active amendments to the Metropolitan Region Scheme (MRS) or Local Planning Scheme No.3 (LPS3) to change the zoning of this immediate precinct.</li> <li>ii. Applicants' comments are noted and no information has been received regarding detrimental impact on tourism related developments in the local area.</li> <li>iii. Noted, the site is not zoned Special Rural.</li> <li>iv. It is assessed that the proposal has been adequately evaluated in accordance with Clause 67 of the Planning Regulations (Local Schemes) 2015 and evaluation has been</li> </ul>
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<p>comply with Clause 67 of the Planning Regulations (Local Schemes) 2015 specifically relating to:</p> <ul style="list-style-type: none"> <li>a) The compatibility of the development within its setting;</li> <li>b) The amenity of the location</li> <li>c) The submissions received on the application.</li> </ul>		<p>The site is zoned Rural Composite.</p> <p><b>iv)</b> No grounds have been provided for why the proposal does not comply. The proposed infrastructure has been designed to ensure the rural character of the locality is not adversely affected.</p> <p>Mobile coverage is an essential service and a reasonable expectation for residents in rural residential areas. Facilities are located within rural residential areas across the nation.</p> <p>Optus as sought to ensure as much feedback regarding the facility is received as possible. The submissions provided for this application have been comprehensively addressed and will be considered by Council.</p>	<p>undertaken regarding the compatibility of the development within its setting. The site is a commercial based land use amongst Rural Composite land uses, the monopole is located away from lot boundaries and as revised is not visually prominent to those who are travelling into the Hills along Welshpool Road East.</p> <p>Given the revised location, it is assessed that the amenity of the location is not compromised, and all submissions received have been considered in this assessment.</p>
<p><b>Objection</b> – Sooner or later much of the flat land in the foothills (including the</p>	<p><b>2.</b> <b>(1 submission)</b></p>	<p>Currently, the surrounding area is zoned “rural” under the Metropolitan Region Scheme.</p>	<p>Noted.</p>

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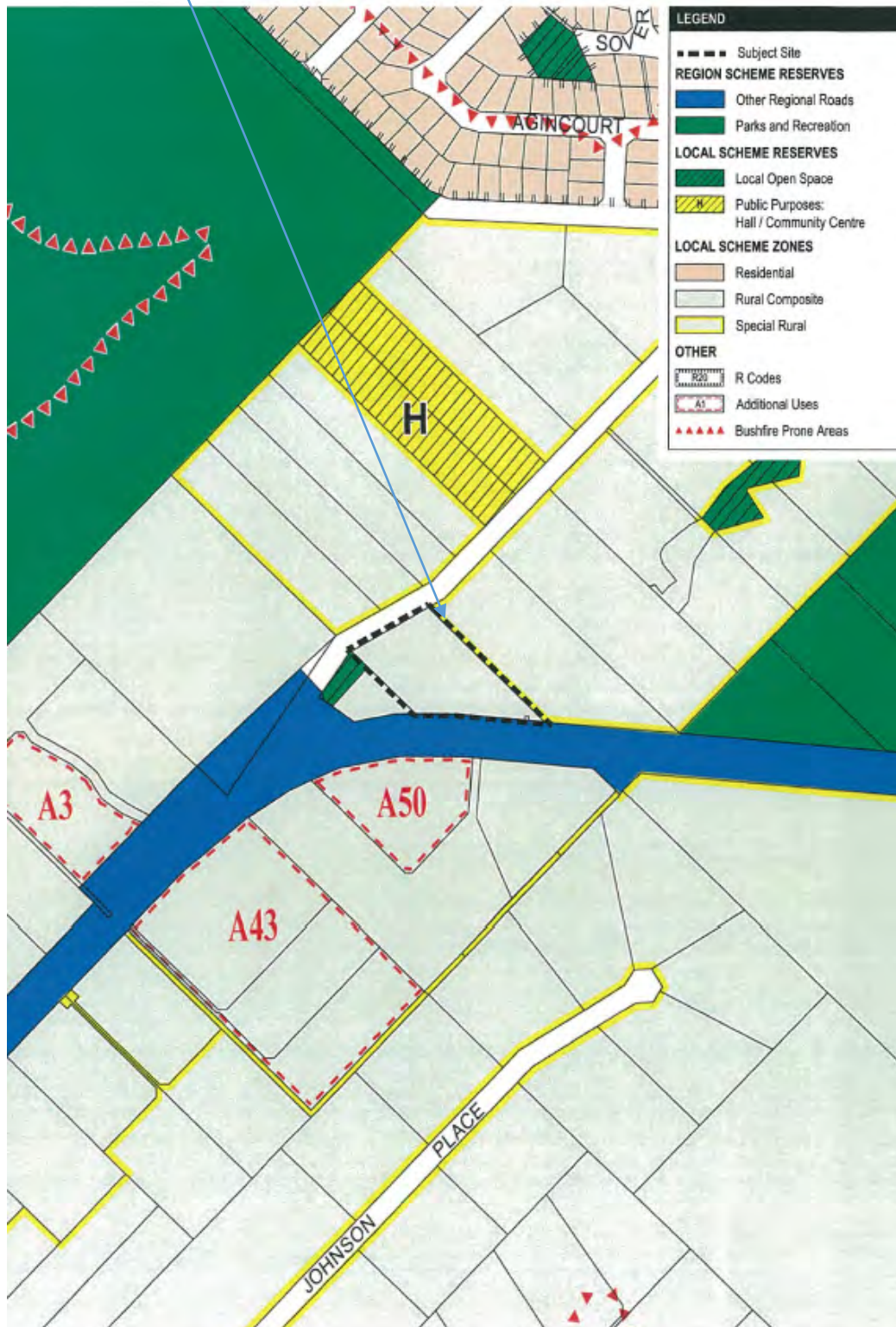
<p>proposed site for the mobile phone tower) will be rezoned urban for housing development to meet the increasing population growth and people wanting to move to bush/ green areas. Having a tower in a potential residential area will be poor planning as this will have a negative effect on the image of the area and pose real health concerns to families wanting to move to the Shire.</p>		<p>Assumed future changes to the planning provisions cannot be considered for the current application. The application must be determined in accordance with existing planning provisions.</p>	<p>The Shire of Kalamunda is not currently considering nor has it been referred to for comments regarding metropolitan scheme rezoning within this precinct. The Shire of Kalamunda cannot take consideration of hypothetical future land use scenarios, and can only undertake assessment based on current zoning and legislative framework.</p>
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### Attachment 6

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

### Zoning Plan

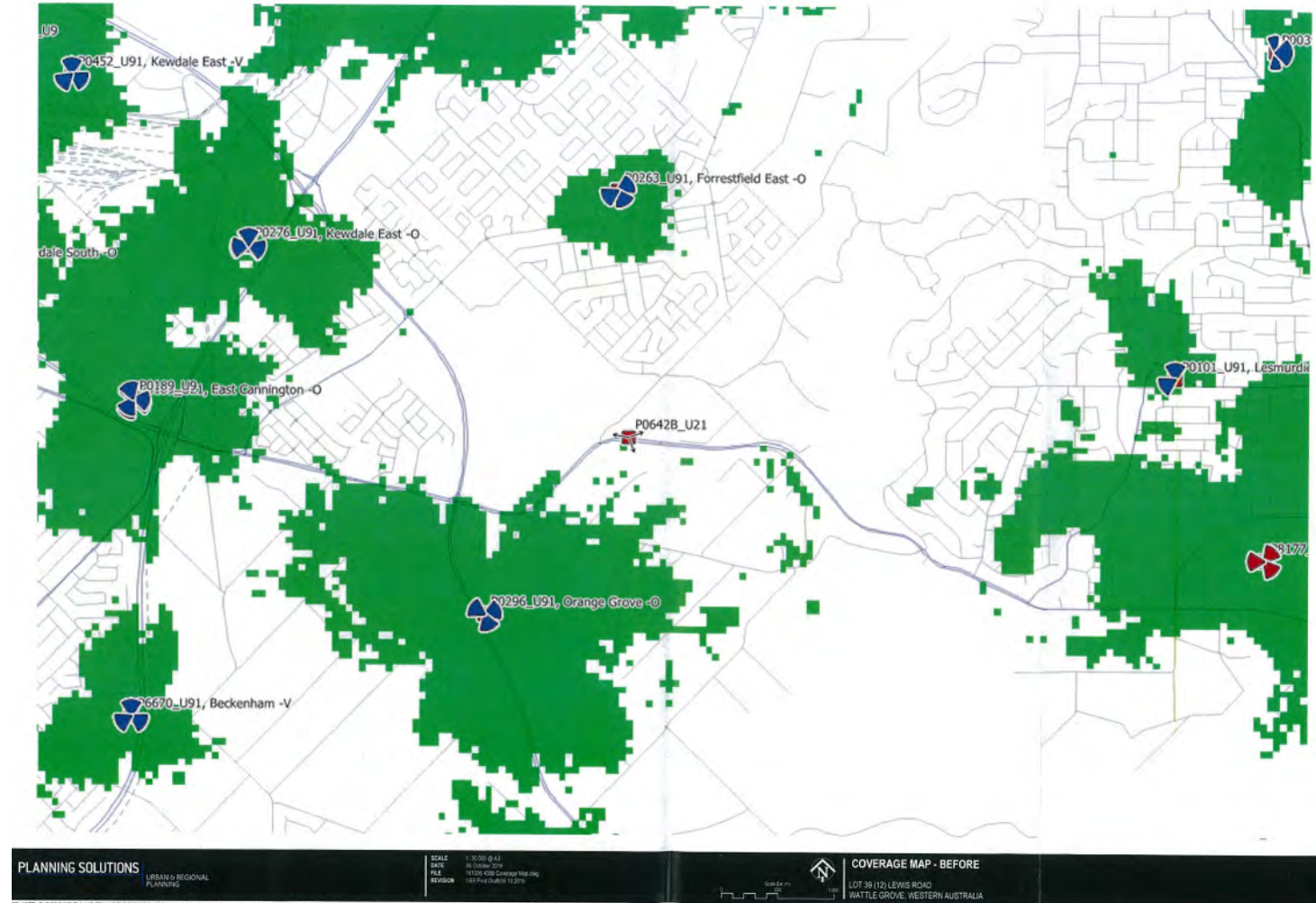
Subject location



### Attachment 7

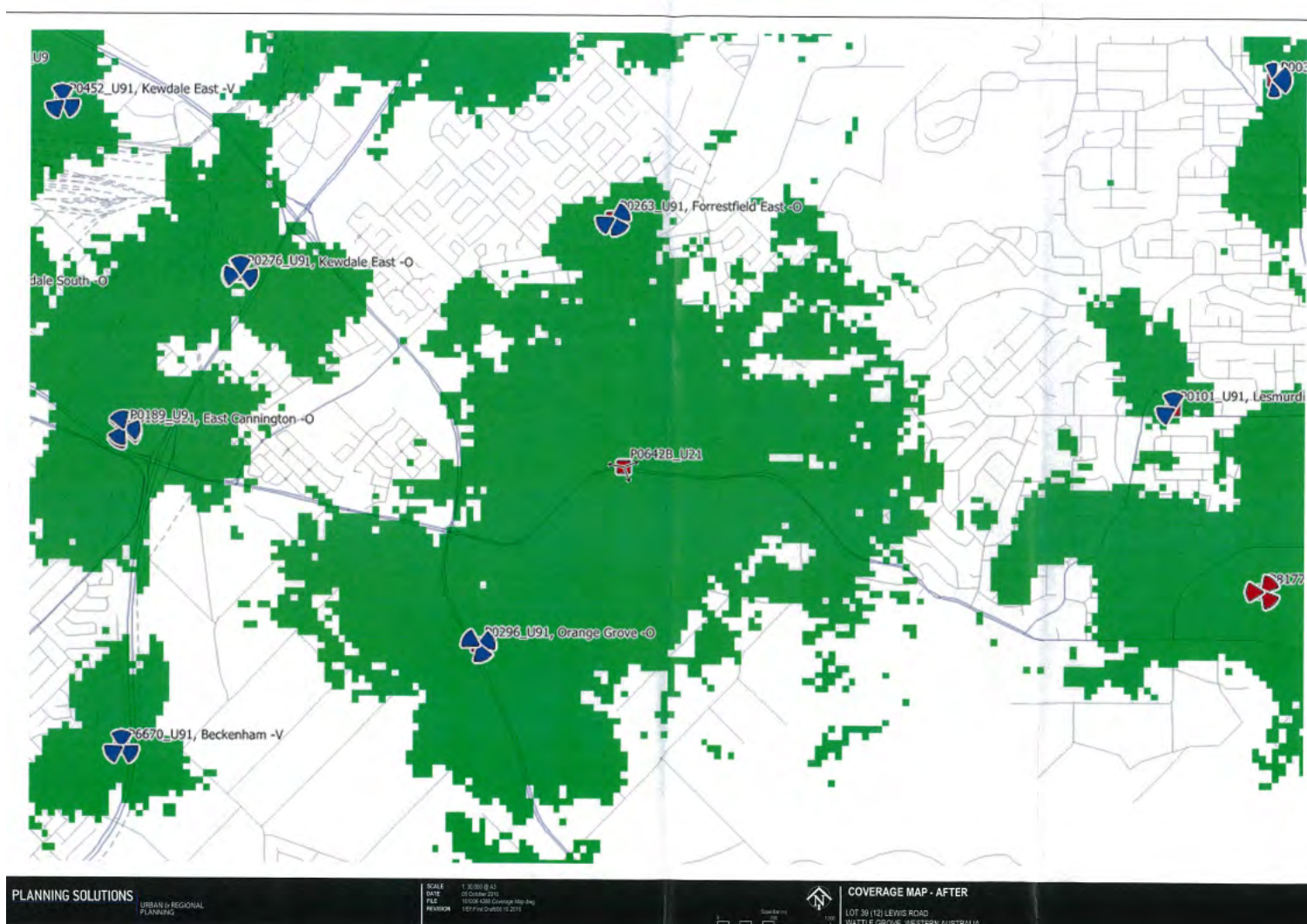
Proposed Telecommunications Monopole and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove

### 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	Reasons for selection / discount
A	37 Lewis Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Will not provide effective coverage to Tonkin Highway.</li> <li>• Uninterested owner.</li> </ul>
B	33 Lewis Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Will not provide effective coverage to Tonkin Highway.</li> <li>• Uninterested owner.</li> </ul>
C	25 Lewis Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Will not provide effective coverage to Tonkin Highway.</li> <li>• Uninterested owner.</li> </ul>
D	3 Lewis Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Closer to Welshpool Road but will not provide effective coverage to Tonkin Highway.</li> <li>• Uninterested owner.</li> </ul>
E	12 Lewis Road Wattle Grove	35m monopole	<b>Selected candidate</b>
F	712 Welshpool Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Uninterested owner.</li> <li>• RF coverage assessment determined that the coverage objectives could not be met.</li> </ul>
G	714 Welshpool Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• RF coverage assessment determined that the coverage objectives could not be met.</li> </ul>
H	720 Welshpool Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Uninterested owner.</li> </ul>
I	831 Welshpool Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Back up candidate.</li> <li>• Uninterested owner.</li> </ul>
J	32 Gavour Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Uninterested owner.</li> <li>• Outside search area – unsuitable from RF perspective.</li> </ul>

K	37 Ridley Road Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• Uninterested owner.</li> <li>• Outside search area – unsuitable from RF perspective.</li> </ul>
L	199 Hale Road Forrestfield - Country Club	35m monopole	<ul style="list-style-type: none"> <li>• A Class reserve. Registered Aboriginal Heritage Site. DA cannot be approved for use proposed.</li> </ul>
M	199 Hale Road Forrestfield - Sporting Oval	Light pole installation	<ul style="list-style-type: none"> <li>• A Class reserve. Registered Aboriginal Heritage Site. Cannot be Low-impact proposal. DA cannot be approved for use proposed.</li> </ul>
N	Tonkin Highway Road Reserve Wattle Grove	35m monopole	<ul style="list-style-type: none"> <li>• RF coverage assessment determined that the coverage objectives could not be met.</li> <li>• Overlaps (conflicts) with coverage provided by the Optus facility at 69 Brentwood Road, Wattle Grove.</li> </ul>
O	1/51 Edinburgh Road Forrestfield	35m monopole	<ul style="list-style-type: none"> <li>• RF coverage assessment determined that the coverage objectives could not be met.</li> </ul>
P	Bush Forever site BF50: <ul style="list-style-type: none"> <li>• 501 Welshpool Road East, Wattle Grove (Lot 501 On Plan 57971)</li> <li>• 880 Welshpool Road East, Wattle Grove (Lot 2 On Plan 61853)</li> <li>• Reserve 32901 – 36 Schofield Road, Wattle Grove (Lot 2615 On Plan 3609)</li> </ul>	35m monopole	<ul style="list-style-type: none"> <li>• RF coverage assessment determined that the coverage objectives could not be met. – Insufficient coverage provided to Tonkin Highway and Welshpool Road.</li> </ul>

## Attachment 10

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

### Optus Community Engagement Session



PS ref. 4388  
SoK ref. LW-D4/0128

8 May 2017

Chief Executive Officer  
Shire of Kalamunda  
PO Box 42  
KALAMUNDA WA 6926

Attention: Ross Jutras-Minett Senior Statutory Planning Officer

Dear Madam,

**OPTUS – PROPOSED MOBILE PHONE BASE STATION**  
**SITE NO: P0642**  
**SITE NAME: FORRESTFIELD SOUTH**  
**SITE ADDRESS: LOT 39 (12) LEWIS ROAD, WATTLE GROVE**

At the Shire's Ordinary Council Meeting of 19 December 2016, Council resolved to defer the development application for telecommunications infrastructure on the above site for to allow for further consultation with the community by the applicant with respect to the currently proposed site.

As part of that consultation process a 'drop-in session' was held on Tuesday 2 May 2017 at Hartfield Park Recreation Centre, 199 Hale Road, Forrestfield between the hours of 6:00pm and 8:00pm to allow the community to discuss the proposed facility with representatives of the Carrier, and an independent consulting physicist. The Shire, by individual mail, invited residents within an 800-metre radius of the site to attend the drop-in session.

The following personnel attended the session on behalf of the Carrier:

- Tommy Reid – Senior Manager – Optus
- Peter Acton – National SAED Manager – Nokia
- Laura Holt – National SAED Manager SME – Nokia
- Faisal Karim – Design Technical Lead (RF) – Nokia
- Josh Maxwell – Health and Safety Representative – Nokia
- Kartik Iyer – Project Engineer – SSMC
- Ben Doyle – Director – Planning Solutions
- Laurie Chantry – Planning Consultant – Business Services Manager – Planning Solutions
- Elliot Nelson – Planning Consultant – Planning Solutions
- Phill Kripe (Ph. D.) – Consultant Physicist – Total Radiation Solutions

Photographs of the drop-in session venue and set-out are attached (see Appendix 1).



**PLANNING SOLUTIONS**  
URBAN & REGIONAL PLANNING  
**PS**

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Planning Solutions (Queb) Pty Ltd

It is estimated a total of 25 members of the community attended the session, with 16 providing their details on a sign-in sheet provided, and four providing comment on a 'feedback' form (see **Appendix 2**). We were not aware of any Elected Members or Shire staff being in attendance.

It is noted from the sign-in sheet and in discussions with persons on the night that 7 of the attendees were from the adjoining property at 20 Lewis Road Wattle Grove.

Discussions centred around issues concerning electromagnetic emissions, visual amenity issues, and consideration of alternative sites. Apart from 1 or 2 members of the community, discussions were civil and mutually informative for both the attendees and the carrier's representatives. From shortly after 7.00pm no further attendees arrived at the session, which concluded at 8.00pm.

#### **DROP-IN SESSION CONCLUSION**

The number of attendees was considered very few, considering the 117 submissions, comprising 102 objections, 12 non-objections and 3 general comments received during the Shire's advertising period in October 2016. The relatively minimal attendance on the night may not reflect any dramatic change in the community's concerns with the proposed facility, but does reflect a lack of depth of concern with the selected candidate.

#### **NEXT ACTIONS**

##### **Alternative locations and options**

Planning Solutions and SSMC will continue to investigate alternative options, however at this time are not confident of locating a suitable alternative site that will meet Optus's coverage requirements in the Wattle Grove area.


It is our intention to continue to work with the landowner of 12 Lewis Road, Wattle Grove and Optus on the design the facility in an endeavour to reduce the impact of the facility as much as possible.

##### **Design changes**

One suggestion received at the session was to change the colour of the monopole to green to more blend with the surrounding environment to mitigate the visual impact. The colour of the facility is, however, ultimately at the discretion of the Shire and can be conditioned under planning approval.

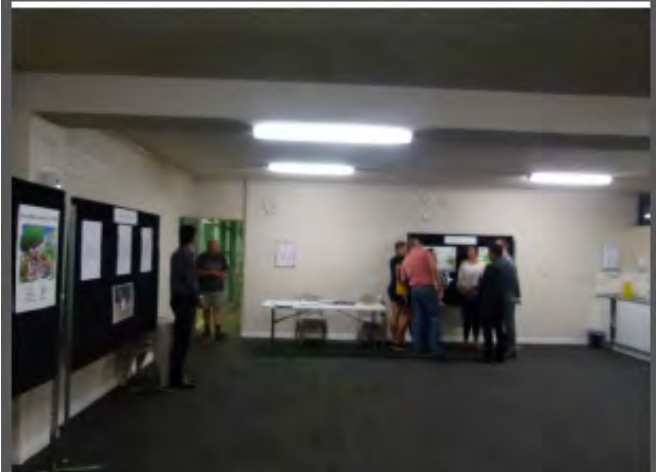
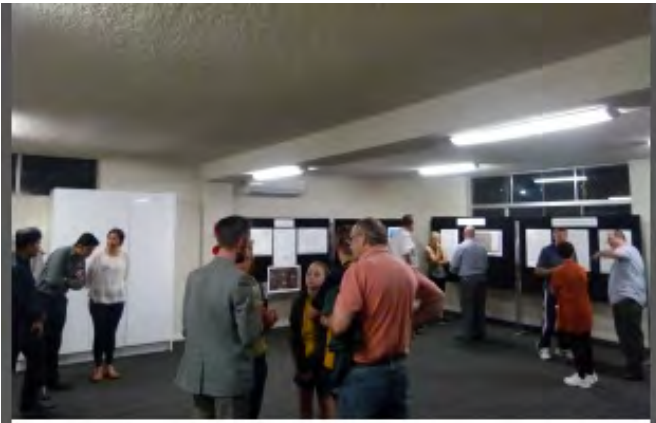
In the meantime, should you have any queries, or require further clarification, please do not hesitate to contact me on 9227 7970.

Kind regards,

  
**ELLIOT NELSON**  
**PLANNING CONSULTANT**

170508 4388 Drop-in session report to Shire of Kalamunda





**Confidential Attachment 11**

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

**Confidential Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”*

**This attachment has been circulated to all Councillors under separate cover**

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

**44. Proposed Local Development Plan - Lot 9001 (52) Setosa Drive and Lot 9002 (40) Gala Way, Forrestfield**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PG-DEV-046
Applicant	Rowe Group
Owner	Satterley Property Group
Attachment 1	Proposed Local Development Plan
Attachment 2	Approved Subdivision Plan
Attachment 3	Forrestfield Cell 7 Structure Plan

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a Local Development Plan (LDP) for a portion of the Forrestfield Cell 7 Structure Plan area, formally known as the Hales Estate.
2. A subdivision application relating to the subject land has been approved by the West Australian Planning Commission (Attachment 2).
3. The proposed LDP incorporates variations to the Residential Design Codes (R-Codes) deemed to comply requirements.
4. This report recommends that Council approves the proposed LDP (Attachment 1) subject to modifications.

**BACKGROUND**

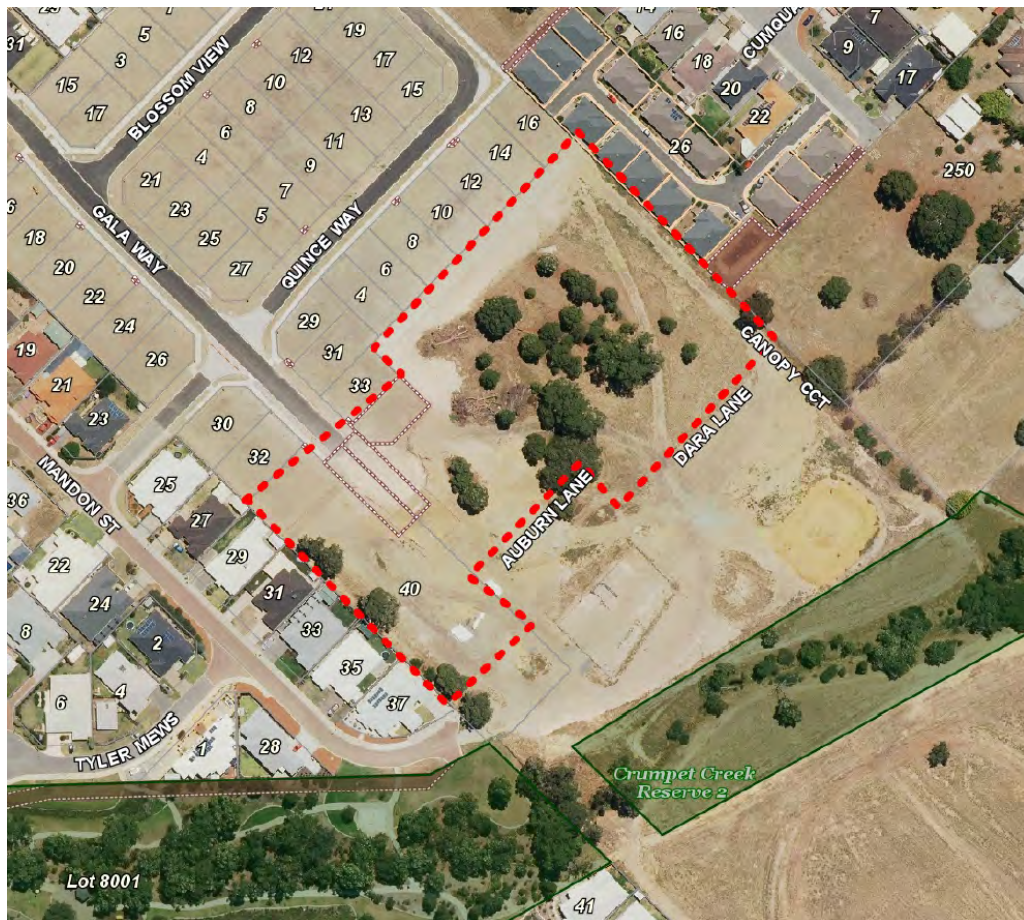
5. The Cell 7 Forrestfield Structure Plan was first adopted in 1994. The subject site is identified under the Structure Plan for predominantly residential development with an R20 density code and a grid pattern road and block layout. A copy of the adopted Cell 7 Forrestfield Structure Plan is included in this report (Attachment 3).
6. In November 2016, the subdivision application for the stage 1B area was approved by the Western Australian Planning Commission (WAPC) subject to conditions. A copy of the approved subdivision plan is included in this report (Attachment 2).
7. On 28 November 2016, Council approved a similar LDP for an area (Stage 1) comprising 45 residential lots adjoining the north-west of the subject site (OCM192/2016). This subdivision plan can be viewed in (Attachment 2).
8. On 22 May 2017, Council approved a LDP for an area Stage 1B, comprising 14 lots adjoining the south-east of the subject site (OCM72/2017). This LDP addresses design requirements for lots zoned R60 (approximate land area of 150m<sup>2</sup>) Attachment 2.



9. **Land Details:**

Land Area	1.65ha
Local Planning Scheme Zone	Urban Development
Metropolitan Region Scheme Zone	Urban
Structure Plan Density	Residential R20, R30, R60 and Local Open Space

10. **Locality Plan:**



**DETAILS**

11. A LDP is defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) as follows:

*“Local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following –*

- a) Site and development standards that are to apply to the development;*
- b) Specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.”*

12. The proposed LDP incorporates variations to the Residential Design Codes (R-Codes) deemed-to-comply requirements, as detailed in the below table:

<b>R-Codes Provision</b>	<b>Deemed-to-Comply Requirement</b>	<b>Proposed LDP Requirement</b>
<b>5.1.2 Street setback</b>	Primary street: 3m minimum, 6m average.  Secondary street: 1.5m.	Primary street: 3m minimum.  Secondary street 1m.
<b>5.1.3 Lot boundary setback</b>	Side setbacks: generally 1m – 1.5m for single storey.  Rear setbacks (Lots 558 and 632 – 635): 1m – 1.5m for single storey.  Boundary wall to one side boundary only, maximum length permitted is 1/3 of the side boundary behind the street setback line.	Site setbacks: 1m – 1.2m for single storey dwellings. 1m and no boundary walls for lot 631.  Rear setbacks (lots 558 and 631 – 635): 2m ground floor and 5m first floor.  Boundary walls permitted to both side boundaries to a height of 3.5m, providing one wall is no greater than 2/3 length of one side boundary, and the other is no greater than 1/3 length of the second side boundary.
<b>5.1.4 Open space</b>	50% minimum	40% for 510m <sup>2</sup> lots, 35% for lots with an area of 450m <sup>2</sup> and below.
<b>5.2.1 Setback of garages and carports</b>	Minimum setback of 4.5m and located minimum 0.5m behind dwelling alignment.	Minimum setback 4.5m where garage is located greater than 0.5m behind dwelling alignment.  For two storey dwellings, garages may be forward of the dwelling alignment to a maximum of 1m, where the garage alignment complies with the primary street setback (3m).

---

<b>5.2.2 Garage width</b>	Maximum 50% of the frontage.	Only double garages permitted to a minimum internal width of 5.4m
<b>5.2.4 Street walls and fences</b>	1.8m maximum height, visually permeable above 1.2m.	Front fences are not permitted.
<b>5.3.1 Outdoor living areas</b>	30m <sup>2</sup> minimum area and a minimum dimension of 4m.	Minimum area of 10% of the site area and a minimum dimension of 4m.

13. All other deemed-to-comply requirements of the R-Codes are applicable to development on these lots.
14. The effect of the LDP will be that any development that demonstrates compliance with the requirements of the LDP provisions, and all other requirements of the R-Codes, are exempt from the requirement to obtain development approval and may proceed directly to a building permit application.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

15. The Regulations stipulate that an LDP may only be prepared in the following circumstances:
1. To address a condition of subdivision approval;
  2. A structure plan requires the preparation of an LDP;
  3. An activity centre plan requires the preparation of an LDP; or
  4. The WAPC and the Shire considers that an LDP is required for the purposes of orderly and proper planning.
16. In this instance the WAPC has advised that it supports the preparation of the subject LDP in accordance with item 4 above.
17. In making a decision in relation to the LDP, Council is required to:
- 1) Approve the LDP; or
  - 2) Require the person who prepared the LDP to –
    - i. modify the plan in the manner specified by the Shire; and
    - ii. Resubmit the modified plan to the Shire for approval;or
  - 3) Refuse to approve the plan.
18. In the event that Council resolves not to approve the LDP the applicant may apply to the State Administrative Tribunal for review, in accordance with the *Planning and Development Act 2005*.

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### Local Planning Scheme No. 3

19. The subject lots are zoned 'Urban Development' under the Local Planning Scheme No. 3 (the Scheme), which includes the following objectives under Part 4.2.1 (Objectives of the Zones - Residential Zones):
- *"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

20. Design Principle 6 of Element 4 of State Planning Framework Liveable Neighbourhoods outlines the need for housing density and diversity to meet changing future community needs. The framework states that a variety of lot sizes and housing types should be distributed through a neighbourhood, and preferably within the same street. This facilitates housing diversity, choice, and style within a neighbourhood.
21. The policy recommends the use of LDPs for a group of lots to vary the requirements of the R-Codes, particularly for small lots where design coordination is required for buildings. On this basis the proposed LDP is consistent with Liveable Neighbourhoods.

### COMMUNITY ENGAGEMENT REQUIREMENTS

#### Public Advertising

22. Following assessment of the surrounding area and the nature of the changes proposed under the LDP, only residents directly affected by the proposal were notified.
23. During advertising, no comments were received to the proposed LDP.

#### Internal Referrals

24. The proposed LDP was referred to the Shire's Asset Services and no comments or objections were received.

#### External Referrals

25. In early 2017, the Shire wrote to the WAPC regarding the use of LDPs within the proposed Forrestfield (Hales) Local Structure Plan. In a letter from the WAPC to the Shire dated 17 May 2017, it was advised that the WAPC supports the preparation of an LDP for the Local Structure Plan area, the exact content of the LDP is a matter for the Shire to consider in its determination of the LDP.

## FINANCIAL CONSIDERATIONS

26. In accordance with Regulations 48 and 49 of the *Planning and Development Regulations 2009*, any costs associated with advertising and assessment of the proposed LDP is to be borne by the applicant.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

27. *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

28. The proposed LDP will provide additional flexibility for new dwellings being constructed on the subject lots, and will facilitate more contemporary housing typologies, without the need to apply for planning approval. This will ultimately speed up approval timeframes for constructing a dwelling.

### Economic Implications

29. Nil.

### Environmental Implications

30. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 31.

<b>Risk:</b> The proposed LDP will allow development which will have an undue impact on the amenity of the area.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Ensure that the proposed provisions will not result in significant impacts on the amenity of the streetscape or Shire of Kalamunda adjoining property owners, and allow flexibility in the built form design to allow for effective use of space.		

<b>Risk:</b> Not having an LDP will affect the ability of officers to expedite the application process through the LDP, resulting in unnecessary and longer assessment processes.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	High
<b>Action/ Strategy</b>		
Demonstrate that applications that comply with the LDP will not require planning approval.		

## OFFICER COMMENT

32. The proposed LDP allows some flexibility for housing design at the subject properties. For example, the LDP would allow a house to have boundary walls to both side boundaries to make effective use of space and facilitate a larger rear outdoor living area and yard.
33. The LDP proposes additional rear setbacks for lots 588 and 632 - 635. This is being proposed given that these lots are required to be raised by up by retaining walls exceeding 1 metre in height above natural ground level during the subdivision works process to facilitate appropriate drainage. The additional setbacks will reduce the overall impact of building bulk on adjoining properties to the southwest of the site.
34. In respect to the provisions under the LDP to not allow front fences or carports, and to establish a minimum garage width, the applicant submits that this is to provide a minimum standard to the quality of built form within the estate and assist in providing for an open, uniform and attractive streetscape.
35. The following modifications are recommended to the LDP:
- Given the Forrestfield (The Hales) Local Structure Plan proposes to change density within the LDP area, it is recommended that instead of referring to density codes in provision 3 (open space), the LDP should refer to lot numbers. Accordingly, reference to density codes should be removed from other parts of the LDP.
  - Provision 16 of the proposed LDP incorporates a requirement for all dwellings to be connected into the road drainage network. Given this is usually a matter that is dealt with at the subdivision and building permit application stage, and not a matter that is ordinarily addressed through the provisions of an LDP, it is recommended that this provision be deleted from the proposed LDP and assessed on a case by case basis for the design of the development proposed.
  - In order to avoid double garages exceeding the 50% frontage requirement under the R-Codes and therefore dominating the built form to the street, it is recommended that the wording of Point 6 of the LDP be modified to ensure garages cannot exceed the 50% requirement.
  - In the signing section of the LDP, correcting the terminology used by making reference to Local Planning Scheme No. 3 and Planning and Development (Local Planning Schemes) Regulations 2015.

36. The proposed variations in the LDP are considered reasonable as they will facilitate development of contemporary house designs on relatively constrained lots, particularly with respect to the setback and boundary wall requirements. The variations proposed to the R-Codes are not considered to compromise the established streetscape character of the area and will not result in undue amenity impacts on adjoining properties. Accordingly, it is recommended that the proposed LDP be approved subject to the above modifications.

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 44/2017)**

That Council:

1. Pursuant to Clause 52 (1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approve the proposed Local Development Plan for Lot 9001 (52) Setosa Drive and Lot 9002 (40) Gala Way, Forrestfield, subject to the following modifications:
  - a) Deleting provision 3 (a) and (b) and inserting the following in its place:
    - a. 40% for lots 558 and 630-635
    - b. 35% for lots 543 – 551, 600 – 612 and 620 – 622.”
  - b) Deleting reference to density codes in the provisions and the legend.
  - c) Rewording point 6 of the Local Development Plan as follows:

*Only double garages are permitted and shall not exceed 50% of the lot frontage.*
  - d) Deleting provision 16 (Drainage).
  - e) In the signing section of the Local Development Plan:
    - i) Delete “*Town Planning Scheme No. 2*” and replace it with “*Local Planning Scheme No. 3 and Planning and Development (Local Planning Schemes) Regulations 2015*”.
    - ii) Delete “*Manager Development Services*” and replace it with “*Manager Approval Services*”.

Moved: **Cr Michael Fernie**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

**Attachment 1**

Proposed Local Development Plan - Lot 9001 (52) Setosa Drive and Lot 9002 (40) Gala Way, Forrestfield

**Proposed Local Development Plan**

**PROVISIONS**

This Local Development Plan (LDP) applies to Lots 543-551, 558, 600-612, 620-622 and 630-635 within The Hales - Local Structure Plan area.

Unless otherwise defined on this LDP, all development shall be in accordance with the Shire of Kalamunda Local Planning Scheme No. 3, and the R-codes for the R20 and R30 density codes. The Residential Design Codes do not apply where varied below.

**Minimum Open Space and Outdoor Living**

1. An outdoor living area (OLA) with an area of 10% of the lot size, directly accessible from a habitable room of the dwelling and located behind the street setback.
2. The OLA has a minimum 4.0m length and width dimension.
3. Minimum Open Space Area:
  - a. 40% for R20.
  - b. 35% for R30.

**Garages**

4. Garages are to be setback a minimum of 4.5 metres from the primary street and are not to be forward of the dwelling alignment. Garages may be aligned with the dwelling provided they do not exceed the garage setback line. Garages are to be setback 1.5m from the secondary street.
5. For two storey dwellings only, garages may be forward of the dwelling alignment to a maximum of 1.0 metre where the garage alignment complies with the primary street setback.
6. Only double garages are permitted and shall be a minimum internal width of 5.4 metres.
7. All garages shall be enclosed with a door.
8. Carports are not permitted.

**Street Setback and Front Fences**

9. Street Setbacks:
  - Primary
    - a. 3.0m minimum;
  - Secondary
    - a. 1.0m minimum;
10. Setbacks do not apply to eaves.
11. Front fences are not permitted within the front setback.

**Lot Boundary Setback**

12. Buildings may be constructed on lot boundaries subject to the following setback requirements as identified on the plan:
  - a. 1.2m for wall height 3.5m or less with major openings;
  - b. 1.0m for wall height 3.5m or less without major openings;
13. Boundary walls to both side boundaries requirements as follows:
  - a. 2/3 length to one side boundary;
  - b. 1/3 maximum length to second side boundary for wall height 3.5m or less;
14. For lots 558 and 632-635:
  - a. Minimum 2.0m rear setback to the ground floor;
  - b. Minimum 5.0m rear setback to the second storey;
15. For lot 631:
  - a. Minimum 1.0m side setback to apply on the side of the lot adjacent to lot 1207;

**Drainage**

16. All dwellings are to be connected into the road drainage network. Connection of the dwelling is to be at the connection pit provided within the lot and is the responsibility of the owner. Building plans are to identify lot connection details when making application for a building licence to the Shire of Kalamunda.

This Local Development Plan has been approved by Council under the provisions of the Shire of Kalamunda Town Planning Scheme No. 2 and The Hales Local Structure Plan

Manager Development Services

Date: \_\_\_\_\_



**Planning Design Delivery**



**LEGEND**

- Lots Subject to this LDP
- 7 Proposed Lot Numbers
- Existing Boundaries
- Proposed Boundaries
- Residential - R20
- Residential - R30
- Public Open Space
- 3.0m Dwelling Setback Line (Primary Street Setback)
- 1.0m Dwelling Setback Line (Minimum Dwelling Setback to Side Boundary)
- 2.0m Rear Dwelling Setback Line to Ground Floor
- 5.0m Rear Dwelling Setback Line to Second Storey

0 12.5 25 Metres

**REVISIONS**

Rev	Date	Drawn
D	2017.03.21	M. Sullivan
E	2017.04.12	W. Clements
F	2017.05.10	W. Clements
G	2017.05.23	M. Sullivan



w: www.rowegroup.com.au  
e: info@rowegroup.com.au  
p: 08 9221 1991

Date Drawn: 2016.11.21  
Job Ref: 8485  
Scale: 1:1,500 @ A3  
Client: Satterley Property Group  
Designer: F. Chesterman  
Drawn: W. Clements  
Projection: MGA50 GDA94  
Plan ID: 8485-LDP-02-G

Cartilage supplied by M&H Urban Matters

**Local Development Plan 3**

Lots 543-551, 558, 600-612, 620-622 and 630-635 The Hales  
Forrestfield



**Attachment 2**

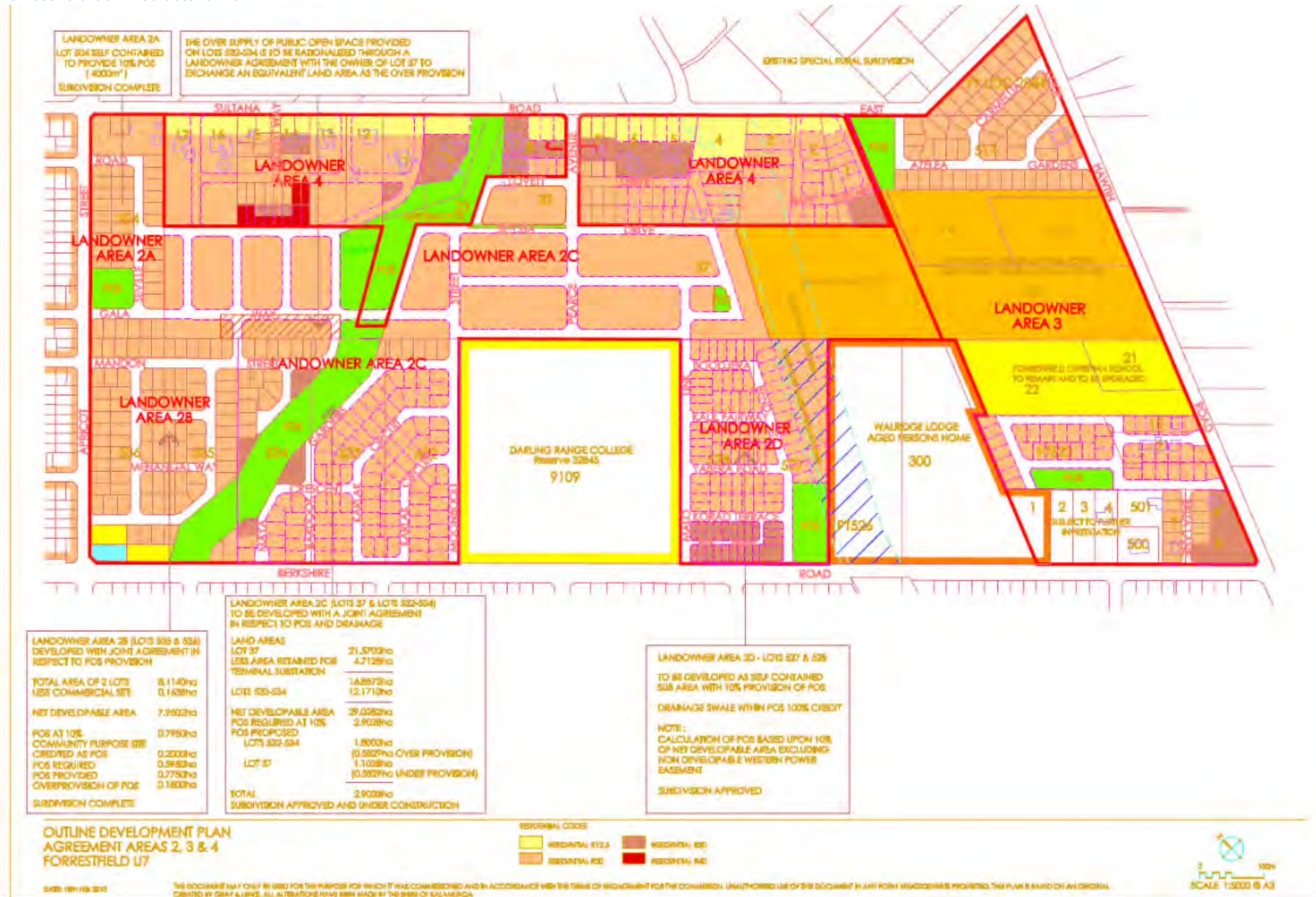
Proposed Local Development Plan - Lot 9001 (52) Setosa Drive and Lot 9002 (40) Gala Way, Forreestfield

**Approve Subdivision Plan**



**Attachment 3**

Proposed Local Development Plan - Lot 9001 (52) Setosa Drive and Lot 9002 (40) Gala Way, Forreestfield  
**Forreestfield Cell 7 Structure Plan**



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

**45. Draft Planning Policy P-DEV 61 – Retention and Upgrade of Grouped Dwellings**

Previous Items	OCM 55/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-016

Attachment 1	Draft Local Planning Policy P-DEV 61 – Retention and Upgrade of Grouped Dwellings
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**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider final adoption of draft Local Planning Policy P-DEV 61 – Retention and Upgrade of Grouped Dwellings following public advertising.
2. P-DEV 61 has been written for the purposes of providing guidance relating to the retention and upgrade of existing dwellings when a group dwelling is to be retained as part of the development/subdivision application process.
3. The draft policy was advertised for 28 days and no submissions were received.
4. The officer recommendation is for Council to adopt draft Local Planning Policy P-DEV 61 without modification.

**BACKGROUND**

5. The Shire periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear and defensible position.
6. Council resolved on the 24<sup>th</sup> April 2017 (OCM 55/2017) to adopt P-DEV 61 for public advertising. The advertising period has now closed and the draft policy is now ready for consideration by Council for final adoption.

**DETAILS**

7. The draft policy will provide development controls and advice to applicants who are applying for a grouped dwelling development with the intent to retain the existing dwelling as part of the development. The policy will allow for consistency in the decision making process while imposing conditions that will ensure retained dwellings are upgraded to a standard that is deemed to be appropriate for the Shire.

**STATUTORY AND LEGAL CONSIDERATIONS**

8. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).

- 
9. As per *the Regulations* and the Shire of Kalamunda Local Planning Scheme No.3, planning policies are required to be approved by Council for advertising and adopted by Council at the conclusion of the advertising period.
  10. A Local Planning Policy does not bind the Shire in its application of discretion but must be given due regard. If a planning policy is inconsistent with the regulations and scheme provisions the regulations and scheme prevail.

## **POLICY CONSIDERATIONS**

11. The proposed policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. The draft policy was previously circulated to the Shire's Assets, Health, Building and Environment departments for comment. No objections or comments to the proposed draft policy were received.

### **External Referrals**

13. The draft policy was advertised in accordance with the provisions of Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals. As part of this process the draft policy was advertised for a period of 28 days, a notice was placed in the local newspaper for two consecutive weeks, and a notification was placed on the Shire website. During this time no responses were received.

## **FINANCIAL CONSIDERATIONS**

14. All costs associated with the advertising of the proposed policy will be met through the Approval Services budget.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

15. *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 4.3.1 Provide efficient building and development approval services to the community.

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

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## SUSTAINABILITY

### Social Implications

16. If P-DEV 61 is adopted the Shire and community will have greater certainty when assessing how retained dwellings shall be upgraded to a standard acceptable to the Shire.
17. Additionally, the community will have access to more clarity and transparency in how the Shire and Council makes decisions, leading to improved outcomes and reduced timeframes.

### Economic Implications

18. Nil.

### Environmental Implications

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

20.

<b>Risk:</b> The policy is not adopted resulting in a lack of guidance in respect to the requirements to upgrade existing grouped dwellings.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development/subdivision applications.		

## OFFICER COMMENT

21. The proposed policy will provide guidance to the upgrading of existing dwellings that are proposed to be retained as part of the subdivision/development application process in accordance with the requirements of Clause 5.2.6 of the Residential Design Codes (the R Codes).
22. The requirement to upgrade the existing dwelling is not clearly defined under the relevant clause of the R Codes and therefore from a Shire perspective can be highly subjective. The policy will therefore assist the Shire and developers by clearly defining the requirements in respect to the upgrade standards, as well as outlining unacceptable outcomes for grouped dwelling development.
23. Noting the provision of Clause 7.3.1 of the R Codes, the proposed draft policy will not require referral to the Western Australian Planning Commission for Approval.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 45/2017)**

That Council:

1. Pursuant to Clause 4 (3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, adopt the following policy without modification:
  - P-DEV 61 – Retention and Upgrade of Grouped Dwellings.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (8/0)**

**Attachment 1**

Draft Planning Policy P-DEV 61 – Retention and Upgrade of Grouped Dwellings

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

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

**46. Draft Planning Policy P-DEV 60 – Design Advisory Committees**

Previous Items	OCM 55/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-16
Attachment 1	Draft Local Planning Policy P-DEV 60 – Design Advisory Committees
Attachment 2	Submitters Table

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider final adoption of draft Local Planning Policy P-DEV 60 – Design Advisory Committees following advertising.
2. P-DEV 60 has been written for the purpose of providing guidance relating to the operation and structure of Design Advisory Committees (DACs).
3. During the public advertising period one submission was received.
4. Officer recommendation is for Council to adopt draft Local Planning Policy P-DEV 60 with minor modifications.

**BACKGROUND**

5. The Shire periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear and defensible position.
6. Council resolved in November 2016 (OCM 60/2016) to approve Scheme Amendment 84 to Local Planning Scheme No. 3. The amendment was approved by the Minister for Planning on 28 April 2017.
7. Council resolved on the 24<sup>th</sup> April 2017 (OCM 55/2017) to adopt P-DEV 60 for public advertising. The advertising period has now closed and the final version of the policy is now ready for consideration by Council.

**DETAILS**

8. The intent of the policy is to complement the adopted amendment 84 Scheme provisions to create DAC's with the intent to guide the types of applications and matters to be considered by the DAC in more detail. The policy outlines the process for advertising, recruiting, and operating the DAC, as well as stating expectations of the DAC itself.

**STATUTORY AND LEGAL CONSIDERATIONS**

9. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).



- 
10. As per *the Regulations* and the Shire of Kalamunda Local Planning Scheme No.3, planning policies are required to be approved by Council for advertising and adopted by Council at the conclusion of the advertising period.
  11. A Local Planning Policy does not bind the Shire in its application of discretion but must be given due regard. If a planning policy is inconsistent with the regulations and scheme provisions the regulations and scheme prevail.

## **POLICY CONSIDERATIONS**

12. The proposed policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

13. No comments were received in respect to the draft policy.

### **External Referrals**

14. Following approval by Council, P-DEV 60 was advertised in accordance with the provisions of Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals. As part of this process the draft policy was advertised for 28 days, a notice was placed in the local newspaper for two consecutive weeks, and a notification was placed on the Shire website. At the conclusion of the advertising period one (1) submission was received.
15. The main comments raised by the submitter are as follows:
  - The DAC appears to only provide advice to developers and Planning Officers, and not Council. There is no assurance that Council will be made aware of the comments of the DAC.
  - The policy as it currently stands restricts local residents or ratepayers from volunteering to be members of the DAC.
  - It may not be the most appropriate idea to adopt the CABE Principles as they apply specifically to UK context.
  - The extra workload that may be required by the DAC members suggests that the member may need to retire from their current employment.
  - The requirements call for those who have current qualifications instead of those who have previously had qualifications lapse.

16. In response to the submitters comments, the following is provided:

#### **No Advice Provided to Council**

The intent of the DAC is to provide advice to applicants prior to the lodgement of development applications, thus ensuring that modifications to plans can be made before a full assessment has begun. It is acknowledged however, that the DAC may also consider formal applications submitted to the Shire. Should an application be reviewed by the DAC the minutes including recommendations of the DAC meeting will be included as part of any future development application that is required to be referred to Council as outlined in the policy.

### **The Policy Restricts Individuals from Volunteering**

In order for the DAC to function at an appropriate level the committee members must be able to demonstrate they possess the appropriate qualifications and experience and be able to address the listed criteria specified in the draft policy, including, but limited to, contemporary urban design and architectural experience that will ensure the DAC is capable of providing high quality, professional sound and appropriate advice to applicants. Local residents who can satisfy the relevant criteria are encouraged, to apply for a position on the panel.

### **CABE Principles may not be Appropriate in this Case**

The CABE principles, though developed in the UK, are internationally recognised as sound design principles for how to operate design review panel. The principles themselves do not offer location specific requirements, but instead provide outcomes and aims that can be applied universally to any panel in relation to the operation, intent, and makeup of the DAC. It is considered that these principles are in no way restrictive, but instead seek to ensure correct operation and outcomes of a panel. Both the Office of the Government Architect of WA and several other long operating Design Advisory Committee's in the Perth Metropolitan area have adopted the CABE principles.

### **Additional Workload will be Detrimental to Panel Members**

The DAC is proposed to meet on a as needs basis, with a maximum of one meeting per month. It is considered that the additional responsibilities of being a member of the panel will not be onerous enough to require an individual to leave their current employment. Should a panel member be unable to undertake the full responsibility of the DAC, they are encouraged to make this known to Council so that alternate options can be considered. Members of other Design Advisory Committee's in the Perth Metropolitan area also retain full time employment.

### **Need for Current Qualifications**

It is considered that if a panel member has had their professional membership lapse, or is no longer employed within their field, then there is a chance that their knowledge base may not be current and therefore reflective of best design practise. This would preclude them from giving sound and contemporary design advice based on current industry standards and practice.

## **FINANCIAL CONSIDERATIONS**

17. Until the DAC becomes operational and a pattern is established as to how often the DAC is required to meet, it is unclear what budget implications are applicable. Once a better understanding is gained of the regularity of meetings, a budget allocation will be made at the next appropriate 17/18 budget review.

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## 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 4.3.1 | Provide efficient building and development approval services to the community.   |
| Strategy 4.3.2 | Undertake efficient monitoring and compliance of building developments within the Shire.                                 |
| Strategy 4.3.5 | Incorporate best practice principles for designing out crime and encourage private developers and owners to do the same. |

## SUSTAINABILITY

### Social Implications

19. If P-DEV 60 is adopted the Shire will have greater certainty of high quality design when assessing different forms of development or compliance issues.
20. Additionally, the community will have access to more clarity and transparency in how the Shire and Council makes decisions, leading to improved outcomes and reduced timeframes.

### Economic Implications

21. Nil.

### Environmental Implications

22. Nil.

## RISK MANAGEMENT CONSIDERATIONS

23.	<b>Risk:</b> The policy is not adopted resulting in a lack of guidance regarding the quality of the proposed development.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/ Strategy</b>		
	Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development applications particularly relating to quality of design.		
	<b>Risk:</b> The policy is not adopted and built form outcomes are of a poor quality.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/ Strategy</b>		
	Demonstrate the importance of having planning policies to support the Scheme when assessing development applications particularly relating to quality of design.		

## OFFICER COMMENT

24. The draft policy will support adopted Scheme provisions relating to DAC's and provide guidance for the establishment and operation of DACs within the Shire. The DAC's will comprise suitably qualified professionals with contemporary experience in principally architecture and urban design that can provide advice on a range of complex and significant planning proposals in the Shire.
25. The following modifications are proposed to the draft policy:
- Given members of DAC are to receive payment for their attendance at meetings, members can only be appointed by the Chief Executive Officer and not Council. Clause 1.5 – Appointment and Termination of Members of the draft policy has been changed accordingly.
  - To allow sufficient time for the minutes of the DAC meeting to be compiled as required under Clause 6.4 – Agenda and Minutes of the draft policy, the wording of Clause 5 – Format for DAC Design and Review Advice is proposed to be modified to allow for the summary and design review and the recommendations of the DAC to be provided to the applicant within 14 working days of the DAC meeting and not 10 as previously stated.
  - In regard to Clause 6.1 – Schedule of Meetings, it is unlikely that there will be enough demand for monthly DAC meetings, so the wording has been changed such that DAC meetings will occur on as needs basis with no more than one DAC meeting per month.

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 46/2017)**

That Council:

1. Pursuant to Clause 4 (3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, adopt P-DEV 60 – Design Advisory Committees with the following Modifications:
  - Modifying Clause 1.5 – Appointment and Termination of Members to reflect that only the Chief Executive Officer can appoint members of the Design Advisory Committee.
  - Modifying Clause 5 – Format for DAC Design and Review Advice to require the summary of the design review and recommendations of the DAC to be provided to the applicant within fourteen (14) working days of the date of the DAC meeting.
  - Modifying Clause 6.1 – Schedule of Meetings to allow for DAC meetings to occur on a needs basis with a maximum of one meeting per month.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (8/0)**

**Attachment 1**

Draft Planning Policy P-DEV 60 – Design Advisory Committees

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

## Attachment 2

### Draft Planning Policy P-DEV 60 – Design Advisory Committees

#### Submission Table

Response	Officer Comment
The DAC appears to only provide advice to developers and Planning Officers, and not Council. There is no assurance that Council will be made aware of the comments of the DAC.	The intent of the DAC is to provide advice to applicants prior to the lodgement of development applications. Should the application be reviewed by the DAC the minutes and recommendations of the DAC will be included as part of any future development application to Council as outlined in the policy
The policy as it currently stands restricts local residents or ratepayers from volunteering to be members of the DAC.	In order for the DAC to function at an appropriate level the committee members must be of a background and qualifications that is capable of providing high quality, professional sound and appropriate advice to applicant, Shire staff and the Council. As such the panel members must demonstrate full qualifications and sound knowledge and judgement.
It may not be the most appropriate idea to adopt the CABE Principles as they apply specifically to UK context.	The CABE principles, though developed in the UK, are internationally recognised as sound design principles for how to operate design review panel. The principles themselves do not offer location specific requirements, but instead provide outcomes and aims that can be applied universally to any panel. Both the Office of the Government Architect of WA and several other long operating Design Advisory Committee's in the Perth Metropolitan area have adopted the CABE principles.
The extra workload that may be required by the DAC members suggests that the member may need to retire from their current employment.	The DAC is proposed to meet on an adhoc basis, with a maximum of one meeting per month. It is considered that the additional responsibilities of being a member of the panel will not be onerous enough to require an individual to leave their current employment. Members of other Design Advisory Committee's in the Perth Metropolitan area also retain full time employment.
The requirements call for those who have current qualifications instead of those who have previously had qualifications lapse.	If a panel member has had their professional membership lapse, or is no longer employed within their field, then there is a chance that their knowledge base may not be current. This would preclude them from giving advice based on current industry standards and practice.

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

**47. Consent to advertise Draft Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Ref	OR-CMA-16
Attachment 1	Proposed Draft Local Planning Policy – P DEV 56 - Family Day Care and Child Care Premises
Attachment 2	Planning Bulletin 72/2009 – Child Care Centres

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the following Planning Policy for the purpose of public advertising:
  - P-Dev 56 – Family Day Care and Child Care Premises
2. P-DEV 56 has been written for the purposes of providing guidance for location, appropriateness, and scale of applications for Family Day Care and Child Care Premises.
3. It is recommended that the Policy be approved for the purpose of public advertising.

**BACKGROUND**

4. The Shire periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear, defensible position. The Shire is presently reviewing all of its existing policies as well as developing new policies where appropriate.
5. Family Day Care centres and Child Care premises are business related activities that are typically located in residential areas. This has given rise to community concern regarding the intensification of the use and amenity impacts arising, principally from the number of children attending the premises and resulting traffic numbers impacting on the local road network. The proposed policy seeks to address such concerns through development and operational criteria.

**DETAILS**

6. The intent of the policy is to provide development controls and advice to applicants who are applying for approval to develop a Child Care Premises or Family Day Care within the boundaries of the Shire. The policy outlines suitable locations, appropriateness of development, and works that will be required to be undertaken prior to commencement of operation of such a place. Further details regarding the policy can be found in Attachment 1.



7. The primary objectives of the policy are to:
  - a) Specify local provisions which supplement the requirements of Local Planning Scheme No.3;
  - b) Provide for the establishment of Family Day Care and Child Care premises in appropriate locations;
  - c) Ensure that the operation of Family Day Care and Child Care premises do not impact on the amenity of the local area; and
  - d) Provide policy guidelines in terms of development standards suitable for the Shire of Kalamunda for all Family Day Care and Child Care premises development within the Local Government boundaries.
  
8. The policy statement introduces the following criteria an applicant will need to address:
  - **Locational criteria** – specifying requirements for appropriate locations for Child Care premises and Family Day Care.
  - **Siting criteria** – identification of sites where for Child Care premises and Family Day Care would not be supported, including minimum distances between existing and proposed new facilities.
  - **Design criteria** – specifically built form and streetscape, parking and traffic assessment, landscaping, signage.
  - **Operational criteria** – hours of operation, maximum number of Children, food preparation and outdoor play areas.
  - **Noise management** – As part of the application for a Child Care premises a Noise Management Plan and Acoustic Impact Assessment shall be prepared by a suitably qualified professional, submitted to, and approved by the Shire of Kalamunda prior to any approval being granted.
  - **Bushfire Management** – compliance with SPP 3.7 as both activities are classified as 'Vulnerable Land Use'.

## STATUTORY AND LEGAL CONSIDERATIONS

9. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
10. As per *the Regulations* and the Shire of Kalamunda Local Planning Scheme No.3, planning policies are required to be approved by Council for advertising and adopted by Council at the conclusion of the advertising period.
11. A Local Planning Policy does not bind the Shire in its application of discretion. If a planning policy is inconsistent with the regulations, the regulations prevail.

## POLICY CONSIDERATIONS

12. The proposed policy will follow the adopted Council templates with some small modifications for structure, legibility and clarity.

## INTERNAL REFERRAL

13. The draft policy was circulated to the Shire's Assets, Health, Building, and Environmental departments for comments and consideration.

- 
14. No objections to the proposed policies were received from the internal departments, and changes requested were integrated into the draft policies.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

15. The proposed planning policy will be advertised for public comment in accordance with Local Planning Policy P-DEV 45- Public Notifications for a period of 28 days which is in excess of the 21 day advertising period specified in Schedule 2, Part 2 Clause 4(2) of the Regulations.
16. In accordance with the Policy, the Shire is also required to:
- Publish a notice of the proposed policy in a local newspaper circulating in the Scheme area for two consecutive weeks and advertising the policy on the Shires website and Facebook page.
17. The Shire will also give notice of the policy to the Western Australian Planning Commission during the advertising period.

### **FINANCIAL CONSIDERATIONS**

18. All costs incurred during the advertising of the policies will be met through the Approval Services budget.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

19. *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 4.3.1 | Provide efficient building and development approval services to the community.   |
| Strategy 4.3.2 | Undertake efficient monitoring and compliance of building developments within the Shire.                                 |
| Strategy 4.3.5 | Incorporate best practice principles for designing out crime and encourage private developers and owners to do the same. |

### **SUSTAINABILITY**

#### **Social Implications**

20. If the draft policy is adopted, Council and the Shire will have more guidance in the assessment and determination of applications for Child Care premises and Family Day Care activities.
21. Additionally, the community will have access to more clarity and transparency in how the Shire and Council makes decisions, leading to improved outcomes and reduced timeframes.

#### **Economic Implications**

22. Nil.

## Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.	<b>Risk:</b> The policy is not adopted resulting in a lack of guidance in respect to applications received for the land use activities.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/ Strategy</b>		
	Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development applications and scheme amendments.		

## OFFICER COMMENT

25. In the last few years the Shire has noted an increase in the number of development applications for both Child Care premises and Family Day Care in residential areas. The draft policy will provide guidance relating to the development and locational criteria for both land uses in zones where they can be considered for approval, with an emphasis on ensuring that potential amenity impacts, traffic safety and parking are appropriately managed for the benefit of surrounding residents.
26. A key element of the policy is the introduction of siting criteria which establishes a minimum separation distance between land uses. For example, Child Care premises in residential areas cannot be located within 300m of an existing centre. The separation distance has been determined having regard to the prevailing lot size in residential zone.
27. The proposed policy will require applicants to address specific criteria as identified in point 8 of the report and provide justification for any variations sought. In turn this will provide guidance and certainty to the community in respect to the location, scale and siting of Child Care centres and Family Day Care in context of the proposed location, zoning and the requirements of the Scheme. Importantly, the proposed policy will assist, Council, Shire and applicants alike in their assessment of such proposals.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 47/2017)**

That Council:

1. Pursuant to clause 3(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the following proposed planning policy for the purpose of advertising for a period of 28 days:
  - Draft Local Planning Policy – P-DEV 56 – Family Day Care and Child Care Premises

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (8/0)**

**Attachment 1**

Consent to advertise Draft Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises

**Proposed Draft Local Planning Policy – P DEV 56 -Family Day Care and Child Care Premises**

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

## Attachment 2

Consent to advertise Draft Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises

### Planning Bulletin 72/2009 – Child Care Centres

#### Consent to Advertise Draft Local Planning Policy P-Dev 56

Attachment 2

#### Planning Bulletin 72/2009 - Child Care Centres



Western  
Australian  
Planning  
Commission

Planning Bulletin 72/2009  
Child Care Centres



August 2009

#### 1 Purpose

This planning bulletin outlines the revised child care centre guidelines and aims to:

- a) differentiate between child care related activities operating in existing residential area, such as family day care that takes place in dwellings, and non-residential child care activities;
- b) outline a consistent policy approach to planning for child care centres; and
- c) advise of planning considerations in relation to the location and development of child care centres.

The bulletin has been prepared in consultation with the Department for Child Protection, Department for Communities, Department of Health (DOH), Department of Environment and Conservation (DEC) and local government.

The bulletin supersedes *Planning Bulletin 72 Child Care Centres* (June 2005) and the planning guidelines included in it.

#### 2 Background

The community and local government have raised issues relating to the location and development of child care centres, including centre-based care, family day care, outside school hours care, vocational care and occasional care. A need has been identified for a consistent planning approach, with particular regard to location, site characteristics, environmental suitability, design, traffic, access, noise and health impacts, and safety issues, which could provide guidance when considering proposals for child care centres.

A number of recent decisions by the State Administrative Tribunal have highlighted the lack of policy or shortcomings of existing local policies on child care centres.

The child care centre guidelines have been revised as a result of submissions received following the release of planning bulletin 72 in June 2005. During the public advertising period a total of 19 submissions were received. While these submissions were generally supportive, further refinements and improvements were identified and have been incorporated, where appropriate. The planning bulletin is intended to provide a guidance document for decision-makers, developers and the community for use when planning for child care centres.

#### Site contamination

The commencement of the *Contaminated Sites Act 2003* on 1 December 2006 has created new statutory obligations for land users and has highlighted the importance of preventing the development of child care services on land that is unsuitable for this use because of soil and groundwater contamination at or near the site.

The *Contaminated Sites Act 2003*, which is administered by the DEC, requires that known or suspected contaminates sites are reported to DEC by:

- an owner or occupier of a site;
- a person who caused or contributed to the contamination of a site; or
- an auditor engaged to investigate and report on site contamination in accordance with the *Contaminated Sites Act 2003*.

Any party considering development of a child care service must obtain and consider any information DEC has about the contamination status of a given site. It should be emphasised that the absence of a report to DEC is no guarantee that a site is uncontaminated. In summary, proposals for the development of a child care service must:

- exercise duty of care to ensure that the site is suitable for use as a child care service;
- seek and consider any information held by DEC about the contamination status of the site; and
- seek and consider any other information about the contamination status of the site, irrespective of whether or not it has been reported to DEC under the *Contaminated Sites Act 2003*.

Further information about the *Contaminated Sites Act 2003* can be obtained from DEC on 1300 762 982.

#### Supply and demand for child care services

The ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. In the past 30 years, the population of the state has almost doubled to about two million and is expected to rise to approximately three million by 2031, while households also are becoming more diverse. There is a trend for both parents to work due to economic pressures, which creates a greater demand for child care services. Consequently, the availability of child care centres in close proximity to the workplace is becoming more important.

The rising demand for child care services means that these businesses are becoming larger and have a potentially greater impact. Larger child care centres also tend to have a greater catchment area which may, in some cases, lead to overprovision of facilities. Oversupply in some areas may result in increased vacancy levels that may affect the viability and quality of the services provided.

There is increasing evidence of an oversupply of child care services in many outer urban areas across the Perth metropolitan region, but

in areas of high land value (where the need for these facilities is often greater), such as in or around the central business district, there has been minimal development of new child care centres.

Child care centres provide a much needed community function, but many are operated as a commercial venture, with market forces influencing the location and availability of the service. While the Western Australian Planning Commission (WAPC) strongly supports the provision of necessary facilities, it is important to emphasise that the need for a service does not justify development in inappropriate locations.

Planning for child care centres

Broadly, child care centre activities are located in residential areas; however, there is a growing trend for these services to be located elsewhere.

Typically, where child care centre activities appear in local planning schemes, the use is listed as discretionary under a particular zoning category and, consequently, requires planning approval. Local government in exercising discretion may require proposals to be advertised and external advice may be sought in relation to specialised matters such as noise or pollution.

The *Child Care Services Act 2007* contains regulations that address matters such as staffing, equipment, indoor and outdoor space requirements, shade, fencing, and health and safety. In addition, many local governments have policies dealing with the development of child care centres, which address a range of matters such as building design, setbacks and car parking ratios specific to each locality.

The Federal Government also has regulations relating to the operation of child care centres and services through the requirements in its child care accreditation system. While this system mainly focuses on service delivery, it does outline additional requirements with regard to child health, environmental health and child safety.

**3 Policy guidance**

The following section provides policy provisions to guide local governments in the preparation of scheme provisions and local policies on child care centres.

**3.1 Introduction**

This policy focuses on matters pertaining to the proper location, considerations and standards that should apply to the development of child care centres. A child care centre is defined as premises used for the daily or occasional care of children in accordance with the regulations for child care under the *Child Care Services Act 2007*. Child care centres are non-residential land uses providing an educational and community support function mainly in residential and employment areas.

The purpose of the policy is to provide guidance to decision-makers, developers and the community for use when planning for child care centres. It is acknowledged that development requirements in the city and inner urban areas are quite different to those in outer suburban areas, and the guidelines should be administered accordingly.

**3.2 Objectives**

The objectives of this policy are to:

- a) locate child care centres appropriately in relation to their surrounding service area;
- b) minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;
- c) minimise the impact the surrounds may have on a child care centre; and
- d) consider the health and safety of children attending the child care centre within the confines of the planning system.

**3.3 Location of child care centres**

The appropriate location of a child care centre is crucial in meeting the needs of children and their families. It also is crucial in limiting the impact a child care centre may have on surrounding activities and vice versa.

This may be achieved by locating child care centres on sites that are:

- a) distributed strategically to provide the maximum benefit to the community it serves;
- b) within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;

- c) located in areas where adjoining uses are compatible with a child care centre (includes considering all permissible uses under the zoning of adjoining properties);
- d) serviced by public transport (where available);
- e) considered suitable from a traffic engineering/safety point of view; and
- f) of sufficient size and dimension to accommodate the development without affecting the amenity of the area.

Child care centres generally would not be suitable where:

- g) soil contamination exceeds the levels regarded by DEC and DOH as suitable for standard residential land uses with accessible soils as published in guideline *Assessment Levels for Soil, Sediment and Water* (Department of Environment, November 2003);
- h) groundwater is to be abstracted for the irrigation of gardens and play area within the child care centre and groundwater contamination exceeds 10 x Australian drinking water criteria in accordance with the *Contaminated Sites Reporting Guideline for chemicals in groundwater* (DOH 2006);
- i) the service provided by the centre will have a demonstrable, adverse impact on the existing or planned level of child care centre services enjoyed by the local community;
- j) access is from a major road or in close proximity to a major intersection where there may be safety concerns;
- k) access is from a local access street which may impact on the amenity of the area due to traffic and parking;
- l) the current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on-site;
- m) noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or

- n) the site is in a heavy industry area or in the buffer area of a heavy industry area.

### 3.4 Site characteristics

Sites selected for child care centres should be of sufficient size and suitable shape to accommodate the development, including all buildings and structures, parking for staff and parents, outdoor play areas and landscaping, as determined by the relevant local planning scheme or local policy and applicable regulations. As a general rule sites in a residential area should be of regular shape and greater than 1000 sqm.

The topography of the site and surrounds should also be considered as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.

Sites selected for child care centres should also be assessed to determine their potential for soil and groundwater contamination. Section 6 of the DEC's *Contaminated Sites and the Land Use Planning Process* (April 2006) guideline sets out a useful methodology to assist local governments in carrying out such assessments.

The licence to operate a child care centre, issued under the regulations (*Child Care Services Act 2007*) limits the number of children the centre can accommodate.

### 3.5 Design of centres

The visual appearance of the child care centre, including any signage, building design, colour, scale, shape and form, should be in accordance with the local government local planning scheme or relevant local policy and applicable regulations. In the absence of any specific provisions, the visual appearance of the development should reflect the character of the area, enhance its amenity and be considered appropriate for regular use by children.

Parking areas should be located in front of the building. If this is not possible they should be clearly visible and easily accessible from the entry to the site. As a general rule, the minimum parking requirement for a child care centre, including staff parking, will be one space per five children. The number of parking bays may be varied by the local government given the specific provisions of the local planning scheme or

relevant local policy and any unique circumstances relating to the proposed development, such as reciprocal parking arrangements, available public transport and street parking. Vehicles will be required to enter and exit the site in a forward gear, and there may be additional requirements resulting from a traffic impact assessment.

Outdoor play areas should be in a safe location on the site, and away from any adjoining noise-sensitive premises, such as dwellings and nursing homes.

Landscaping should be provided in accordance with the relevant local planning scheme or relevant local policy or applicable regulations. In the absence of any such provisions, landscaping will be required along the street frontage of the development to a standard equal to that required or provided for on adjacent properties. Landscaping should not include potentially hazardous heights, landscape fittings, and potentially toxic plants.

### 3.6 Traffic impacts

A traffic impact statement/assessment should be required for the development of a child care centre.

This statement/assessment should address:

- the site characteristics and surrounding area;
- the proposal and its expected trip generation;
- parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;
- existing traffic conditions and any future changes expected to the traffic conditions;
- current road safety conditions, including a crash history in the locality; and
- the expected impact of the proposed development on the existing and future traffic conditions.

A child care centre should be approved only if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians or road users.

### 3.7 Noise impacts

A noise impact assessment may be required for the development of a child care centre.

The objectives should be to limit the noise impact of the child care centre on adjacent properties, and also limit any noise impact from external sources on the child care centre. This may be achieved either by physical separation, design and layout of the centre or by implementing noise-mitigation measures, such as acoustic treatments to buildings.

As a general rule, the hours of operation of a child care centre should be limited to between the hours of 7 am and 7 pm weekdays and on Saturdays, unless otherwise agreed to with the local government.

Although each application will need to be assessed on its merits, the following basic principles apply:

- Where a child care centre is located adjacent to a noise-sensitive use, such as houses, retirement villages and nursing homes, the noise-generating activities of the child care centre, such as the outdoor play areas, parking areas and any plant and equipment, are to be located away from the noise-sensitive use.
- Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken.
- As there is now a considerable body of research that demonstrates the negative impact of inappropriate noise on child development, the design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.

### 3.8 Need for child care centres

Legal decisions have discounted the requirement for an applicant to prove the need for commercial facility, for example through market surveys, as part of the planning approval process. However, if there is a demonstrable impact on the amenity of an area or the level of service enjoyed by a community, then this is a relevant local planning consideration.



Accordingly, the WAPC is of the view that, although a proponent does not have to demonstrate there is sufficient demand for the activity, there may be a need to show that the development will not have an adverse impact on the amenity of the area or the level of service to the community by similar existing or approved facilities.

In such instances, and depending on the scale of the proposal, the applicant may be asked to provide further information in regard to the level of existing services in the locality, proximity to other centres, population catchments for the new centre and the number of primary schools and kindergartens in the locality, in relation to the development of a new facility.

### 3.9 Consultation

Appropriate consultation should be undertaken to consider the likely impact a child care centre may have on the amenity of an existing residential area. A minimum requirement should be for the local government or the applicant to advise adjoining neighbours in writing and display public advertisements on the site, in accordance with the public notification procedures of the local government.

Where the location of a child care centre was predetermined in a structure plan, or similar wide-ranging site assessment completed prior to any residential development in the vicinity, comprehensive consultation on a planning application may not be necessary.

### 3.10 Implementation

This policy provides guidance to decision-making authorities on the location and development of the child care centres.

Development of a child care centre usually requires planning approval from the local government, or in some cases the WAPC, and a licence from the Department for Communities, pursuant to the relevant regulations for child care under the *Child Care Services Act 2007*. The regulations address a wide range of issues including indoor and outdoor space requirements, shade, fencing, some internal structural requirements and environmental health needs.

Local governments have local planning schemes or relevant local policies that address a variety of other planning matters, such as the appearance of buildings, parking requirements and the provision

of landscaping, and should be contacted for further information.

### 3.11 Application requirements

In addition to completion of the mandatory application form and fees, applications for child care centres should be accompanied by:

- a) a written statement outlining the number of children proposed, age group breakdown, days and hours of operation and staff requirement;
- b) a location plan depicting surrounding lots and road layout;
- c) a site contour survey plan prepared by a licensed land surveyor, indicating the location of the proposed building and existing buildings and structures on adjacent sites;
- d) a detailed site plan to a scale sufficient to identify clearly the boundaries and all proposed structures, external play areas; landscaping, refuse storage area, car parking, pedestrian and vehicle access ways, crossover/s and kerb locations, verge width and associated road infrastructure (eg light poles, traffic islands) for the full road reserve width for all roads abutting the application site;
- e) floor plans and elevations to all sides of the proposed building to a minimum scale of 1:100, or such other scale as required by the decision-making authority;
- f) a traffic impact statement/assessment, if required by the decision-making authority;
- g) a noise impact assessment, if required by the decision-making authority;
- h) a signage strategy;
- i) if the site has been used for a potentially contaminating activity the information listed in section 6 of DEC's *Contaminated Sites and Land Use Planning Process* (available on the DEC website at [www.dec.wa.gov.au](http://www.dec.wa.gov.au)); and
- j) any additional information relevant to the assessment of the application.

### 3.12 Review

If a planning application for a child care centre is refused or an applicant is aggrieved by any of the conditions of an approval, there is a right of review of the decision by the State Administrative Tribunal, in accordance with the relevant

legislation. Such applications for review must be lodged with the tribunal within the prescribed time and in accordance with the rules and regulations of the tribunal.

Applicants considering making such an application for review should consult the tribunal and, if necessary, a legal practitioner or other appropriate professional in relation to commencement and conduct of a review.

## 4 Comment and further information

Further information, any enquiries or correspondence on this planning bulletin should be directed to:

Director  
Policy Development and  
Coordination  
Department of Planning  
Albert Facey House  
469 Wellington Street  
Perth WA 6000

quoting file reference  
WAPC/09/0014

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

**48. Adoption of Local Planning Scheme No. 3 Amendment 93 – Lot 65 (No. 159) Milner Road, Forrestfield – Special Use Zone**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	ML-10/159
Applicant	Stephen Roberts
Owner	Brian Spencer
Attachment 1	Amendment Report
Attachment 2	Amendment Form 2A

**EXECUTIVE SUMMARY**

1. The purpose of this report is to adopt, for advertising, Local Planning Scheme No.3 (LPS3) Amendment 93.
2. Amendment 93 proposes to rezone Lot 65 Milner Road, Forrestfield (No. 159) from Industrial Development to Special Use. The area is identified for industrial development in the Forrestfield / High Wycombe Industrial Area Stage 1 – Local Structure Plan (LSP).
3. It is recommended to initiate Amendment 93 as a standard amendment for the purposes of public advertising.

**BACKGROUND**

4. **Land Details:**

Land Area:	0.9149ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan**



6. The Forrestfield / High Wycombe Industrial Area Stage 1 is located within the Shire of Kalamunda (the Shire) and is generally bound by Sultana Road West to the north, Roe Highway to the east, Berkshire Road to the south and Dundas Road to the west.
7. The Forrestfield / High Wycombe Industrial Area Stage 1 Local Structure Plan (the Structure Plan) was prepared in 2012 to facilitate industrial subdivision and development within the area. Lot 65 is located in the south-western corner of the Structure Plan.
8. In April 2017 the Shire received an enquiry for a potential land use change at Lot 65 to allow uses such as motor vehicle wash, service station, motor vehicle repairs, fast food and restaurant. A meeting followed in May 2017 where the Shire recommended the best course of action would be for the proponent to prepare a scheme amendment detailing a Special Use zone which retains the existing Industrial Development zoning as intended by the LSP with additional uses that are sought by the applicant.

**DETAILS**

9. Land use permissibility for Lot 65 will be administered through the Special Use zone proposed as part of this LPS3 amendment. Subdivision and development requirements will be administered through provisions of the existing Structure Plan and estate Design Guidelines.
10. The purpose of the proposed Special Use Zone is to permit a service and amenity hub to support the Forrestfield/High Wycombe Industrial Area and adjacent industrial areas. Lot 65 is strategically located at the intersection of Berkshire Road and Milner Road and is on the proposed RAV 7 network. As such, it is ideally suited and well positioned to provide a service and amenity hub.

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11. The Industrial Development zone does not permit any service or amenity offerings to support the surrounding industrial area. There is an increasing demand and expectation that there is improved levels of servicing and amenity in industrial areas. It is considered important in order to attract and maintain high quality occupiers and tenants. The amenity hub would also provide for a growing industrial workforce and ensure suitable amenities and services are provided in an appropriate location.
  12. To ensure the appropriate administration of additional land uses on Lot 65, it is proposed, as part of the Special Use zone requirements, that the following land uses in Table One of LPS3 become Discretionary (“D”) uses:
    - Fast Food
    - Restaurant
    - Motor Vehicle Repairs
    - Convenience StoreIdentifying these uses as “D” uses will ensure officers exercise discretion in considering the proposed uses.
  13. As part of the Special Use zone requirements, the following land uses become Permitted (“P”) uses:
    - Motor Vehicle Wash
    - Service StationIdentifying these uses as “P” uses will provide prospective tenants certainty in land use permissibility.
  14. Irrespective of the uses being identified as “P” or “D” uses, the Shire’s LPS3 requires a development application for the future buildings that will facilitate the uses. However, Clause 61 (2) (b) of the *Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)* Deemed provisions for local planning schemes does not require development approval for “P” uses.
  15. The proposed permissibility of the uses listed under the Industrial Development zone are to remain consistent with LPS3.
  16. The proposed Special Use zone is consistent with the intent of the ‘Industrial Development’ and ‘Special Use’ zones, and will complement the surrounding Industry zones/uses. The Special Use zone will not detract from, and will support the establishment of the future town centre and train station precinct whilst providing separation between industrial and passenger vehicles.
  17. The proposed modification to the Dundas – Berkshire – Milner intersection does not impact on the boundary of Lot 65, however, some services and access to the lot will likely be affected at the intersection.
  18. As part of the conditions of the Special Use zone, any development or change of use will require a Traffic Impact Assessment and potentially a Road Safety Audit to ensure vehicles can safely enter and exit the site and not cause a significant negative impact on the function of the intersection or the road network generally.
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## STATUTORY AND LEGAL CONSIDERATIONS

19. Regulation 35 of the Regulations requires a resolution of a local government to adopt or refuse to adopt a Local Planning Scheme amendment as well as providing a justification for the type of amendment (basic, standard or complex).
20. Following adoption, Amendment 93 must be referred to the Environmental Protection Authority for their comment before being advertised for 42 days.

## POLICY CONSIDERATIONS

21. Amendment 93 has been prepared in accordance with the Regulations.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

22. Amendment 93 was referred to the following internal departments:

- Approval Services
- Assets
- Environment and Parks
- Environmental Health

Each department had an opportunity to provide comments over a two-week period, comments received are summarised below.

Approval Services:

No comments provided.

Assets:

- The proposed modification to the Dundas/Berkshire/Milner intersection does not impact on the lot boundary, however, some services and access to the lot will be affected at the intersection.
- Any development will require a traffic impact assessment and potentially road safety audit to ensure vehicles can enter and exit the site without negatively impacting the function of the road network.

The above matters will be address at development application stage.

Environment and Parks:

No comments provided.

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Environmental Health:

- Service stations have the potential to contaminate the surrounding land through the leaking of hydrocarbons and create significant stormwater runoff.
- All amenity concerns from the proposed rezoning can be dealt with at the time of the development application process.

### External Referrals

23. If Council decide to adopt the proposed amendment for advertising, it will be submitted to the Office of the Environmental Protection Authority for their comment and then advertised for public comment for 42 days as per the requirements of Regulation 47 of the Regulations.

### FINANCIAL CONSIDERATIONS

24. Administrative expenses are covered by a fee paid by the applicant as per the Planning and Development Regulations 2009 and the Shire's schedule of fees and charges.

### STRATEGIC COMMUNITY PLAN

#### Strategic Planning Alignment

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

OBJECTIVE 4.1: To ensure land use plans provide long term sustainable population growth.

Strategy 4.1.1 Develop, implement and review strategic land-use plans and policies which guide the location of industrial, commercial and sustainability of industrial, commercial and residential areas within the Shire.

### SUSTAINABILITY

#### Social Implications

26. Existing rural residential land uses in the area will continue to transition out as the area develops for transport and logistics orientated industrial uses. A key consideration for the planning for Forrestfield North will be to ensure that industrial traffic remains separate to the residential, transit orientated development and activity centre precincts. The proposed Special Use for Lot 65 will assist with providing an appropriate location for services and amenities for the industrial area, preventing industrial traffic seeking such uses within Forrestfield North.

## Economic Implications

27. The planned development of the area has economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development and creation of jobs.

## Environmental Implications

28. The Amendment 93 is located where vegetation is predominantly cleared.
29. Service stations have the potential to contaminate the surrounding land through the leaking of hydrocarbons and create significant stormwater runoff. This will have to be managed through the consideration of future development applications.
30. Lot 65 sits outside the current and future Perth Airport ANEF contours.
31. The LSP identifies the subject site as located in a medium to low risk acid sulphate soil area however there has been a high risk acid sulphate area identified about 100 metres from the subject lot. This can be managed at the time of development application.
32. The LSP identifies the land is situated in an area that is subject to inundation.

## RISK MANAGEMENT CONSIDERATIONS

- 33.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The land is contaminated by futures uses (i.e. service station).   |                    |               |
| <b>Likelihood:</b>  | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Significant        | High          |
| <b>Action/ Strategy</b>   |                    |               |
| Ensure conditions of approval are issued on future developments requiring appropriate mitigation measures and contamination management.   |                    |               |
| <b>Risk:</b> Restaurant, Fast Food and Convenience Store compete with the future Forrestfield North Activity Centre.  |                    |               |
| <b>Likelihood:</b>  | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Moderate           | Medium        |
| <b>Action/ Strategy</b>   |                    |               |
| Through consideration of future development applications ensure the size and scale of proposed development fits with the sites intended purpose as an "amenity hub". This will also be achieved through land use permissibility for these uses being classified as Discretionary "D". |                    |               |

## OFFICER COMMENT

34. Proposed Amendment 93 has been prepared in response to the need to provide a service and amenity hub in the Forrestfield/High Wycombe Stage 1 Industrial Area.

35. Amendment 93 is required to implement the applicants desire to facilitate a service and amenity hub on the land and facilitate the proposed development and land use outcomes.
36. The location for this Special Use zone providing a service and amenity hub on Lot 65 is considered appropriate. However, modifying the Industrial Development zone broadly to include such uses is not considered appropriate. It is also not considered appropriate to introduce a new zone into LPS3 to facilitate this land use. The proposed Special Use zone is the most appropriate statutory planning mechanism for applying specific land use permissibility to an individual property.
37. Advertising the amendment will provide the community and broader stakeholders an opportunity to outline their opinions and for any concerns to be addressed through the planning process.

<b>Voting Requirements: Simple Majority</b>
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### **COMMITTEE RECOMMENDATION TO COUNCIL (D&A 48/2017)**

That Council:

1. Considers Amendment 93 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment is consistent with the Forrestfield High Wycombe Industrial Area Stage 1 Local Structure Plan (as amended).
2. Pursuant to Section 75 of the *Planning and Development Act 2005* adopts Amendment 93 to Local Planning Scheme No. 3 ~~as at Attachment 1~~.
3. Forwards the proposed Amendment 93 to Local Planning Scheme No. 3 and supporting documents to:
  - a) The Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*;
4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005*, advertises Amendment 93 to Local Planning Scheme No. 3 for public comment for 42 days.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

*The Presiding Member outlined an amendment to the officer's recommendation to remove the words "as at Attachment 1" due a minor administrative error. The Mover accepted this amendment and therefore it formed part of the Substantive Motion.*



*Please note due to a minor administrative error these attachments since have been amended and now appear corrected as follows.*

**Attachment 1**

Adoption of Local Planning Scheme No. 3 Amendment 93 – Lot 65 (No. 159) Milner Road,  
Forrestfield – Special Use Zone

**Amendment Report**

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

**Attachment 2**

Adoption of Local Planning Scheme No. 3 Amendment 93 – Lot 65 (No. 159) Milner Road,  
Forrestfield – Special Use Zone

**Amendment Form 2A**

Attachment 2

Amendment 93 - Lot 65 Milner Road - Special Use Zone

Amendment Form 2A

Shire of Kalamunda

**LOCAL PLANNING  
SCHEME NO. 3**

Amendment No. 93

**FORM 2A**

*Planning and Development Act 2005*

**RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME**

SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO.3

AMENDMENT NO. 93

RESOLVED that the local government, in pursuance of Part 5 of the *Planning and Development Act 2005* (as amended), amends the above Local Planning Scheme by:

1. Inserting the following new Special Use Zone in Schedule 4 – SPECIAL USE ZONES:

No.	Description of Land	Special Use	Conditions
SU21	Lot 65 Milner Road, Forrestfield	Those use classes listed under Industrial Development in Table One with the following additional uses:  Motor Vehicle Wash (P) Service Station (P) Fast Food (D) Restaurant (D) Motor Vehicle Repairs (D) Convenience Store (D)	(a) The purpose of this zone is to permit a service and amenity hub to support the Forrestfield/High Wycombe Industrial Area Stage 1 and adjacent industrial areas.  (b) Subdivision and Development requirements are subject to the Forrestfield/High Wycombe Industrial Area Stage 1 – Local Structure Plan (as amended), Forrestfield/High Wycombe Industrial Area Design Guidelines and the purpose of this zone.  (c) The applicant / owner shall prepare and implement a traffic management plan for any proposed development or change of use.

2. Modifying the Local Planning Scheme Map from Industrial Development to Special Use (SU21) as per Attachment 1.

Dated this      day of                      **2017**

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

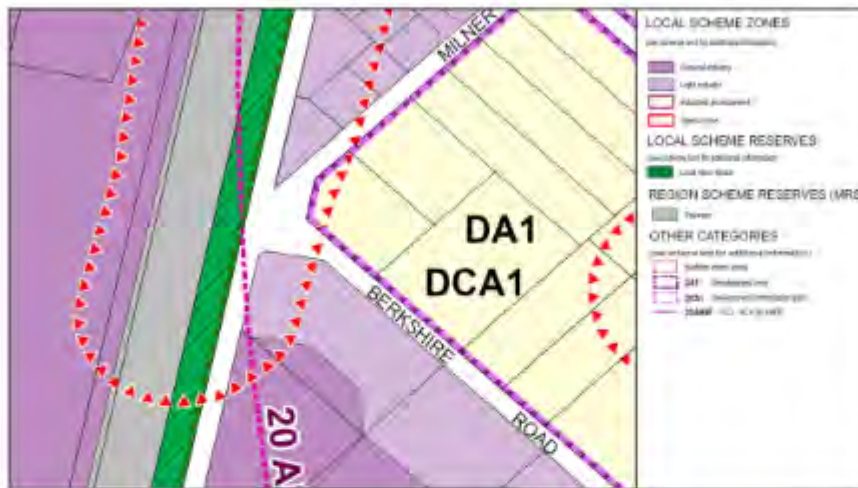
Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 93

**Attachment 1**

**Existing Local Planning Scheme No. 3 Zoning**



**Proposed Local Planning Scheme No. 3 Zoning**



Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 93

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

**49. Infringement Appeal Policy**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Community Safety Services
File Reference	LE-LOL-024
Applicant	N/A
Owner	N/A
Attachment 1	Infringement Appeal Policy
Attachment 2	Infringement Appeal Management Procedures

**EXECUTIVE SUMMARY**

1. The number of appeals received by the Shire of Kalamunda (Shire) to overturn an infringement notice has increased over the past several years and the processing of the appeals is resource intensive. The draft Infringement Appeal Policy as per (Attachment 1) and the Infringement Appeal Management Procedures as per (Attachment 2) provide the right of a person who receives an infringement to lodge an appeal when they consider that the Shire should take extenuating circumstances into account that may result in the Infringement being withdrawn and instead being replaced with a caution at the Shire's discretion or no action being recorded as the case may be.
2. The Shire does not have a policy to guide the processing of appeals against receiving an infringement.
3. It is recommended to note the Infringement Appeal Policy as per (Attachment 1) and the Infringement Appeal Management Procedures as per (Attachment 2).

**BACKGROUND**

4. The Shire may issue infringements for specified offences under the following legislation:
  - *Shire of Kalamunda Parking & Parking Facilities Local Law 2008*
  - *Dog Act 1976; Dogs Regulations 2013 & Shire of Kalamunda Dogs Local Laws 2010*
  - *Cat Act 2011; Cat (Uniform Local Provisions) Regulations 2011*
  - *Bush Fires Act 1956; Bushfire Regulations*
  - *Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011*
  - *Food Act 2008; Food Regulations 2009*
  - *Litter Act 1979; Litter Regulations 1981*
  - *Environmental Protection Act 1986; Environmental Protection (Noise) Regulations 1997 & Environmental Protection (Unauthorised Discharge) Regulations 2014.*

- 
5. For the 2015 calendar year 32 infringement appeals were received. In 2016 a total of 31 infringement appeals were received. From January to June 2017 a total of 29 infringement appeals have been received with a further 6 months of the calendar year remaining. With an expectation of a similar number of appeals being received for the period of July to December 2017, this represents an approximate doubling of appeals received compared to previous years.
  6. Under Council's Enforcement Policy, the Shire has established protocols on when cautions and infringements may be given. However, the Enforcement Policy does not provide guidance on how to consider appeals against the issuing of an infringement notice. The Infringement Appeal Policy as per (Attachment 1) provides the missing guidance.
  7. The only appeal provisions legally available to a person who believes they have not committed the offence for which they have been infringed is to elect for the matter to hear in court. The proposed Infringement Appeal policy as per (attachment 1) provides an administrative process allowing an applicant to appeal an infringement without going to court.
  8. The Infringement Appeal policy as per (attachment 1) does not preclude an applicant from having the matter heard in court.

## DETAILS

9. Current industry practice was determined via a consultative process with the following local governments:
  - City of Bayswater
  - City of Perth
  - City of Vincent
  - City of Fremantle
  - City Joondalup
  - City of South Perth
  - City of Subiaco
  - City of Stirling

Each of the local governments mentioned have formalised mechanisms for reviewing infringements. The newly proposed policy as per (Attachment 1) is consistent with current industry practices.
10. The newly proposed policy (Attachment 1) includes the following criteria for which the issuing of an infringement may be overturned:
  - an error made when issuing an infringement
  - incorrect information been provided by a third party
  - in the case of a parking infringement – a medical emergency
  - compassionate grounds
  - vehicle broken down.
11. The policy also contains assessment criteria to determine the adequacy of appeal, thereby ensuring transparent approach to reviewing infringements.

12. Reasons for withdrawing an infringement notice may include:
- incorrect information received from the Department of Transport
  - evidence provided that proves the information used to issue the infringement was incorrect
  - the car in the photo is not the appellants
  - compassionate/medical grounds
  - incorrect information provided by Shire officer
  - incorrect information included in infringement notice.
  -

## STATUTORY AND LEGAL CONSIDERATIONS

13. *Section 3.18(1) of the Local Government Act 1995* provides:

*A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*

14. *Section 3.18(2) of the Local Government Act 1995* provides:

*In performing its executive functions, a local government may provide services and facilities.*

15. *Section 3.18(3) of the Local Government Act 1995* provides:

*A local government is to satisfy itself that services and facilities that it provides:*

- (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
- (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- (c) are managed efficiently and effectively.*

## POLICY CONSIDERATIONS

16. Section 2.7 (2)(b) of the *Local Government Act 1995* states that the Council is to “determine the local government’s policies”.

Policies provide the Council and staff with the ability and direction to make decisions that are considered to be consistent and unbiased. A policy can also provide detail on the manner in which the Shire undertakes, or requires others to undertake, certain works or activities.

The Council has established the following level of Policy:

1. Council Policies

These are strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the Shire.

2. Shire Policies

These policies are developed for administrative and operational requirements. They have an internal focus.

3. Procedures

Council and Shire Policies may be supported by Management Procedure that outlines how the Shire be implemented.

The Infringement Appeal Policy under consideration has been classified as a Shire Policy. The Policy is operational in nature because it will be used to guide the operational decision making and functions of the Shire.

17. The proposed amended policy will complement the “Enforcement” Policy.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

18. N/A

### External Referrals

19. Once approved, advertising of the proposed policy and its management procedure will occur.

## FINANCIAL CONSIDERATIONS

20. While the number of appeals received by the Shire to overturn an infringement notice have increased, in most cases the evidence supports the officer’s decision to issue an infringement. Therefore, the cost of administering this proposed policy and its management procedure are within budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 6.2 – To ensure local laws are upheld.

Strategy 6.2.1 Develop, implement and monitor all local laws across the Shire to ensure they are relevant and realistic.

OBJECTIVE 6.5 – To ensure a quality experience for every interaction with our community.

Strategy 6.5.1 Ensure consistency in the level and quality of service to all customers



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## SUSTAINABILITY

### Social Implications

22. Nil.

### Economic Implications

23. Nil.

### Environmental Implications

24. Nil.

## RISK MANAGEMENT CONSIDERATIONS

25.

<b>Risk:</b> Reputational Damage caused by having an inconsistent review process		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Major	High
<b>Action/ Strategy</b>		
Regular review and update policies.		

## OFFICER COMMENT

26. The proposed policy as per (Attachment 1) and its associated procedure (Attachment 2) provides operational guidance in how Shire staff will investigate an infringement appeal. The following information will be used amongst other things to undertake an infringement appeal:

- the infringement notice
- photographic evidence
- previous infringement notices and cautions issued to the appellant
- officer's notes relating to the infringement.

27. Following the review process, the issuing of the infringement notice there are two outcomes:

- appeal is supported
- appeal not supported.

When supporting the appeal the infringement is withdrawn. When the appeal is not supported, the infringement stands and will need to be paid as specified on the Notice or the appellant may opt to have the matter heard in a Court of Law. If the appellant chooses to have the matter heard in Court, they are required to advise the Chief Executive Officer in writing within the time limit specified in the infringement notice.

*Queries from by Cr Brooke O'Donnell and Cr Sue Bilich were clarified. Debate took place before the vote was put.*

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION (D&A 49/2017)**

That Council:

- Notes the proposed Shire policy "Infringement Appeal" Policy as per (Attachment 1) and proposed procedure "Infringement Appeal" Management Procedure as per (Attachment 2).

Moved: **Cr Andrew Waddell**

Seconded: **Cr John Giardina**

Vote:

For	Against
Cr Michael Fernie	Cr Brooke O'Donnell
Cr John Giardina	Cr Sara Lohmeyer
Cr Noreen Townsend	Cr Dylan O'Connor
Cr Andrew Waddell	Cr Sue Bilich
	Cr Sue Bilich
	<b>LOST (4/5)</b>

As the vote was 4/4 the Presiding Member in accordance with *Section 5.21 (3) of the "Local Government Act 1995"* exercised her right to cast a second vote. The Presiding Person cast her second vote against the Recommendation, the motion was therefore lost (4/5).

*Cr Dylan O'Connor foreshadowed an alternative recommendation to defer the item until such time as the S-DS01-Enforcement Management Procedure and relevant policies can be brought to Council so that all policies can be considered at the same time.*

*Debate took place before the vote was put.*

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 49/2017)**

That Council:

- Defer the item until such time as the S-DS01-Enforcement Management Procedure and relevant policies can be brought to Council so that all policies can be considered at the same time.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

Vote:

For	Against
Cr Michael Fernie	Cr John Giardina
Cr Brooke O'Donnell	Cr Noreen Townsend
Cr Sara Lohmeyer	Cr Andrew Waddell
Cr Dylan O'Connor	

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<b>Cr Sue Bilich</b> <b>CARRIED (6/3)</b>	
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*Cr Noreen Townsend left the Chambers at 8:42pm and returned at 8:44pm and was present for the vote.*

## Attachment 1 Infringement Appeal Policy

### Infringement Appeal Policy

Relevant Shire of Kalamunda Council Policy ( New Policy )

Relevant Shire of Kalamunda Policy (Compliance & Enforcement Policy S-DS01)

### Purpose

To ensure that the Shire of Kalamunda has a fair and consistent process for reviewing infringement notices on receipt of an appeal against an infringement notice.

### Policy Statement

1. Recipients of a Shire of Kalamunda infringement issued in accordance with the following legislation, have the right of appeal where they believe they have not breached the relevant law:
  - *Shire of Kalamunda Parking & Parking Facilities Local Law 2008*
  - *Dog Act 1976; Dogs Regulations 2013 & Shire of Kalamunda Dogs Local Laws 2010*
  - *Cat Act 2011; Cat (Uniform Local Provisions) Regulations 2011*
  - *Bush Fires Act 1956; Bushfire Regulations*
  - *Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011*
  - *Food Act 2008; Food Regulations 2009*
  - *Litter Act 1979; Litter Regulations 1981*
  - *Environmental Protection Act 1986; Environmental Protection (Noise) Regulations 1997 & Environmental Protection (Unauthorised Discharge) Regulations 2014*
  - *other acts regulations and local laws delegated to or adopted by the Shire.*
2. An appellant may appeal an infringement for a number of reasons including:
  - a) an error made when issuing an infringement
  - b) incorrect information been provided by a third party
  - c) in the case of a parking infringement – a medical emergency
  - d) compassionate grounds
  - e) vehicle broken down.
3. An appeal **must** be made in writing to the Chief Executive Officer within **fourteen days** of the date of issue of the infringement.
4. Shire staff will investigate the infringement within fourteen days to ascertain whether any submitted appeal are substantiated.
5. The information used to undertake the review includes, but is not limited to:
  - a) the infringement notice
  - b) photographic evidence
  - c) previous infringement notices and cautions issued to the appellant
  - d) officer's notes relating to the infringement.

6. The review may seek additional information to assist with the investigation and may include:
  - a) confirmation of the alleged offence
  - b) identifying issues and review of all documentary evidence
  - c) site visit
  - d) interview with the issuing officer
  - e) identifying of any error/s made by the issuing officer and the impact of that error on the infringement notice
  - f) clarification of any matters that are unclear
7. Following the review, the appeal will be either supported or not supported. When an appeal is supported, the infringement will be withdrawn. If the appeal is not supported then the infringement stands and will need to be paid as specified on the Notice **or** the appellant may opt to have the matter heard in a Court of Law. If the Court option is chosen the appellant is required to advise the Chief Executive Officer in writing within the time period as stated in the infringement notice.
8. Reasons for withdrawing an infringement notice may include:
  - a) incorrect information received from the Department of Transport
  - b) evidence provided that proves the information used to issue the infringement was incorrect
  - c) the car in the photo is not the appellants
  - d) compassionate/medical grounds
  - e) incorrect information provided by Shire officer
  - f) incorrect information included in infringement notice
9. The Chief Executive Officer is the decision making authority for infringement notice appeals.
10. Any appellant who canvasses Councillors regarding the appeal will make the appeal null and void.

<b>Related Budget Schedule</b>			
<b>Authority</b>			
<b>Adopted</b>		<b>Next Review Date</b>	

## Attachment 2

### Infringement Appeal Management Procedures

#### **"Infringement Appeal" Policy Procedure**

Relevant Shire of Kalamunda Shire Policy (New Procedure)

Relevant Shire of Kalamunda Policy (Infringement Appeal Policy (New Policy))

#### **Purpose**

To ensure that the Shire of Kalamunda has a fair and consistent process for reviewing infringement notices on receipt of an appeal against an infringement notice.

#### **Definitions**

Compassionate/medical grounds: certificate or letter provided by the Commonwealth Department of Human Services certify that the applicant is suffering financial duress or has a recognised medical disability.

#### **Detail**

1. Shire staff will investigate an infringement appeal, upon receipt of a written application, within fourteen days to ascertain whether there are extenuating circumstances that the Shire should take into account that may result in the Infringement being withdrawn and instead being replaced with a caution at the Shire's discretion or no action being recorded as the case may be.
2. The information used to undertake the review includes, but is not limited to:
  - a) the infringement notice
  - b) photographic evidence
  - c) previous infringement notices and cautions issued to the appellant
  - d) officer's notes relating to the infringement.
3. The review may seek additional information to assist with the investigation and may include:
  - a) confirmation of the alleged offence
  - b) identifying issues and review of all documentary evidence
  - c) site visit
  - d) interview with the issuing officer
  - e) identifying of any error/s made by the issuing officer and the impact of that error on the infringement notice
  - f) clarification of any matters that are unclear
4. Following the review, the appeal will be either supported or not supported. When an appeal is supported, the infringement will be withdrawn. If the appeal is not supported then the infringement stands and will need to be paid as specified on the Notice **or** the appellant may opt to have the matter heard in a Court of Law. If the Court option is chosen the appellant is required to advise the Chief Executive Officer in writing within the time period as stated in the infringement notice.

5. Reasons for withdrawing an infringement notice may include:
- a) incorrect information received from the Department of Transport
  - b) evidence provided that proves the information used to issue the infringement was incorrect
  - c) the car in the photo is not the appellants
  - d) compassionate/medical grounds
  - e) incorrect information provided by Shire officer
  - f) incorrect information included in infringement notice
6. The Chief Executive Officer is the decision making authority for infringement notice appeals. Other positions required to review the infringement notice appeal before the Chief Executive Officer makes the final decisions includes the Manager Community Safety Services, Director Development Services and General Counsel & Executive Advisor, Governance & Legal Services.

<b>Related Budget Schedule</b>			
<b>Authority</b>			
<b>Adopted</b>		<b>Next Review Date</b>	

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

**50. Trading on Thoroughfares and Public Places Policy**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Community Safety Services
File Reference	LE-LOL-024
Applicant	N/A
Owner	N/A
Attachment 1	“Trading in Public Places – General Principles” policy (adopted June 2009)
Attachment 2	Trading on Thoroughfares & Public Places Policy (Proposed Policy)
Attachment 3	Trading on Thoroughfares & Public Places Management Procedure

**EXECUTIVE SUMMARY**

1. The purpose of the proposed policy (Attachment 2) and management procedures (Attachment 3) is to ensure a consistent approach during assessments made under the Shire's *Trading in Thoroughfares or Public Places Local Law 2008*.
2. The number of applications received by the Shire to trade at public places has been increasing (refer paragraph 9). The processing of the applications requires a number of approvals from different areas of the Shire. The additional referrals slow down processing time for applicants and increase the unit cost of administering an application.
3. Council's “Trading in Public Places – General Principles” policy (adopted June 2009) does not reflect the Shire's business needs.
4. It is recommended to repeal the “Trading in Public Places – General Principles” policy and replace it with a revised version (Attachment 2) and note the “Trading on Thoroughfares & Public Places – Management Procedure” (Attachment 3).

**BACKGROUND**

5. Under Council's *Trading on thoroughfares and Public Places Local Law 2008*, the Shire requires applications for any trading that is to occur within a ‘Public Place’.
6. The *Trading on thoroughfares and Public Places Local Law* defines a public place is any land public or private where the public access is permitted.
7. The Shire currently has a policy for trading in public places and thoroughfares. However, the current policy does not adequately meet community needs. Therefore, a newly proposed policy (Attachment 2) focuses on identified needs has been prepared to ensure better community outcomes.



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## DETAILS

8. The Shire is receiving an increased number of applications from businesses to trade in parks and reserves vested to the Shire. Custodial approval is required as part of the Trading on Thoroughfares or Public Places application. Therefore, processing applications can take a significant amount of officer time as it involves multiple departments.
9. Since the Local Law came into effect in 2008 a total of 13 applications have been received however 7 applications have been received in the last 12 months (i.e. 54% of all applications have been received in the last 12 months).
10. Current industry practice was determined via a consultative process with other local governments. The City of Bayswater, Shire of Mundaring, City of Perth and the City of Vincent all have policies addressing applications to Trade on Thoroughfares or Public Places. The newly proposed policy (Attachment 2) is consistent with current industry practices.
11. The newly proposed policy (Attachment 2) prescribes the following locations where Trading on Thoroughfares or Public Place may occur:
  - Fleming Reserve, 111 Newburn Road, High Wycombe
  - Lesmurdie Lions Lookout, 2 Welshpool Road, Lesmurdie
  - Elizabeth Street Car Park, Stirk Park, 18 Kalamunda Road, Kalamunda
  - Zig Zag Car Park, 1 Zig Zag Scenic Drive, Gooseberry Hill
  - Corner of Midland Road and Ridge Hill Road, Maida Vale
  - Jorgenson Park, 2 Crescent Road, Kalamunda
  - Corner of Hawtin Road and Norwood Road, Maida Vale
  - Lesmurdie Falls Car Park, 186 Falls Road, Lesmurdie.
12. The proposed locations were determined via a consultative process consultation between Health Services, Approval Services, Asset Services Community Development and Economic Development.
13. The policy also contains assessment criteria to determine the adequacy of applications for to trade at locations other than those proposed.

## STATUTORY AND LEGAL CONSIDERATIONS

14. *Clause 3.6(1) of the Trading in Thoroughfares or Public Places Local Law 2008*  
  
*"Policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.2(1)(a).*
15. *Section 3.18(1) of the Local Government Act 1995* provides:  
  
*A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
16. *Section 3.18(2) of the Local Government Act 1995* provides:

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*In performing its executive functions, a local government may provide services and facilities.*

17. *Section 3.18(3) of the Local Government Act 1995 provides:*

*A local government is to satisfy itself that services and facilities that it provides:*

- (d) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
- (e) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- (f) are managed efficiently and effectively.*

## **POLICY CONSIDERATIONS**

18. The proposed amended policy will replace "Trading in Public Places – General Principles".

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

19. N/A

### **External Referrals**

20. The WA Police have identified the reserves mentioned in the proposal as hotspots for antisocial behaviour. Any permits issued in these area will increase activation and casual surveillance thereby reducing the potential for antisocial behaviour.

21. Once approved, promotion of the proposed policy (Attachment 2) will occur.

## **FINANCIAL CONSIDERATIONS**

22. The cost of administering this proposed policy (Attachment 2) are within budget.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

23. Kalamunda Advancing: Strategic Community Plan to 2023

OBJECTIVE 5.3 – To facilitate increased economic activity within the Shire.

Strategy 5.3.2 Proactively engage and partner with local and regional businesses to support further economic development.

OBJECTIVE 6.2 – To ensure local laws are upheld.

Strategy 6.2.1 Develop, implement and monitor all local laws across the Shire to ensure they are relevant and realistic.

OBJECTIVE 6.5 – To ensure a quality experience for every interaction with our community.

Strategy 6.5.1 Ensure consistency in the level and quality of service to all customers

## SUSTAINABILITY

### Social Implications

24. Approving the proposal will allow an opportunity for increased usage of the areas thereby creating a deterrent for antisocial behaviour.

### Economic Implications

25. The policy allows for increased economic opportunities for the local community. This will allow for greater promotion of the Shire's public open space.

### Environmental Implications

26. Trading in public spaces can increase the amount and frequency of littering. The proposed policy will provide that all approvals given have a condition to maintain the areas in a clean and tidy condition.

## RISK MANAGEMENT CONSIDERATIONS

27.

<b>Risk:</b> Reputational Damage caused by having an inconsistent approval process		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Major	High
<b>Action/ Strategy</b>		
Regular review and update of Council policies.		

## OFFICER COMMENT

28. The proposed policy (Attachment 2) provides operational guidance in regard to the following:

- the application process
- exemptions from permits
- trading of food
- location and trading times
- trading generally
- alfresco dining permits
- permits and permit conditions.

29. The proposed policy (Attachment 2) and management procedure (Attachment 3) meet the requirements of clause 3.6(1) of the Trading in Thoroughfares or

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Public Places Local Law 2008 and provides a consistent approach to the administration of trading on thoroughfares and in public place permits. The equity will create a more positive image of the Shire for both its residents and visitors.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 50/2017)**

That Council:

1. Repeals its "Trading in Public Places – General Principles" Policy.
2. Adopts the proposed policy "Trade on Thoroughfares or Public Places" Policy as per (Attachment 2).
3. Notes the proposed management procedure "Trade on Thoroughfares or Public Places" Management Procedure as per (Attachment 3).
4. Approves the promotion of the proposed management "Trade on Thoroughfares or Public Places" Policy as per (Attachment 2) and the proposed management procedure "Trade on Thoroughfares or Public Places" Management Procedure as per (Attachment 3).

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Attachment 1  
Trading on Thoroughfares and Public Places Policy  
Trading in Public Places - General Principles Policy - Adopted June 2009



**POLICY REGISTER**

<b>Title:</b>	<b>Trading in Public Places – General Principles</b>	
<b>Policy No.:</b>	<b>HLTH12</b>	
<b>Date Adopted:</b>	15 June 2009	<b>Date Last Reviewed:</b>

<b>Objective:</b>	<ol style="list-style-type: none"> <li>1. To enhance the established character of the Shire of Kalamunda as having a diversity of trading activities and providing a range of retail and service options to the public in a friendly, community minded environment.</li> <li>2. To allow for the operation of trading activities in public places in such a manner that they do not conflict with or prejudice the permanent retail and service base, or other normal functions of the municipality.</li> <li>3. To provide criteria and health standards for such trading activities.</li> </ol>
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**Background**

This policy was established to ensure that other pertinent matters, above and beyond the conditions as contained within the Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law, were taken into account when considering trading applications.

**Scope & Limitations**

Applies throughout the Shire of Kalamunda.

**Policy**

All Applications

1. This section applies to all forms of trading as defined in the Council's Trading on Thoroughfares and Public Places Local Law 2008.
2. Applications to establish trading activities in public places will be subject to the same planning considerations as are applied to applications for the use of private land. Particular attention will however be paid to the impact of the proposal on the public environment.
3. Trading activities should be appropriate to the character and functions of the area in which they are proposed to be located.
4. Trading activities should meet a demand for the goods or services which is not already met by existing, permanent facilities.
5. Trading should not take place where the gathering of customers would impede pedestrian or vehicle movements or cause conflicts with other activities.
6. Trading location should be readily and safely accessible to potential customers.
7. Where trading is proposed to take place from a stall, the form, design and appearance of that unit should be appropriate to its intended location.
8. Applications to establish trading activities should also comply with the specific requirements or any relevant policy relating to the location and/or type of activity proposed.

9. Where the location or type of activity proposed does not fall within the scope of an adopted policy, the Local Government may consider the application in the light of the desirability of the proposed activity and its location, and the general circumstances of the case.

Trading in Food

10. In assessing an application for a licence to trade in food, the Local Government will consider the suitability of the proposed site for that purpose, having particular regard to health requirements and standards or any other matter considered necessary for the satisfactory operation of the activity.
11. The place of trading should have sealed or graded surface and should be adequately drained.
12. The place of trading should be accessible to service vehicles if appropriate.
13. Where trading involves the preparation and cooking of food for sale to the public, the Local Government will have particular regard to, and may impose conditions relating to:
- a) The form and structure of the stall.
  - b) The provisions to be made for the storage of cooked and uncooked food.
  - c) The storage and disposal of waste material, for both operators and patrons.
14. Provision of on-site power, if required, will be the responsibility of the operator and should be to the satisfaction of the Local Government.
15. The Local Government may require that a food trading activity have access to a supply of potable water and/or to a sewer for the disposal of waste water. Where such conditions are imposed, arrangements for compliance will be the responsibility of the operator, and should be to the satisfaction of the Local Government and comply with relevant statutes and local laws.

Trading in the Town Centre

16. Applications to establish trading activities in the Kalamunda town centre will only be considered where the location would not prejudice the Local Government's general objectives for the area.
17. Where the location or type of activity proposed does not fall within the scope of an adopted policy, the Local Government may consider the application in the light of the desirability of the proposed activity and its location and the general circumstances of the case.

Al fresco Dining

18. A sidewalk café will be approved only where the proposal is part of an application to establish a food premises within an adjacent building, or is proposed as an extension of a food premises already operating within an adjacent building.
19. An application should be accompanied by plans, drawn to scale, indicating the number and location of proposed tables and chairs and their relationship to the building in which the food premises is located.
20. In granting approval, the Local Government may impose conditions requiring that the dining facilities be of a movable nature, and/or that the facility may only operate at certain specified times.
21. Al fresco dining should not obstruct pedestrian movement. A minimum clear footpath width of 1.2m should be maintained in all cases and a greater width in the case of more important pedestrian routes. Pedestrians should be able to make normal use of the footpath without being obliged to step into the road at any point or make other unwarranted detours.
22. Al fresco dining should not obstruct sight lines for either vehicles or pedestrians, both at road junctions and vehicle access crossovers.

23. The establishment of al fresco dining should not normally require extension of the existing footpath, unless this can be done without unduly affecting the prevailing form of the street or prejudicing its proper use as a traffic route, and without involving the loss of kerbside parking or loading zones. Such widening would be at the full cost of the applicant and should use material to the Local Government's satisfaction.
24. Al fresco dining should not be located in such a way that access from the footpath to kerbside parking is obstructed.
25. The establishment and use of al fresco dining should not conflict with or inconvenience other retail and commercial activities or obstruct the views of, or access to, adjacent properties. Where the Local Government believes that such problems may arise, it may consult with the owners and/or occupiers of the affected premises before reaching a decision on the application.
26. The general principles contained in this policy would also apply to proposals to establish outdoor dining areas other than on roadside footpaths, for example in pedestrian malls, on reserves or in other public places.
27. Dining tables and chairs will not generally be permitted to be fixed in any manner to the footpath or to any other structure. In particular cases, for example if specifically requested by the applicant, or where positive benefits to the public and the Local Government can be seen, then fixing may be considered, but only subject to detailed conditions on the method of fixing and the cost of any subsequent removal and restoration being borne by the licence holder.

Voluntary organisations

28. Any local voluntary organisation operating a stall in a commercial area of the Shire, as permitted under the Trading on Thoroughfares and Public Places Local Law 2008, should obtain approval of the shop owner outside the premises where the stall is to be situated.

**CROSS REFERENCES (If any):**

Admin Policy/Procedure:	Delegation:
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**LEGAL REFERENCES**

Legislation:	
Local Law:	Trading on Thoroughfares and Public Places 2008

Notes:	
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## **Attachment 2**

Trading on Thoroughfares and Public Places Policy

**Trading on Thoroughfares & Public Places Policy (Proposed Policy)**

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



### Attachment 3

#### Trading on Thoroughfares and Public Places Policy

#### Trading on Thoroughfares & Public Places Management Procedure

##### Attachment 3

##### Trading on Thoroughfares and Public Places Policy

##### Trading on Thoroughfares & Public Places Management Procedure

### "Trading On Thoroughfares or Public Places" Management Procedure

#### Relevant Shire of Kalamunda Council Policy

N/A

#### Relevant Shire of Kalamunda Policy

Trading On Thoroughfares or Public Place – Permit Conditions

### Purpose

To ensure that the Shire of Kalamunda is fair, consistent and proportionate when administering applications to trade on thoroughfares or public places.

### Detail

For the purposes of this procedure, the following applies:

Local Law	Means the <i>Trading in Thoroughfares and Public Places Local Law 2008</i>
Trader	Has the meaning given to it in Clause 1.5 of the Local Law
Trading	Has the meaning given to it in Clause 1.5 of the Local Law
Permit	Has the meaning given to it in Clause 1.5 of the Local Law
Public Place	Has the meaning given to it in Clause 1.5 of the Local Law
Prescribed Location	Means a location described in Schedule 1 and as depicted in Schedule 2 of the Policy

### Procedure

The local law regulates trading in public places and thoroughfares.

The local law provides control over trading in public places to ensure that trading does not create issues such as;

- (i) noise,
- (ii) odour,
- (iii) reduced access to property and
- (iv) adverse effects to public health or traffic safety.

Additionally the local law attempts to ensure that fixed venue traders are not disadvantaged by lower cost mobile traders.

### Application Process

Trading is regulated via a permit system in which the applicant applies in the prescribed form (schedule 4, Shire Policy xxx Trading On Thoroughfares or Public Places) for set trading hours in a specified location of their choosing. An application fee and annual license fee (pro rata to the end of the financial year) are charged, with the exception of charities and community organisations. Applications for prescribed locations will be determined in accordance with this procedure, applications for non-prescribed locations will be referred to other departments before a concise report is provided to the Director of Development Services for determination. Applications for prescribed locations will be processed within 5 working days of lodgement, applications for locations outside of those prescribed will be processed within 4 weeks of the application being lodged.

### **Exemptions from Permits**

Pursuant to sections 2.1, 2.2 & 2.4 of the local law all traders that wish to trade within a public place or thoroughfare must first apply for a permit unless one of the following situations applies:

- (i) Traders are operating at an event that has previously been assessed by the Shire or that does not require assessment by the Shire (in accordance with the Shire's guidelines for event applications). Food Vendors trading at an event will require a temporary food stall approval to operate.
- (ii) Traders operating under a current Market Stall Approval, within approved markets.
- (iii) Personal trainers operating a prearranged service to clients of their respective gym or equivalent.
- (iv) The sale of newspapers.
- (v) Any street collectors who are fundraising solely for the benefit of a charity or community organisation
- (vi) Any instances in which the trader has been invited onto private property solely for the benefit of a predetermined group of people and not the general public.
- (vii) Trading of fruit, vegetables or flowers that are sold at the same property in which they were grown (subject to compliance with the *Food Act 2008* and relevant planning provisions).
- (viii) Any other situation in which the Shire deems that a permit is not required.

One-off markets, car boot sales, swap meets or any other similar form of trading will be assessed as an event.

### **Trading of Food**

All traders selling food must comply with the provisions of the *Food Act 2008* in addition to any Shire local laws or conditions placed upon the permit. All vendors wishing to trade within the Shire must provide proof that they are registered as a food business with the relevant food authority.

### **Location & Trading Times Framework**

The Shire restricts all trading in public places (excluding exemptions) to the prescribed locations, unless approved by the Chief Executive Officer. Traders who have obtained a permit must not trade outside of their allocated location. Suitable trading locations have been identified after consultation with the Health, Planning, Engineering, Community Development and Economic Development departments within the Shire.

The following criteria are considered in order to determine whether a location is suitable for trading:

- (i) The proposal complies with the Shire of Kalamunda's Local Planning Scheme (any trading on private land will require a development application);
- (ii) The number, type and trading times of any previously approved traders in the same location;
- (iii) Access to properties or thoroughfares will not be unreasonably affected by trading;
- (iv) No health hazards of significant risk to the public will occur;
- (v) Trading is unlikely to affect the amenity of nearby properties through noise, odour, waste or any other factor;
- (vi) Waste bins are provided within a close proximity to trading (if applicable);
- (vii) Suitable parking is available for both the trading activity and the everyday use of parking spaces;
- (viii) Trading will not have adverse effects on pedestrian or vehicular traffic;
- (ix) Trading is unlikely to compete or otherwise adversely affect businesses within the surrounding area;
- (x) Location is not on the same reserve as a club/community organisation unless the club/community organisation in question has provided its explicit consent; and
- (xi) Consent has been provided from the land owner/s or body with vested responsibility for the land.

The trading hours proposed within each application will be individually assessed based upon their merits. The permit conditions will stipulate the allowable trading hours.

### **Trading Generally**

The stall itself will be assessed to ensure that it is suitable for the location and that it does not present any unreasonable risk. Stallholders will be required to maintain the area covered within their approval in the same condition as it was prior to their arrival.

Stallholders will be responsible for;

- (i) Potable water supply,
- (ii) Electricity supply,
- (iii) Waste management, and
- (iv) Waste water disposal.

Unless otherwise arranged with the owner/manager of the land on which trading is to occur. All stallholders will be expected to maintain public liability insurance of at least \$10,000,000 or as otherwise required by the Shire of Kalamunda in its absolute discretion, for the duration of their permit. If the scale or nature of the trading requires, the stall may be required to be insured to a greater value.

### **Alfresco Dining Permits**

Alfresco Dining Permits will be assessed under the same general criteria as other stallholder or traders permits however the following specific criteria apply:

- (i) Permits must relate to an established food business located either adjacent or within a close proximity to the proposed dining area.
- (ii) Applications should be accompanied by a detailed plan showing the number and location of all proposed tables and chairs.
- (iii) Alfresco Dining is not to impede pedestrian movement; pedestrians should be able to make normal use of the footpath and not be required to deviate off the footpath.
- (iv) Alfresco Dining must not obstruct lines of sight for vehicles or pedestrians, both at road junctions and vehicle access crossovers.
- (v) Alfresco Dining Permits will not be required for alfresco dining area within privately owned thoroughfares or public places.

### **Permits & Permit Conditions**

Permits will not be issued until such time as the relevant trading in public places charge or alfresco dining fee has been paid.

The following standard conditions may be placed upon permits:

- (i) The licence holder is required to ensure that all wastes generated in association with trading are adequately disposed of;
- (ii) Trading is not to impact upon the amenity of the area by virtue of noise, odour or other means;
- (iii) Trading activity is not to adversely impact upon traffic management or safety;
- (iv) Public liability insurance is to be maintained for the duration of the permit; and
- (v) Trading hours and locations are limited to those prescribed within this permit.

### **Compliance**

There are multiple offences for which the Shire can infringe in relation to trading in public places. A list of prescribed offenses can be found within Schedule 1 of the Local Law.

Pursuant to section 3.12 of the Local Law the Shire may cancel a permit if the stallholder is in breach of their permit conditions, any written law in relation to the activity regulated by the permit, or if the stallholder goes into receivership or similar arrangement.

**Fees**

Licensing and application fees are set out within the Shire's Fees and Charges Schedule. The license fee is to be charged on a pro rata basis to the end of June in that financial year in which the permit is first issued.

**Appeals**

Any person or persons whom are aggrieved by any decision made in relation to the Trading on Thoroughfares and Public Places have appeal rights pursuant to section 4.6 of the Local Law.

**Definitions [Delete, if there are none]**

xx

**Detail**

xx

<b>Related Budget Schedule</b>			
<b>Authority</b>			
<b>Adopted</b>		<b>Next Review Date</b>	

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

**51. Shires Contaminated Sites Database**

Previous Items	OCM 145/2016; D&A 18/2017 and D&A 28/2017
Responsible Officer	Director Development Services
Service Area	Community Safety and Compliance Services
File Reference	EV-PNC-009
Applicant	N/A
Owner	N/A
Attachment 1	Letter from the Department of Environmental Regulation May 2017

**EXECUTIVE SUMMARY**

1. The purpose of this report is provide a response for Council consideration regarding the provision of a Shire public contaminated sites database.
2. In April 2017, the report was deferred to the next Development and Asset Committee in May in order for further comment to be sought from the Department of Environmental Regulation (DER).
3. Further comments have been sought from the DER requesting a response be provided by the end of April 2017 to facilitate inclusion in the May 2017 meeting agenda. DER sent written to the Shire dated 08 May 2017.
4. DER advised:  
  
Except where public disclosure of information is permitted under the *Contaminated Sites Act 2003* (CS Act) and regulations, s 96 imposes a duty of confidentiality in relation to information obtained. It is an offence to breach this duty of confidentiality, which carries a maximum penalty of \$125,000. In particular, I draw your attention to s 96(2)(c) regarding information disclosed to the Shire under the CS Act; the Shire may wish to seek its own legal advice in this regard.
5. It is recommended that DER's advice in their letter dated 08 May 2017 as per (Attachment 1) be noted and that the previous April 2017 recommendations relating to various methods by which to increase public information relating to contaminated sites be implemented.

**BACKGROUND**

6. At the August 2016 Ordinary Council Meeting it was resolved that Council:
  1. *Requests that the Chief Executive Officer present a report to Council with costs and possible legal impediments of:*
    - (1) *Establishing a register of all contaminated sites located within the Shire.*
    - (2) *Link this register to the Department of Environment Regulation register.*
    - (3) *Provide public access to a mapping system that links to the Department of Environment Regulation register.*

- (4) Providing a link to the mapping system that provides details of available history and actions undertaken of each site. Outline the classification with explanatory notes.*
- (5) Including information in the orders and requisitions requests that provided details of contaminated sites located within a specific distance.*
- (6) Updates to be provided to Council should any site be subject to any kind of development/work.*
- (7) Documents are to be reviewed and updated every twelve months*

7. At the April 2017 Development and Asset Services Committee it was resolved that Council:

- 1. Defer this item to the next Development and Asset Committee Meeting in May 2017.*

8. At the May 2017 Development and Asset Services Committee it was resolved that Council:

- 1. Defer this item until such time that the Shire of Kalamunda receives a response from the Department of Environmental Regulation.*

## **DETAILS**

9. Recent community concerns have been raised relating to contaminated sites. The purpose of the August 2016 resolution is to provide the community with readily available information of each site, to enable the community to make an informed decision on purchasing or residing near such sites.

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. *S96(2)(c) Contaminated Sites Act 2003*

- (2) These persons are subject to a duty of confidentiality —*
  - (a) a person who is or was the CEO;*
  - (b) people who are or were engaged or employed in the administration or enforcement of this Act; and*
  - (c) other people —*
    - (i) to whom information or records are disclosed under this Act; or*
    - (ii) who gain access (properly or improperly) to information obtained under this Act.*

11. *S19 Contaminated Sites Act 2003*
- (1) *The CEO is to keep an accurate and up to date contaminated sites database containing —*
- (a) *a list of all sites classified as —*
    - (i) *contaminated — remediation required;*
    - (ii) *contaminated — restricted use;*
    - (iii) *remediated for restricted use;*
  - (b) *a description of the location and extent of each of those sites sufficient to identify it; and*
  - (c) *a description of the nature and extent of the known contamination of each of those sites.*
- (2) *The CEO is to ensure that members of the public have access, free of charge, to the contaminated sites database.*

12. *S21 Contaminated Sites Act 2003*
- (1) *The CEO is to ensure that a person who has, in the prescribed manner, requested access to a summary of records in respect of land specified in the application, and paid any fee prescribed, is given access to, or copies of, the summary of records.*
- (2) *In this section —*  
*summary of records means a summary, or copies, of such information and documents from the records as are prescribed, in the form prescribed, for the purposes of this section.*

## **POLICY CONSIDERATIONS**

13. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

14. Nil.

### **External Referrals**

15. Contact was made with DER in 2016 seeking approval to share publicly all contaminated site information, the DER did not support this request.
16. As a result of the April 2017 resolution to defer the matter for the purpose of seeking further comments from the DER, the Shire again wrote to the DER seeking further comments.
17. DER advised:  
Except where public disclosure of information is permitted under the *Contaminated Sites Act 2003* (CS Act) and regulations, s 96 imposes a duty of confidentiality in relation to information obtained. It is an offence to breach this duty of confidentiality, which carries a maximum penalty of \$125,000.

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In particular, I draw your attention to s 96(2)(c) regarding information disclosed to the Shire under the CS Act; the Shire may wish to seek its own legal advice in this regard.

## **FINANCIAL CONSIDERATIONS**

18. Implementation of the proposed officer recommendation can be undertaken by existing resources.
19. Legal advice was obtained in late 2016 to assist with preparing responses to this request totalled approx. \$3,300.
20. If the Shire releases information outside of the legal framework of the *Contaminated Sites Act 2003* they may be liable to legal action with a maximum penalty of \$125,000. They may also be civil liability issues regarding breaches that may total into the millions of dollars.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

OBJECTIVE 6.4: To engage regularly and proactively with the Community.  
Strategy 5.5.5 Ensure information from the Shire can be easily accessed in a range of formats.

## **SUSTAINABILITY**

### **Social Implications**

22. The release of data on sites undergoing further investigation may impact on the social cohesion in the area. For example potentially contaminated sites requiring further investigation next to schools.

### **Economic Implications**

23. The release of data may lead to potential property owners not purchasing a property due to its close proximity to a contaminated site. This potentially could result in a claim against the Shire.

### **Environmental Implications**

24. Nil – related to the provision of information on contaminated sites.



## RISK MANAGEMENT CONSIDERATIONS

25. 

<b>Risk:</b> Not meeting community expectations regarding provision of information on contaminated sites.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Raise community awareness and education about the existing information available through DER and their processes surrounding contaminated sites.		
26. 

<b>Risk:</b> Potential liability claim for loss of value and/or sale resulting from, releasing information not otherwise available.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/ Strategy</b>		
Ensure the Shire does not release information that has not been released by DER.		
27. 

<b>Risk:</b> Duplication in processes.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	High
<b>Action/ Strategy</b>		
Ensure the Shire does not duplicate existing information and processes which are provided by the DER.		
28. 

<b>Risk:</b> Potential legal action taken against the Shire for breaching s96 of the <i>Contaminated Sites Act 2003</i>		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Almost Certain	Significant	Extreme
<b>Action/ Strategy</b>		
Ensure the Council is aware of their legal obligations and implement operational procedures to ensure those obligations are met.		

## OFFICER COMMENT

29. The Department of Environment Regulation (DER) administer the *Contaminated Sites Act 2003* and classify sites. This information is kept on the DER Contaminated Sites Database.

The DER have a range of classifications and these include;  
 'remediated for restricted use'  
 'contaminated remediation required'  
 'contaminated - restricted use'  
 'possibly contaminated - investigation required'

'decontaminated'  
'not contaminated – unrestricted use'  
'report not substantiated'

Information in the case of the classifications 'remediated for restricted use', 'contaminated remediation required' and 'contaminated - restricted use' is available to the public via the DER database. If detailed information is required then a Freedom of Information Request (Form 2) is required to be submitted to the DER seeking such information.

In the case of all other classifications, including 'possibly contaminated - investigation required' or where the classification has not actually occurred, the information is not publicly available and a Form 2 is needed to be submitted to the DER seeking information.

In the case of former Shire landfill sites they are all, with the exception of Ledger Road Reserve, classified as 'possibly contaminated - investigation required'. Ledger Road is classified as 'remediated for restricted use'.

There are a number of other classified sites within the Shire that relate to commercial/industrial land uses that the Shire has no jurisdiction over. These include service stations and railway land and are either owned privately or by State authorities.

The DER do not support the Shire providing public information beyond what is available on the DER public register. They suggest that the Shire includes a link to the DER contaminated sites database and the GIS layer from Landgate on its website.

The following comments are provided in response to the specific August 2016 OCM resolutions:

1. Establishing a register of all contaminated sites located within the Shire.

Comment: The DER will not support this request – release limited to sites currently included in their public register. This means only sites with the following classifications; 'remediated for restricted use', 'contaminated remediation required' and 'contaminated - restricted use'.

2. Link this register to the Department of Environment Regulation register.

Comment: The DER will support a link to their existing database. This means that information is limited to sites with the following classifications; 'remediated for restricted use', 'contaminated remediation required' and 'contaminated - restricted use'.

3. Provide public access to a mapping system that links to the Department of Environment Regulation register.

Comment: A link to the Landgate GIS layer has been provided on the Shire website in the mapping system (includes 39 sites). This mapping system relates to the DER register. This means only sites with the following

classifications; 'remediated for restricted use', contaminated remediation required' and 'contaminated - restricted use'.

4. Providing a link to the mapping system that provides details of available history and actions undertaken of each site. Outline the classification with explanatory notes.

Comment – The link, referred to in above point 3, includes information for the following classifications; 'remediated for restricted use', 'contaminated remediation required' and 'contaminated - restricted use'.

Information for other classifications is only available from the DER via a form 2 request.

5. Including information in the orders and requisitions requests that provided details of contaminated sites located within a specific distance.

Comment: Noting the DER limitations, based on the site classification, it is not proposed to provide such a distance. It is recommended that a statement be included in the orders report relating to contaminated sites and advising of the links to the DER and Landgate databases.

6. Updates to be provided to Council should any site be subject to any kind of development/work.

Comment: Updates to be provided as part of the DA process, and to be included in the Councillor Information Bulletin when necessary.

7. Documents are to be reviewed and updated every twelve months.

Comment: The DER database and Landgate GIS layer are regularly updated.

30. Subsequent to the April 2017 and May 2017 deferrals, the Shire has again received written advice from DER that they do not approve the release of information that is not freely available to the public on their website.

*Minor administrative errors were corrected and therefore amendments were made to point 1 and point 2 of the Recommendation, these amendments are highlighted below.*

<b>Voting Requirements: Simple Majority</b>
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### **COMMITTEE RECOMMENDATION TO COUNCIL (D&A 51/2017)**

That Council:

1. Note that the Shire of Kalamunda has received advice from the Department of Regulation advising that permission to provide public access to information which is not freely available to the public, **and** is not approved.
2. Notes that the Shire of Kalamunda may be prosecuted under s96 of the *Contaminated Sites Act 2003*, if **it does** not comply with the advice given by the Department of Environment and Regulation.

3. Directs the Chief Executive Officer to undertake the following:
- a) Include a statement in the orders & requisitions report regarding contaminated sites and advising of the links to the Department of Environmental Regulation & Landgate databases.
  - b) Provide updates on development applications received, for contaminated sites through the Councillors Information Bulletin when necessary.

Moved: **Cr Michael Fernie**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Attachment 1 - Shires Contaminated Sites Database - Letter from the Department of  
Environmental Regulation May 2017



Government of Western Australia  
Department of Environment Regulation

Your ref: EV-PNC-008  
Our ref: CED1228/17  
Enquires: Andrew Miller  
Phone: 9333 7582  
Email: Andrew.Millar@der.wa.gov.au

Ms Natalie Martin Goode  
Director Development Services  
Shire of Kalamunda  
PO Box 42  
Kalamunda WA 6926

Dear Ms Goode

**PUBLIC DISSEMINATION OF CONTAMINATED SITES INFORMATION**

I refer to your letter dated 12 April 2017 regarding the Shire of Kalamunda's wish to publish information on all sites classified under the *Contaminated Sites Act 2003* (CS Act) in the Shire.

The Department of Environment Regulation (DER) receives reports of known or suspected contaminated sites and maintains records on those sites under the framework established by the CS Act, which can be viewed at [www.slp.wa.gov.au](http://www.slp.wa.gov.au). The CS Act provides for public access to information on sites classified as *contaminated – remediation required*, *contaminated – restricted use* and *remediated for restricted use* through DER's online contaminated sites database (under section 19). Access to other records kept under the CS Act can be obtained by requesting a summary of records (under s 21 and Part 3 of the *Contaminated Sites Regulations 2006*).

Except where public disclosure of information is permitted under the CS Act and regulations, s 96 imposes a duty of confidentiality in relation to information obtained. It is an offence to breach this duty of confidentiality, which carries a maximum penalty of \$125,000. In particular, I draw your attention to s 96(2)(c) regarding information disclosed to the Shire under the CS Act; the Shire may wish to seek its own legal advice in this regard.

Consistent with previous advice to the Shire from DER's Senior Manager Contaminated Sites in October 2016, I advise that DER has no power to authorize public release of information on classified sites, beyond the disclosure permitted under the CS Act and regulations.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'K. Laszlo'.

Kerry Laszlo  
DIRECTOR ENVIRONMENTAL SCIENCES

8 May 2017

The Atium, 188 St Georges Terrace, Perth WA 6000  
Postal address: Locked Bag 33, Glosters Square, Western Australia 6850  
Phone: (08) 6487 5000 Fax (08) 6487 5582  
[www.der.wa.gov.au](http://www.der.wa.gov.au)

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

**52. Asset Management Strategy 2017-2021**

Previous Items	OCM 130/2012 – Adoption of the revised Asset Management Policy OCM 72/2013 – Asset Management Strategy 2013-017 OCM 157/2016 – Review of Asset Management Policy ENG15 D&A 26/2017 – Adoption of Pathways Asset Management Plan
Responsible Officer	Director Asset Services
Service Area	Asset Planning and Management
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A
Attachment 1	Asset Management Strategy 2017-2021

**EXECUTIVE SUMMARY**

1. To consider endorsement of the Shire of Kalamunda Asset Management Strategy 2017-2021 (the Strategy) and the Objective of reaching a Core level of asset management maturity over five years (refer Attachment 1).
2. This Strategy refers to internationally recognised standards of measurement of asset management to set the objective and actions.
3. Priority actions to be completed over five years include having levels of service confirmed by community consultation for all asset classes, managing the performance of assets in terms of their levels of service, having up-to-date asset management plans, and meeting a “Standard Improving” status for the financial ratio targets.
4. As part of the work arising from the Strategy, it is proposed that during 2017/2018, Council endorse a Community Consultation Plan on Levels of Service. The Community Consultation Plan will identify how the Shire will seek the community's feedback on what is considered appropriate levels of service provided through infrastructure assets.
5. The actions identified in the Strategy will involve many areas of the Shire operations, and drive improvements in procedures, systems, customer service, and performance. The Strategy will meet statutory obligations for the Integrated Planning and Reporting Framework and Guidelines.
6. This report recommends that the Shire of Kalamunda Asset Management Strategy (2017-2021) be endorsed, and notes that a Community Consultation Plan on Levels of Service will be provided to the Council for endorsement in the 2017/2018 financial year.

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## BACKGROUND

7. From 2006 the Institute of Public Works Engineers Australasia (IPWEA) has been developing and expanding asset management manuals and guides including a method of assessment of asset management performance called the Asset Management Maturity Index. The Asset Management Strategy 2017-2021 has been developed using the Asset Management Maturity Index.
8. At its meeting on 24 June 2013 Council adopted the Asset Management Strategy 2013-2017. This strategy from 2013 used a maturity framework to guide improvements in asset management. It had a detailed list of deliverables, and drove early improvements such as:
  - Formation of an Asset Management Steering Committee
  - Ensuring asset management roles were assigned through all staff position descriptions
  - Software and field data collection improvements, and
  - Prioritising the data collection work for the different asset classes.
9. A review of the Asset Management Strategy 2013-2017 has been undertaken in accordance with the specified review timeframes, being four years as determined by the *Local Government Act 1995*.

## DETAILS

10. The Strategy covers the following subjects:
  - Introduction and Strategic Links
  - Objective and Priority Actions
  - Assessment Framework
  - Responsibility and Review
  - Timeline of Actions
11. The Introduction explains key achievements to date, written in terms of asset management practices, rather than specific asset management plans or asset classes. The introduction sets the scene for the Strategy, on the basis of defining improvements to asset management practices, not to summarise or group the asset classes.
12. The Strategic Links identify in brief terms the link to the Integrated Planning and Reporting Framework and Guidelines (The Framework) from the Department of Local Government and Communities, and the Shire's Strategic Community Plan. The Framework identifies the need for an asset management strategy and what function it serves. The Strategy does not directly address the functions, but instead identifies actions that will serve the intention of the Framework.
13. The objective of the Strategy is that "The Shire of Kalamunda will achieve a Core level of asset management maturity by December 2021". This objective is directly related to the Asset Management Maturity Index provided by IPWEA's International Infrastructure Management Manual. A series of examples are provided to explain what is required to achieve a Core level, including community consultation for levels of service, decision making methodologies, quality procedures, and aligned strategies. Many of these improvements are not asset specific, and will flow across the organisation.

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14. Following the setting of the objective, a set of priority actions are presented. Some of the priority actions include: defining levels of service for all asset classes, managing the performance of assets, having up-to-date asset management plans, and meeting a “Standard Improving” status for the financial ratio targets.
15. A priority action for 2017/2018 is to consult with the community on levels of service. Levels of service for assets can be described in community perception terms such as cost effective, safe, capable, usable, providing amenity, and value supporting. Levels of service can also be described in technical terms such as cost per energy unit, vehicles per day, flow rates and so on. Consultation with the community will try to identify the way the community perceives the assets, while getting information for the Shire to manage assets in technical terms.
16. When considering how to seek community feedback on levels of service, there is a need to decide:
- What consultation methods to use,
  - Whether to provide information on quality and quantity (such as through pictures and graphs), or on value (such as cost or rate in the dollar), and
  - Whether to seek responses based on an upper limit, or by providing choice between a range of values.
- The choices carry different risks, such as for example the risk that the community will request a higher quality of road than the Shire currently provides, which then requires increasing rates to fund the works. Due to the range of options and considerations, a comprehensive plan will be developed during 2017/2018, called “Community Consultation on Levels of Service” (for the respective asset class), and this will be submitted to Council for endorsement before starting the consultation.
17. In the Strategy the section “Assessment Framework” explains an assessment of asset management practices that was completed in November 2016 by the Asset Management Steering Committee. This assessment, although using a slightly different framework than the Asset Management Maturity Index, provided the information on what practices the Shire needs to improve.
18. The Shire has an Asset Management Steering Committee, comprising the Chief Executive Officer, Directors and Managers from selected areas. This Committee will have the task of ensuring the objective is achieved, and that the actions are defined and assigned across the organisation, for a whole of organisation approach. The status of the Strategy will be reported to the Council annually, and will be formally reviewed in 2020.
19. The most significant part of the Strategy is the Timeline of Asset Maturity Actions, in Appendix 2. This timeline matches row by row with the Asset Management Maturity Index, stating what actions will occur each year to enable the Shire to reach the objective of a Core level of asset management maturity across all maturity elements by December 2021.
20. Many of the actions in the Timeline of Asset Maturity Actions are written in broad terms. This is because there may be many methods that can be used to complete the actions, and the amount of work and involvement across the
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organisation is not clearly understood this early in the Strategy. The role of the Asset Management Steering Committee will be to refine the actions, assign resources and responsibilities, and ensure the actions can be completed.

21. The agreed actions will then be incorporated into the Corporate Business Plans for the responsible business units.

## **STATUTORY AND LEGAL CONSIDERATIONS**

22. All local governments are currently required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995*. The Asset Management Strategy is an informing strategy for the Corporate Business Plan, and meets the intention of the Integrated Planning and Reporting Framework and Guidelines.

## **POLICY CONSIDERATIONS**

23. The Strategy has been prepared in recognition of the C-AS-01 Asset Management Council Policy.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

24. The Strategy was reviewed and endorsed by the Asset Management Steering Committee.

### **External Referrals**

25. The Strategy is an internally focused document, although the actions in the strategy will lead to improvements in the frequency and method of consulting with the community.

## **FINANCIAL CONSIDERATIONS**

26. There are no financial implications arising directly from the Asset Management Strategy. Some identified actions may require specialist assistance such as the community consultation processes.

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## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

27. *Kalamunda Advancing 2027: Strategic Community Plan*

OBJECTIVE 3.2 – To connect community to quality amenities.

Strategy 3.2.1            Optimal management of all assets.

## **SUSTAINABILITY**

### **Social Implications**

28.            Achieving a Core level of asset management maturity will result in the Shire having:
- Completed community consultation on levels of service for all asset classes,
  - Performance management in place for assets in terms of the levels of service,
  - Identified community groups that can further inform asset services, resulting in an informed and better connected community.

### **Economic Implications**

29.            Achieving a Core level of asset management maturity will result in the Shire having:
- A decision making methodology for funding that transparently prioritises projects and programs,
  - Scenario models across all asset classes to identify the optimum funding level to meet levels of service,
  - Strategies to manage grant and other source funding, and
  - Strong data to project future demand.

This will result in an effectively managed long term economic position.

### **Environmental Implications**

30.            There are no direct environmental implications of the Strategy.

## RISK MANAGEMENT CONSIDERATIONS

31.

<b>Risk:</b> That asset management objective and actions do not produce the desired outcomes, resulting in no improvements, or at worse a decline in practices.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Maintain focus and assigned responsibilities for the Asset Management Steering Committee, so in turn the Committee is able to achieve the objective.		

<b>Risk:</b> Without an Asset Management Strategy the Shire may become noncompliant with the Integrated Planning and Reporting Framework		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Major	High
<b>Action/ Strategy</b>		
Promote the Strategy and review it on an annual basis with a major review for Council endorsement in 2020.		

<b>Risk:</b> Asset renewal needs and conditions are not known or are not incorporated into the Long Term Financial Plan.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/ Strategy</b>		
Continue to produce asset management plans and make available to the public through Council endorsement.		

<b>Risk:</b> Future decision makers are not aware of asset management needs (due to a lack of a strategy) affecting future planning and sustainability.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/ Strategy</b>		
Continue to promote asset management plans and strategy as core business for the organisation and keep Council informed of progress.		

<b>Risk:</b> Community consultation on levels of service may raise expectations and cost for the Shire.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/ Strategy</b>		
Consultation plan to be prepared and endorsed by Council to manage expectations.		

## OFFICER COMMENT

- 
32. The Asset Management Strategy format being used by the Shire is different to the format that is commonly adopted. Other local governments tend to aggregate all asset values as a way of forming a strategy. This is considered to be not necessary for the Shire, as each asset class through its asset management plan considers long term, ten to one hundred year timeframes, and the plans are very strategic in their function. In addition, the aggregating of significantly different asset classes creates the risk that underlying issues within asset classes may be missed.
33. The approach taken with the Strategy is to focus on asset management practices and how the organisation can improve them for all asset classes, and across the organisation, over the next four years.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 52/2017)**

That Council:

1. Endorses the Asset Management Strategy 2017-2021 and sets the objective of achieving a core level of asset management maturity by December 2021.
2. Requests that community consultation plans on levels of service be submitted for Council endorsement prior to undertaking consultation.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

**Attachment 1**

Asset Management Strategy 2017-2021

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

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

**53. Kalamunda Town Centre Traffic Study**

Previous Items	PS01 / February 2011
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	PG-STU-004
Applicant	N/A
Owner	N/A
Attachment 1	Opus International Consultant's Intersection Layout and Level Service Study for the Kalamunda Town Centre (including Addendum)
Attachment 2	Upgrade Concept for the Canning Road/Mead Street Intersection
Attachment 3	Upgrade Concept for the Canning Road/Heath Road Intersection
Attachment 4	Upgrade Concept for the Canning Road/Haynes Street Intersection
Attachment 5	Proposed Canning Road Pedestrian Crossing

**EXECUTIVE SUMMARY**

1. To consider a report prepared by Opus International Consultant's titled "Intersection Layout and Level of Service Study for the Kalamunda Town Centre dated May 2016 (including Addendum dated August 2016)" (Traffic Study) (Attachment 1).
2. The Traffic Study addresses a number of options for the treatment of Haynes Street and it is considered that this report be utilised as an informing document for the proposed Kalamunda Activity Centre Plan (KACP).
3. The report outlines the need for the following three intersection improvement projects:
  - Canning Road/Mead Street mini roundabout (Attachment 2);
  - Canning Road/Heath Road turning modification (Attachment 3); and
  - Canning Road/Haynes Street mini roundabout (Attachment 4).
4. The officer recommendations are to receive the Traffic Study Report, noting that it will be used as an informing document for the proposed KACP, endorses proposed intersection treatments along Canning Road for community engagement and requests a further report on the outcomes of the community engagement.

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## BACKGROUND

5. In December 2010, Council endorsed the Town Centre Improvement Plan for the Kalamunda Town Centre.
6. To ensure the objectives of the Town Centre Improvement Plan can be achieved, Planning and Urban Design Guidelines “(the Guidelines)” for the Kalamunda Town Centre were subsequently prepared in context of the endorsed Improvement Plan.

The objectives of these Guidelines are summarised as follows:

- To enhance the physical quality and established character of the built environment for the Town Centre.
- To facilitate a range of appropriately located land uses to provide diversity and choice.
- To improve the experience of the Town Centre for patrons and visitors by promoting, amongst other things, continuity of streetscape, interactive street frontages, shade and shelter.
- To encourage a range of housing opportunities in appropriate locations.
- To concentrate street front activity along the primary movement routes.
- To conserve and enhance Kalamunda’s special character.

7. In June 2011 Council adopted the Guidelines for the Town Centre.
8. In reconsideration of the Guidelines for the Town Centre, it is now proposed to undertake a review to refresh/bring up to date the planning and urban content of the Guidelines as part of the proposed preparation of the Kalamunda Activity Centre Plan. This is to be undertaken by Development Services, with Asset Services providing technical input as appropriate.
9. The overall vision for the Town Centre still remains, that is; to redevelop Haynes Street to clearly define its role as the main commercial and retail precinct for the area, with proposed improvements promoted to include the upgrade of public space and potential changes to vehicle movements along Haynes Street.
10. In 2016 Opus International Consultants were appointed to undertake a traffic study of the Kalamunda Town Centre to address the current and future needs associated with the transportation network within the Town Centre. The outcome of the work is presented in a report titled “Intersection Layout and Level of Service Study for the Kalamunda Town Centre dated May 2016 (including Addendum dated August 2016)”. This report is subsequently referred to as “the Traffic Study”, with a copy of the report provided for reference as Attachment 1. The area assessed by the Traffic Study is highlighted in Figure 1.1/Page 2 of the report, with an additional area added to the west of the Town Centre as identified in Figure 1.1/Page 1 of the addendum.
11. In addition to the Traffic Study, other projects that have occurred in the Town Centre since endorsement of the Improvement Plan and subsequent adoption of the Guidelines include:

- Kalamunda Parking Study 2011;
- Underground power installation and street lighting upgrade during 2014/2015 however, delays due to hardrock issues resulted in completion during the following financial year in September 2016;
- Parklet design and installation in Haynes Street during 2016/2017 and completed in January 2017 – shading still to be investigated/actioned;
- Upgraded pedestrian crossing installation in Canning Road between Haynes Street and Heath Street planned for implementation during the last quarter of 2017/2018; and
- Stormwater drainage improvements in Kalamunda Road, Canning Road, Haynes Street and Barber Street. The Tender for this project was awarded at the Special Council Meeting held on 12 June 2017, with a start-up meeting held on 15 June 2017.
- Central Mall 2014 – works included replanting of the Sculpture garden and adjacent garden area and installation of five Vertical Gardens into existing raised garden beds.
- Bibbulmun Track Terminus Walk – works in progress and include upgrade of existing Terminus area and feature streetscape facilities connecting the Terminus to the Perth Hills Discovery Centre (240m walk). Project to provide additional seating, diverse paving styles, artworks and interpretive signage.
- Mural artwork – Coles supermarket wall facilitated by the Shire and implemented by Vicinity Centres.

## DETAILS

### The Traffic Study

12. The Traffic Study has undertaken a review of the existing road network within and in the immediate vicinity of the Town Centre and included review of existing intersections in the Town Centre. The brief requested assessment of potential upgrade options for Haynes Street along with the determination of impacts (if any) on the intersections located within and on the boundary of the Town Centre.
13. The Traffic Study investigations indicate that Canning Road carries in the vicinity of 11,300 vehicles per day (vpd), Haynes Street 3,000 vpd, Mead Street 4,500 vpd, Barber Street 2,000 vpd and Railway Road 6,000 vpd. These recorded volumes fall within typical expected daily volume thresholds for the respective types of road functions.
14. As part of the Traffic Study investigation work undertaken, reported crash data for the five-year period to 2014 was researched, with 12 crashes reported at the Haynes Street and Canning Road intersection, four at the Heath Road and Canning Road intersection and seven at the Mead Street and Canning Road intersection.



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15. There were also a number of mid-block crashes recorded with 29 reported in Haynes Street. These crashes were typically vehicles manoeuvring into/out of parking spaces colliding with other vehicles or, collisions occurring at crossover connections with Haynes Street.
16. There were eight midblock crashes on Canning Road between Kalamunda Road and Mead Street, four on Barber Street and five on Mead Street. The majority of these crashes were of similar type to those recorded in Haynes Street.
17. A number of streetscape upgrade options were assessed for Haynes Street and are summarised as follows:
- **Option 1A** - maintaining the existing two-way traffic flow with provision of 13 angled parking bays and 21 parallel parking bays to provide improved alfresco opportunities at key locations along with a centrally located “wombat crossing” (ie: a wide, raised platform, similar in context to the existing raised crossings on Haynes Street and Railway Road) that subject to pedestrian numbers utilising the crossing meeting warrant requirements and thereafter, Main Roads WA consideration/approval, may lend itself to becoming a dedicated zebra crossing.
  - **Option 1B** - maintaining the existing two-way traffic flow with 21 parallel parking bays, widened footpaths to provide improved alfresco and pedestrian amenity opportunities along a significant section of the street frontage. Provision of two wombat crossings that may be suitable for becoming dedicated zebra crossings, subject to meeting Main Roads WA warrants.
  - **Option 2A** - modifications to the existing traffic flow to create a one-way traffic flow eastbound for the section between Barber Street and the carpark entry west of Railway Road that facilitates footpath widening and consideration to the inclusion of three wombat crossings.
  - **Option 2B** - modifications to the existing traffic flow to create a one-way traffic flow eastbound for the section between Canning Road and the carpark entry west of Railway Road, additional footpath widening and three wombat crossings.
  - **Option 3** - a full road closure providing pedestrian only access (other than service/emergency vehicles) to create a mall area that provides increased opportunities for alfresco, markets and events to be held along this section of Haynes Street.
18. In undertaking the evaluation of traffic impacts, the following assumptions were made:
- *Sufficient on and off street parking will exist elsewhere in the Town Centre to accommodate the loss of parking in Haynes Street.*
- It is noted that the 2011 Kalamunda Town Centre Parking Study indicated that during the survey periods, parking demand in Haynes Street peaked at 49 of the 50 bays available on both a Thursday and Saturday with an average demand on both days of 36 parking spaces. Furthermore, this Study also indicated that parking demand was less than the available
-

number of parking spaces provided in the Town Centre. There was a higher percentage occupancy of “on street” parking demand compared to “off street” usage.

- *With increased development in the Town Centre the existing road network is generally capable of supporting increased traffic flows without a reduction in the level of service.*

This is supported by the findings of the Traffic Study.

19. With the proposed preparation of the KACP in 2017/2018, it is considered that the Traffic Study be used as an informing document for the redevelopment of Haynes Street and associated community engagement.

### **Proposed Intersection Improvements**

20. Each intersection within the Town Centre (i.e: excludes that area identified in the Addendum to the Traffic Study) was assessed utilising intersection analysis software known as SIDRA. This software reviewed the performance of each existing intersection during year 2015 to indicate a level of service based on the efficiency that vehicles are able to access and egress the intersection. This software is then used to model the level of service for each intersection up to year 2031, to determine the level of service should no upgrades be implemented. Based on the traffic modelling undertaken as a part of the Traffic Study the following intersections were identified as requiring improvement:

- The Canning Road/Mead Street intersection is forecast to operate beyond its capacity regardless of any proposed road upgrade to Haynes Street. This finding is consistent with the Kalamunda Town Centre Parking Study that this intersection would be unlikely to be able to accommodate future traffic volumes.
- The Canning Road/Heath Road intersection will operate at unacceptable levels of service due to delays caused by right turning traffic attempting to enter Canning Road regardless of the considered streetscape options.
- The Canning Road/Haynes Street intersection will require upgrade if two-way traffic flow as per Options 1A and 1B is maintained in Haynes Street.

21. The results of this modelling indicated that in 2031 the intersections of Canning Road/Mead Street, Canning Road/Heath Road and Canning Road/Haynes Street would all reach an unacceptable level of service. As a result, concept designs were prepared as shown in Attachments 2, 3 and 4 that will improve the level of service based on the outcome of the SIDRA analysis undertaken. These concepts also include indicative travel paths that would be utilised by typical service vehicles that need to enter and exit the Town Centre in order to service the various commercial enterprises trading in the area. Furthermore, the design of these concepts were developed recognising that both existing road reserve limitations and utility service constraints needed to be considered in determining the best traffic management outcome able to be utilised for improvement at each intersection identified.

22. The three recommended intersection improvements required by 2031 are summarised as follows:

- **Canning Road/Mead Street Intersection**

Due to limited road reserve widths a typical intersection upgrade with a standard roundabout treatment will incur significant costs associated with services and land acquisition therefore, a mini roundabout is proposed as an intersection treatment with an indicative cost of \$43,000.

Estimated additional costs to cover items not allowed for in the estimate quoted in the Traffic Study are noted as follows:

- Traffic Management during the course of the works @ \$6,500
- Street Lighting Upgrade @ \$15,000
- Detailed Design @ \$10,000
- Cost escalation correction since May 2016 @ 5% of the Traffic Study estimate equating to \$2,200 (Rounded-up)

This results in a total estimated cost of \$76,700 to accommodate the proposed mini roundabout modification to the Canning Road/Haynes Street intersection (refer Attachment2).

- **Canning Road/Heath Road Intersection**

This intersection improvement is driven by the need to mitigate delays involving right turn movements from Heath Road into Canning Road, with a suggested traffic management option being to ban the right turn movement. To assess the effect of this treatment a supplementary traffic study was undertaken to consider the impact of reassigned traffic using alternative routes.

The supplementary study indicates that a proposed right turn ban from Heath Road into Canning Road will impact on approximately 50 vehicles in the evening peak hour. These vehicles would need to either continue along Heath Road and make a left turn at Canning Road and a subsequent U turn at the existing Stirk Street roundabout or will reassign on the road network to the west of Canning Road. These vehicles may utilise roads such as Boonooloo Road and Brooks Street south of Heath Road and Recreation Road to access Canning Road. The supplementary study concludes that the reassigned volumes are considered relatively small which when combined with the existing traffic volumes will have minimal impact on the mid-block performance of the road network.

The indicative cost of the proposed traffic management treatment is quoted as \$25,500 in the Traffic Study however, estimated additional costs not allowed for in the estimate quoted in the Traffic Study are noted as follows:

- Traffic Management during the course of the works @ \$4,000
- Detailed Design @ \$5,000
- Cost escalation correction since May 2016 @ 5% of the Traffic Study estimate equating to \$1,500 (Rounded-up)

This results in a total estimated cost of \$36,000 to accommodate a proposed left-in/left-out modification to the Canning Road/Heath Road intersection (refer Attachment 3).

- **Canning Road/Haynes Street Intersection**

Given two-way traffic flow in Haynes Street is preferred, delays to traffic turning out of Haynes Street will result and as a consequence of onsite assessment indicates that due to limited road reserve widths a typical intersection upgrade with a standard roundabout treatment will incur significant costs associated with services and land acquisition therefore, a mini roundabout is proposed as an intersection treatment with an indicative cost of \$49,000.

Estimated additional costs not allowed for in the estimate quoted in the Traffic Study are noted as follows:

- Traffic Management during the course of the works @ \$7,500
- Street Lighting Upgrade @ \$15,000
- Detailed Design @ \$10,000
- Cost escalation correction since May 2016 @ 5% of the Traffic Study estimate equating to \$2,500 (Rounded-up)

This results in a total estimated cost of \$84,000 to accommodate a proposed mini roundabout modification to the Canning Road/Haynes Street intersection (refer Attachment 4).

It is noted that the above cost estimates make no allowance for the impact of underground utility services (if any). This will only be able to be quantified through undertaking pot-holing as part of detailed design.

23. Currently the following projects in the Town Centre have a direct bearing on the intersection improvement recommendations arising out of the Traffic Study, namely;
  - Town Centre Drainage Project.
  - Zebra Crossing implementation on Canning Road, adjacent to the IGA.
  - Canning Road as part of the 2017/2018 Metropolitan Regional Road Group Grant (MRRG) – Rehabilitation Projects resurfacing project from Kalamunda Road to Mead Street.
24. Given the planned resurfacing of Canning Road in 2017/2018 it is considered appropriate to bring forward the intersection improvements recommended in the Traffic Study and implement prior to undertaking the resurfacing work in order to maximise the life of the road and associated traffic assets.
25. The existing road network and Options 1A and 1B require improvement at the Canning Road/Haynes Street intersection and given the future direction in relation to Haynes Street is still some time away, proposed implementation of the mini roundabout is still supported. Should either Option 2A, 2B or 3 for Haynes Street be subsequently supported, then appropriate reinstatement works will need to be considered.
26. On completion of proposed intersection improvement works, the overall amenity and aesthetics along Canning Road, inclusive of future pathway upgrade, will improve the level of service of this section of road markedly.

27. Canning Road provides a key network link and is identified as a District Distributor road in the Shire's Road Asset Hierarchy, with the existing asphalt in the area to be resurfaced being red laterite. Deterioration of this material has compromised its design life. Furthermore, matching the colour of the asphalt as a consequence of maintenance repairs undertaken is somewhat hit-and-miss. Therefore, to improve the whole of life cost and aesthetics associated with upgrading and maintaining Canning Road as an integral part of the Shire's Road Asset Hierarchy, the recommended reseal treatment for Canning Road needs to consider implementation of black asphalt within traffic lanes, with red asphalt only utilised for trafficable medians and/or car parking embayments only.
28. Each streetscape option promoted by Administration for public consultation consideration will require implementation of all three recommended intersection improvements. Therefore, given the need to improve the level of service, amenity and access to the Town Centre, consideration needs to be given to the proposed timing of the three recommended intersection improvements given the Traffic Study identifies that these improvements are required by no later than 2031.

#### **Proposed Canning Road Pedestrian Crossing**

29. Following investigation regarding pedestrian crossing numbers utilising the existing crossing facilities located on Canning Road between Haynes Street and Heath Road, an application upgrade to dedicate this as a Zebra Crossing was submitted to Main Roads WA (MRWA) for approval. Subsequent advice received from MRWA was this location did not meet the warrants for a Zebra crossing. It is now proposed to upgrade the pedestrian crossing as part of the proposed intersection improvement and resurfacing works excluding, application of a dedicated Zebra crossing (refer Attachment 5). Further traffic and pedestrian counts will be undertaken to determine compliance with the warrants for a Zebra crossing.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

30. The Kalamunda Town Centre Planning and Urban Design Guidelines are to be used in conjunction with the Shire's Local Planning Scheme No. 3 and in particular Clause 6.3 Kalamunda Town Centre Design Control Area.

#### **POLICY CONSIDERATIONS**

31. Nil.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

32. Customer & Public Relations

A Communications Plan needs to be developed in support of proposed public consultation.

“Have Your Say” signage needs to be considered, with this linked to the Shire’s website for further detail. Letters, web notices, social media posts, flyers and anything else relevant to the proposal would be included in the link on the website.

33. Economic, Land & Property Services

From an economic development perspective, the proposed Canning Road improvements will assist in upgrading vehicle accessibility to the Town Centre.

In considering development of a Communications Plan, the Kalamunda Chamber of Commerce (as a representative organisation) needs to be consulted in addition to the other opportunities that will be provided to its members during the engagement.

34. Community Development

An accessible and inclusive community is one which people with a disability and their carers can access and are welcomed to participate in all areas in the same manner and with the same rights and responsibilities as other members of the community. Therefore, providing accessible, safe and connected movement networks, integrating walking, cycling and public transport routes for convenient travel within and around the Town Centre is paramount.

When developing accessible, inclusive and welcoming infrastructure the following design features need be considered:

- Continuous path of travel for pedestrians;
- Absence of steps and kerbs – easy access ramps;
- Safe crossing points;
- Tactile indicators;
- Clear signage and wayfinding;
- Generous provision of accessible ACROD parking bays; and
- Accessible public facilities.

The Disability and Carers Advisory Committee will need to be included in development of the Communications Plan.

35. Strategic Planning

The Shire has scoped the requirements to prepare an Activity Centre Plan for the Town Centre which will update and replace the existing Guidelines. Key components of an Activity Centre Plan are the traffic and parking studies that take into consideration the current and planned road capacity servicing the locality. It is important that vehicular access to distributor roads do not compromise the area's safe operation or desired transport function.

The outcomes and recommendations of the Traffic Study and Council's consideration of these recommendations will be utilised as an important input into the traffic and parking studies that support the KACP.

Works proposed in Canning Road should not prejudice the activities of the KACP.

### External Referrals

36. The Canning Road intersection improvements within the Town Centre are to be made available for public consultation for a period of 42 days through:

- Posting relevant information on the Shire's Website, seeking public feedback;
- Letter-drop to all residents, business proprietors and absentee property owners located within the greater area covered by both the report (Figure 1.1/Page 2) and the addendum (Figure 1.1/Page 1);
- "Have Your Say" signs posted in strategic locations throughout the greater area covered; and
- A "Community" Information Evening during the third or fourth week of the consultation period where the Canning Road intersection improvements are presented for discussion/feedback.

37. A formal Communications Plan will be developed with the Shire's Customer & Public Relations Team before commencement of public consultation to ensure a full and robust consultation process is followed, with the outcome of the consultation process to be reported back to Council for formal consideration the proposed Canning Road intersection improvements within the Town Centre.

### FINANCIAL CONSIDERATIONS

38. The preliminary cost estimate for the three intersection improvement projects for Canning Road recommended in the Traffic Study are summarised below:

- Canning Road/Mead Street mini roundabout as proposed @ \$76,700
- Canning Road/Heath Road turning modification as proposed @ \$36,000
- Canning Road/Haynes Street mini roundabout as proposed @ \$84,000

The total value of the three intersection improvement projects equates to \$196,700.

39. The cost estimates for each project are, however, subject to change due to modifications that may arise from public consultation and, preparation of subsequent detailed designs particularly given the impact of underground services (if any) has not been able to be quantified at this time.

Given this position, a sum of \$250,000 has been included in the Shire's 2017/2018 Capital Works Budget, with implementation subject to the outcome of public consultation and subsequent Council consideration.

40. It is noted that the cost estimates will require review to reflect the outcomes of the community engagement process and associated detailed design and documentation.
41. It is noted that the 2017/2018 Capital Works Budget also includes a sum of \$360,000 to profile out and replace the asphalt in Canning Road from Kalamunda Road through to Mead Street along, with a \$318,400 component of this budget being subject to receipt of formal confirmation from MRWA that the Shire's application for MRRG - Road Rehabilitation grant funding at two-thirds of this amount has been approved by the Minister.
42. The Long Term Financial Plan has the following funding allocations for future upgrades of the streetscape in the Town Centre, to be implemented following endorsement of the KACP, noting that these amounts may change following community engagement and detailed design.

Project	Financial Year				
	2017/18	2018/19	2019/20	2020/21	2021/22
Canning Rd Intersection Improvements & Pedestrian Crossing	\$250,000				
Canning Rd Resurfacing (Kalamunda Rd to Mead St)	\$360,000				
Kalamunda Rd/Canning Rd Roundabout & Stirk St Resurfacing	\$200,000				
Haynes St Parklet	\$5,000	\$40,000			
Kalamunda Town Centre Road Rehabilitation		\$30,000	\$600,000		
Kalamunda Town Centre Streetscape Improvement Works		\$125,000	\$750,000	\$750,000	\$500,000
<b>Financial Year Totals</b>	<b>\$815,000</b>	<b>\$195,000</b>	<b>\$1,350,000</b>	<b>\$750,000</b>	<b>\$500,000</b>



## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

43. *Kalamunda Advancing 2027: Strategic Community Plan*

OBJECTIVE 3.2: To connect community to quality amenities.

Strategy 3.2.2 Provide and advocate for improved transport solutions and better connectivity through integrated transport planning,

## SUSTAINABILITY

### Social Implications

44. The proposed Canning Road intersection improvements in the Town Centre (subject to the outcome of public consultation) and subsequent resurfacing of Canning Road from Kalamunda Road to Mead Street will make the area more attractive and provide a safer environment for all users.

### Economic Implications

45. Improved traffic management on Canning Road between Kalamunda Road and Mead Street will assist in strengthening the retail and commercial areas of the Town Centre, thus improving commercial viability for local businesses.

### Environmental Implications

46. Nil.

## RISK MANAGEMENT CONSIDERATIONS

47.

<b>Risk:</b> There is community opposition to some (or all) of the proposed traffic improvements to intersections in Canning Road.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/ Strategy</b>		
Ensure adequate engagement with community and key stakeholders prior to Council's approval.		

<b>Risk:</b> The works are not delivered as planned.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/ Strategy</b>		
Inform Council on priority of works as part of the Town Centre Improvement Plan.		

<b>Risk:</b> The works are delayed beyond the projected completion timeframe.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/ Strategy</b>		
Ensure sound Project Management processes and keep both the Council and the community regularly informed of progress.		

<b>Risk:</b> Project costs exceed the allocated funds.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Prepare detailed designs and construction estimates, monitoring construction activity in an appropriately managed way.		

### OFFICER COMMENT

48. The Traffic Study, read in conjunction with the subsequent Addendum as issued (refer Attachment 1), quantifies the future traffic demands to 2031 having regard to the potential for growth and possible future streetscape options identified in the 2010 Town Centre Improvement Plan. Furthermore, it provides recommendations on proposed streetscape modifications to Haynes Street and intersection improvements in the Town Centre, for consideration as part of the proposed Kalamunda Activity Centre Plan and associated community engagement.

### Voting Requirements: Simple Majority

#### OFFICER RECOMMENDATION (D&A 53/2017)

That Council:

1. Receives the Opus International Consultant’s report titled “Intersection Layout and Level of Service Study for the Kalamunda Town Centre dated May 2016 (including Addendum dated August 2016)”.
2. Notes the Opus International Consultant’s Intersection Layout and Level Service Study for the Kalamunda Town Centre (including Addendum) will be used as an informing document for the development of the Kalamunda Activity Centre Plan.
3. Endorses the following three intersection improvement projects for public consultation for a period of 42 days:
  - Canning Road/Mead Street mini roundabout (Attachment 2);
  - Canning Road/Heath Road turning modification (Attachment 3); and
  - Canning Road/Haynes Street mini roundabout (Attachment 4).

4. Notes that an amount of \$250,000 has been approved in the Shire of Kalamunda's Long Term Financial Plan in 2017/2018 for implementation of intersection improvement projects along Canning Road, with the extent of works subject to the outcomes of the community engagement process promoted for community consultation prior to undertaking resurfacing works on Canning Road between Kalamunda Road and Mead Street.
5. Requests a report to be presented to Council on the outcomes of community consultation, inclusive of a concept design and associated estimated cost estimate for the preferred options.

Moved:

Seconded:

Vote: **LAPSED**

*The Presiding Person sought a Mover and Seconder for the Substantive Motion. The Recommendation lapsed for want of a Mover.*

*Cr Michael Fernie moved an alternative recommendation to defer the item to the Ordinary Council Meeting to allow time for the Chief Executive Officer to provide a briefing session.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 53/2017)**

That Council:

1. Defer the item until the Ordinary Council Meeting and to request the CEO provide a briefing session in the interim.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (8/0)**

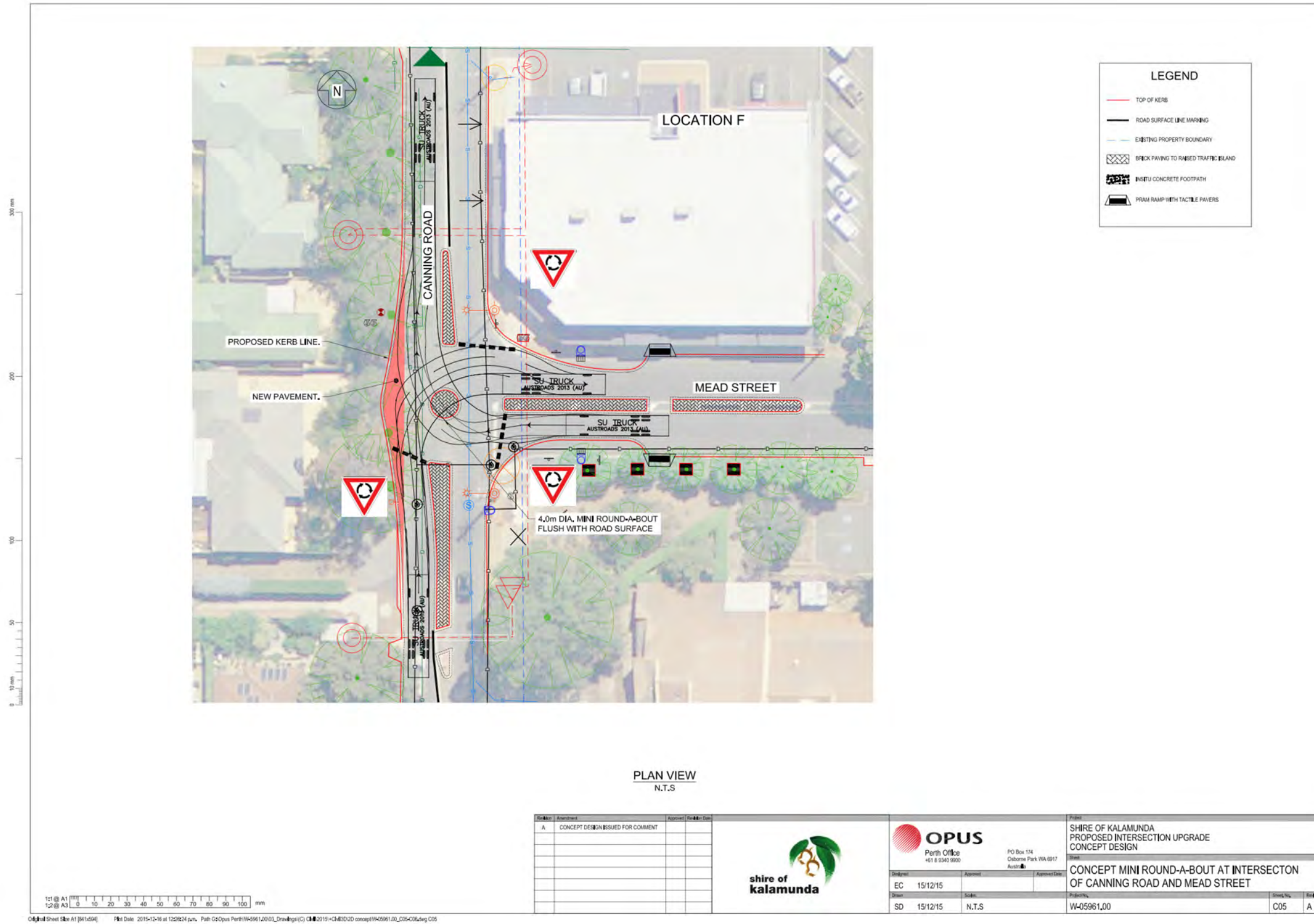
**Attachment 1**

Kalamunda Town Centre / Traffic Study

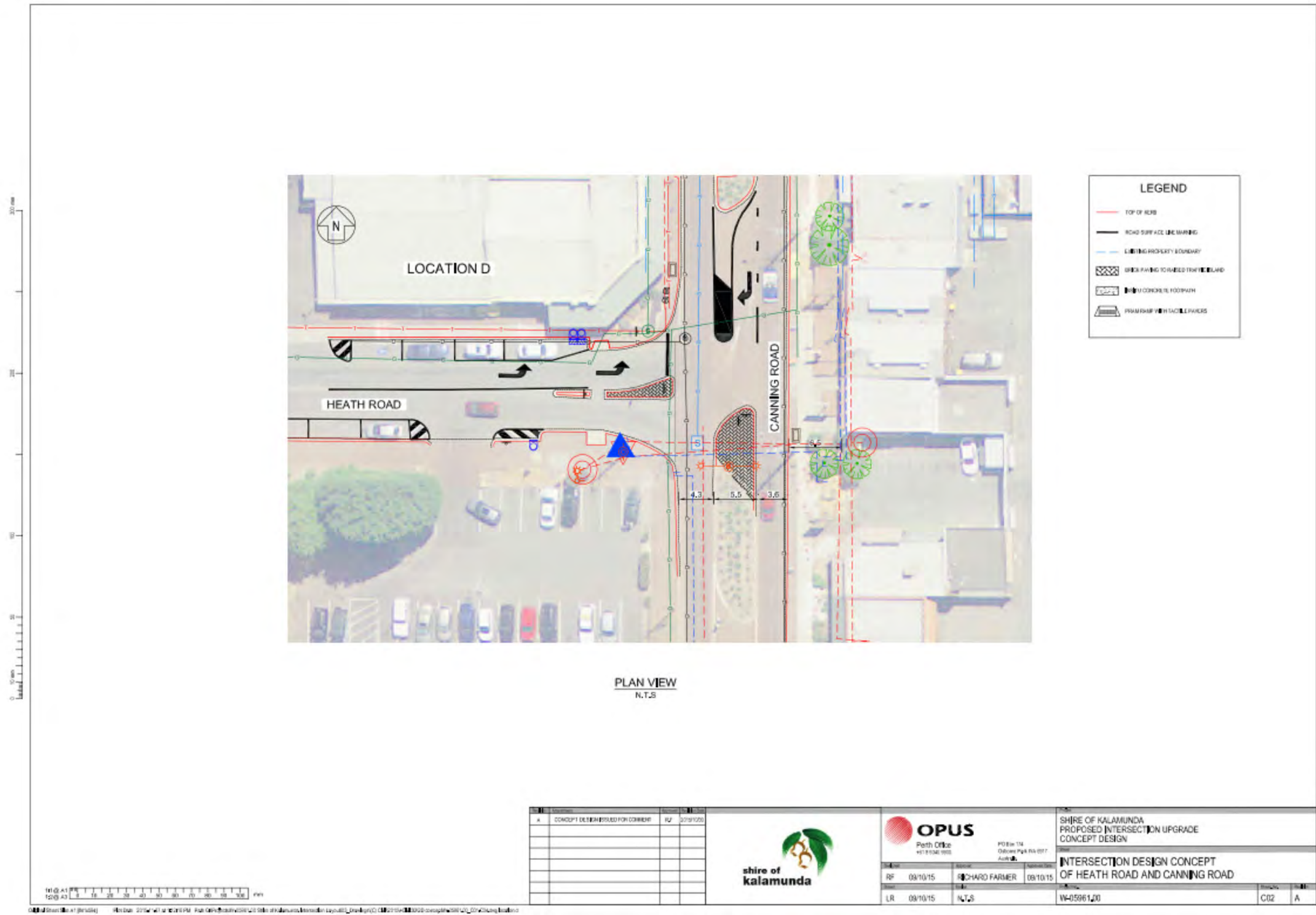
**Opus International Consultant's Intersection Layout and Level Service Study for the Kalamunda Town Centre (including Addendum)**

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

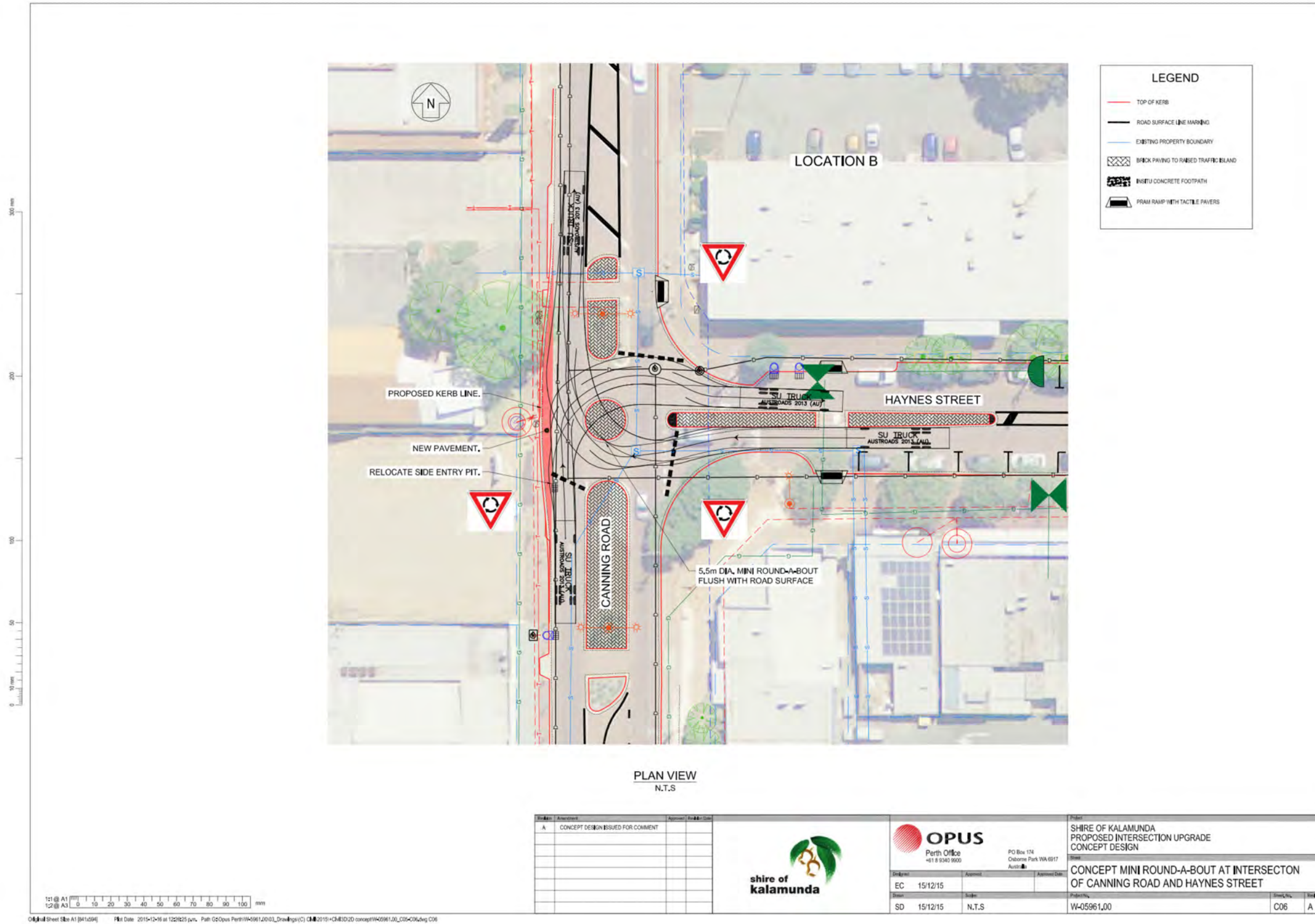
**Attachment 2**  
Kalamunda Town Centre / Traffic Study  
**Upgrade Concept for the Canning Road/Mead Street Intersection**



**Attachment 3**  
Kalamunda Town Centre / Traffic Study  
**Upgrade Concept for the Canning Road/Heath Road Intersection**



**Attachment 4**  
Kalamunda Town Centre / Traffic Study  
**Upgrade Concept for the Canning Road/Haynes Street Intersection**



**Attachment 5**  
Kalamunda Town Centre / Traffic Study  
**Proposed Canning Road Pedestrian Crossing**





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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Question taken on Notice from the Development & Asset Services Committee Meeting held on 6 June 2017.

Street Tree – Newburn Road, High Wycombe (Cr Dylan O'Connor)

Q. Can I please have an update on when the tree will be installed in the centre median strip on Newburn Road?

A. The Director Asset Services took this question on notice.

**Update:** The old stump and root ball were removed on 21 June and the replacement Bradford pear tree planted on 22 June.

11.2 Leave of Absence - (Cr Dylan O'Connor)

Q. Cr Dylan O'Connor asked, can I please confirm that my absence was noted when I left the room earlier during tonight's meeting?

A. The Presiding Person responded, absolutely it was, and I can verify this.

*Cr Dylan O'Connor then clarified that this question would be noted in the minutes. This was confirmed by the Presiding Member.*

**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 Confirmed Minutes – **KALAMUNDA ENVIRONMENTAL ADVISORY COMMITTEE SPECIAL MEETING - 23 MARCH 2017**

14.2 Unconfirmed Minutes – **KALAMUNDA ENVIRONMENTAL ADVISORY COMMITTEE ORDINARY MEETING - 4 MAY 2017**

**15.0 MEETING CLOSED TO THE PUBLIC**

15.1 Nil.

**16.0 CLOSURE**

16.1 There being no further business the Presiding Member declared the meeting closed at 9.08pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017