

# Public Agenda Briefing Forum

Minutes for 12 December 2017

**UNCONFIRMED**



**city of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

- 1.1 The Presiding Member opened the meeting at 6.37pm and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

John Giardina	(Mayor) (Presiding Member)	South East Ward
Michael Fernie		South East Ward
Geoff Stallard		South East Ward
David Almond		North West Ward
Sara Lohmeyer		North West Ward
Cameron Blair		North Ward
Tracy Destree		North Ward
Margaret Thomas [arrived at 7:18pm]		North Ward
Brooke O'Donnell		South West Ward
Allan Morton		South West Ward
Lesley Boyd		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
Simon Di Rosso	General Counsel, Executive Advisor
Peter Varelis	Manager Strategic Planning
Doug Bartlett	Manager Asset Planning and Management
Nicole O'Neill	Manager Customer & Public Relations
Kristy Lisle	Executive Research Officer

**Members of the Public** 33

**Members of the Press** 1

#### 2.2 Apologies

##### Councillors

Dylan O'Connor	North West Ward
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**2.3 Leave of Absence Previously Approved** Nil.

### **3.0 DECLARATIONS OF INTERESTS**

#### **3.1 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*.)

3.1.1 Nil.

#### **3.2 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.

3.2.1 Cr Sara Lohmeyer declared an interest affecting impartiality in relation to Item 10.2.5 Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale, as she has visited most of the residents on Jubata Court and has a family friend living in the street.

3.2.2 Cr Michael Fernie declared an interest affecting impartiality in relation to Item 10.2.12 Reconsideration of Determination of Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie, as he is a friend of the applicant.

3.2.3 Cr Geoff Stallard declared an interest affecting impartiality in relation to Item 10.3.3 Hummerston Road – Petition for the Construction of the Unmade Eastern Section to Fern Road, as he has family on Fern and Hummerston Roads.

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

4.1 Nil.

### **5.0 PUBLIC QUESTION TIME**

A period of maximum 10 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.

5.1 Felicity Morrell, 29 Jubata Court, Maida Vale (Item 10.2.5 Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

- Q1. With the development of the new train station and main highway being the main exit routes I feel that most of the traffic will come

through Jubata Court?

- Q2. I would like to seek clarification on the height restrictions of the planned 38 dwellings and if multi-storey developments will be allowed?
- Q3. There are a few trees on the verge that are starting to get to a decent height and would like to know if these will be retained?
- Q4. The water pressure is already suffering and concerns surround if the increase or buildings will decrease the supply?
- Q5. What restrictions will be placed on construction noise as there are shift workers in the street?

A. The Director Development Services confirmed questions have been put in writing. The applicant is not proposing to open up Gilba Place & Pimilea Street, it may be a proposal in the future. There may be a loss of some trees when the lots are developed, however those lots may be sold on to private buyers. It is not likely that there will be loss of trees on existing road verges. In terms of whether the blocks will have multi-storey dwellings, this will be up to the people who buy the blocks. The R Codes allow for two storey buildings which is generally a six metre wall height. The question relating to the water pressure is not something that the City can answer, however the developer will have to have regard to the water pressure and will have to consult with the Water Corporation. In terms of any development in the City, there are environmental noise regulations that have certain decibel hours to comply with during the day and night, and at all times development must comply with these regulations.

5.2 Harry Mazza, 811 Welshpool Road East, (Item 10.2.1 Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove)

- Q1. Has the Administration considered that this proposed tower is visually intrusive and does have an adverse visual impact?
- A1. The Director Development Services advised yes as the City's Planning Policy, Local Planning Policy and the State Planning Policy specifically require the City to make an assessment. In this instance there is not an impact.
- Q2. Refer to paragraph 50, why does the applicant think that this statement based on dubious fact can form a conclusion that seemingly satisfies the City and addresses all issues of those who oppose this tower?
- A2. The Director Development Services advised that she is not in a position to determine what the applicant thinks.

5.3 Geoff Anderson, Maida Vale (Item 10.2.5 Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale)

- Q1. Can we impose a condition to protect the trees on the reserve? Has an arborist considered these trees?
- A1. The Director Development Services, it is not normal at structure planning stage that we have that type of detail, the City would be happy to consider at subdivision stage.
- Q2. There does not appear to be a requirement for future lots to access the new road. Can Council confirm that this is not a condition?
- A2. The Director Development Services stated it is the City's preference for most of the lots to front the internal road.
- Q3. Can Council confirm that we can utilise access to Gilba Place subject to compliance with residential design codes and any advice received from a suitable qualified traffic engineer?
- A3. The Director Development Services advised that depending on the design of Lot 26, you can get access from Gilba Place, but again it is the City's preference for the lots to the rear to have frontage to the new road.

5.4 Kevin Gorman, Maida Vale (Item 10.2.1 Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment – Lot 39 (12) Lewis Road, Wattle Grove)

- Q1. What is a confidential submissions map and why would we need this?
- A1. The Director Development Services advised that this is required for the privacy of submitters and is standard for all development applications.
- Q2. On what grounds do the administration support the proposal for the tower as it contravenes several regulations?
- A2. The Director Development Services advised that the City have done an assessment and does not consider it contravenes.

**6.0 PUBLIC STATEMENT TIME**

6.1 Dick Lovegrove, Brentwood Road, Wattle Grove

Advocating for aged care and a plan to integrate aged care into the foot hills. Also mentioned impact of Cyclone Alby and question of whether City has done anything to prepare for something like this occurring again.

Councillor Destree gave a response. Referred to modelling that has been done through DFES.

**7.0 PUBLIC SUBMISSIONS RECEIVED IN WRITING**

7.1 Nil.

**8.0 PETITIONS RECEIVED**

8.1 Hummerston Road East to Fern Road, Piesse Brook.

8.2 Proposed closure of Lesmurdie Library.

**9.0 CONFIDENTIAL ITEMS ANNOUNCED BY NOT DISCUSSED**

9.1 Nil.

**10.0 REPORTS TO COUNCIL**

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



## **10.1 CORPORATE & COMMUNITY SERVICES**

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

### **10.1.1 Sponsorship Agreement with Kalamunda Chamber of Commerce**

*A deputation was received from Carolyn Babbage, President of the Kalamunda Chamber of Commerce in favour of the recommendation.*

*The Director Corporate & Community Services provided a presentation on this item.*

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Economic, Land & Property Services
File Reference	CO-LOS-007
Applicant	Kalamunda Chamber of Commerce
Owner	N/A
<a href="#">Attachment 1</a>	Memorandum of Understanding dated 1 January 2015
<a href="#">Attachment 2</a>	Sponsorship Agreement dated 9 September 2015
<a href="#">Attachment 3</a>	Letter from Kalamunda Chamber of Commerce dated 9 November 2017
<a href="#">Attachment 4</a>	Draft Sponsorship Agreement

## **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider approving the draft Sponsorship Agreement between the City of Kalamunda and the Kalamunda Chamber of Commerce.
2. The City of Kalamunda signed a Memorandum of Understanding with the Kalamunda Chamber of Commerce on 1 January 2015 for a five year period which outlines the relationship between the two parties and sets out a framework for collaboration (Attachment 1).
3. Later in 2015, the City entered into a Sponsorship Agreement with the Kalamunda Chamber of Commerce which identifies and agrees reciprocal financial arrangements of mutual benefit to both parties. The Sponsorship Agreement ran for a period of two years (Attachment 2).
4. Following the expiry of the initial agreement on 9 September 2017, a request to enter into a new agreement was received from the Kalamunda Chamber of Commerce on 9 November 2017 (Attachment 3).
5. It is recommended that Council approves the execution of the Sponsorship Agreement between the City of Kalamunda and the Kalamunda Chamber of Commerce.

## **BACKGROUND**

6. In 2014, the Officers and Councillors from the City of Kalamunda took part in a facilitated workshop with members of the Kalamunda Chamber of Commerce Executive which agreed principles for a sustainable relationship between the two organisations.
7. The outcome of this workshop was the development of the Memorandum of Understanding and a subsequent Sponsorship Agreement both executed in 2015.
8. Since the Memorandum of Understanding was executed in 2014 the two organisations have worked closely to engage local business with City representatives attending monthly breakfast and evening events.
9. The collaboration and understanding between the two organisations has grown significantly since the signing of the Memorandum of Understanding.
10. In particular, the collaboration between the organisations has progressed key relationships with Tourism Western Australia and Experience Perth in 2016/2017 financial year which has advanced the profile of the Perth Hills as a tourism destination.
11. The Kalamunda Chamber of Commerce is the only organisation within the City of Kalamunda with a remit to represent individual members of the local business community.

## **DETAILS**

12. The renewal of the Sponsorship Agreement would require a commitment from each party.
13. The City of Kalamunda:
  - Waiving rental charges ordinarily due pursuant to the lease dated 1 October 2011 for office space at the Zig Zag Cultural Centre.
  - Waiving fees ordinarily due pursuant to the City 'Schedule of Fees and Charges' for the 'trading in thoroughfares and public spaces licence' for the Kalamunda Night Market Series.
  - Waiving fees ordinarily due pursuant to the City 'Schedule of Fees and Charges' for the 'trading in thoroughfares and public spaces licence' for the weekly Kalamunda Farmers Market.
14. The Chamber:
  - Awarding the City of Kalamunda Platinum Sponsorship status of the Kalamunda Chamber of Commerce including a range of specific financial and promotional benefits.
  - Awarding the City of Kalamunda Platinum Sponsorship status of the Kalamunda Farmers Market including a range of specific financial and promotional benefits.
  - Awarding the City of Kalamunda Platinum Sponsorship status of the Kalamunda Night Market series including a range of specific financial and promotional benefits.

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## STATUTORY AND LEGAL CONSIDERATIONS

15. The Sponsorship Agreement includes provisions for variation and termination.

## POLICY CONSIDERATIONS

16. *Event Sponsorship and Donations Policy* (Policy Number yet to be allocated)

### 2. Purpose

2.5 **Partnerships** are specific agreements made under a Memorandum of Understanding (MOU) with a longer-term commitment, and a broader range of significant outcomes to achieve, in collaboration with an external stakeholder. Partnerships are not governed by this policy.

17. The Sponsorship Agreement with Kalamunda Chamber of Commerce does not fall within Event Sponsorship guidelines, there is a Memorandum of Understanding in place executed in December 2014 which provides the framework within which the two organisations collaborate.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

18. The Manager of Customer and Public Relations has been consulted and supported the proposed Sponsorship Agreement.

### External Referrals

19. The Kalamunda Chamber of Commerce requested on 9 November 2017 that the Sponsorship Agreement be approved for a further two year period, attaching a draft new Agreement.

Consultation has taken place with the Kalamunda Chamber of Commerce which has indicated that it is satisfied with the proposed Sponsorship Agreement (Attachment 4).

## FINANCIAL CONSIDERATIONS

20. In the 2017/18 budget, the City has allocated \$27,460 towards sponsorship of the Bickley Harvest Festival. The event is organised and managed by the Kalamunda Chamber of Commerce.

Rental charges pursuant to the lease dated 1 October 2011 for office space at the Zig Zag Cultural Centre amount to \$3,880 plus CPI per annum.

Annual fees pursuant to the City 'Schedule of Fees and Charges' for the 'trading in thoroughfares and public spaces licence' for the Kalamunda Farmers Market amounts to \$7,007.

Annual fees pursuant to the City 'Schedule of Fees and Charges' for the 'trading in thoroughfares and public spaces licence' for Kalamunda Night Market series amounts to \$1,264.

The total of revenue waived amounts to \$12,151 per annum for two years.

The value attributed to the benefits of platinum sponsorship that the City would receive is \$12,000 which is approximate to the revenue which would be waived under the Agreement.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

21. *Kalamunda Advancing: Strategic Community Plan to 2027*

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

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

## SUSTAINABILITY

### Social Implications

22. Continued collaboration between the organisations should result in a stronger regional advocacy for the community and more opportunities to further promote the tourism profile of the region.

### Economic Implications

23. The Kalamunda Chamber of Commerce currently employs about 1.8 FTEs.
24. A renewed Sponsorship Agreement would support the valuable work undertaken by the Chamber on behalf of the business community, which would not be performed by other organisations.

### Environmental Implications

25. None.

## RISK MANAGEMENT CONSIDERATIONS

26.	<b>Risk:</b> The renewal of the Sponsorship Agreement with the Kalamunda Chamber of Commerce is not supported.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	Ensure that Councilors are aware of the benefit of the Sponsorship Agreement to the City of Kalamunda.		

## OFFICER COMMENT

27. The collaboration between the two organisations has functioned very well over the last 2 years.

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28. The City has benefitted from the status of Platinum sponsor of the Kalamunda Chamber of Commerce.
  29. The waiver of fees and charges has enabled the Kalamunda Chamber of Commerce to develop the Farmers Market into a multi award-winning event that attracts visitors from across the Perth Metro area.
  30. The waiver of fees and charges has also allowed the Kalamunda Chamber of Commerce to seed-fund the Kalamunda Night Markets and establish them as a place activator for the Kalamunda town centre and a major tourism attraction.
  31. The continuation of the Sponsorship Agreement with the Kalamunda Chamber of Commerce progresses the City of Kalamunda's commitment to a collaborative working relationship, strengthening business ties.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Approves the execution of the Sponsorship Agreement between the City of Kalamunda and the Kalamunda Chamber of Commerce.

Moved:

Seconded:

Vote:

## 10.2 DEVELOPMENT SERVICES

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

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

*Deputations against the recommendation were received from Leonie and Kevin Gorman, Harry Mazza and Peter O'Malley. Each were opposed to the development and provided views on alternative locations and requested further information.*

*A deputation was received from Ben Doyle from Planning Solutions representing the applicant. Mr Doyle provided Council and members of the public with a power point presentation and spoke in favour of the officer's recommendation. A photo montage was presented to Council showing a slim line pole and different fields of view. Mr Doyle asked that the public's photo montage be dismissed as it is not an accurate representation of the proposed tower. Mr Doyle advised that if the application is refused, his client will proceed through the SAT process.*

*The Director Development Services provided a presentation on this item.*

*Questions were asked by Councillors Destree, O'Donnell and Giardina and were clarified by the Director Development Services.*

Previous Items	OCM 67/2016, OCM 43/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	LW-04/012
Applicant	Planning Solutions/ Optus Mobile Pty. Ltd.
Owner	Stuart & Jenny Chamberlain
<a href="#">Attachment 1</a>	Alternative Sites Assessment
<a href="#">Attachment 2</a>	Zoning Plan
<a href="#">Attachment 3</a>	EME Report
<a href="#">Attachment 4</a>	Site Plan and Set-out plans
<a href="#">Attachment 5</a>	Location Plan
<a href="#">Attachment 6</a>	Elevations
<a href="#">Attachment 7</a>	Applicant's submission report
<a href="#">Attachment 8</a>	Applicant's Site Photographs 2016
<a href="#">Attachment 9</a>	Applicant's Submission Letter – Revised Plans
<a href="#">Attachment 10</a>	Submission Table – Advertising November 2016
<a href="#">Attachment 11</a>	Submission Table – Advertising May 2017
<a href="#">Attachment 12</a>	Mobile Phone Coverage Maps
<a href="#">Attachment 13</a>	Optus Community Engagement Session
Confidential Attachment 14	Confidential Submissions Map
Reason for confidentiality: <i>Local Government Act 1995 S5.23(2)(b) – "the personal affairs of any person."</i>	

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council, in accordance with orders from the State Administrative Tribunal (SAT), pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, to reconsider the decision made at the Ordinary Council Meeting on 24 July 2017, to refuse the application for the proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment on Lot 39 (12) Lewis Road, Wattle Grove (the Site).
2. An application for a telecommunications monopole and ancillary equipment was presented to OCM on the 19 December 2016 with a resolution to defer the application. The applicant explored alternative sites and provided an additional report back to the City, providing reasons to exclude Hartfield Park for reasons of Class A Reserve limitations.
3. A revised plan was submitted to the City and that application was presented to the OCM on 24 July 2017 whereby the application was refused for the following reason:  
  
*Council 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.*
4. The applicant subsequently lodged an application for appeal with the State Administrative Appeals Tribunal (SAT). Mediation between the City and the applicant took place on 22 September 2017. Following mediation the (SAT) has issued an order for Section 31, request for reconsideration. Revised plans have been submitted to the City and this is described within the details section of this report.
5. It is recommended that the proposal as per the submitted modified plans be approved with conditions.

## BACKGROUND

### 6. Land Details

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

7. 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 City. Council considered a Draft Planning Policy P-DEV52: Telecommunications Infrastructure at its Ordinary Meeting held 28 March 2016 and the policy was adopted July 2016.

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8. At its Ordinary Meeting held 19 December 2016,(OCM 67/2016) Council resolved the following in relation to the proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment on the subject site:
- a) *The applicant and the City 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.*
9. The surrounding area is predominantly characterised by rural properties and bush forever (open space). The site is also approximately 480m to low density residential sites in Forrestfield. The subject site is (9549m<sup>2</sup>) consistent with surrounding lots within the reserve and is currently being utilised for business purposes. The site currently contains an animal supplies outlet as well a bird, reptile and fish sales outlet.
10. Further to the resolution of Council 19 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 1 Alternative Sites Assessment).
11. 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.
12. 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.
13. 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.
14. 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.



15. Council considered the revised plans and details relating to the investigation of alternative sites and resolved to refuse the development application on 24 July 2017 (OCM 43/2017). Following this the applicant has lodged a request for the decision to be reviewed by the State Administrative Tribunal (SAT) with request received on 25 August 2017.
16. A Directions hearing of SAT was undertaken on 8 September 2017 with the meeting adjourned to establish a compulsory conference to be held on site at 10am and afterwards at the Council's offices on 22 September 2017. (DR271/2017). The following people were invited to attend to have an opportunity to speak at the commencement of compulsory conference:
  - a) Judy O'Malley – 44 Lewis Road, Wattle Grove
  - b) Peter O'Malley – 44 Lewis Road, Wattle Grove
  - c) Harry Mazza – 811 Welshpool Road, Wattle Grove
  - d) Kevin & Leonie Gorman – 20 Lewis Road, Wattle Grove
17. Council resolved at a Special Council meeting on 11 September 2017 to nominate two Councillors to attend an on-site Conference.

The full text of Council's resolution was as follows –

*That Council:*

- 1. Nominate Councillor John Giardina and Councillor Noreen Townsend to attend the Compulsory Conference scheduled for 10 am on 22 September 2017 in the matter of Optus Mobile Pty Ltd v City of Kalamunda, Planning and Development Act 2005 – section 251(1) – DR 271/2017 (Compulsory Conference).*
  - 2. For the purposes of the Compulsory Conference, authorise the nominee Councillors as set out above in paragraph 1 of this Resolution, to:*
    - a) enter into negotiations in regard to any possible alternative locations for the Optus Mobile Monopole within the subject site in order to report back to the Council in the event that the Tribunal so orders;*
    - b) consider any other alternatives or modifications as may be suggested by the Applicant; and*
    - c) Engage in discussions about alternative sites for the infrastructure with the Applicant pursuant to clause 2 of Council Resolution OCM 127/2017, being that 'Council request the applicant to work with Councillors and staff to investigate alternative sites'.*
18. On 26 September 2017, SAT provided an order that:
    - a) Pursuant to s 31 (1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on or before 30 November 2017.
    - b) The proceeding is adjourned to a further directions hearing at 2pm on 8 December 2017 at 565 Hay Street, Perth, Western Australia.

- c) The applicant on 6 November 2017 notified the tribunal that due to delays in supplying revised plans the item was too late to be included in the November round of Council meetings. The applicant has requested orders be amended such that Order 1 inviting the respondent to reconsider its decision on or before 19 December 2017 and Order 2 listing the matter for a further Directions hearing on or before 22 December 2017, should the respondent approve the application, they expect to adjourn the directions hearing pending receipt of the notice of approval. If the respondent resolved to refuse the application, they advise that they would seek to program dates for a final hearing.

19. The conclusion of the conference meeting of 22 September 2017 that it was agreed by both parties that the applicant would submit amended plans.

### Locality Plan

20.



- Current proposed location
- Previously proposed location

### DETAILS

21. The applicant has stated that further investigations have confirmed the facility can be reduced a further 2 metres to an overall height of 34.5m. It is stated that this is the minimum height that can be achieved without compromising the coverage objectives for the telecommunications facility.

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. (See Attachment 7)

22. The mast is proposed to be located approximately 40 metres from the nearest residential dwelling abutting the western boundary of the site at 850 Welshpool Road East, 110m approximate distance from the dwelling at 20

Lewis Road abutting the eastern boundary of the site, and approximately 1290m from the nearest boundary of the Forrestfield Primary School.

23. The applicant confirms that the existing large tree will be retained. As noted on the site layout and set out plan (Drawing P0642-G3) See Attachment 4, it is stated by the applicant that some localised pruning of some tree branches may be required; however, this will not significantly alter the appearance of the tree. Contractors undertaking the pruning and associated installation works will be instructed to prune the minimum amount necessary to allow for safe installation and operation of the facility.

24. The applicant states that as depicted on the Site Layout and Set out Plan, See Attachment 4, the monopole is set back 5.0m from the Welshpool Road East boundary and fence line. The applicant states that suitable screening landscaping will be provided in the setback area, to mitigate the appearance of the infrastructure proposed at ground level.

The applicant states that they consider the provision of landscaping can be readily addressed as a condition of planning approval, requiring landscaping to be provided in consultation with the City's Manager Parks and Environment, to the satisfaction of the City. The applicant has stated that they would be pleased to select suitable locally native and water wise species in consultation with the City.

25. In summary, the revised set of plans received by the City on the 31<sup>st</sup> October 2017 proposes the following:
- a) Reduced height from 36.5m to 34.5m in height;
  - b) 25m to the western boundary;
  - c) 57m to the eastern boundary;
  - d) Maintaining 5 metres setback to Welshpool Road East (Previously 3 metres);
  - e) 95m from Lewis Road frontage; and
  - f) 110 metres approximate distance from dwelling at 20 Lewis Road, Wattle Grove.

19. The applicant has stated that they would be pleased to paint the monopole and ground level infrastructure any colour to the satisfaction of the City. The amended plans as mentioned by the applicant nominated as 'Pale Eucalypt' as suggested by former Cr Townsend when she participated in on-site mediation. The applicant has mentioned a willingness to be guided by Council with respect to colour.

21. At the time of writing this report, the applicant has not provided a photo simulation of the revised location for the telecommunications infrastructure and its relationship to surrounding development. The applicant has advised however this information will be provided to City, which will be circulated to the elected members under separate cover.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

20. 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.'*

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

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.'

The following assessment table outlines the requirements of the Scheme and outlines the changes as original proposed, amended and current provisions.

<b>LPS3 Table 2 Requirement (Rural Composite Zone)</b>	<b>Requirement</b>	<b>Original proposed</b>	<b>Revised proposal 6/6/17</b>	<b>Current Proposal 31/10/17</b>
Setback Front (Lewis Road)	20 metres	141.0m	90.0m	95.0m
Setback Minor Street (Welshpool Road East)	15 metres	3.0m	4.5m	5.0m
Setback Side (East)	10 metres	12.381m	50.0m	57.0m
Setback Side (West)	10 metres	107.0m	15.0m	25.0m
Site Cover	N/A	N/A	N/A	N/A
Plot Ratio	N/A	N/A	N/A	N/A
Landscape Strip (road frontage)	5 metres	Existing Landscape Strip remains	Existing Landscape Strip remains	Existing Landscape Strip remains *note the applicant will be providing appropriate landscaping of the 5m strip.

22. In considering an application for planning approval, Clause 67 of the Regulations (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings.
  - Any approved Statement of Planning Policy of the Western Australian Planning Commission.
  - The preservation of amenity of the locality.
  - The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.
  - Any relevant submissions received during advertising or from any authority consulted.

23. 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**

24. 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:
- a) The compatibility of the development within its settings;
  - b) Amenity in the locality;
  - c) 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
  - d) Any relevant submissions received on the application.

25. Noting, the application forms part of a Section 31 request for reconsideration, if the Council refuses the application, the applicant has indicated that it will seek orders from the Tribunal to proceed to a full hearing.

## **POLICY CONSIDERATIONS**

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

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

27. 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."

28. In regard to the visual impact and siting of telecommunications infrastructure, SPP 5.2 contains several planning principles to be considered which are summarised as follows:
- Located where the facility will not be prominently visible from significant viewing locations, such as scenic routes, lookouts, and recreation centres.
  - Located so as to avoid detracting from a significant view of a landmark, streetscape, vista or panorama, whether viewed from public or private land.

- Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised.
- Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.
- Located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.
- Facilities should be co-located whenever possible.

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

29. Local Planning Policy P-DEV52 – Telecommunications Infrastructure (P-DEV52) was considered at Council's Ordinary Meeting on 28 March 2016 for approval to commence public advertising and was adopted by Council at the July 2016 Ordinary Council meeting.
30. The objectives of P-DEV52 is as follows:  
'The City recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The City 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.'
31. P-DEV52 recognises that the City 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.
32. 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 City is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, the City may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

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

#### **External Referrals**

34. 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 City's website.

During the initial November 2016 advertising period, the City 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:

- a) The proposal is located too close to the adjoining properties and potential health issues resulting from exposure to EME.
- b) Visual amenity impacts of the facility.
- c) The proposal will devalue properties in the area.
- d) Other locations would be more appropriate.
- e) 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 City.

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).

35. 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 or 31<sup>st</sup> October 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 and now to 5.0m from Welshpool Road.

36. At the request of the SAT, landowners were invited to attend the compulsory mediation undertaken on site on the 22<sup>nd</sup> September 2017.

37. Whilst there is no requirement to refer the amended plans to surrounding residents for comment, the proposal was referred out informally. At the time of writing this report, comments have not been received. Any comments received however will be forwarded to Councillors under separate cover a confidential attachment.

## **FINANCIAL CONSIDERATIONS**

38. In the event that Council resolves to refuse the application, it is anticipated that the proponent will continue to appeal the decision to the State Administrative Tribunal (SAT) which would likely involve a full hearing to determine the appeal. Notwithstanding Council has its own legal counsel, there may be costs incurred in the City engaging expert planning witnesses, which could be in the vicinity of \$20,000.



## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

39. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1 – To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

## SUSTAINABILITY

### Social Implications

40. 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 27 and 31 of this report for more detail discussion on this matter.

### Economic Implications

41. 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

42. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 43.
- |  |                    |               |
|--|--------------------|---------------|
| <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

44. 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 City 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 applicant has lowered the height of the monopole facility a further 2 metres to 34.5m in height and agreed to paint the monopole a 'pale eucalypt' colour to further ameliorate concerns regarding the visual appearance of the facility.

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

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

**Other locations would be more appropriate:**

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

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

Alternative sites were reviewed and analysed as part of the site selection process. Please see Attachment 1 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.

46. The applicant is seeking a setback variation to the secondary 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 5.0m setback in lieu of the 15m required under the Scheme. Should the proposal be setback an additional 10.0m from Welshpool Road East to comply with the setback requirements of the Scheme, it is considered that the visibility of the 34.5m 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.

47. 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 the original 12.381m to 57m. 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. The location of the monopole tower behind significant vegetation, and painted 'pale eucalypt' in colour as suggested will mitigate concerns relating to visual impact by those travelling along Welshpool Road East.
48. 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 City is guided by Scheme and policy requirements, and aside from the secondary street (Welshpool Road) setback variation, the proposal is considered to be compliant.
49. As noted previously in the report, the applicant has not provided a photo simulation of the revised location for the telecommunications infrastructure and its relationship to surrounding development. The applicant has advised however this information will be provided to City, which when received will be circulated to the elected members under separate cover. Please note that the photo simulation will show the telecommunications tower located further to the west of the site approximately 57m from the common lot boundary with 20 Lewis Road and the height of the tower lowered by 2.0m.
50. In conclusion, the applicant has sought to address community concerns by revising the design and repositioning the telecommunications facility further from adjoining lot boundaries. The proposed telecommunication facility will deliver an improved mobile phone coverage service for the Wattle Grove area. 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.

<b>Voting Requirements: Simple Majority</b>
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## **OFFICER RECOMMENDATION**

That Council:

1. Approves the planning application for a telecommunications facility Lot 39 (12) Lewis Road, Wattle Grove, subject to the following conditions:
  1. The development shall be carried out only in accordance with the terms of the revised plans dated 31 October 2017 application as approved herein, and any approved plan.

2. 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 City of Kalamunda.
3. Development works shall be carried out in accordance with AS 4970 2009 "Protection of Trees on Development Sites".
4. 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 City of Kalamunda.
5. No building materials, rubbish or any other matter shall be deposited on the site after construction of the development is completed to the satisfaction of the City of Kalamunda.
6. Prior to the removal of vegetation branches or pruning, the applicant shall provide a report from a suitably qualified arborist, detailing the species and health of the trees impacted by any proposed works, and any recommendations provided shall be implemented to the satisfaction of the City of Kalamunda.
7. Prior to lodgement of the Building Permit application, a detailed landscaping and reticulation plan for the 5m landscape strip shall be submitted to and approved by the City of Kalamunda.
8. Landscaping shall be completed in accordance with the approved landscape plan prior to completion of the telecommunication facility and thereafter maintained to the satisfaction of the City of Kalamunda.
9. Construction and maintenance access to the site shall be via the Lewis Road entry and not Welshpool Road East.

Moved:

Seconded:

Vote:

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

*The Manager Strategic Planning provided a presentation on this item.*

**10.2.2 Support for Local Planning Scheme No. 3 Amendment 83 – Deemed Provisions and New Model Scheme Text**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-LPS-003/083
Applicant	NA
Owner	Various
<a href="#">Attachment 1</a>	Advertised Scheme Amendment 83
<a href="#">Attachment 2</a>	Summary of Changes to Current Scheme Text
<a href="#">Attachment 3</a>	Schedule of Submissions
<a href="#">Attachment 4</a>	Summary of Changes Post-Advertising
<a href="#">Attachment 5</a>	Signing Page

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the adoption of Local Planning Scheme No. 3 (LPS3) Amendment 83.
2. Amendment 83 proposes to incorporate changes to the Model Scheme Text and the new Deemed Provisions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) into LPS3.
3. While there are a significant number of changes in Amendment 83, all of the changes are administrative in nature and do not alter the existing powers or responsibilities of the City.
4. It is recommended that Council support modified Scheme Amendment No. 83 as per Attachment 4 and forward the amendment and supporting documentation to the Western Australian Planning Commission for its consideration.

**BACKGROUND**

**5. Land Details:**

Land Area: Entire Scheme Area
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6. The existing LPS 3 is based on the Model Scheme Text as set out in the *Town Planning Regulations 1967*. The Model Scheme Text lists the generic parts and provisions that should be included in every local planning scheme and provides flexibility in certain provisions to add specific requirements for different scheme areas.

7. The Regulations replace the *Town Planning Regulations 1967*. In the Regulations, a new Model Scheme Text was introduced along with a series of 'Deemed Provisions'.
8. The new Model Scheme Text is generally similar to the previous Model Scheme Text; some provisions have been reworded for clarity or moved to more appropriate locations but the power and responsibility of the City has not been altered. Some parts of the Model Scheme Text have now been removed and inserted as Deemed Provisions.
9. The Deemed Provisions are a set of provisions that replace any similar provisions in all local governments' schemes automatically. These provisions replace a number of parts of LPS3 with generic requirements that cannot be amended or superseded by any conflicting provisions. The Deemed Provisions apply to policy creation, heritage matters, structure plan processes, development approval processes, bushfire management, and enforcement.
10. While the Deemed Provisions cannot be superseded, the Regulations do give the City the ability to supplement the Deemed Provisions with requirements that apply on top of, but not conflicting with, the Deemed Provisions.
11. The Western Australian Planning Commission (WAPC) requires all local governments to accord with the new Model Scheme Text and to remove any conflicting or obsolete provisions from their existing Local Planning Schemes.
12. Since the Deemed Provisions were gazetted in October 2015, readers have been required to reference both the City's existing LPS3 and the Deemed Provisions. This creates a cumbersome process especially where there may be conflicting provisions. In those cases, the City must respond to enquiries on how to interpret the conflicts.

## DETAILS

13. The advertised Amendment 83 (Attachment 1) is a redrafting of LPS3 to:
  1. Reformat in accordance the new Model Scheme Text;
  2. Remove obsolete provisions replaced by Deemed Provisions; and
  3. Include supplemental provisions.
14. Model Scheme Text  
The process to reformat LPS3 to match the Model Scheme Text consisted of extracting the Model Scheme Text from the Regulations and editing any areas that required customisation. This included objectives of the Scheme, names of zones, the land use permissibility table, development requirements, custom schedules, and other general requirements.
15. While editing, it was noted that a number of existing provisions in LPS3 did not have a similar provision in the Model Scheme Text to replace them. In some cases, those provisions were redundant and removed, or they were transferred to a Schedule. Redundant provisions were only removed where they are covered by a separate piece of legislation or policy, or they are not within the City's jurisdiction to enforce. Effectively, the power of the Scheme has not been reduced through any modification made in Amendment 83. A summary of the changes to the existing LPS3 is detailed in (Attachment 2).

- 
16.        Deemed Provisions  
The Deemed Provisions came into effect in October 2015. At the time of gazettal, some changes to the planning process occurred. The Deemed Provisions largely consist of administrative requirements such as which authority is responsible for determining applications, planning processes, and advertising requirements. The Deemed Provisions have been used by the City since October 2015. The purpose of Amendment 83 with regard to Deemed Provisions is to simply remove the conflicting provisions from LPS3 as they are no longer of any effect.
17.        Supplemental Provisions  
Supplemental Provisions are provisions that are currently within LPS3 that do not fit within the new Model Scheme Text but should apply on top of Deemed Provisions.
18.        The Regulations do not allow any Supplemental Provisions to conflict with Deemed Provisions.
19.        Two Supplemental Provisions have been included in Amendment 83. The first is to retain existing Schedule 5 by adding it to the requirements of Deemed Provisions Clause 61 'Development for which planning approval not required'. Since Schedule 5 'Exempt Advertisements' adds to Clause 61, without conflicting, it may be converted into a Supplemental Provision.
20.        The second Supplemental Provision is the 'Unkempt Land' provision from clause 5.22 of LPS3. This provision is not provided for within the Model Scheme Text or the Deemed Provisions, so it is now a Supplemental Provision under clause 85A, which comes under the 'Enforcement – Misc.' division of the Deemed Provisions.
21.        The Model Scheme Text portion is included in as Volume 1 of LPS 3.
22.        The existing and new Schedules are included in as Volume 2 of LPS 3.
23.        The Deemed Provisions portion is included in as Volume 3 of LPS 3.
24.        Since there can be no modifications made to the Deemed Provisions, all Supplemental Provisions are under the new Schedule 1 of LPS3.
25.        Mapping Changes  
Some administrative mapping changes will be required as all special areas such as heritage precincts, development areas, water catchments are now classed as Special Control Areas in Part 5 of Volume 1.

## **STATUTORY AND LEGAL CONSIDERATIONS**

26.        Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires a resolution of a local government to support a standard Local Planning Scheme amendment after advertising with or without modification.

## **POLICY CONSIDERATIONS**

27. P-DEV 45 – Public Notification of Planning Proposals is relevant. Refer to 'External Referrals' below for further discussion.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

28. The proposed Amendment 83 was referred to all the planning officers to use and test for the past six months. There were some administrative changes required, which have now been completed.
29. A summary of changes to the advertised Amendment 83 is included at (Attachment 4).

### **External Referrals**

30. The extent of advertising was a notice in the newspaper and advertising on the City's website. The Public Notification policy requires letters in a 100m radius of the affected area. In this instance, the entire Scheme area is affected by the change; however, given that Amendment 83 is largely administrative and doesn't affect any particular land parcels, no letters were sent. All relevant State Government agencies were notified individually.
31. A summary of submissions is provided at (Attachment 3). A total of 10 submissions were received, none of which objected to the proposal. A total of nine submissions were received from state government agencies and one submission was from a community member. No modifications are recommended as a result of the submissions.

## **FINANCIAL CONSIDERATIONS**

32. Administrative expenses are covered by current operating expenditure.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

33. *Kalamunda Advancing: Strategic Community Plan to 2027*

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 and sustainability of industrial, commercial and residential areas within the City.



## SUSTAINABILITY

### Social Implications

34. The new format of LPS 3 through Amendment 83 may cause some confusion for residents and other stakeholders initially. However, all planning staff are aware and knowledgeable of the changes and can answer any enquiries. Furthermore, staff have conducted investigations of other local governments who have recently adopted similar amendments. The format of Amendment 83 is similar to other local governments and can be considered as the format with which the Department of Planning is most comfortable. This format will also be employed during the drafting of the Local Planning Scheme Review.

### Economic Implications

35. Nil.

### Environmental Implications

36. Nil. The same protection is granted for environmental assets as previously.

## RISK MANAGEMENT CONSIDERATIONS

- 37.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Efficiency of LPS3 is compromised if the amendment is not supported. |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Likely  | Moderate           | High          |
| <b>Action/ Strategy</b>   |                    |               |
| Incorporate the updated deemed provisions into the City's LPS3.                   |                    |               |
| <b>Risk:</b> Delays with State Government could cause administrative issues       |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Insignificant      | Low           |
| <b>Action/ Strategy</b>   |                    |               |
| Engage early with State Government to ensure an agreed approach is taken.         |                    |               |

## OFFICER COMMENT

38. Amendment 83 is considered an omnibus amendment to LPS3 that redrafts the entire document. However, all of its changes are administrative in nature, meaning no part of the amendment removes or modifies any power or responsibility of the City as it currently exists.
39. Following Amendment 83, a number of further amendments will be proposed individually to make changes to certain provisions that are not considered administrative in nature. By excluding these changes from Amendment 83, the process should run efficiently with few issues. These future amendments include but are not limited to:

- a) Changing definitions of land uses;
  - b) Reconciling zones;
  - c) Modifying land use permissibility;
  - d) Removing redundant additional/special use zones; and
  - e) Moving some provisions to policy.
40. Other amendments are currently in the process of being advertised or gazetted. As these progress, Amendment 83 will be updated to reflect any changes following the advertising process. In this regard, since advertising Amendment 83, Amendments 79, 84, 85 and 31 have been Gazetted. As such, these amendments will need to be reflected in the final document in an appropriate format. The list of modifications post-advertising is included at (Attachment 4) which includes the Amendments that have been gazetted. As per Department of Planning policy, the modifications have not yet been made to the actual amendment document. The Council resolution is, therefore, to support the advertised Amendment 83 with modifications as listed in Attachment 4.
41. Aligning LPS3 with the Model Scheme Text and the Deemed Provisions will simplify the preparation of the future Local Planning Scheme No.4 (LPS 4). The preparation of LPS4 will look at a number of further amendments that will include administrative and complex changes to align with the planning initiatives foreshadowed in the new Local Planning Strategy. Preparation of the new Local Planning Strategy is currently underway with the first draft scheduled to be finalised in the first half of 2018.
42. In progressing Amendment 83, the City will become one of a few local governments in Western Australia that has undertaken the significant task of aligning LPS 3 with the updated state government planning framework in accordance with the Regulations.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Pursuant to Regulation 50 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports Amendment 83 to Local Planning Scheme No. 3 with modifications as at Attachment 4.
2. Forwards Amendment 83 to Local Planning Scheme No. 3 and supporting documents to the Western Australian Planning Commission for its consideration.

Moved:

Seconded:

Vote:

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

*The Manager Strategic Planning provided a presentation on this item.*

**10.2.3 Local Planning Scheme No. 3: Amendment 93 – Lot 65 Milner Road, Forrestfield – Special Use Zone – Final Adoption**

Previous Items	OCM125/2017
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-LPS-003/093
Applicant	Stephen Robertson
Owner	Brian Spencer

<a href="#">Attachment 1</a>	Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report
<a href="#">Attachment 2</a>	Final Amendment 93 Document
<a href="#">Attachment 3</a>	Summary of Submissions and Responses

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the final adoption of proposed Local Planning Scheme No. 3 (LPS3) Amendment 93 (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 (the Structure Plan).
3. A total of four submissions were received during the advertising period. A summary of submissions received and responses to submissions is provided in Attachment 3.
4. It is recommended that Council support Amendment 93 without modification and forward its decision to the Western Australian Planning Commission (WAPC).

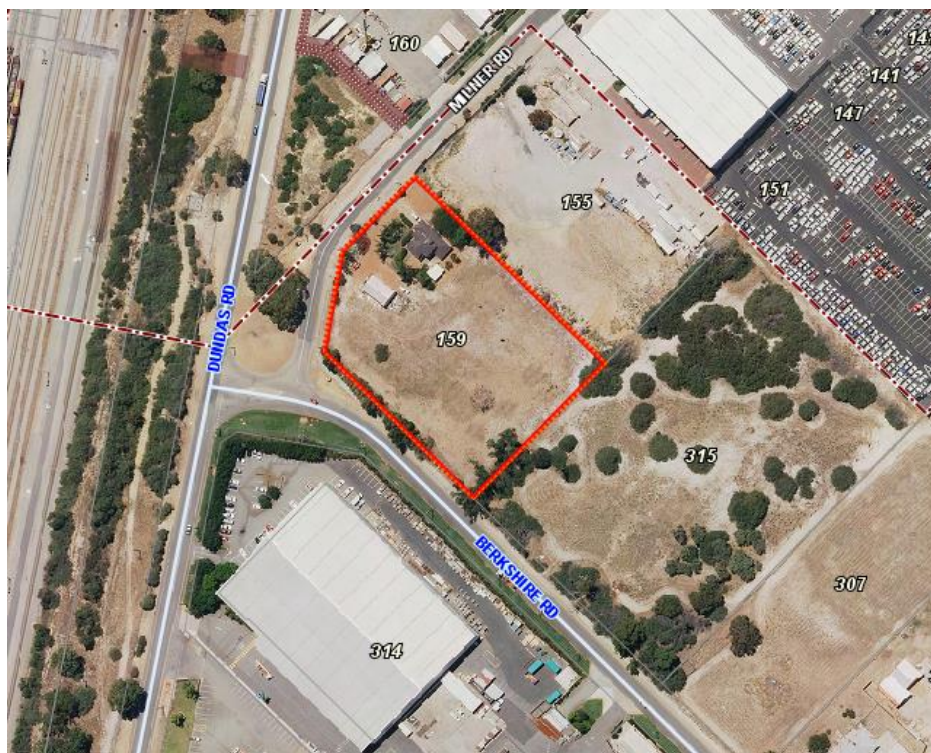
**BACKGROUND**

**5. Land Details:**

Land Area:	9149m <sup>2</sup>
Local Planning Scheme Zone:	Industrial development
Metropolitan Regional Scheme Zone:	Urban

## Locality Plan

6.



7. The Structure Plan is located within the City of Kalamunda (the City) 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.
8. The Structure Plan was prepared in 2012 to facilitate industrial subdivision and development within the area. Lot 65 is located in the western corner of the Structure Plan.
9. In April 2017 the City 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 City recommended the best course of action would be for the proponent to prepare a scheme amendment detailing a Special Use zone which retains the Industrial Development zoning as intended by the Structure Plan with additional uses that are sought by the applicant.
10. At the July 2017 OCM, Council adopted Amendment 93 for the purposes of public advertising.

## DETAILS

11. 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 Structure Plan.
12. 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.

13. 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.

14. 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 the LPS3 become Discretionary ("D") uses:

- Fast Food
- Restaurant
- Motor Vehicle Repairs
- Convenience Store

Identifying these uses as "D" uses will ensure officers exercise discretion in considering the proposed uses.

15. As part of the Special Use zone requirements, the following land uses become Permitted ("P") uses"

- Motor Vehicle Wash
- Service Station

Identifying these uses as "P" uses will provide prospective tenants certainty in land use permissibility.

16. Irrespective of the uses being identified as "P" or "D" uses, the City's LPS3 requires a development application for the future buildings that will facilitate the uses.

17. The proposed permissibility of the uses listed under the Industrial Development zone are to remain consistent with LPS3.

18. 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.

19. 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.

20. 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

21. The Amendment has followed the 'standard amendment' statutory process outlined in the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Amendment must be submitted to the WAPC for approval by the Minister for Planning.

## POLICY CONSIDERATIONS

22. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

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

- a) Approval Services
- b) Assets
- c) Environment and Parks
- d) Environmental Health

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

24. Approval Services:  
No comments provided.

25. Assets:
- a) The proposed short term modifications 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.
  - b) 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.

With conditions on the specific traffic movements however, the lot is considered to be capable of achieving safe vehicle access and egress.

26. Environment and Parks:  
No comments provided.

27. Environmental Health:
- a) Service stations have the potential to contaminate the surrounding land through the leaking of hydrocarbons and create significant stormwater runoff. The preliminary assessment identifies that there does not appear to be any major concerns to the proposed amendment having regard to the surrounding existing rural and industrial land uses and future transport and logistics orientated industrial uses. Additionally, the anticipated use will be required to contain any potential contaminants.
  - b) All amenity concerns from the proposed rezoning can be dealt with at the time of the development application process.

## **External Referrals**

28. The *Planning and Development (Local Planning Scheme) Regulations 2015* require notification to the State Government prior to public advertising of the Amendment. The City provided notice of the Amendment and advertised the documentation as follows:
- a) Submitted two copies of the Amendment to the Western Australian Planning Commission for review; and
  - b) Prior to advertising, forwarded the Amendment to the Office of the Environmental Protection Authority (OEPA) for consideration.
29. The OEPA were satisfied that the Amendment was suitable to be advertised.
30. Once the notice was prepared, the City advertised the Amendment for 45 days from 29 August to 13 October 2017 as follows:
- a) Published a notice in the newspaper circulating the scheme area;
  - b) Displayed a copy of the notice in the City offices for the period for making submissions;
  - c) Gave a copy of the notice to each public authority the local government considers likely to be affected by the amendment;
  - d) Published a copy of the notice and the amendment on the City's website
  - e) Erected a sign of the notice at the location of the proposed amendment; and
  - f) Advertised the amendment as directed by the Commission and in any other way the City considered appropriate.
31. Four submissions were received during the advertising period. A summary of all submissions received and responses is provided in Attachment 3.
32. The submissions were received from government agencies with an objection received from Main Roads WA (MRWA). The objection responded to the existing Structure Plan and not the proposed modified Structure Plan for the area. MRWA were requested to amend their comments to respond to the Modified Structure Plan. At the time of writing this report the revised comments had not yet been received from MRWA. If MRWA comments are received prior to this item being considered by Council, the comments will be provided to Council under separate cover.
33. The other submissions received were non-objections received from Department of Health (DoH), Department of Fire & Emergency Services (DFES) and Department of Biodiversity, Conservation and Attractions. No submissions were received from the general public.

## **FINANCIAL CONSIDERATIONS**

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

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## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

35. *Kalamunda Advancing: Strategic Community Plan to 2027*

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 and sustainability of industrial, commercial and residential areas within the City.

## **SUSTAINABILITY**

### **Social Implications**

36.                      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**

37.                      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 City in respect of its economic development and creation of jobs.

### **Environmental Implications**

38.                      The Amendment 93 is located where vegetation is predominantly cleared.
39.                      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.
40.                      Lot 65 sits outside the current and future Perth Airport ANEF contours.
41.                      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.
42.                      The LSP identifies the land is situated in an area that is subject to inundation.



## RISK MANAGEMENT CONSIDERATIONS

43.	<b>Risk:</b> The land is contaminated by futures uses (i.e. service station).		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Significant	Medium
	<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". Commercial competition is not a valid planning consideration.		

## OFFICER COMMENT

44. 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.
45. 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.
46. The location of Lot 65 is ideal for providing a service and amenity hub to the surrounding industrial uses. Modifying the Industrial Development zone more broadly to include such uses is not appropriate, nor would it be necessary 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.
47. In light of the above, it is recommended that Council support Amendment 93 without modification.

## Voting Requirements: Simple Majority

## OFFICER RECOMMENDATION

That Council:

- Pursuant to Part 5 Regulation 50(3)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 supports Amendment 93 to Local Planning Scheme No.3 without modification.

2. Pursuant to Part 5 Regulation 53 of the Planning and Development (Local Planning Schemes) Regulations 2015 forwards to the Western Australian Planning Commission the Summary of Submission and Responses and all required Amendment documentation.

Moved:

Seconded:

Vote:

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

*The Director Development Services provided a presentation on this item.*

*Councillor Boyd asked for clarification on the officer recommendation requested advertising on the policy. Director Development Services referred to recommendation four.*

**10.2.4 Proposed Amendment 97 to Local Planning Scheme No.3 – Lot 7 (41) Marion Way, Gooseberry Hill – Special Use Zone – Aged and Dependant Persons Dwellings**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	MR-07/041
Applicant	Site Planning and Design
Owner	Lisa and Steven Mueller
<a href="#">Attachment 1</a>	Applicant Report
<a href="#">Attachment 2</a>	Proposed Amendment
<a href="#">Attachment 3</a>	Concept Plan

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the adoption of Amendment 97 to Local Planning Scheme No. 3 (the Scheme) for the purpose of public advertising.
2. Amendment 97 proposes to rezone Lot 7 (41) Marion Way, Gooseberry Hill from Residential R5 to Special Use – Aged and Dependant Person's Dwelling with an associated residential density of R12.5. The owner of the property has submitted a concept plan that demonstrates how four aged and dependent person's dwellings could be located on the site. The site is currently developed, with a single house located on the property.
3. It is recommended to adopt Amendment 97 as a standard amendment for the purposes of public advertising in accordance with Attachment 1.

**BACKGROUND**

4. **Land Details:**

Land Area	3499m2
Local Planning Scheme Zone	Residential R5
Metropolitan Region Scheme Zone	Urban

5. The site is irregular in shape with dual frontage to roads and a single residential dwelling and associated structures currently on site.
6. In 2011 an application for a two lot freehold subdivision was refused by the Western Australian Planning Commission (WAPC) due to insufficient lot size.

7. In 2013 the City refused an application for four aged person's dwellings on the subject site. The reasons for the refusal are as follows:
  - a) The proposal did not comply with minimum lot size requirements as specified by the Residential Design Codes (the Codes)
  - b) The proposal did not comply with the minimum number of aged person's dwellings as required under the Codes.
8. The owner of the property entered into discussions with the City in 2016 with the intent of seeking information and possible approval for four aged and dependent person's dwellings on the site. Following assessment of the proposal and discussion with the WAPC as to the best way forward, the applicant decided to progress a Scheme amendment to allow for aged person's dwellings. The applicant has since lodged for a Scheme Amendment with the intent of allowing such a development in the future.

### Locality Plan

9.



## DETAILS

10. The proposed amendment incorporates the rezoning of the land from 'Residential – R5' to 'Special Use (Aged Person's Dwellings)', which also includes provisions being inserted into Schedule 4 of the Scheme with the following additional site specific development conditions (Attachment 2):

No.	Description of Land	Special Use	Conditions
SU 21	Lot 7 (41) Marion Way, Gooseberry Hill	Aged Persons Dwellings	<p>a) The following uses are not permitted unless specific approval is granted by the Council 'A' – Aged Persons Dwellings.</p> <p>b) The residential density of the Aged Persons Dwellings is R12.5. All development shall accord with the requirements of the Residential Design Codes for Special Purpose Dwellings.</p> <p>c) Development shall accord with the requirements of the State Government Sewerage Policy in respect to aged and dependent dwellings to the satisfaction of the Health Department of WA.</p>

11. In support of the proposed scheme amendment, the applicant has advised the following:
- a) The proposed amendment will facilitate the creation of more practical and useable lots than the current layout.
  - b) There is a lack of supply of aged and dependent person's dwellings in the area, while the population of Gooseberry Hill is aging and in need of varied housing stock.
  - c) The proposed concept complies with the provisions of State Planning Policy 3.7 – Planning in Bushfire Prone Areas, with a noted BAL rating of 29.

## STATUTORY AND LEGAL CONSIDERATIONS

12. Should Council resolve to adopt the amendment, it will determined in accordance with the *Planning and Development Act 2005* (the Act) the proposal will ultimately be determined by the Minister for Planning. If the proposal proceeds to the Minister's determination there is no right of review (appeal), irrespective of the Ministers decision.
13. In the event that Council does not resolve to adopt the amendment for the purpose of advertising, the process may cease, with no opportunity for the applicant to appeal the decision to the State Administrative Tribunal (SAT). Section 76 of the Act does however enable the Minister for Planning to order a local government to adopt an amendment to a Scheme for the purpose of public advertising. It is considered that this is only likely to occur only where the amendment has state or regional significance.

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

14. Clause 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme as well as justification for the type of amendment proposed (basic, standard or complex).
15. Under the Regulations the proposal is considered to be a standard amendment for the following reasons:
  - a) The proposal is considered to have minimal impact on land in the scheme area that is not subject of the amendment; and
  - b) It is considered that the amendment would not have any significant environmental, social, economic or governance impacts on land within the surrounding area.
16. Following adoption, the amendment must be referred to the Environmental Protection Authority (EPA) for their comments before being advertised in accordance with the requirements of the Regulations.

## Local Planning Scheme No. 3

17. Under the provisions of the Scheme 'Aged/Dependant Dwellings' is a 'P' (Permitted) use within the Residential zone, which means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.
18. Clause 5.3.1 of the Scheme states that consideration will be given to applications for aged persons dwellings where less than 5 dwellings are proposed in a single development.
19. Under the proposed Scheme Amendment 'Aged and Dependant Persons Dwellings' would be the primary use of the site.

## POLICY CONSIDERATIONS

### State Planning Policy 3.1 – Residential Design Codes

20. Aged and Dependant Persons dwelling is defined as follows within *State Planning Policy 3.1 – Residential Design Codes* as follows:

**"Special Purpose Dwelling** – Includes ancillary dwelling, aged or dependant persons' dwelling or a single bedroom dwelling".

'Aged Person' and 'Dependant Person' are defined under the R Codes as follows:

**"Aged Person** – A person who is aged 55 years or over".

**"Dependant Person** – A person with a recognised form of disability requiring special accommodation for independent living or special care".

21. The Residential Design Codes also outline specific deemed-to-comply provisions in regard to aged and dependant person's dwellings that any future development on the site will be required to meet. These deemed-to-comply provisions relate to plot ratio, visitor bays and outdoor living areas, as well as requirements that are specific to Australian Standard 4299 (Adaptable Housing) such as level entry ways, nib walls, and corridor width.

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

22. The subject site is located within a Bushfire Prone Area. Under the provisions of State Planning Policy 3.7 (SPP3.7) the land use of aged and dependant persons dwelling is considered to be a 'vulnerable land use', meaning a land use where persons may be less able to respond in a bushfire emergency. Because of this the applicant is required to submit a Bushfire Management Plan and Emergency Evacuation Plan for the approval of the City and the Department of Fire and Emergency Services (DFES).
23. As part of the report provided by the applicant a Bushfire Attack Level (BAL) assessment has been undertaken. The indicative BAL provided for the site is BAL-29. From a Planning perspective this is considered to be appropriate.

### **State Government Sewerage Policy – Perth Metropolitan Region**

24. The proposal is required to meet the all of the following provisions of the State Government Sewerage Policy as follows:
1. The development must meet a community need;
  2. The proposed lot sizes are 800sqm (R12.5) or more;
  3. There is no alternative site in the community suitable for the development where sewer is available;
  4. An identifiable owner or strata body exists to be responsible for the maintenance of the effluent disposal system; and
  5. The area identified for effluent disposal meets the requirements of Appendix 2 of the sewerage policy

Should the applicant be unable to meet the above requirements they are required to seek an exemption from the Department of Health.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

25. The proposed amendment was referred to all internal departments. The majority of comments returned did not indicate an objection to the proposal.
- Environmental Health noted the requirements of the State Government Sewerage Policy in respect to aged person's dwellings.
26. Noting the above, the applicant will be required to satisfy a number of criteria under the Policy relating to Aged and Dependant Persons Dwellings. These include the requirement for a single effluent disposal system common to all dwelling and satisfying a minimum 800m<sup>2</sup> (R12.5) lot size. These requirements will be included as a condition of the amendment relating to

compliance with the Policy. Ultimately however these are matters that can be addressed at the development application stage of the process. The amendment will be referred to the Department of Health for their comment as part of the advertising process.

### **External Referrals**

27. Should Council resolve to adopt the proposed amendment for advertising it will be submitted to the EPA for their comment and then advertised in accordance with the requirements of the Regulations and Local Planning Policy PDEV-45 (as amended) as a standard amendment, as follows:
- a) Publishing a notice in the local newspaper for two consecutive weeks;
  - b) Providing a copy of the proposal to each public authority likely to be affected;
  - c) Publishing a notice of the proposed amendment on the City's social media platforms;
  - d) Ensuring that a copy of the amendment is available for public inspection and the City's administration building; and,
  - e) Advertising the proposal in any additional ways that the Western Australian Planning Commission (WAPC) deems suitable.

The advertising period will be for a total of 42 days from the date of publication of the notice in the local newspaper. Should advertising commence between 15 December and 15 January an additional 14 days will be added to the above mentioned period in accordance with the City's Local Planning Policy *P-DEV 45 Public Notification of Planning Proposals*.

### **FINANCIAL CONSIDERATIONS**

28. In accordance with the *Planning and Development Regulations 2009* all advertising costs are to be borne by the applicant.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

29. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 1.1: To be a community that advocates, facilitates and provides quality lifestyles choices.

Strategy 1.1.1 Facilitate the inclusion of the ageing population and people with disability to have access to information, facilities and services.

OBJECTIVE 3.1: To provide for sustainable population growth.

Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.



## SUSTAINABILITY

### Social Implications

30. It has been noted by a number of studies (including the City's Aged Accommodation Strategy) that there is a shortfall of aged and dependant person's dwellings within the City. It is considered that the proposed Scheme Amendment will allow for additional aged persons dwellings within the City, thus allowing current residents to more easily 'age-in-place'.

### Economic Implications

31. Nil.

### Environmental Implications

32. In the event the amendment proceeds and is ultimately approved by the Minister for Planning, future development and bushfire management as part of the Asset Protection zone will require clearing of the site to accommodate future development as envisaged under the concept plan submitted. The site vegetation is characterised by Marri woodland and grassy understory. The extent of the clearing, and requirement to retain vegetation where practically possible will be determined at the development application stage of the planning process.

## RISK MANAGEMENT CONSIDERATIONS

- 33.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Adopting the Special Use zoning may cause intensification of the site, which may result in undue amenity and environmental impacts.  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Low           |
| <b>Action/ Strategy</b>   |                    |               |
| Ensure that as part of the amendment process the overall concept and coordination of appropriate land uses are determined, and that any future applications for development are assessed by the City through the development application process. |                    |               |
| <b>Risk:</b> Loss of mature vegetation associated with the future development of the site.  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Likely  | Significant        | High          |
| <b>Action/ Strategy</b>   |                    |               |
| Ensure that as part of the future development application process, the applicant works with the City to minimise vegetation loss through appropriate design and bushfire management control outcomes.   |                    |               |

## OFFICER COMMENT

34. It is considered that the proposed Scheme Amendment will allow for the opportunity to increase the amount of Aged and Dependant Persons' dwellings within the City, thus allowing the more residents of the City to more easily 'age-in-place' and providing a more diverse housing stock within the area.

35. Given the aging demographic of the Kalamunda locality, independent aged living dwellings will address a specific demand for this form of housing.
36. It is noted that the subject lot is located 1.9 kilometres to the Kalamunda District Shopping Centre for their daily/weekly shopping needs and 300m from the Gooseberry Hill shops on Railway Road. In addition to this, a search of the Trans Perth website indicates that there are seven bus stops within 500m of the subject site. It is considered that there is ample access to public transport.
37. It is important to note that future development of the site will need to accord with the requirements of the State Government Sewerage Policy and the Residential Design Codes, which will be included as conditions of the proposed Scheme amendment.
38. Advertising the proposed amendment will provide the community and broader stakeholders an opportunity to outline any concerns if any, to the proposed amendment.

<b>Voting Requirements: Simple Majority</b>
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### OFFICER RECOMMENDATION

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* amends Local Planning Scheme No. 3 by:
  - a) Rezoning Lot 7 (41) Marion Way, Gooseberry Hill from 'Residential – R5' to 'Special Use' (Aged and Dependant Persons Dwellings zone;
  - b) Amending Schedule 4 of the Scheme by inserting the following provisions:

No.	Description of Land	Special Use	Conditions
SU21	Lot 7 (41) Marion Way, Gooseberry Hill	Aged and Dependant Persons Dwellings	<ol style="list-style-type: none"><li>a) The following uses are not permitted unless specific approval is granted by the Council ('A')<ul style="list-style-type: none"><li>- Aged and Dependant Persons Dwellings</li></ul></li><li>b) The residential density of the Aged and Dependant Persons Dwellings is R12.5. All development shall accord with the requirements of the Residential Design Codes for Special Purpose Dwellings.</li><li>c) Development shall accord with the requirements of the State Government Sewerage Policy in respect to aged and dependent dwellings to the satisfaction of the Health Department of WA.</li></ol>

- c) Amending the Scheme Map accordingly.

- 
2. Considers Amendment 97 to Local Planning Scheme No.3 as a standard amendment under Clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
    - a) The proposal is considered to have minimal impact on land in the scheme area that is not subject of the amendment; and
    - b) It is considered that the amendment would not have any significant environmental, social, economic or governance impacts on land within the surrounding area.
  3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Scheme amendment 97 – Special Use zone Aged and Dependent Dwellings o Local Planning Scheme No. 3 to the Environmental Protection Authority.
  4. Subject to Section 81 and 82 of the *Planning and Development Act 2005* advertises Scheme amendment 97 – Special Use zone Aged and Dependent Dwellings to Local Planning Scheme No. 3 in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals.

Moved:

Seconded:

Vote:

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

**10.2.5 Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale**

*A deputation was received from John Burgess, Director of Burgess Design Group representing the applicant and spoke in favour of the recommendation.*

*Questions were asked by Councillor Lohmeyer and were answered by Mr Burgess.*

*A community member asked for clarification on why the new train station will be referred to as Forrestfield Station. The Chief Executive Officer advised that it was originally named after the electorate of Forrestfield and informed the public that notification had been received that there will be a competition to rename the station.*

*The Director Development Services provided a presentation on this item.*

Previous Items	OCM 112/2016 OCM 140/2017
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-LPS-003/087
Applicant	Burgess Design Group.
Owner	Overgold Corporation Pty Ltd - Lot 25 (7) Gilba Place & Heather and Jeffery Anderson – Lot 26 (34) Brewer Road, Maida Vale.
<a href="#">Attachment 1</a>	Proposed Local Structure Plan Map
<a href="#">Attachment 2</a>	Superseded Local Structure Plan Map
<a href="#">Attachment 3</a>	Existing Cell 6 Structure Plan Map
<a href="#">Attachment 4</a>	Applicant's Structure Plan Amendment Request Report
<a href="#">Attachment 5</a>	Environmental Assessment Report
<a href="#">Attachment 6</a>	Bushfire Management Plan
<a href="#">Attachment 7</a>	Transport Impact Assessment
<a href="#">Attachment 8</a>	Engineering Services Report
<a href="#">Attachment 9</a>	Submission Table
Confidential Attachment 10	Confidential Submitters Details
<u>Reason for Confidentiality:</u> "Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"	

**EXECUTIVE SUMMARY**

1. The purpose of the report is to consider the Structure Plan Amendment to incorporate 1.93ha of land at Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale into the approved Maida Vale Cell 6 Structure Plan (Structure Plan), as shown in Attachment 1.
2. The Structure Plan Amendment has been previously considered by Council at the August 2017 Development and Assets Services Committee Meeting (OCM

140/2017) where it was resolved to defer the above item pending a revised road alignment to allow the two properties to develop independently.

3. Following a meeting between the two landowners, a revised road alignment has been prepared (Attachment 1).
4. It is recommended that Council recommends that the Western Australian Planning Commission (WAPC) approve the Structure Plan Amendment.

## BACKGROUND

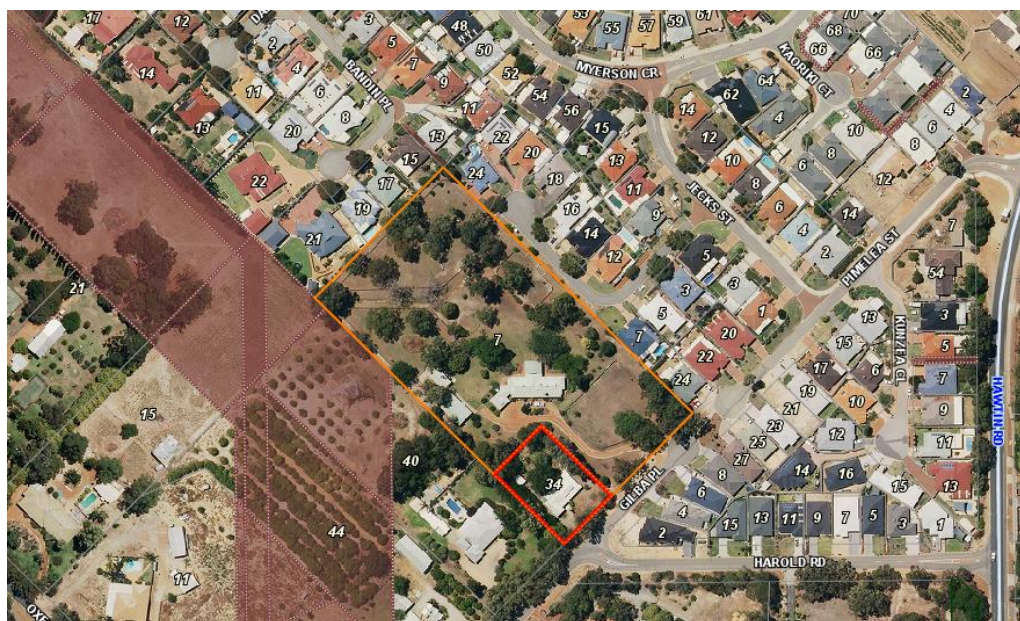
5. The Maida Vale Cell 6 Structure Plan was originally approved by the WAPC on 1 November 1994. Since approval, residential subdivision and development has occurred in the area generally in accordance with the Structure Plan.
6. The subject site was rezoned from Special Rural to Urban Development in April 2017 through Amendment No. 87 to the City of Kalamunda's (the City) Local Planning Scheme No.3 (LPS3).
7. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate the future development and subdivision of the area.

### 8. Land Details:

Land Area:	1.93ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

## Locality Plan

9.



10. The subject site contains an existing single dwelling on each allotment and other incidental ancillary structures. The site is surrounded by Residential allotments coded R5 and R20 to the east and Special Rural allotments to the south-west.

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## **DETAILS**

11. The Structure Plan is bound by Maida Vale Road and Old Maida Vale Road to the north, Hawtin Road to the south-east and Roe Highway to the west.
12. Since adoption of the Structure Plan, the majority of residential subdivision and development has been completed, with some small parcels remaining undeveloped.
13. The proposed Structure Plan Amendment seeks to incorporate 1.93ha of land at Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale into the approved Structure Plan, as shown in Attachment 1.
14. The Structure Plan Amendment proposes medium density residential development, identifying a code of R30. The applicant stated that the density is expected to yield approximately 38 lots ranging in size from 283m<sup>2</sup> to 490m<sup>2</sup>.
15. The Structure Plan Amendment proposes one 15.4m width road reserve to connect Jubata Court and Gilba Place. A Traffic Impact Assessment (TIA) has been prepared and is enclosed within Attachment 7.
16. In support of the proposal, the applicant has prepared a number of other supporting technical studies, including an Environmental Assessment Report (Attachment 5), Bushfire Management Plan (Attachment 6), TIA (Attachment 7) and an Engineering Services Report (Attachment 8).
17. The Structure Plan Amendment has been previously considered by Council at the August 2017 Development and Assets Services Committee Meeting where the owners of Lot 26 (34) Brewer Road provided a deputation against the proposal and requested that the road be solely located on Lot 25 (7) Gilba Place. The reasoning for this was to allow for the independent development of the two sites and provide the landowners of Lot 26 the potential to retain the existing trees along the boundary. The proposed Structure Plan has since been amended to accommodate these requests.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

18. The subject site is currently zoned Urban Development under the City's LPS3.
19. The objectives of the Urban Development zone are as follows:
  - a) To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
  - b) To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.
20. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and

subdivision. Accordingly, the proposed Structure Plan Amendment is consistent with the intent of the Urban Development zone.

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

21. Pursuant to the Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2 - Deemed Provisions (the Regulations), Clause 29 (1) states that *"A structure plan may be amended by the Commission at the request of the local government or a person who owns the land in the area covered by the plan."*
22. Pursuant to the Regulations, Clause 29 (2) states that a Structure Plan Amendment is to follow the same process for making a Structure Plan. Accordingly, under the Regulations, the City is required to take the following actions:
  - a) Determine the level of information required to be provided with the Structure Plan;
  - b) Assess the Structure Plan against appropriate planning principles;
  - c) Advertise the Structure Plan;
  - d) Consider and respond to submissions received during advertising; and
  - e) Prepare a report and recommendation on the proposed Structure Plan Amendment, and forward the City's recommendation to the WAPC for a decision.
23. Under the Regulations, the WAPC after considering the Structure Plan and report may:
  - a) Approve the Structure Plan; or
  - b) Require the City or the applicant to –
    - i) Modify the Structure Plan in the manner specified by the WAPC; and
    - ii) Resubmit the modified Structure Plan to the WAPC for approval; or
  - c) Refuse to approve the Structure Plan.

### **POLICY CONSIDERATIONS**

#### **Directions 2031 and Beyond**

24. Directions 2031 and Beyond is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years.
25. The applicant advises that the proposed Structure Plan Amendment is considered to be compliant with the key objectives and themes of Directions 2031 for the following reasons:
  - a) The subject land is appropriately zoned under the MRS;
  - b) The land represents a logical infill of urban development;
  - c) The proposed 'Residential R30' zoning is consistent with surrounding residential development; and
  - d) The land immediately south is subject to a proposed MRS Amendment to rezone the area to 'Urban' to facilitate future urban development.

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

- 26. In May 2015, the WAPC released the Draft Perth and Peel @ 3.5 million suite of documents, including the Sub-Regional Frameworks for comment. These documents aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.
- 27. Perth and Peel @ 3.5 million encourages a consolidated urban form that limits the intensification of new greenfield areas to where they provide a logical extension to the urban form, and places a greater emphasis on urban infill and increased residential density of existing urban areas.
- 28. The Structure Plan Amendment is considered to comply with the key objectives of Perth and Peel @ 3.5 million as the subject site is identified as an existing urban area and the proposed Structure Plan Amendment will facilitate development consistent with the existing pattern of development in the Maida Vale Cell 6 Structure Plan area.

### **Liveable Neighbourhoods**

- 29. Liveable Neighbourhoods is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites throughout Western Australia.
- 30. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters.
- 31. The Structure Plan Amendment is considered to be consistent with the principals, objectives and requirements of each of the liveable Neighbourhoods design elements.
- 32. Liveable Neighbourhoods sets a target of 22 dwellings per residential site hectare. This Structure Plan Amendment proposes 24.22 dwellings per net hectare and is therefore considered to meet the density target outlined in Liveable Neighbourhoods.

### **State Planning Policy 3.1 – Residential Design Codes**

- 33. The Residential Design Codes (R-Codes) apply to any Residential zoned land that has a coding number superimposed on the Scheme Map. The objective of the R-Codes is to ensure appropriate residential design and density in line with the Scheme.
- 34. The R-Codes are applied to the Structure Plan Amendment through the proposed residential density of R30. In this regard, any subsequent subdivision of the subject site will be required to achieve a minimum and average lot size of 260m<sup>2</sup> and 300m<sup>2</sup>.

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

- 35. The intent of State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals take into account bushfire protection requirements through



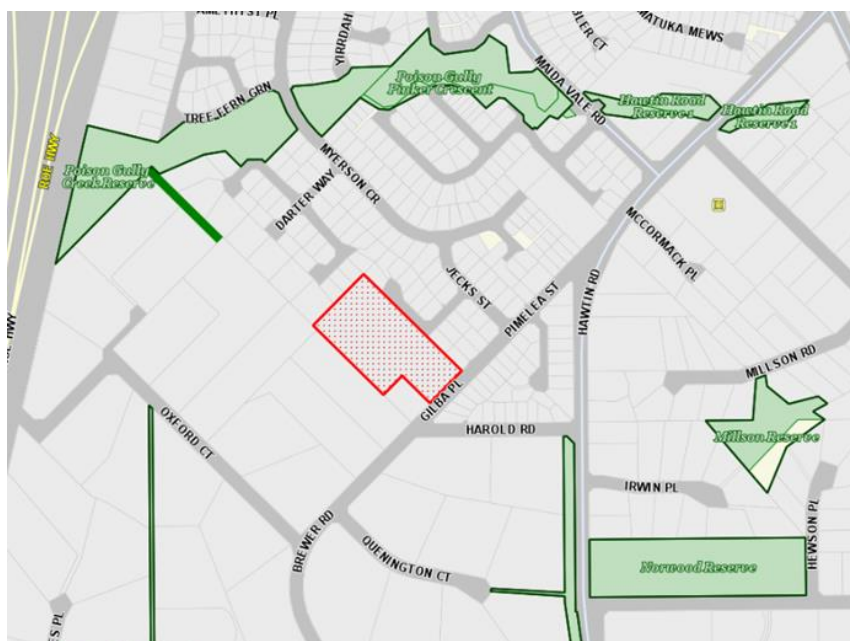
implementing effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

36. A portion of the subject site is located within a Bushfire Prone Area. As such, the requirements of SPP 3.7 apply in addition to the provisions or requirements of the Special Controls Area relating to Bushfire Prone Areas under LPS3.
37. In accordance with the requirements of SPP3.7, a Bushfire Management Plan and BAL Contour Map has been prepared by the applicant and can be found in Attachment 2.
38. The BAL Contour Map, which represents the potential radiant heat impacts and associated BAL ratings after subdivision works, indicates a that the majority of the site is designated as BAL-LOW with portions of the site subject to a BAL-12.5.
39. The Bushfire Management Plan proposes an Asset Protection Zone (APZ) to ensure the radiant heat impact does not increase in the future.

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

40. Development Control Policy 2.3 (DC 2.3) seeks to preserve amenity and contribute to the quality of life in urban areas by recommending any subdivision creating more than five lots is to provide public open space.
41. The WAPC's normal requirement in residential areas is that, where practicable, 10 percent of the gross subdividable area be given up free of cost by the subdivider and vested in the Crown as a Reserve for Recreation.
42. Part 4.3 of DC 2.3 stipulates that Sections 20C(1) to 20C(7) of the Planning and Development Act 2005 contain provisions under which a cash payment can be made by the subdivider in certain circumstances in lieu of providing land for public open space. These circumstances include subdivisions where the land is such that a 10 percent contribution would be too small to be of practical use and there is sufficient public open space already provided in the immediate locality.
43. There are currently three POS reservations within a 400m radius of the proposal. These reservations are as follows:
  - a) Norwood Reserve (approx. 2.4ha)  
Primarily a biodiversity asset with informal trails utilised for pedestrian access and recreation.
  - b) Milson Reserve (approx. 1.5ha)  
Primarily a biodiversity asset with limited frontage Millson Road and informal trails utilised for pedestrian access and recreation.
  - c) Poison Gully Creek (approx. 4ha)  
Primarily a creek with small breakout areas for recreation and a play area on the northern side of the creek.

44.



45. Given the relatively small nature of this development (site area of 1.93ha) and the close proximity (within 400m of the subject site) of 5.3ha of existing public open space, it is likely that cash in lieu will be required at subdivision stage.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

46. The Structure Plan Amendment was referred to the City's Health, Assets and Environmental Departments for comment. All comments and recommendations received can be dealt with at the subdivision or development phase of the planning process. A summary of the comments received are detailed below.
47. The Environmental Department highlighted that the following investigations would be required with any subsequent proposal for subdivision:
- a) An Urban Water Management Plan be provided at the time of subdivision to ensure drainage is contained within the development boundaries and not discharged into the existing Poison Gully Creek reserves.
  - b) A description of the vegetation will be required to be provided to support the subdivision application and include a reconnaissance survey of the site is recommended to record native vegetation.
48. The Health Department noted that any subsequent development shall be connected to reticulated sewer with all existing septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted accordingly.

### External Referrals

49. The proposed Structure Plan Amendment was advertised for 29 days in accordance with Schedule 2, Part 4, Clause 18 and the Regulations and Local Planning Policy P-DEV45 – Public Notification of Planning Proposals.

Notification was undertaken through the following means; letters to property owners within 100 metres of the subject site, letters to public authorities and relevant utility service providers, website notification and copies of the Structure Plan Amendment being made available at the City's Administration Offices.

50. During advertising, the City received eight submissions, all of which were objections, and two submissions from public authorities and utility service providers. A summary of all submissions received and responses to submissions is provided in Attachment 9.
51. The concerns raised through objections include traffic impacts, environmental impacts, dust pollution during development, the negative impact upon the amenity of surrounding landowners, impacts to existing views, impacts to property values, inconsistent lot size in the context of the surrounding area and acoustic impacts during the construction phase.
52. In regards to the concerns raised during advertising the following comments are made:

**Proposed road alignment to be realigned to allow the properties to develop independently**

The Amended Structure Plan Map is considered to address this concern with the road alignment revised to accommodate the staged construction of the two properties.

53. **Increased demand on the limited public open space in Maida Vale**  
The requirement for public open space is controlled by Development Control Policy 2.3 (DC2.3). The WAPC's normal requirement in residential areas is that, where practicable, 10 percent of the gross subdividable area be given up free of cost by the subdivider and vested in the Crown as a Reserve for Recreation. Part 4.3 of DC 2.3 stipulates that Sections 20C(1) to 20C(7) of the Planning and Development Act 2005 contain provisions under which a cash payment can be made by the subdivider in certain circumstances in lieu of providing land for open space. Accordingly, any subsequent subdivision may be required to vest in the Crown, free of cost, public open space or alternatively provide the City a cash in lieu payment. Please refer to paragraph 40 through 43 of this report for further information.
54. **R30 density being inconsistent with the surrounding area**  
The surrounding Residential development is predominately coded R20 with pockets of R5 and R30 and was developed at a time when there was a demand for large lot sizes. Current market trends show an increase in demand for affordable housing which has resulted in reduced lot sizes.
55. **The area should remain rural**  
The subject site is zoned 'Urban' under the MRS and 'Urban Development' under the City's LPS3.
56. **Environmental Issues (sand and dust) during development works**  
Appropriate environmental and dust management will be required during all subdivision and development works on the site. All development on the site is required to comply with the Department of Water and Environmental

Regulation's dust and smoke control guidelines; and the levels set out in the Environmental Protection (Noise) Regulations 1997.

57. **Negative impact upon the amenity of surrounding landowners**

The proposed Structure Plan Amendment is in accordance with the City's Local Planning Strategy and various State Government Strategic documents. Nonetheless, the City is committed to protecting surrounding residents from any potential impacts resulting from the proposed Structure Plan Amendment. Any issues relating to undue impacts upon surrounding landowners (i.e. air pollution, noise pollution and traffic impacts) have either been accommodated for or will be dealt with at the subdivision and development phase.

58. **Alternative development options to be explored**

Council requested alternative development options (including lot layout and road alignment) be explored to accommodate objections raised by the adjoining landowners.

59. Following negotiations between the two landowners, an amended Local Structure Plan Map has been agreed upon which has modified the road alignment to enable each landowner to develop independently of one another (Attachment 1).

60. **Traffic and safety impacts**

A TIA (Attachment 7) has been provided and identifies current and future traffic volumes and flows. The findings of the TIA identify a very low volume of traffic, which can be accommodated by the existing and proposed road network.

61. The proposed road alignment and geometrics has been assessed by the City's Coordinator Design Services. The assessment found that the proposed road alignment meets the standard road geometries and complies with relevant standards from a design perspective. The combination of turns through Jubata Court and the new road would not create 'congestion' but will rather have the effect of slowing traffic.

62. **Clarification regarding why 10 per cent public open space is not provided**

The provision of 10% POS within the development would result in a park of approx. 1500sqm, which is not supported by the Department of Sport and Recreation's Classification Framework for Public Open Space or the City's Parks and Environment team as it would create a very small area of public open space, the maintenance of which would require unreasonable expenditure of the City's budget and resources. As an alternative, the Parks and Environment team have provided advice that a cash-in-lieu contribution is more appropriate for a subdivision of this size.

## **FINANCIAL CONSIDERATIONS**

63. In accordance with Regulations 48 and 49 of the Planning and Development Regulations 2009, any costs associated with advertising and assessment of the Structure Plan Amendment is to be borne by the applicant.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

64. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1 - To plan for sustainable population growth

Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

## SUSTAINABILITY

### Social Implications

65. The Structure Plan Amendment would facilitate the development of a greater diversity of lot sizes and housing typologies which in turn will facilitate greater housing choice, affordability, and a potentially broader demographic.

### Economic Implications

66. The proposed Structure Plan Amendment would facilitate the subsequent subdivision and development of the subject site, thereby generating jobs for the building and construction industry.

### Environmental Implications

67. An Environmental Assessment Report (EAR) has been prepared by Strategen in support of the propose Structure Plan Amendment and can be found enclosed within Attachment 4.

## RISK MANAGEMENT CONSIDERATIONS

- 68.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The proposal may result in undue amenity impacts on surrounding residential properties.  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Moderate           | Medium        |
| <b>Action/ Strategy</b>   |                    |               |
| The proposed Structure Plan Amendment is in accordance with the City's Local Planning Strategy and various State Government Strategic documents. Nonetheless, the City is committed to protecting surrounding residents from any potential impacts resulting from the proposed Structure Plan Amendment. Any issues relating to undue impacts upon surrounding landowners (i.e. air pollution, noise pollution and traffic impacts) have either been accommodated for or will be dealt with at the subdivision and development phase. |                    |               |

## OFFICER COMMENT

69. The purpose of the Structure Plan Amendment is to incorporate 1.93ha of land at Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale into the approved Structure Plan as shown in Attachment 1. The subject site was

rezoned from Special Rural to Urban Development in April 2017 through Amendment No. 87. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision and therefore, the proposed Structure Plan Amendment is considered to be administrative in nature.

70. The Structure Plan Amendment nominates a density of R30 to the 1.933ha parcel of land which has an expected yield of approximately 38 lots ranging in size from 283m<sup>2</sup> to 490m<sup>2</sup> and results in 24.22 dwellings per net hectare. This proposed density is consistent with the City's and State strategic planning documentation.
71. The TIA provided by the applicant concludes that the traffic generated by the proposed Structure Plan Amendment, once developed, will not unduly impact upon the flow, speed or safety of the surrounding road network and intersections.
72. An Engineering Services Report has been provided by the applicant and concludes that the subject site can be readily serviced with power, telecommunications and gas, with essential infrastructure already available in the surrounding area. Additionally, the Engineering Services Report stipulates that any required extensions and upgrades will be at the cost of the developer.
73. The EAR provided by the applicant concludes that the site is considered not to be significantly constrained from a development perspective and makes the recommendation that investigations and management may be required at the subdivision stage to address acid sulphate soils; water management system design and vegetation and potential for retaining existing Black-Cockatoo habitat on the site.
74. Approval of the Structure Plan Amendment is recommended.

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

## **OFFICER RECOMMENDATION**

That Council:

1. Pursuant to Clause 20(1) and (2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, in respect to the proposed Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale, forwards this report, attachments and recommendations, to the Western Australian Planning Commission for approval.

Moved:

Seconded:

Vote:

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

*The Director Development Services provided a presentation on this item.*

**10.2.6 Draft Planning Policy P-DEV 20 – Outbuildings and Sea Containers**

Previous Items	OCM 148/2015, OCM 142/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-16
<a href="#">Attachment 1</a>	Draft Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the final adoption of the amended Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers (the Policy) following advertising.
2. The Policy has been updated to incorporate current statutory planning requirements to accord with changes in State Planning legislative framework, particularly in relation to planning in Bushfire Prone Areas and compliance with the requirements of the Regulations. The changes also aim to address some of the policy anomalies, including the clearer stipulation of Acceptable Design Outcomes.
3. During the advertising period no submissions were received.
4. It is recommended that Council adopt the revised policy.

**BACKGROUND**

5. The City 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. The Policy was previously adopted by Council on 23 November 2015. Since that time the City has noted how the Policy has been applied to applications and where improvements need to be made to assist with the assessment process. Accordingly, a number of minor changes are proposed to the Policy document.
7. Council resolved in August 2017 (OCM 142/2017) to adopt the Policy for the purpose of public advertising with minor modifications highlighted in red in Attachment 1, specifically requiring clause 4.6 b) of the Policy pertaining to Sea Containers to be deleted. The advertising period has now closed and the final version of the policy is now ready for consideration for adoption by Council.

**DETAILS**

8. The intent of the policy is to provide guidance to applicants and City officers when both making and assessing development proposals for outbuildings or sea containers within the City.

9. The Policy has been reviewed in part to address community expectations regarding the size of outbuildings on larger urban lots and rural lots more generally in order to accommodate domestic storage needs and to incorporate current statutory planning requirements.
10. The following provides a brief summary of the proposed key changes to the policy:
  - a) Update statutory requirements in accordance with the *Planning Regulations (Local Planning Schemes) 2015* and *State Planning Policy SPP 3.1 Residential Design Codes* (R Codes).
  - b) Introduction of an additional Column to Table 1 outlining setback requirements for each zone (where residential zoned, consistent with the R Codes).
  - c) Separation of zoning to accommodate differing requirements associated with minimum lot sizes as they relate to outbuildings.
  - d) R2.5 Residential Bushland zone, increasing the individual outbuilding maximum floor area from 90m<sup>2</sup> to 120m<sup>2</sup>.
  - e) Special Rural zone, increasing the individual outbuilding maximum floor area from 100m<sup>2</sup> to 150m<sup>2</sup>.
  - f) Rural Landscape Interest, Rural Agriculture zones, increasing the individual outbuilding maximum floor area from 150m<sup>2</sup> to 180m<sup>2</sup>.
  - g) Introduction of policy references to Planning in Bushfire Prone Areas SPP 3.7 to reflect current State Planning Policy requirements.
  - h) Introduction of provisions for where tree removal is necessary, such that the applicant will be required to plant established trees in replacement.
  - i) Specification that street setbacks will not be varied unless an established pattern of setback non-compliance can be demonstrated.
  - j) Provisions requiring the upgrade of sea containers regardless of where they are placed on site.
  - k) Updating of Policy term definitions.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
12. As per the Regulations and the City of Kalamunda Local Planning Scheme No. 3, 9 (the Scheme) planning policies are required to be approved by Council for advertising and adopted by Council at the conclusion of the advertising period.
13. When deciding whether to amend a local planning policy, Clause 4 (3) of the Regulations requires Council to review any submissions made during advertising and resolve to:
  - (i) Proceed with the policy without modification; or
  - (ii) Proceed with the policy with modification; or
  - (iii) Not to proceed with the policy.
14. A Local Planning Policy does not bind the City 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.



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## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. Prior to the document being submitted to Council for approval to advertise, the Policy was referred to internal departments for comment. No objections to the Policy were received.

### **External Referrals**

17. Following approval by Council, the 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 28 days, a notice was placed in the local newspaper for two consecutive weeks, and a notification was placed on the City social media portal. At the conclusion of the advertising period no submissions were received.

## **FINANCIAL CONSIDERATIONS**

18. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

19. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1	Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.
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## **SUSTAINABILITY**

### **Social Implications**

20. If the Policy is adopted the City will have greater certainty when it comes to reviewing applications for outbuildings and sea containers or undertaking compliance matters.
21. Additionally, the community will have access to more clarity and transparency in how the City 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 revisions to the policy are not adopted resulting in assessment of outbuildings and sea containers reverting to the original policy.		
	<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 that are up to date and support the Scheme when assessing development applications.		

## OFFICER COMMENT

25. The proposed revisions provide further clarity regarding the requirements for Outbuildings and Sea Containers within the City.
26. The Policy has been updated to incorporate current statutory planning requirements to accord with changes in State Planning legislative framework, particularly in relation to planning in Bushfire Prone Areas and compliance with the requirements of the Regulations. The changes also aim to address some of the policy anomalies, including the clearer stipulation of Acceptable Design Outcomes.
27. Clause 4.6 of the Policy has been amended, highlighted in red, to reflect the decision of Council to remove the requirement for permanent ventilation being provided by either openable windows or a roof vent where sea containers are proposed to be placed permanently on site. Further modifications have been made to this clause to include reference to the National Construction Code where a building permit is required.
28. The recommended changes to the floor area proposed are reflective of noted community desire to have larger outbuildings that meet domestic storage needs.
29. Noting the provisions of Clause 7.3.1 of the R-Codes, the proposed Policy will require referral to the Western Australian Planning Commission for their endorsement.

<b>Voting Requirements: Simple Majority</b>
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## OFFICER RECOMMENDATION

That Council:

1. Pursuant to Clause 4 (3)(b)(ii) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, proceeds with amending Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers in accordance with Attachment 1.

2. Refer the adopted Local Planning Policy P-DEV 20 – Outbuilding and Sea Containers to the Western Australian Planning Commission for endorsement.

Moved:

Seconded:

Vote:

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

*The Director Development Services provided a presentation on this item.*

**10.2.7 Banning of Single Use Plastic Bags – Principles Paper**

Previous Items	OCM 134/2017
Responsible Officer	Director Development Services
Service Area	Community Safety Services
File Reference	
Applicant	N/A
Owner	N/A
<a href="#">Attachment 1</a>	Petition to ban plastic bags in the City of Kalamunda
<a href="#">Attachment 2</a>	WALGA Discussion Paper Plastic Bags

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a proposal to join with the Town of East Fremantle and develop a local law to ban single use plastic shopping bags.
2. The extent of plastic pollution occurring in terrestrial and marine environments has become a serious problem recognised at the international level. There is now a substantial body of evidence, on the impact that plastic is having on the environment. Concerns have also been raised on the impact of plastic, on human health.
3. Council received a petition at its meeting 24 July 2017 from 49 residents requesting Council join the Town of East Fremantle and develop a local law banning single use plastic shopping bags. Evidence suggests for the banning of plastic bags to be effective they need to be implemented at a State level.
4. It is recommended that the Council resolve to:
  - Support in principle a state initiative to ban the use of plastic bags in Western Australia.
  - Advise the Minister for Environment accordingly.

**BACKGROUND**

5. At its meeting 24 July 2017 Council, resolved (OCM 134/2017) to request the Chief Executive Officer prepare a report to Council to discuss the impact, effect and consequences of banning single use plastic bags in the City of Kalamunda.
6. In September 2017, the State Minister for Environment announced West Australian retailers will be barred from giving shoppers single-use plastic bags from July 2018.
7. CSIRO (2014) research identified Western Australia as having one of the highest levels of plastic pollution in the country. There is a particularly high loading along the coast around the Perth metropolitan area. The research identified three key findings:

- a) Finding 1 Plastic Pollution: The issue of plastic pollution is far wider than just plastic bags and holistic action is required to address the problem. Although Local Government has limited capacity to address many of the sources of plastic pollution, it can take action to reduce the amounts of littered items entering the environment.
- b) Finding 2 Consistent State Bans: Many of the bans in place for plastic bags in Australia have a relatively consistent scope.
- c) Finding 3 Local Government Position: In taking action on plastic bags, Local Government needs to have a well-reasoned position on:
  - i. The key objectives of any intervention - plastic bags are not a specific waste management issue but are a source of litter and an opportunity for community engagement
  - ii. The type of legislative approach that will be taken - banning vs charging
  - iii. How the intervention will affect existing waste treatment systems
  - iv. The approach to be taken in engaging the community (e.g. How the issue of bin liners should be addressed).

## DETAILS

- 8. The presence of plastic bags in recycling streams leads to increased processing costs as bag splitting and additional sorting is required. Approximately three quarters of the rubbish along the Australian coastline is plastic, and Western Australia was found to have one of the highest levels of plastic pollution in the country.
- 9. There are merits to a ban on plastic bags, however a ban should be implemented at a state level to ensure a uniform approach is undertaken across Western Australia. South Australia implemented a state-wide ban in 2009 and plastic bag litter halved within three years. ACT, Tasmania and the Northern Territory have also implemented state wide bans, and Queensland, Victoria and New South Wales are working on a joint approach to bagless shopping.
- 10. The City of Cockburn Council recently resolved to support the banning of all non-biodegradable plastic shopping bags in its municipal area. The City of Bayswater Council also considered the matter recently and resolved to support the initiative on a state level, however does not support the introduction of local laws. While, East Fremantle recently resolved to ban single use plastic shopping bags.
- 11. Should Council wish to pursue a ban of plastic bags at a local level, it is possible to investigate the implementation of a local law during the review of the City's local laws in 2018. The City of Fremantle has attempted to implement such Local laws in 2013 and 2015 which were unsuccessful as they were rejected in the upper house of parliament. The City of Fremantle resolved again on 26 April 2017 to introduce a local law to reduce plastic bags "Plastic Bag Reduction Local Law 2017". The City of Fremantle announced in September 2017, that they supported the state wide ban. It is not recommended to pursue the implementation of local laws without the guidance of a state initiative.

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## **STATUTORY AND LEGAL CONSIDERATIONS**

12. *"S 3.5 (1) Local Government Act (WA) 1995, A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act".*

## **POLICY CONSIDERATIONS**

13. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

14. Nil.

### **External Referrals**

15. The City has received a petition from residents (Attachment 1) requesting the establishment of a local law to ban plastic bags.

## **FINANCIAL CONSIDERATIONS**

16. The banning of plastic shopping bags will have no impact of the City's operational budget.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

17. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 2.1: To protect and enhance the environmental values of the City
- Strategy 2.1.1 Enhance our bushland, natural areas, waterways and reserves.
- OBJECTIVE 2.3: To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.
- Strategy 2.3.1 Identify and implement strategies to reduce waste.

## **SUSTAINABILITY**

### **Social Implications**

18. Studies undertaken in jurisdictions where plastic bags have been banned, demonstrated a change in shopper behaviour, with increased purchases of heavier duty waste plastic bags.

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## **Economic Implications**

19. Studies indicate most people use plastic shopping bags for the disposal of waste. Without plastic shopping bags residents will revert to purchasing bin liners/garbage bags.
20. A 2013 study from the US National Centre for Policy Analysis highlighted the importance of State or National approach to the banning of plastic shopping bags in lieu of localised initiatives. The study confirmed local plastic shopping bag bans have a negative economic impact on retailers. Conversely, retailers located immediately outside of the ban area have increase sales.

## **Environmental Implications**

21. Research published by the CSIRO has found that approximately three-quarters of the rubbish along the Australian coastline is plastic. In coastal and offshore waters, most floating debris is plastic. The density of plastic ranges from a few thousand pieces of plastic per square kilometre to more than 40,000 pieces of plastic per square kilometre. Debris is more highly concentrated around major cities.
22. Although as much as two thirds of plastic bags are reused once or twice prior to disposal, very few are recycled, and some become litter. The information gathered by Clean Up Australia through its annual clean up days, suggests that between 30-50 million plastic bags could be entering the Australian environment as litter every year. The number of littered plastic bags means that collections carried out by volunteers, Local and State Government agencies are unable to capture all littered bags – the National Litter Index identified that plastic bags make up 1.6% of litter items.  
  
Aside from the obvious impact this has on animals when they become entangled, or ingest it, littered plastic bags are contributing to the accumulation of micro-plastics in the environment, as they break down into smaller pieces.
23. On a direct level, banning single-use plastic bags will avoid the resource use and negative environmental impacts associated with their manufacture. It will reduce a major contaminant of kerbside recycling. When the ACT banned these bags in 2011 there was a reported 36% decrease in the number of bags reaching landfill.
24. Studies undertaken in the United Kingdom and in Australia both indicate the banning of plastic shopping bags, has resulted in other knock-on impacts that are harder to manage. Replacing shopping bags with heavier, more resource-intensive ones may solve some environmental impacts but exacerbate others.

## RISK MANAGEMENT CONSIDERATIONS

25.	<b>Risk:</b> Contamination of recycled waste with single use plastic bags.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Almost Certain	Moderate	High
	<b>Action/ Strategy</b>		
	Support the State initiative to ban single use plastic shopping bags.		

## OFFICER COMMENT

26. The weight of evidence supports banning single use plastic shopping bags which will have a positive impact on the environment.
27. The consensus of local governments in the Perth Metropolitan Area is the decision to ban single use plastic shopping bags should be undertaken by the State.
28. If the Council resolves to introduce a local law banning single use plastic shopping bags, the matter will need to be brought back to Council for approval to advertise its intent to introduce a new local law. The advertisement will invite comment on a draft version of said local law.
29. Local governments that enact a local law to ban plastic bags may potentially encounter problems enforcing the provisions of the local law due to the limitations on local government's access to private property. The *Local Government Act (WA) 1995* permits a local government to enter property in an emergency (*Section 3.34*) or with a warrant (*Section 3.33*). Otherwise, for the entry on the private property to be lawful, the local government must get the consent of the owner or occupier or it must issue a notice at least 24 hours in advance that it intends to enter the property and specify the purpose for the entry (*Section 3.32*). Local governments could not include further powers of entry in the local law as that would amount to an extension of the scope of the *Local Government Act (WA) 1995* in relation to private property (*Section 3.25 and 32.7 and Schedules 3.1 and 3.2*) and therefore would most probably be considered to be beyond the power of subsidiary legislation.
30. According to the Australian Bureau of Statistics, the City of Kalamunda has 4,439 retail businesses who utilise plastic shopping bags. The enforcement of a local law would prove to be resource intensive.
31. If the State's legislation is passed it will render any local law ineffectual to the extent the local law is inconsistent with State legislation.



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<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Provide in principle support to a state initiative to ban the use of plastic bags in Western Australia.
2. Advise the Minister for Environment of point 1 above.

Moved:

Seconded:

Vote:

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

**10.2.8 Review of Local Planning Policy P-DEV 45 - Public Notification of Planning Proposals**

*The Director Development Services provided a presentation on this item.*

*Councillor O'Donnell raised a query relating to the postal lag time and public consultation. The Director Development Services advised that advertising times have been rolled back and we are encouraging people to submit comments electronically.*

*A question came from the public in relation to Councillors being involved in community engagement. The Director Development Services provided information regarding to the City's Community Information Sessions to which Councillors are invited to attend.*

Previous Items	OCM 97/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-A6
<a href="#">Attachment 1</a>	Amended Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals
<a href="#">Attachment 2</a>	Existing Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the adoption of the amended Local Planning Policy P-DEV 45 - Public Notification of Planning Proposals (the Policy).
2. The amended Policy proposed the following key changes (summarised):
  - a) Recognition of different types of planning proposals;
  - b) Clarification on what constitutes a 'significant planning proposal';
  - c) Recognition of separation distances recommended by the Environmental Protection Authority;
  - d) Increased advertising distance for rural zoned land;
  - e) Specifies the format for which a submission must be lodged with the City; and
  - f) Introduces a process for keeping submitters details confidential, and providing Council with necessary information to know the nature and source of submissions received.
3. On 26 June 2017, Council resolved to endorse an amended version of the Policy, for the purposes of advertising. During advertising of the amended version of the Policy, the City did not receive any responses.
4. Since advertising the proposal additions have been made to the policy (refer to text highlighted red in Attachment 1). Some other minor formatting modifications have been made to the document to improve the structure of the policy.

5. It is recommended that Council resolve to adopt the amended policy in accordance with Attachment 1.

## **BACKGROUND**

6. Council at its Ordinary Meeting held 23 November 2015 resolved to adopt P-DEV 45 - Public Notification of Planning Proposals (P-DEV 45).
7. The City periodically reviews, revokes and adds new policies to its register. Policies are used to ensure consistency and transparency in decision making as well as adding clarity to and intent to existing legislation.
8. On 26 June 2017, Council resolved to endorse an amended version of the Policy for the purposes of advertising. The policy was reviewed in light of a number of areas that were identified with the City's advertising processes which relate to planning proposals, which could be improved, including:
  - a) The distance, duration and method of advertising for different types of planning proposals.
  - b) The recognition of smaller residential proposals that may not require full advertising as per the existing policy provisions.
  - c) What constitutes a 'significant planning proposal'
  - d) The management of private information when reporting on submission to Council.

The proposed Policy aims to address the above matters.

## **DETAILS**

9. The proposed Policy has been prepared having regard to best practise examples of other local government and industry policies and proposes the following key changes:
  - a) An expanded table to address the following:
    - i. An expansion on the various planning instruments, such as Local Planning Strategies; and
    - ii. An expansion of the various methods of advertising, including advertising radius with the inclusion of separate distances for rural and residential/commercial zoned land of 300m and 100m respectively, and media releases.
  - b) Additional clarification of what constitutes a significant planning proposal, namely:
    - i. The planning proposal involves potentially significant urban design, streetscape, building bulk, scale or design impacts;
    - ii. The planning proposal will likely result in significant adverse amenity impacts on a large number of owners in a locality by virtue of traffic, noise, dust, odour, vibration or other impact;
    - iii. The planning proposal involves a significant exercise of discretion under the Local Planning Scheme, planning policy and/or R-Codes, which will likely result in the abovementioned impacts;
    - iv. The planning proposal that is locally or regionally significant, and involves a site or proposal that is of significant public interest; and
    - v. A development application that requires consideration by a Development Assessment Panel.

- c) Recognition of separation distances or buffers (for example environmental separation distances) under separate state level policies and guidance documents. The Environmental Protection Authority recommend separation distances for different types of commercial, industrial and rural land uses from 'sensitive land uses' (places where people live or regularly spend time). One example is a 24 hour fuel station which is recommended to be located a minimum of 100 metres from sensitive land uses. Accordingly, advertising would be undertaken with a radius of 100m from a site.
  - d) The policy includes acknowledgement that there may be instances where landowners and occupiers outside of the 100 metre radius should be consulted. In this regard, the policy recommends a 300 metre radius for rural zoned land.
  - e) It outlines the format in which a submission must be lodged with the City.
  - f) Clarifies that the submitters name and address will not be published in the report to the Committee/Council Meeting, unless required by law. Full copies of the submissions will be made available to Elected Members as a confidential attachment.
10. Since advertising the proposal, the following additions have been made to the policy (refer to text highlighted red in Attachment 1):
- a) An additional objective (clause 4 (f) of Attachment 1) that aims to achieve a balance between the community's reasonable expectations and an applicants' development entitlements.
  - b) Inserted a new clause (6.2 of Attachment 1) that outlines the commencement and closing date of advertising.
  - c) An additional clause (9.2 of Attachment 1) that allows discretion for a planning proposal to be deemed significant where it is considered to be in the public interest to do so.
  - d) Inserted an additional clause (18 of Attachment 1) that enables variations to the policy where necessary for a particular proposal.
  - e) Inserted in Table 1 advertising requirements for State Administrative Tribunal sec 31 request for reconsideration.
  - f) Inserted in Table 1 an additional footnote to allow for preliminary advertising to be undertaken for standard and complex local planning scheme amendments prior to Council giving formal consideration to the amendment for the purpose of formal advertising.

Some other minor formatting modifications have been made to the document to improve the structure of the policy.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

- 11. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
- 12. Under Clause 3 (2) the following general provisions apply to local planning policies:
  - 1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

- 2) A local planning policy –
    - a. may apply generally or in respect of a particular class or classes of matters specified in the policy; and
    - b. may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
  - 3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
  - 4) The local government may amend or repeal a local planning policy.
  - 5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.
13. When deciding whether to amend a local planning policy, Clause 4 (3) requires Council to review any submissions made during advertising and resolve to:
- (iv) Proceed with the policy without modification; or
  - (v) Proceed with the policy with modification; or
  - (vi) Not to proceed with the policy.
14. A Local Planning Policy does not bind the City 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**

15. The proposed Policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.
16. The City's draft Community Engagement Strategy states that we engage with our community because meaningful and effective community engagement will make us a better local government more able to meet community needs and aspirations. Better community engagement also assist in and provides greater legitimacy for governmental decision-making and demonstrate a commitment to accountability, democracy and transparency.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

17. Nil.

### **External Referrals**

18. The City contacted the Western Australian Local Government Association (WALGA) during advertising of the draft policy, who provided the City's officers with a guideline document 'Guide to Community Engagement on Planning Matters'. A review of the draft Policy against the WALGA guidelines revealed that the proposed policy is generally in line with WALGA's recommended model local planning policy for advertising planning proposals.

## FINANCIAL CONSIDERATIONS

19. Costs associated with the progression of this policy will be met by the Approval Services Budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

20. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.3.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

OBJECTIVE 4.1: To provide leadership through transparent governance.

Strategy 4.4.1 Provide good governance.

OBJECTIVE 4.2: To proactively engage and partner for the benefit of Community.

Strategy 4.2.1 Actively engage with the community in innovative ways.

## SUSTAINABILITY

### Social Implications

21. If the Policy is amended, the City will have greater certainty and transparency when dealing with advertising of planning proposals.

### Economic Implications

22. Nil.

### Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 24.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The draft policy is not adopted.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Low           |
| <b>Action/ Strategy</b>   |                    |               |
| Outline the improvements of the draft policy to address issues raised with administration and application of the previous policy. |                    |               |

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## OFFICER COMMENT

25. The City is committed to doing more than the minimum when it comes to community engagement and public participation and the draft policy proposes advertising standards that are well above the minimum standards of many other local governments.
26. This draft Policy is considered to address operational considerations as a guidance document containing recommended methods, duration and distances of advertising for various types of planning proposals.
27. It is important to note that a balance is required in determining the appropriate advertising methods and distance of planning proposals. In this regard the City will apply discretion where appropriate, however the draft policy will be a key instrument used to guide advertising processes. This will depend on the scale, significance and nature of the particular planning proposal being considered. Minimum distance standards have been applied for both urban and rural zoned land to reflect this.
28. Since advertising the proposal, a number of modifications are proposed to the Policy. Of note, is the inclusion in table 1 a footnote that the City may undertake preliminary advertising to affected residents and relevant government agencies for a period of 28 days prior to consideration of the amendment for the purpose of formal advertising. This will enable Council to make a more informed decision as to whether the amendment should be initiated for the purpose of formal advertising.

Some other minor formatting modifications have been made to the document to improve the structure of the policy.

<b>Voting Requirements: Simple Majority</b>
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## OFFICER RECOMMENDATION

That Council:

1. Pursuant to Clause 4 (3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceeds with amending Local Planning Policy P-DEV45 - Public Notification of Planning Proposals, in accordance with Attachment 1.

Moved:

Seconded:

Vote:

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

*The Director Development Services provided a presentation on this item.*

*A community member asked if the City was able to recoup any costs relation to a SAT matter. The Director Development Services advised no, the only time this would happen would be if SAT decided a party acted unfairly, however this would be highly unusual.*

**10.2.9 State Administrative Tribunal and Joint Development Assessment Panel Outcomes and Costs during the 2017 Calendar Year**

Previous Items	OCM 168/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	LE-ACT-038 & LE-ACT-014
Applicant	N/A
Owner	N/A
<a href="#">Attachment 1</a>	State Administrative Tribunal Matters 2017
<a href="#">Attachment 2</a>	Joint Development Assessment Panel Matters 2017

**EXECUTIVE SUMMARY**

1. The purpose of this report is to provide the first summary of outcomes and costs for State Administrative Tribunal (SAT) and Joint Development Assessment Panel (JDAP) matters that occurred in the 2017 calendar year.
2. Council at its Ordinary Meeting held 26 September 2017 resolved (in part) as follows:  
*"Request the Chief Executive Officer prepare an annual report to Council, commencing at the end of the 2017 calendar year, summarising State Administrative Tribunal Matters and Joint Development Assessment Panel, outcomes and costs."*
3. This summary is being provided to assist Council in monitoring and understanding costs associated with decisions. These reports will be prepared annually at the end of the calendar year for Council's consideration.
4. It is recommended that Council notes this report.

**BACKGROUND**

5. In response to a Notice of Motion raised at the Ordinary Council Meeting held 28 August 2017, a review was undertaken of all SAT and JDAP decisions and costs that occurred from 1 January 2015 to September 2017. This review was presented to Council at its Ordinary Meeting held 26 September 2017, where Council requested that the Chief Executive Officer prepare an annual report commencing at the end of the 2017 calendar year, summarising State Administrative Tribunal Matters and Joint Development Assessment Panel, outcomes and costs.



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## DETAILS

6. The summary provided in relation to SAT and JDAP matters focussed only on applications for development and subdivision approval. It is noted that there may have been other matters subject of a SAT review/appeal such as a building permit application however as the August Notice of Motion focussed on planning decisions, those made by Council Building Permit matters have not been included. Refer to (Attachments 1 and 2).
7. During the 2017 calendar year, the City has been involved in six (6) SAT matters and three (3) JDAP applications, and has been subject to total costs estimated to be in the vicinity of \$63,637.96 and \$6,621.80 respectively during this period.

## STATUTORY AND LEGAL CONSIDERATIONS

### ***Planning and Development Act 2005***

8. The *Planning and Development Act 2005* prescribes types of applications which are required to be referred to JDAP and the planning decisions which may be subject to a Review/Appeal with the SAT.

### ***Planning and Development (Development Assessment Panels) Regulations 2011***

9. The *Planning and Development (Development Assessment Panels) Regulations 2011* sets out the overarching administration of JDAPs.

### ***State Administrative Tribunal Act 2004***

10. SAT's objectives are set out in the *State Administrative Tribunal Act 2004*. The main objectives of SAT in dealing with matters within its jurisdiction are:
  - To achieve the resolution of questions, complaints or disputes, and make or review decisions, fairly and according to the substantial merits of the case;
  - To act as speedily and with as little formality and technicality as is practicable, and minimise the costs to parties; and
  - To make appropriate use of the knowledge and experience of SAT members.

## POLICY CONSIDERATIONS

11. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### **Internal Referrals**

12. Nil.

### **External Referrals**

13. Nil.

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## **FINANCIAL CONSIDERATIONS**

14. The purpose of this report is to identify costs associated with SAT and JDAP applications during the 2017 calendar year with a view of potentially informing future decision making of Council.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

15. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 1.3: To support the active participation of local communities.

Strategy 1.3.1 Support local communities to connect, grow and shape the future of Kalamunda.

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

OBJECTIVE 4.1: To provide leadership through transparent governance.

Strategy 4.1.1 Provide good governance.

Strategy 4.1.2 Build an effective and efficient service based organisation.

## **SUSTAINABILITY**

### **Social Implications**

16. Nil.

### **Economic Implications**

17. Nil.

### **Environmental Implications**

18. Nil.

## RISK MANAGEMENT CONSIDERATIONS

19.	<b>Risk:</b> That Council are not provided with sufficient information regarding costs associated with SAT and JDAP matters in the course of exercising discretion on planning proposals.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	Provide Council with annual information regarding the SAT and JDAP costs associated with decisions of Council.		
	<b>Risk:</b> The Community incurs significant unbudgeted costs for SAT and JDAP applications.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	Ensure that regular monitoring of SAT and JDAP costs is undertaken to ensure that costs are within approved budgetary allowances and where increased costs are incurred the budget is adjusted accordingly through the appropriate budget adjustment mechanisms.		

## OFFICER COMMENT

20. This review has identified two SAT matters (matters 3 and 5 of attachment 1) whereby the officer recommendation was to approve subject to conditions, however Council resolved to refuse the application:
- a) DA16/0374 - Lot 77 (310) Canning Road, Lesmurdie – Retrospective Application for Outbuilding and Retaining Wall. To date, the City has been billed \$3,520 for a professional mediator and has used an estimated \$3,326.6 in officer time. This matter is still subject to SAT proceedings; SAT invited the applicant to submit amended plans and the City to consider these plans by its Ordinary Meeting to be held on 19 December 2017.
  - b) DA16/0432 - Lot 39 (12) Lewis Road, Wattle Grove – Telecommunications Facility. To date, this matter has cost the City an estimated \$3,125.72. This matter is still subject to a SAT review so it is expected that the cost will increase further, particularly if the matter goes to a full hearing. The matter is to be referred to the December round of Council meetings for reconsideration.
21. In regard to JDAP application, three applications were processed by the City during the 2017 calendar year. The approximate costs associated with these applications (calculated primarily by estimated officer hours) ranges from \$500 to \$2000+ depending on the complexity of the matter. These costs are often recovered through application fees. The JDAP application for Lot 42 Union Road is currently ongoing, with the application to be considered by the JDAP in February 2018.

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22. This summary is being provided to assist Council in monitoring and understanding costs associated with decisions. These reports will be prepared annually at the end of the calendar year for Council's consideration.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Notes the report on State Administrative Tribunal and Joint Development Assessment Panel outcomes and costs for the 2017 calendar year.

Moved:

Seconded:

Vote:

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

*The Director Development Services provided a presentation on this item.*

**10.2.10 Draft Local Planning Policy P-Dev 55 – Places of Worship**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-A6
Applicant	N/A
Owner	N/A

[Attachment 1](#) Draft Local Planning Policy P-DEV 55 – Places of Worship

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the proposed Planning Policy P-Dev 55 – Places of Worship (the Policy) for the purpose of public advertising.
2. The Policy has been written for the purposes of providing guidance for location, appropriateness, and scale of applications for Places of Worship within the City of Kalamunda (the City).
3. It is recommended that the Policy be adopted for the purpose of public advertising.

**BACKGROUND**

4. The City 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.
5. The City has over time approved places of worship as additional uses throughout the City, including rural residential areas. This Policy seeks to provide guidance and certainty to the community in terms of location, scale and siting of new places of worship in context with existing zoning and the requirements of Local Planning Scheme No. 3 (the Scheme).

**DETAILS**

6. The primary objectives of the Policy are:
  - a) To provide development controls and advice to applicants who are applying for approval to develop a Place of Worship within the boundaries of the City.
  - b) To outline suitable locations and distances between existing and proposed places of worship.
  - c) To specify appropriate incidental uses that can be permitted to be attached to places of worship.
7. The Policy introduces a number of criteria the applicant will need to address in support of the proposal, as follows:

- a) Site Location
- b) Existing Prevailing Amenity
- c) Incidental or other Additional Uses
- d) Scale and Intensity of Operation
- e) Built Form
- f) Acoustic Characteristics
- g) Traffic and Road Hierarchy
- h) On Site Parking and Facilities
- i) Bushfire Management

## **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'). Local Planning Policies require adoption by Council.
- 9. Local Planning Policies are to be given due regard in accordance with Schedule 2, Part 2, Clause 3 (5) of the Regulations. A Local Planning Policy does not bind the City in its application of discretion and shall be read in conjunction with the adopted Scheme.
- 10. If the City resolves to adopt the Policy the City must, unless the Western Australian Planning Commission agrees, advertise the Policy in accordance with Schedule 2, Clause 49 of the Regulations which provides that a period for public submission not less than 21 days be commenced. As stated in the Community Engagement section of the report the Policy will be advertised for 28 days.

## **POLICY CONSIDERATIONS**

- 11. The proposed policies all follow the adopted Council templates with some small modifications for structure, legibility and clarity.

## **INTERNAL REFERRAL**

- 12. The draft policies were circulated to the City's Engineering, Health, Building, and Environmental departments for comments and consideration.
- 13. No objections to the proposed policies were received from the internal departments.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

- 14. The proposed policy will be advertised for public comment in accordance with Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals for a period of 28 days.
- 15. In accordance with P-DEV 45 the City is also required to:
  - a) Publish notice in a local newspaper circulated in the Scheme area for two consecutive weeks; and
  - b) Advertise the Policy on the City's social media platforms.

## FINANCIAL CONSIDERATIONS

16. Costs associated with advertising of the Policy will be drawn from the Approval Services budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

## SUSTAINABILITY

### Social Implications

18. If this draft policy is adopted, City staff will have greater certainty when assessing different forms of development or compliance issues relating to Places of Public Worship.
19. Additionally, the community will have access to more clarity and transparency in how Administration and Council makes decisions, leading to improved outcomes and reduced timeframes.

### Economic Implications

20. Nil.

### Environmental Implications

21. Nil.

## RISK MANAGEMENT CONSIDERATIONS

22.	<b>Risk:</b> The Policy is not adopted resulting in a lack of guidance regarding the applicable Scheme Provisions.		
	<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

23. There has been an increase in the number of development applications and scheme amendments for Places of Worship within the City in the last few years. The Policy will provide guidance and require applicants to address specific criteria as outlined in point 6 and 7 of the report relating to the development of places of worship where they can be considered and when a Scheme amendment will be required. The Policy places an emphasis on ensuring that potential amenity impacts arising from traffic, parking, number of persons attending the site and the bulk and scale of the building are managed appropriately.
24. A key element of the Policy is the introduction of siting criteria which establishes a minimum separation distance between land uses with the intent to ensure the intensification of the use does not compromise the amenity of the affected area. For example, a place of worship in a special rural area cannot be located within 500m of an existing facility. These separation distances have been determined having regard to the prevailing lot size in each zone.

<b>Voting Requirements: Simple Majority</b>
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## OFFICER RECOMMENDATION

That Council:

1. Pursuant to Clause 4(1)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the following proposed Local Planning Policy for the purpose of advertising for a period of 28 days:
  - Draft Local Planning Policy – P-DEV 55 – Places of Worship

Moved:

Seconded:

Vote:



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

*The Director Development Services provided a presentation on this item.*

**10.2.11 Proposed Telecommunications Infrastructure – Lot 3 (12) Carolyn Way, Forrestfield**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CR-08/012
Applicant	Aurecon Australasia
Owner	Quaker Oats Australia Pty Ltd

<a href="#">Attachment 1</a>	Site Photos
<a href="#">Attachment 2</a>	Site Plans
<a href="#">Attachment 3</a>	Elevation Plan

**EXECUTIVE SUMMARY**

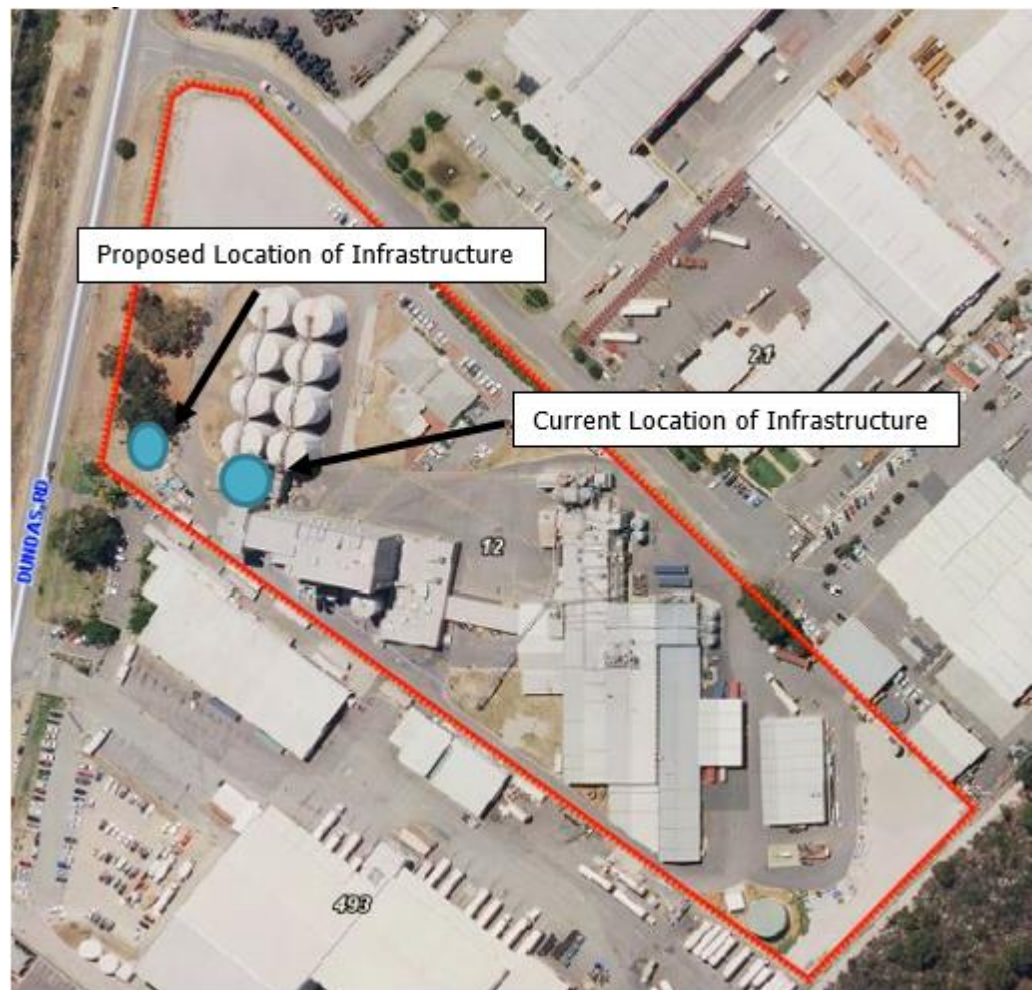
1. The purpose of this report is to consider a development application for proposed telecommunications infrastructure at Lot 3 (12) Carolyn Way, Forrestfield.
2. The applicant is proposing to erect a 40m high tower and relocate the existing 34.5m high tower currently on the site.
3. The application was advertised in accordance with the City's P-DEV 45 (Public Notification of Planning Proposals). Over the course of the advertising no public responses were received. The Public Transport Authority and Perth Airport were both requested to comment and returned no objection to the proposal.
4. It is recommended to approve the application for the telecommunications infrastructure, subject to appropriate conditions.

**BACKGROUND**

**5. Land Details:**

Land Area:	4.14ha
Local Planning Scheme Zone:	General Industry
Metropolitan Regional Scheme Zone:	Industrial

6. **Locality Plan:**



7. The subject site is located in an area that is zoned for general industrial use and surrounding by land use activities comprising warehouses, and freight logistics activities, refer Attachment 1.
8. The site has previously had approval granted in 1992 for telecommunications infrastructure located on the existing silo building and associated infrastructure.

**DETAILS**

9. The applicant is seeking approval to undertake the following works:
  - a) Construction of a new 40m high monopole;
  - b) Installation of six antennas;
  - c) Installation of ancillary equipment;
  - d) Construction of security chain mesh fencing; and
  - e) Relocation of existing infrastructure on site.

10. The pole will be located in the eastern corner of the property, approximately 40m west of its current location on the site as indicated on the above locality plan, and will be adjacent to, and will make use of, the existing supporting infrastructure on site (equipment shelter and compound).

The applicant submits that the reason for the proposed new infrastructure is because the conveyor belts that currently support the antennas have reached the end of their operational life and will be decommissioned.

Development plans for the proposal can be seen in Attachments 2 and 3.

11. The applicant states as part of documents included that the tower is required to comply with the *Industry Code on the Deployment of Mobile Telephone Network Infrastructure* (the Codes), and that the company that would operate the telecommunications tower has chosen the proposed site in accordance with the Codes, and the design of the structure is in line with the Codes.
12. The applicant has advised that a photo simulation of the telecommunications tower and its setting on the site and relationship with the adjacent development, will be provided to the City prior to the community briefing session.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

13. Clause 4.2.4 (Objectives of the Zones – Industrial) of Local Planning Scheme No. 3 (the Scheme) states that the objectives of the General Industry zone are as follows:
- *To provide for a wide range of manufacturing or associated industrial uses and services whilst allowing for a limited range of non-industrial uses where ancillary to predominant industrial uses.*
  - *To ensure that the movement of goods and services in and out of the zone causes minimal impact on the nearby area directly accessing the regional road system.*
14. Under the Scheme telecommunications infrastructure is defined as follows:
- "telecommunications infrastructure"*** means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, on or in connection with a telecommunications network
15. Under the Scheme, 'Telecommunications Infrastructure' is a 'P' use within the General Industry zoning, meaning the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.

16. 'Table 2 – Site Requirements' of the Scheme outlines development requirements for proposals within the General Industry zone as follows:

LPS3 Table 2 Requirement (General Industry Zone)	Requirement	Proposed	Complies Yes/No
Setback Front (Carolyn Way)	15m	122m	Yes
Setback Minor Street (Dundas Road)	3m	3m to nearest point	Yes
Side Setback (East)	0m	>100m	Yes
Setback Rear	0m	7m	Yes
Site Coverage	60%	30%	Yes
Plot Ratio	0.6	N/A	N/A
Landscaping Strip	3m	Existing Strip Remains	Yes

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

17. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires that Council give due regard to a number of matters, including:
- a) The compatibility of the development within its settings;
  - b) Amenity of the locality;
  - c) The amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety; and
  - d) Any relevant submissions received on the application.

### POLICY CONSIDERATIONS

#### State Planning Policy 5.2 – Telecommunications Infrastructure

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

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

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

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

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

#### **P-DEV 52 – Telecommunications Infrastructure**

20. The objectives of P-DEV 52 are 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."*

21. P-DEV 52 recognises that the City 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.
22. In considering an application for development approval, in particular the visual impact of the facility, P-DEV 52 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 City is of the opinion that the proposed facility would have a significant adverse visual impact.

Alternatively, the City may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

23. The proposal was tabled at the City's Development Control Unit (DCU) meeting, where internal departments were invited to comment on the proposal or request that the proposal be referred to them for formal assessment. As part of this process the City's Health and Engineering departments requested to view the application in full.

Following internal referral, no concerns regarding the proposal were raised by either department. The City's Engineering department requested a condition ensuring that the footings for the proposed tower are certified by a suitably qualified engineer. It is considered that such a condition can be placed on any approval granted by the City.

### **External Referrals**

24. The proposal was advertised in accordance with the City's Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals). As part of this advertising letters were sent to surrounding neighbours to a radius of 500m inviting comment. A sign was also erected on site for the duration of the advertising period, as well as notification and plans of the proposal being displayed on the City's website and social media platforms.

The applicant was requested to organise a community engagement session, however in this instance the request was declined.

25. In addition to this, and due to the proximity of the airport and existing train lines, the City referred the proposal to Perth Airport and the Public Transport Authority for their assessment and comment.

The Public Transport Authority returned no objection to the proposal. Perth Airport returned no objection to the proposal with a request for a number of conditions to be placed on the approval. These conditions have been included as part of the Officer Recommendation.

26. During the advertising period no responses were received from the public.

## **FINANCIAL CONSIDERATIONS**

27. In the event that Council resolves to refuse the application, it is anticipated that the proponent may 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

28. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

## SUSTAINABILITY

### Social Implications

29. An increase in mobile phone coverage within the area will assist the local community in this regard.
30. The more obvious presence of the mobile phone tower may make individuals who believe that they are hazardous to the health of the community uncomfortable with being in the area, and may lead to complaints to the City.

### Economic Implications

31. The proposal would facilitate improved wireless network coverage to the 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 amenity of the area is unduly affected.  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Low           |
| <b>Action/ Strategy</b>   |                    |               |
| Ensure that the facility is appropriately located and designed so as to minimise undue impacts on visual amenity. |                    |               |

## OFFICER COMMENT

34. The applicant is seeking approval to relocated existing telecommunications infrastructure on the site to a purpose built 40m high monopole tower. The proposal is a permitted 'P' use in the General Industry zone and complies with all site requirements of the Scheme and the policy measures outlined in SPP 5.2 and the stated objectives of P-DEV 52 in respect to the visual impact of the proposal.

35. At the time of writing, the applicant has not provided a photo simulation of the telecommunication facility as required under SPP 5.2. The applicant has advised however that this information will be provided to the elected members under separate cover.
36. Noting the above, it is recommended that the application be approved subject to conditions.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Approves the development application for a Telecommunications Monopole and associated Infrastructure at Lot 3 (12) Carolyn Way, Forrestfield, subject to the following conditions and advice notes:
  - a) The development shall be carried out only in accordance with the terms of this approval, and any approved plan.
  - b) The foundations of the structure are to be designed and certified by a suitably qualified engineer.
  - c) The tower shall be obstacle lit by low intensity steady red lighting during the hours of darkness at or near the highest point of the tower. Obstacle lights are to be arranged to ensure the tower can be observed in a 360 degree radius.
  - d) The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours.

Moved:

Seconded:

Vote:



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

**10.2.12      Reconsideration of Determination of Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie**

*Councillor Michael Fernie declared an interest affecting impartiality as he is a friend of the applicant. Councillor Fernie left the room at 8:46pm and returned at 8:53pm.*

*A deputation was received from Liz Bushby from Town Planning Innovations on behalf of the applicant. Ms Bushby provided a power point presentation for reconsideration to the proposal and spoke in favour of the recommendation. Mr Garfield Woods, who is the neighbour of the applicant was also present during the deputation.*

*The Director Development Services provided a presentation on this item.*

*Councillor Destree asked for clarification on the Risk Management Table.*

Previous Items	OCM 73/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CN-01/310
Applicant	Town Planning Innovations
Owner	Andrew Herden
Attachment 1	Site Photos
Attachment 2	Council Minutes OCM August 2017
Attachment 3	Site Plan
Attachment 4	2017 Elevation Plan with Revised Screening

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a Section 31 order from the State Administrative Tribunal (SAT) for a retrospective outbuilding (shed) and retaining wall at Lot 77 (310) Canning Road, Lesmurdie.
2. An application was previously made on 17 August 2016 by Grid Garages, Sheds and Patios for approval of a retrospective outbuilding (shed) and retaining walls at Lot 77 (310) Canning Road, Lesmurdie. In May 2017, Council resolved (OCM 73/2017) not to approve the application, which was then deemed refused.

Subsequent to the decision of Council, the owner appealed the determination of Council to the State Administrative Tribunal (SAT). Following mediation between the applicant and the City, in accordance with orders from the SAT, pursuant to Section 31 (1) of the *State Administrative Tribunal Act 2004*, the SAT invited Council to reconsider its decision made at the 22 May 2017 Ordinary Council Meeting to refuse the application for retrospective approval of the outbuilding (shed) and retaining walls at the subject site.

3. Council at its Ordinary Council Meeting of 28 August 2017 resolved to refuse the application for the outbuilding (shed). The applicant and the City of

Kalamunda have since entered into further mediation that has led to orders from the SAT, pursuant to Section 31 (1) of the *State Administrative Tribunal Act 2004*, to invite Council to once again reconsider its decision made at the 22 May and 28 August 2017 Ordinary Council Meetings. As part of the Section 31 request the applicant has submitted new information that reduces the height of the portion of the outbuilding that is directly adjacent to the property boundary of the objecting neighbour, as well as including an additional steel screen to mitigate the visual impact of the outbuilding to the rear adjoining neighbour. As part of the SAT orders the adjoining neighbour was invited to attend mediation.

4. It is recommended that Council approve the application for retrospective approval with conditions.

## BACKGROUND

5. **Land Details:**

Land Area:	976m <sup>2</sup>
Local Planning Scheme Zone:	Residential R10
Metropolitan Regional Scheme Zone:	Urban

## Locality Plan

- 6.



7. In July of 2016 an application was received for a proposed outbuilding at the subject site. This application was approved by the City under delegation on 7 July 2016. Following this approval, complaints were received from the adjoining rear neighbour upon commencement of construction of the structure.
8. A site visit was undertaken where it was determined that the outbuilding was being erected on a portion of land that had been altered and retaining walls

built. The presence of the retaining walls subsequently altered the natural ground level and overall height of the outbuilding. No previous approval had been granted by the City for the retaining walls.

9. At this stage the outbuilding is currently located on site in a state of semi-completion. Refer Attachment 1.
10. In August of 2016 an application for retrospective approval of the outbuilding and retaining walls was lodged with the City. In November 2016 Council at its Ordinary Council Meeting resolved to defer the application to allow the owner of the property and the objecting neighbour to participate in professional mediation. At total of two (2) sessions were undertaken, with the costs covered by the City.
11. *Following the completion of the second mediation session on 15 March 2017 the following actions were agreed upon by both parties (Refer Attachment 3):*
  1. *The parties agree that the proposed fence set out in the email from the owner dated 25<sup>th</sup> January 2017 can be amended as follows:*
    - a) *Screws be used in place of nails;*
    - b) *The paint colour on the side of the proposed fence viewed from the adjoining neighbours property be painted Dulux 'Leroy';*
    - c) *The right edge of the proposed fence (when viewed from the adjoining neighbours property) be extended to the edge of the owners property; and*
    - d) *The left edge of the proposed fence (when viewed from the adjoining neighbours property) be extended to the outer edge of the retaining wall on the owners property.*
  2. *Following the outcome of the previous mediation dated 18<sup>th</sup> January 2017 that the proposed fence be constructed with slats made from painted treated pine, the adjoining neighbour has indicated some concerns regarding the durability of timber compared to that of steel.*
  3. *With respect to the shape of the proposed fence:*
    - a) *The owners preference is that the shape of the proposed fence follows the shape of the shed located on the owners property; and*
    - b) *The adjoining neighbours preference is that the proposed fence be of a rectangular shape with a flat top edge.*
  4. *With respect to the ongoing maintenance of the proposed fence:*
    - a) *The owner is of the view that the ongoing maintenance of the proposed fence should be stipulated as a condition of any retrospective planning approval for the shed and the retaining wall; and*
    - b) *The adjoining neighbour is of the view that the ongoing maintenance of the proposed fence should be recorded as a covenant on the title of the owners property.*

*5. Both parties were agreeable to the outcome of mediation document being provided to Council in making a decision whether to grant retrospective planning approval for the shed and the retaining wall.*

12. In May 2017 Council resolved at the OCM to refuse the application for retrospective approval for the shed and retaining for the following reasons:

- a) The bulk and scale of the outbuilding is considered to have a detrimental impact on the amenity of the neighbour to the rear of the subject property.
- b) The proposal is not consistent with the principles of orderly and proper planning.

13. As part of the SAT appeal the applicant requested that Council reconsider its determination as made at the Ordinary Council Meeting of 22 May 2017. As part of the request, further information was provided by the applicant detailing how screening and landscaping could reduce the visual impact of the outbuilding on the adjoining neighbour.

14. As part of the additional information provided by the applicant the following key points were made:

**Retaining Walls:**

The subject property has a large slope to the rear of the property, and as such a retaining wall was required to ensure that a flat area for development and practical use of land could be provided. The continued variance in the natural ground level also means that the adjoining neighbour holds a different line of site to the subject property, and that the retaining walls on their own would not cause a direct impact upon the amenity of the adjoining neighbour.

**Outbuilding and Proposed Screening:**

The applicant raises that under Design Principle 5.4.3 P3 of the *Residential Design Codes* (the R-Codes) the City must be satisfied that the outbuilding meets the following provision:

*"Outbuildings which do not detract from the streetscape or the visual amenity of residents or neighbouring properties"*

To demonstrate compliance with this principle the applicant submits that the outbuilding is located to the rear of the lot, thus removing any impact of the outbuilding on the primary streetscape. The applicant further states that the R-Codes accept screening as a valid mechanism to alleviate amenity issues that could arise from overlooking, and that this screening can be in the form of physical screens or landscaping.

The applicant has submitted a combination of measures to alleviate the proposed visual impact of the outbuilding as follows:

- 1. Construction of a rectangular timber screen that achieves a 3.459m height from top of the retaining wall to be constructed, treated, and painted in accordance with the specifications for installation of screening as agreed upon as part of the mediation session of 15 March 2017.

2. The installation of two large pots at the rear of the shed, to be planted with native Wisteria that will climb the installed screen and contribute to lessening the visual impact of the outbuilding.
15. At the Ordinary Council Meeting held on 28 August 2017 Council resolved to refuse the application. A copy of the Council report and details of the proposal are included in Attachment 2.

## **DETAILS**

16. Following a further mediation session on 10 November 2017 on site and afterwards at the City Administration Offices attended by Cr John Giardina, Cr Geoff Stallard and Cr Dylan O’Conner, City officers, the applicant, the objecting neighbour and a representative of SAT, a Section 31 order was reissued by SAT on the provision that the applicant provides revised plans that alter the height of a portion of the outbuilding and provide revised screening.
17. The revisions provided by the applicant propose a modified outbuilding with two distinct heights. The portion of the outbuilding that directly addresses the neighbour’s property has been reduced in height to be closer to compliant with the City’s Outbuilding Policy. The revised elevation proposes a 3.07m wall height and 3.77m ridge height, before the walls step up to the original height of the structure. Refer to Attachment 3 and 4 in respect to the site plan and revised elevation plans.
18. Following discussion with the objecting neighbour the applicant has also submitted the following information regarding the proposed screening to be installed:
  - The screen will be constructed of powder coated steel slates that will overhang to the edge of the retaining wall.
  - Each row of screening will be made of one continuous slat.
  - The slats will be affixed to metal posts that will in turn be fixed to the outbuilding.
  - The screening fence will be 3m in height above the height of the retaining wall.
  - The colour of the screening is to be standard Colorbond colour ‘Bushland’ as agreed to by the objecting neighbour.

The applicant has also indicated that they will provide a bill of materials to the neighbour for their review and comment.

19. The below tables details the setback and height assessment under the R Codes in regard to both the retaining wall and outbuilding. Please note that for the purposes of this table only the portion of the outbuilding that is directly adjacent to the neighbours wall has been assessed. The applicant submits that a combination of the reduction in height of the outbuilding and the screening measures mentioned above will effectively reduce the impact of the outbuilding on the adjoining neighbour.

Assessment Under Residential Design Codes	Deemed to Comply Provision	Proposed	Design Principle Assessment
Outbuilding Rear Setback	1m	1.15m	nil
Outbuilding Side Setback	1.1m	0.8m	-0.3m
Retaining Wall Rear Setback	6m	0.5m	-5.5m
Retaining Wall Side Setback	1m	Nil Setback	-1m

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

20. The subject property is zoned "Residential" in accordance with Local Planning Scheme No. 3 (the Scheme) with a density coding of "R10". Under Clause 4.2.1 the objectives of the residential zone are as follows:
- To provide primarily for single residential development whilst allowing for a range of densities in order to encourage a wide choice of housing types within the City.
  - 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.

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

21. 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.
22. Clause 65 of the Regulations and section 164 of the *Planning and Development Act 2005* sets out the procedure and the effects of assessing applications for retrospective approval for development already commenced.
23. In the event that Council resolves to not reconsider the proposal the application will be referred to the SAT for a full hearing.

## POLICY CONSIDERATIONS

### P-DEV 20: Outbuildings and Sea Containers

24. Section 1.3 (Objectives) of the City's Outbuilding and Sea Containers Policy (Policy) stipulates that the objectives of the Policy are as follows:

- To ensure the amenity of the locality and streetscape is preserved through orderly planning of any development of outbuildings including sheds, rainwater tanks and sea containers;
- To ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, environmental characteristics of the area, and existing buildings on site;
- Facilitate the intended use of the outbuilding while not creating an adverse impact to the surrounding landowners; and
- To give due consideration for proposals incorporating outbuildings and sea containers where there are legitimate constraints on the subject lot.

25. The following tables outlines the assessment of the alternative design proposed in response to the mediation process against the Deemed-To-Comply Requirements and Acceptable Design Outcomes of P-DEV 20.

Assessment against P – DEV 20 (Outbuilding Policy) Portion of Outbuilding Closest to Neighbour:

Assessment Under Outbuilding Policy	Deemed to Comply Provision	Proposed	Design Principle Assessment
Wall height	3.0m	3.07m (retaining walls included)	0.07m
Roof Pitch Height	4.2m	3.77m (retaining walls included)	-0.43m

Assessment against P – DEV 20 (Outbuilding Policy) Portion of Outbuilding Away from Neighbour:

Assessment Under Outbuilding Policy	Deemed to Comply Provision	Proposed	Design Principle Assessment
Wall height	3.0m	3.65m (retaining walls included)	0.65m
Roof Pitch Height	4.2m	4.11m (retaining walls included)	-0.09m

Assessment against Design Outcomes:

Acceptable Design Outcome	Proposed by Applicant	Compliant with Policy
Compliant with R Code Setback Requirements	Rear: 1.15m	Yes
	Side: 0.8m	No
Will not reduce areas of open space below deemed-to-comply requirements (60%)	72.9% of Open Space on site	Yes

Outbuilding located behind the main dwelling and not directly visible from a street or public place	Rear of property, well away from the main dwelling and the primary street	Yes
Not located within a flood or stream management area	Not located in such an area	Yes
Development will not result in excessive or unnecessary removal of vegetation	Outbuilding to be located in a cleared space, well away from any established vegetation	Yes
Proposed colours and materials are consistent with the criteria set out in P DEV 20	Colorbond Steel – Considered to be Lightweight material with a rendered or painted finish	Yes
	Cloudy grey Colorbond	Yes
Will not unduly impact on the amenity of an adjoining property owner/occupier		No

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

26. Nil.

### External Referrals

27. Through the mediation process the applicant has been consulting directly with the objecting neighbour in respect to an alternative design proposal. The neighbour has no objection to the modified proposal.

## FINANCIAL CONSIDERATIONS

28. In the event that Council refuses the application, costs to engage an expert planning witness to assist the City's General Counsel to defend the City's position at a SAT hearing is expected to be in the range of \$20,000 - \$30,000.
29. At this stage Council has already expended \$3,520.00 on ensuring that two (2) mediation sessions have been undertaken between the owner of the property and the adjoining property owner. In addition, costs have been incurred by staff attending SAT hearings and mediation estimated to be in the vicinity to date of \$3,326.70.



## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

30. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

## SUSTAINABILITY

### Social Implications

31. The presence of the outbuilding with the current retaining may result in an undue impact on the amenity of the adjoining neighbour.

### Economic Implications

32. The applicant will incur costs associated with the proposed modification to the outbuilding and screening.

### Environmental Implications

33. Nil.

## RISK MANAGEMENT CONSIDERATIONS

34.	<b>Risk:</b> Undue visual impact on the adjoining neighbour.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Moderate	High
	<b>Action/ Strategy</b>		
	Ensure that the mediation process delivers an outcome that will minimise the bulk and scale of the outbuilding thereby lessening potential amenity impacts arising to the adjoining neighbour.		

## OFFICER COMMENT

35. The applicant has entered into mediation with both the City and the adjoining neighbour and provided a number of solutions to the potential amenity impacts to the adjoining rear neighbour. The applicant is willing to mitigate the bulk and scale of the outbuilding by reducing the height of a portion of the outbuilding and providing a screening fence in a style and colour that suits the neighbour.
36. The applicant has worked constructively with the adjoining rear neighbour to find a design solution that will assist in addressing the previously raised visual amenity impacts. It is therefore considered that the reduced wall height and provision of a durable steel screening fence in a colour agreed to by the

adjoining neighbour will assist in reducing the visual impact of the outbuilding upon the adjoining neighbour.

37. For the reasons provided above, the applicant has provided revised plans enabling Council to consider the proposal again. It is considered that the proposed outbuilding and retaining wall as indicated in Attachment 2 is not in conflict with the principles of orderly and proper planning and will assist in mitigating visual amenity impacts arising. On this basis, approval is recommended subject to conditions.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Approves the retrospective planning application for an outbuilding (shed) and retaining walls at Lot 77 (310) Canning Road, Lesmurdie, subject to the following conditions:
  1. The design and colour of the outbuilding and screening fence shall be in accordance with Attachment 4.
  2. Within 90 days of the date of this approval effective screening is to be installed and maintained on the outbuilding, to the satisfaction of the City of Kalamunda.
  3. All stormwater is to be contained and disposed of on-site to the satisfaction of the City of Kalamunda.
  4. Access ways are to be appropriately designed, sealed, and drained to the specifications and satisfaction of the City of Kalamunda.
  5. The outbuilding shall not be used for commercial, industrial, or habitable purposes.

Moved:

Seconded:

Vote:

### 10.3 ASSET SERVICES

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

*The Director Asset Services provided a presentation on this item*

*Councillor Destree questioned the tight timeframe in relation to community consultation especially given the time of year and asked if it would be possible to reconsider the timeframe. The Director Asset Services responded by stating the timeframes can certainly be looked at however the idea was to present a report to the April OCM.*

#### 10.3.1 Asset Levels of Service 2017/2018 Communications and Engagement Plan

Previous Items	OCM 157/2016 OCM 73/2017 OCM 125/2017 OCM 140/2017
Responsible Officer	Director Asset Services
Service Area	Asset Planning Customer and Public Relations
File Reference	OR-CIM-018
Applicant	N/A
Owner	N/A

[Attachment 1](#) Asset Levels of Service 2017/2018  
Communications and Engagement Plan

### EXECUTIVE SUMMARY

1. The purpose of the report is to consider the method of engaging with the community in order to determine appropriate Levels of Service (LOS) for a selected group of infrastructure assets, being Roads, Drainage, and Pathways.
2. A Communications and Engagement Plan has been prepared which is centred on survey and information sessions. The survey will be issued in hardcopy format and online and advertised through various media. The community will be asked to provide feedback on “what works well” in relation to infrastructure assets. The survey and information sessions will be designed to balance the questions of what is acceptable, what needs to be improved, and what exceeds their needs.
3. The results will inform future asset management plans and support the City’s strategic objective to reach a Core Level of asset management maturity.
4. It is recommended that Council endorses the Asset Levels of Service 2017/2018 Communications and Engagement Plan (Engagement Plan) for the purpose of commencing the engagement process.

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## BACKGROUND

5. The City is progressing along its asset management journey, having updated and produced the following strategic documents in the past 12 months:
  - a) Asset Management Policy November 2016
  - b) Pathways Asset Management Plan May 2017
  - c) Asset Management Strategy July 2017
  - d) Parks Asset Management Plan August 2017.
6. The asset management plans and strategy identified a need to undertake detailed community consultation in order to inform the LOS. The Corporate Business Plan 2017-2021 includes the action to “Undertake community engagement processes to establish appropriate levels of service for all asset management plans”. For 2017/2018, the community consultation is to be undertaken for roads, drainage and pathways.

## DETAILS

7. The Engagement Plan sets out the objectives and KPIs, methodology, stakeholder analysis, and example materials for the consultation.
8. The objectives in consulting with the community are to:
  - a) Understand the community requirements,
  - b) Manage asset performance,
  - c) Undertake effective consultation,
  - d) Ensure the community is informed, and
  - e) Link to strategic objectives.
9. The Engagement Plan has been prepared to directly address objectives (a) and (c) to (e). The information from the consultations will then be used to establish performance indicators for the asset groups (objective b).
10. The stakeholder analysis has identified the targets for the engagement as being:
  - a) Residents – living in all three districts, they would have the highest use of roads, drains and footpaths.
  - b) Local Business – Local industries include retail and tourism, which would have high use of footpaths and roads outside their premises. Other businesses such as light to heavy industrial, horticulture (orchards and vineyards), livestock (grazing and poultry) and CBH state grain terminal, would have high to moderate use roads, footpaths and drains in their vicinity.
  - c) Visitors – City has growing tourism sector and attractions including: Lesmurdie Falls, Bibbulmun Track, Kalamunda History Village, Kanyana Wildlife and Rehabilitation Centre, the Zig Zag. Visitors would have a low to moderate use of roads, drains and footpaths.
11. The methodology will consist of a survey and information sessions. The survey will be distributed through letters, manual locations, and online media. The questions are structured to ask “what works well”, and to seek responses for assets that provide what is expected, need to be improved, and also for assets that provide more than they need to. For example one resident may consider that the roads are wide enough and intersections function well. Another

resident may consider that roads need to be widened to accommodate more traffic and a specific location near them needs better controls. The questions will seek to elicit and separate these responses. This will ensure that the response are balanced.

12. Stakeholders have been identified based on their level of interest and influence. Adopting the quota sampling methodology will help ensure that a diverse and equitable audience will be reached.
13. The methodology utilises various communication and engagement channels to achieve the objectives as outlined in the Engagement Plan (Attachment 1).
14. The key messages in the Engagement Plan will include:
  - a) Pathways to better manage our assets,
  - b) Connecting Communities: Pathways to One Future,
  - c) A chance to have your say,
  - d) The City of Kalamunda is calling for comment on what our community needs are for roads, drainage and footpaths,
  - e) Do we need to improve our roads, drainage and footpaths.
  - f) Helping us to understand how we can manage our assets and develop for the future,
  - g) Positioning our community as the key influencers in the management, improvement and delivery of our assets, and
  - h) Our City-wide survey is available from the City of Kalamunda Administration, 2 Railway Road in Kalamunda and on the website <http://engagekalamunda.engagementhq.com/> under the Have Your Say Section. Comments close 5pm Friday 16 February 2018.
15. The evaluation of the Engagement Plan will be based on:

Communication, being

  - a) Broad coverage of activities and issues via chosen communication channels,
  - b) Number of stakeholders participating and giving feedback,
  - c) Website visitation, view and download of forms and surveys,
  - d) Levels of feedback and public comment from each district within the City, and
  - e) Returned feedback forms and surveys, and level of relevant, quality responses.

Engagement, covering

Rational

  - a) Identify project constraints – to be analysed by project team
  - b) Reach consensus – determine if consensus was met on day

Experiential

  - a) Participants felt confident to contribute – exit survey
  - b) Participants felt inspired to contribute at next event – exit survey

Other

  - a) Number of participants
  - b) Equal representation across groups/districts
16. Organisations that are more advanced in their asset management practices will ask the community to “spend a dollar”, and see the effect of different levels of funding on the assets. The City does not have sufficient cost analyses to support this detailed model. However a question will be asked for

respondents to “Allocate \$100,000” and select how much they would allocate to each of the five major asset classes of Roads, Drainage, Pathways, Buildings and Parks. Although the survey and information sessions will not otherwise include buildings and parks, this question is needed to assess the response.

17. Following the survey, public information sessions will be held to enable more explanation and provide more detailed responses. The results will be analysed and used to derive LOS statements and performance management objectives for the asset groups of Roads, Drainage and Pathways.
18. The Engagement Plan will also guide the consultations in future years for Parks and Buildings assets.

## **STATUTORY AND LEGAL CONSIDERATIONS**

19. All local governments are currently required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. Asset Management Plans are informing strategies for the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, and Integrated Planning and Reporting Framework.
20. LOS inform the Asset Management Plans, and the terminology and objectives are compliant with international standards.

## **POLICY CONSIDERATIONS**

21. The LOS consultation and engagement are being undertaken in accordance with the Asset Management Council Policy C-AS-01.
22. The Engagement Plan is in accordance with the City’s Community Engagement Strategy, adopted in June 2017.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

23. The Engagement Plan was reviewed and endorsed by the Asset Management Steering Committee.

### **External Referrals**

24. No external referrals have been undertaken to create the Engagement Plan.

## **FINANCIAL CONSIDERATIONS**

25. The community consultation in 2017/2018 is supported by a budget allocation of \$30,000 and there are sufficient funds for the project.

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## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

26. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 1.1: To be a community that advocates, facilitates and provides quality lifestyle choices.

Strategy 1.1.2 Empower, support and engage and with young people, families and our culturally diverse community.

OBJECTIVE 3.2: To connect community to quality amenities.

Strategy 3.2.1 Optimal management of all assets.

OBJECTIVE 4.2: To proactively engage and partner for the benefit of community.

Strategy 4.2.1 Actively engage with the community in innovative ways.

## **SUSTAINABILITY**

### **Social Implications**

27. Including the community in the determination of LOS will enable social values to be supported, such as heritage, environmental, conservation and sustainability.

### **Economic Implications**

28. The community consultation is expected to provide an indication of the preference that the community has for funding of different asset groups. The consultation will also inform the level of acceptance for the condition of the assets. These outputs may requires a change in priority for asset renewals and maintenance levels, with consequent impacts to funding needs.

### **Environmental Implications**

29. There are no direct implications for this activity.

## RISK MANAGEMENT CONSIDERATIONS

30.	<b>Risk:</b> That the consultation process is unsuccessful in achieving suitable number and quality of responses.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	The engagement strategy is very versatile and can be extended to ensure a representative sample is achieved.		
	<b>Risk:</b> That the consultation process for Levels of Service does not proceed.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/ Strategy</b>		
	Utilise previous survey results and use in-house technical experience.		
	<b>Risk:</b> That the consultation process results in demands for a significant increase in services, assets or funding.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/ Strategy</b>		
	Manage stakeholder expectations through the engagement process.		

## OFFICER COMMENT

31. Asset management is the collection of activities involved in managing infrastructure assets in a sustainable way for current and future generations. One of the activities is the creation of Asset Management Plans, which document how the assets will be managed. The Asset Management Plans cover the following subjects:
  - a) Current Status of Assets
  - b) Levels of Service
  - c) Life Cycle Management
  - d) Risk Management
  - e) Future Demand
  - f) Financial Summary
  - g) Improvements, Monitoring and Review
32. The "Levels of Service" (LOS) is a phrase used in asset management to reflect the service the assets provide to the community. For example a road provides a safer way to get from one place to another in a vehicle. A building provides shelter, a place to meet people, and a location to undertake an activity.
33. LOS can be defined in terms of what the community requires, and what the organisation (as technical staff) requires. They are therefore described as "Community Levels of Service" and "Technical Levels of Service".
34. Community LOS can be described in terms of cost effective, safe, capable, usable, high in amenity, and value supporting.



35. The City is working towards a “Core” level of asset management maturity by 2021. The Institute of Public Works Engineers Australasia’s publication International Infrastructure Management Manual explains a Core maturity for LOS as meaning:
  - a) LOS and performance measures in place covering a range of attributes,
  - b) Annual reporting against performance targets,
  - c) Customer group needs analysed, and
  - d) LOS and cost relationship understood.
36. The LOS consultation can be undertaken in many ways. The simplest way is to refer to the Community Customer Satisfaction Survey for results. This was the method used in developing the Parks and Pathways Asset Management Plan. However, this method does not provide the level of detail that is needed for the Core level of asset management maturity.
37. The Engagement Plan will enable four levels of community consultation, being “Inform”, “Consult”, “Involve”, and to some degree “Partner”. These levels are defined by the International Association for Public Participation, and are identified in the City’s “Kalamunda Engages Community Engagement Strategy 2017”.
38. This is the first City-wide consultation for asset management LOS and is a key component of the City’s strategic direction to achieving the “core” level of asset management maturity.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Endorses the Asset Levels of Service 2017/2018 Communications and Engagement Plan as the basis for consulting and engaging with the community and appropriate levels of service for the Roads, Drainage and Pathways asset classes.
2. Notes that the outcomes of the community consultation and engagement process will be presented to Council in early 2018 and utilised in the Drainage Asset Management Plan and Roads Asset Management Plan to be presented in 2018 for Council endorsement.

Moved:

Seconded:

Vote:

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

### **10.3.2 Draft City of Kalamunda Bicycle Plan 2017**

*A deputation was received from Rob Anderson who is a member of Bicycle West and Midland Cycling Club. Mr Anderson spoke in favour of supporting Option A of the Draft Bicycle Plan.*

*A community member showed his support for the closure of the Zig Zag and suggested a trial closure in a 'no-regret', meaning it could be trialled and then re-opened if required.*

*Councillor Fernie questioned if there was an opportunity to extend the public comment period to 60 days. Councillor Destree supported the request to extend the consultation period. The Director Asset Services confirmed that this could be done.*

*Councillor Thomas asked for clarification on the closure area, and if it would include the top carpark as many overseas visitors are often taken there to view the lights of the city. It was confirmed by the Director that the closure would commence where the two-way traffic became one-way traffic.*

*The Director Asset Services provided a presentation on this item.*

*Councillor Boyd left the room at 8:57pm and returned at 9:01pm. Councillor Morton left the room at 9:02pm and returned at 9:04pm.*

Previous Items	Nil
Responsible Officer	Director Asset Services
Service Area	Asset Planning
File Reference	EG-CMP-033
Applicant	N/A
Owner	N/A
<a href="#">Attachment 1</a>	Draft City of Kalamunda Bicycle Plan 2017 - Summary Report
<a href="#">Attachment 2</a>	Draft City of Kalamunda Bicycle Plan 2017 - Technical Report

## **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the Draft City of Kalamunda Bicycle Plan 2017 (the Bicycle Plan) in preparation for advertising to the community.
2. The City of Kalamunda with the services of Cardno and supported by grant funding from the Department of Transport has prepared the Draft City of Kalamunda Bicycle Plan 2017. The Bicycle Plan is presented in two formats, one being the Bicycle Plan 2017 Technical Report (Attachment 1) mainly for internal use, and the other being the Bicycle Plan 2017 Summary Report (Attachment 2) for public use.
3. Community consultation was undertaken for the Bicycle Plan, including surveys and workshops. A range of data was collected from over 200 surveys and 30 workshop attendees which provided key insights for the Bicycle Plan.

The resulting works are aimed at the full range of cyclists and potential cyclists in the City, such as commuting cyclists, recreational riders, professional training cyclists, and families.

4. The Bicycle Plan proposes cycling infrastructure grouped by dedicated Principal Shared Paths, strategic routes, local routes, training routes, and Safe Active Streets. The Bicycle Plan also proposes education and awareness programs to support the delivery of infrastructure and encourage the community to ride bicycles.
5. It is recommended that Council receives the Bicycle Plan 2017 Technical Report and Bicycle Plan 2017 Summary Report and release them for advertising and feedback.

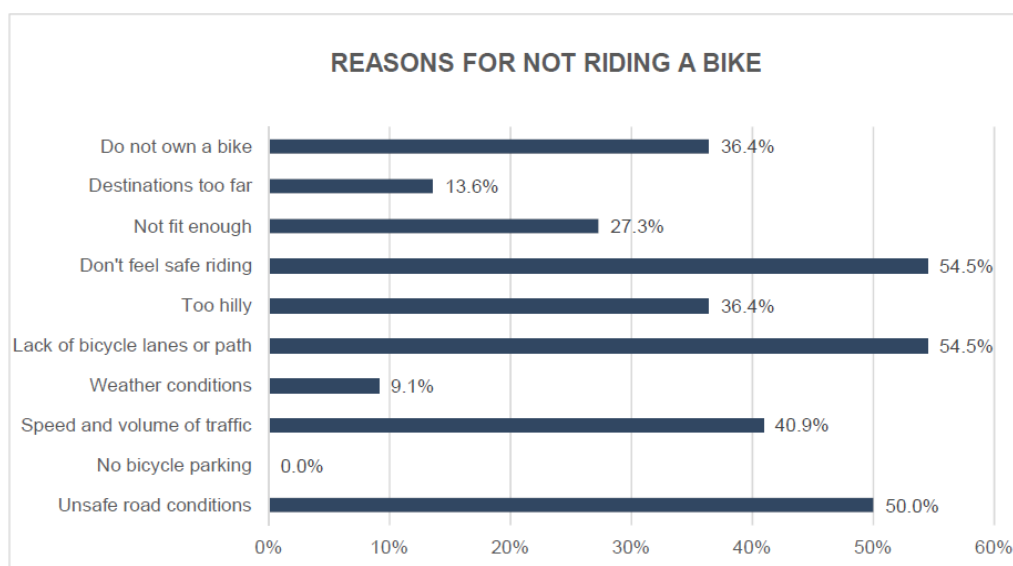
## **BACKGROUND**

6. A bike plan was prepared in 2009, following a similar scope to the Bicycle Plan, including community consultation, mapping of infrastructure, and proposed five year program of works.
7. Some key attributes of the 2009 plan that have changed for the Bicycle Plan in 2017 are:
  - a) Shared paths were the primary infrastructure option for access streets. Shared paths at this time required that they be line marked and sign posted as a shared path as the Road Traffic Code prohibited cycling on footpaths.
  - b) Safe Active Streets (Bike Boulevards) were not considered or known.
  - c) The plan did not identify the training routes through the hills.
  - d) The funding was targeting \$5 million over five years. This may have included external funding sources.
8. The Kalamunda Bike Plan from 2009 was not endorsed by Council and has not been used as an informing document for improving bicycle facilities in the City.
9. In recent years Perth has seen dramatic expansion to road infrastructure and Principal Shared Paths for cycling. With Tonkin Highway and Roe Highway passing through the City of Kalamunda area, the City has strong strategic links to the wider City of Perth and neighbouring local governments.
10. Within the City of Kalamunda, the number of households continues to grow, with increasing demand for improvements to the transport network and traffic congestion around schools and shopping centres.

## **DETAILS**

11. Following a request for quotation process, Cardno were appointed in February 2017 to deliver a new bicycle plan for the Shire of Kalamunda. The appointment included:
  - a) Facilitating community consultation,
  - b) Stakeholder liaison,
  - c) Specified timeframes and deadlines,

- 
- d) Analysis of cycling behaviours, usage, crash statistics, and consultation results,
  - e) Production of the Bicycle Plan including all mapping and technical reporting, and
  - f) Producing Schedules of Works at two funding levels.
12. The planning work included data collection on bike counts, Strava data, community consultation, and bicycle crash data, with the following summaries:
- a) Video counting was conducted at 18 intersections providing base level data for the cycling activity. The highest number of cyclists per day was 360 on a Sunday at the intersection of Mead Street and Kalamunda Road.
  - b) Bicycle crash data over a five year period identified 52 crashes involving cyclists with no fatalities. The most crashes were 12 at the intersection of Lesmurdie Road and Welshpool Road East.
  - c) Strava is a tracking application popular with cyclists. A map of the Strava data is included in the Bicycle Plan, showing the popularity of the training routes.
13. Community consultation was undertaken to inform the Bicycle Plan, including public surveys and community workshops. Over 200 survey responses were received which is a statistically valid representative sample. 64% of respondents were residents of the hills area, and 20% resided outside the City area. Following the issue of the survey, two community workshops were held in March 2017 with over 30 attendees.
14. Key learnings from the survey and workshops are:
- a) Many respondents were advanced cyclists, including cyclists who commute to Perth daily, or used the training routes,
  - b) Very few responses were received from schools or to address local routes, despite direct requests for feedback,
  - c) 14.9% of respondents cycle daily,
  - d) 49% of respondents almost always ride for Recreational / Leisure,
  - e) 40% of respondents were confident riding everywhere, while 28% prefer to stick to off road paths, and
  - f) Top three reasons given for not riding a bike were "Don't feel safe riding", "Lack of bicycle lanes or path" and "Unsafe road conditions".
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15. The infrastructure was grouped into Principal Shared Paths (PSP), Strategic Routes, Local Routes, Safe Active Streets, Other Shared Paths, and Training Routes.
16. Principal Shared Paths (PSP) are high quality direct and separated cycling connections, usually along major transport corridors such as Roe Highway and Tonkin Highway. The City has recently been advised that the PSP from Kalamunda Road to Berkshire Road, identified in the Bicycle Plan, will be constructed as part of the Kalamunda-Roe interchange project by Main Roads WA.
17. Strategic Routes connect key destinations within the City with the wider cycling network and nearby Activity Centres. The Bicycle Plan identifies four strategic routes, being:
  - a) Hills Spine, including the Zig Zag Scenic Drive, William Street, and Canning Road to Welshpool Road East,
  - b) The entire length of Kalamunda Road,
  - c) Forrestfield Station Connection, including Milner Road and Maida Vale Road, and
  - d) Lesmurdie to Maddington, being Welshpool Road East from Pomeroy to Crystal Brook Road, Crystal Brook Road, and Kelvin Road.
18. The Zig Zag Scenic Drive was included in a strategic route, as it connected the Kalamunda Town Centre to Roe Highway and Midland. Options have been proposed for the Zig Zag Scenic Drive to be developed for more cycling oriented use, including:
  - a) Improving line marking and signage for cycling use,
  - b) Opening the Zig Zag Scenic Drive to vehicular traffic only for set times,
  - c) Permitting two-way cycling traffic, and
  - d) Closing the Zig Zag Scenic Drive permanently to traffic.

The current Schedule of Works proposes only the first option, however a separate detailed study and community consultation will be undertaken to determine the most acceptable option.

19. Local Routes are formed from a mixture of cycling infrastructure types that serve local demand, typically connecting residential areas to schools and shopping centres, and also to the strategic routes. The cycling infrastructure can include shared paths, on-road cycle lanes, and Safe Active Streets. Within the suburbs, the Bicycle Plan has identified local routes named "Foothills Spine", "High Wycombe Local Route", "Berkshire Road", "Hale and Hawtin Roads", "Midland Road", "Lesmurdie Local Routes" and "Forrestfield to Lesmurdie".
20. Safe Active Streets are cycle routes on quiet local streets, where speeds have been reduced to 30 kilometres per hour to allow people in vehicles and cyclists to share the street safely. Elements of a Safe Active Street project include increasing the number of trees for shade, introduction of traffic calming infrastructure to promote slow speeds and selecting streets that are low traffic volume with connections to facilities such as schools or shops. A total of 29 Safe Active Streets are proposed as part of the local routes. The following picture is an example of a Safe Active Street in Perth.



21. The community consultation workshops received strong responses on cycling training routes. All of the routes regularly used by individuals and clubs were identified and mapped. In most cases the infrastructure need is minor, focusing on driver and cyclist behaviour to share the road space. Only one project was proposed to cover this area, however there will need to be further consultation with the residents and users to ensure the training routes are acceptable to everyone.
22. Two Schedules of Works are proposed for the Bicycle Plan. One is for targeted funding of \$500,000 per year (municipal funds). The other is for targeted funding of \$1 million per year. The projects have been prioritised to best reflect the concerns raised during the consultation, and in consideration of the different funding sources. Being a long term plan, the Schedule of Works can be amended and projects changed in priority as needed, subject to the long term funding commitment and grant funding.
23. To ensure the best value is gained from new cycling infrastructure as it is created, the City will need to be proactive with education and awareness programs. The Bicycle Plan has identified a range of options including:

- a) Advocacy for State and other support,
- b) Education, training and awareness programs,
- c) Bicycle library,
- d) Targeted driver education, and
- e) School programs.

24. The primary report for the City is the Bicycle Plan 2017 Technical Report which as titled is a technical oriented report and will primarily be used by Council and the administration. A separate summary report is provided for ease of use by the community, covering the main maps, concepts and Schedules of Work.

## **STATUTORY AND LEGAL CONSIDERATIONS**

25. Some works will be delivered to comply with and support Structure Plans, Liveable Neighbourhoods and the Planning and Development Act 2005.
26. The Road Traffic Code 2000 applies to any works proposed in the road reserve.

## **POLICY CONSIDERATIONS**

27. There are no Council policies that directly relate to this subject.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

28. The project of preparing and delivering the Bicycle Plan 2017 has been monitored by the Bike Plan Steering Group, consisting of internal staff and a representative from the Department of Transport.

### **External Referrals**

29. Community consultation was undertaken to inform the Bicycle Plan, including public surveys and community workshops. Over 200 survey responses were received with 64% being residents of the hills area, and 20% residing outside the City area.
30. Following the issue of the survey, two community workshops were held in March 2017 at the Woodlupine Community Centre and the Zig Zag Cultural Centre with 30 attendees in total. The feedback was very helpful to prioritise and select routes for cycling infrastructure.

## **FINANCIAL CONSIDERATIONS**

31. To prepare the Bicycle Plan, the City applied for and received grant funding from the Department of Transport under the WA Bike Network Local Government Grants Program. The funding of \$40,000 was provided in two equal parts in 2016/2017 and 2017/2018. The City provided a further \$40,000 of municipal funds towards the project for a total budget of \$80,000.

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32. The Bicycle Plan has identified 99 infrastructure projects with an estimated cost of \$47.4 million to implement. It is expected that \$23.9 million of projects can be funded in whole or in part through federal and state funding. The potential municipal funding is \$23.5 million over more than 20 years. In order to manage the impact to municipal funds, the Bicycle Plan included two funding scenarios in the Schedules of Works: Municipal funding at \$500,000 per year, and Municipal funding at \$1 million per year.
33. A decision will be required to determine the level of funding the City is prepared to commit, with consideration of the following two options:
- a) The Schedule of Works with funding at \$500,000 per year will enable the City to deliver 21 projects in five years, subject to external funding of \$8.27 million. This list includes a number of PSPs that are delivered through the Department of Transport.
  - b) The Schedule of Works with funding at \$1 million per year will enable the City to deliver 27 projects in five years, subject to external funding of \$8.27 million. This list includes a project which provides buffered bike lanes on Canning Road for \$1.2 million, which may not attract external funding.
34. The current Ten Year Capital Works Program has minimal funding allocated for bicycle related infrastructure projects.
35. The implications of selecting one level of funding over another, include:
- a) The prioritisation of projects becomes problematic at the \$500,000 level of funding, and it will be difficult to justify not undertaking one project over another due to the number of needed projects.
  - b) The ability to deliver all of the Schedule of Works for the ultimate cycling network will take twice as long at the \$500,000 funding level.
  - c) The ability for the City to fund the wider capital works program.
36. The Schedule of Works with the selected funding scenario will be listed for consideration in the Long Term Financial Plan to ensure all projects and future commitments can be managed.
37. External funding opportunities are primarily through the Department of Transport grant programs, including Principal Shared Paths, the WA Bicycle Network, and Safe Active Streets.
38. The WA Bicycle Network program has \$29 million of funding over four years for local government projects. This is a substantial increase over the prior funding level of around \$1 million per year. As a result of completing the Bicycle Plan, the City will be in a strong position to apply for significant levels of funding for the projects.
39. The Department of Transport is also providing funding through their "Safe Active Streets" program, creating bike boulevards across Perth. The Bicycle Plan includes 29 projects to create Safe Active Streets.
40. To ensure the best value is gained from new cycling infrastructure as it is created, the City will need to deliver education and awareness programs. Costs have not been estimated but are expected to be low in comparison to the capital costs. The costs would include delivering advertising media,
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brochures, newsletters etc. The City will need approximately 25% of a full time employee to deliver these services, and this will be submitted for budget consideration.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

#### 41. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 1.2 To provide safe and healthy environments for community to enjoy.

Strategy 1.2.2 Advocate and promote healthy lifestyles choices by encouraging the community to become more physically active.

Strategy 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

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.

OBJECTIVE 3.4 To be recognised as a preferred tourism destination.

Strategy 3.4.1 Facilitate, support and promote activities and places to visit.

OBJECTIVE 4.2 To proactively engage and partner for the benefit of community.

Strategy 4.2.1 Actively engage with the community in innovated ways.

## **SUSTAINABILITY**

### **Social Implications**

42. Expanding the cycling infrastructure in the City will support the activity of cycling, which has the following social benefits:
- a) Cycling for daily commuting to school, work, shops and so on incorporates exercise into the day,
  - b) Improve aerobic fitness and reduce stress levels,
  - c) Ability for social interaction with others are riding,
  - d) Passive surveillance of the street, increasing neighbourhood security,
  - e) Reduce emissions and congestion on the road, thus enabling more social activities,
  - f) Reduce various costs to individuals, this enabling more economic benefits.

### **Economic Implications**

43. The delivery of cycling infrastructure and awareness programs will create economic benefits. The benefits will arise from the construction activity and from visitor activity.

44. The Schedule of Works for over twenty years has a total value of \$46.92 million. An economic impact scenario has been developed, showing that this level of funding would create a demand for intermediate goods and services with a total effect of twice the project values. The direct effects from construction and the indirect effects are the creation of 194 jobs.
45. Economic implications that have been noted in the Bicycle Plan include:
- a) A bicycle trip is a low cost alternative to driving a car, enabling the individual to save money and potentially spend it in other sectors of the economy.
  - b) Cycling tourism provides a new demographic and diversifies business opportunities, resulting in a stronger economy.
  - c) Businesses with staff who cycle are more likely to have healthier, happier and more productive employees.
  - d) The demand for parking decreases and land can be re developed for more community-minded purposes that generate greater employment.

### Environmental Implications

46. The Bicycle Plan is expected to have environmental benefits from:
- a) Reduced consumption of petrol and dependency on fossil fuels,
  - b) Reduction of vehicles on the road resulting in less congestion, thus enabling the road network to perform more efficiently,
  - c) Fewer vehicle trips resulting in lower harmful and greenhouse gas emissions,
  - d) Reduced noise levels,
  - e) Reduced demand for road space over the long term, as vehicle travel modes change to cycling.

### RISK MANAGEMENT CONSIDERATIONS

47.	<b>Risk:</b> That the Bicycle Plan does not meet the needs of the community.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Significant	Medium
	<b>Action/ Strategy</b>		
	A significant amount of community consultation has been undertaken to reflect the needs of the community.		
	<b>Risk:</b> That the Bicycle Plan may raise community expectations for improvements that may not be affordable or deliverable in the near future.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	Ensure the community is informed that improvements are subject to external funding and budget availability.		

### OFFICER COMMENT

48. Nil.

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<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Receives Draft City of Kalamunda Bicycle Plan 2017 Technical Report and Draft City of Kalamunda Bicycle Plan 2017 Summary Report.
2. Advertises the attached Draft City of Kalamunda Bicycle Plan 2017 Technical Report and Draft City of Kalamunda Bicycle Plan 2017 Summary Report for a period of 30 days, with results then presented to Council, prior to final adoption of the Bicycle Plan.

Moved:

Seconded:

Vote:

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

**10.3.3 Hummerston Road – Petition for the Construction of the unmade Eastern Section to Fern Road**

*Cr Geoff Stallard declared an interest affecting impartiality as he has family on Fern and Hummerston Roads and left the room at 9:13pm, he returned at 9:25pm.*

*A deputation was received from Michael Longo representing residents and business owners on Hummerston Road and spoke against the recommendation, although supported the recommendation for controlled access for emergency situations.*

*Mr Chris O'Hora of Calamunda Camel Farm in Paulls Valley spoke in favour of the recommendation.*

*The Director Asset Services provided a presentation on this item.*

*Councillor Blair asked for clarification if there were two items to be looked at, the safety barrier as one item and then upgrading to an open access road as part two. The Director Asset Services advised that priority one is to sort out the access and priority two progress to the next stage after community engagement. Councillor Blair followed up by asking if it would be better to look at part one now for acceptance rather than putting part two into the same item. The Director advised that this could be something for Council to consider at the OCM.*

Previous Items	PS-13/98
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	HM-03/GEN; IIT-194155
Applicant	Petition
Owner	City of Kalamunda
<a href="#">Attachment 1</a>	Copy of Petition
<a href="#">Attachment 2</a>	Petition Property Locations
<a href="#">Attachment 3</a>	Fern Road current road reserve
<a href="#">Attachment 4</a>	Hummerston Road Location Plan
<a href="#">Attachment 5</a>	Hummerston Road Emergency Access
<a href="#">Attachment 6</a>	Fern and Hummerston Road Connection Options

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a 65 signatory petition from Paulls Valley residents and business owners that was presented at the Development and Asset Services Committee meeting on 12 December 2016.
2. Concept design and estimated costs associated with the requested extension of Hummerston Road and the upgrade of existing Hummerston Road between its intersection with Aldersyde Road and the end of seal is presented, along with a review of traffic movement data. In addition, particular reference has been made to the request for emergency access.

3. It is recommended that Council give due consideration to the following:
- a) Committing on an immediate basis to an appropriately maintained access track located on the unconstructed Hummerston Road road reserve for use by the local "Paulls Valley" and "Hummerston Road" communities for use in emergency situations, inclusive of installation of an additional chain gate at the Fern Road end of the unconstructed Hummerston Road road reserve in addition to the two existing chain gates.
  - b) Establishment of a Community Street Coordinators arrangement whereby the nominated Street Coordinator is responsible for the key that unlocks the chain gate at each access location and takes responsibility to check that the chain gates are appropriately secured following an emergency situation.
  - c) Listing funds for consideration in the City's Long Term Financial Plan in the following priority order for:
    - i. Detailed design relating to the rehabilitation, widening and extension of Hummerston Road;
    - ii. Rehabilitating and resurfacing the existing 6m wide Hummerston Road pavement heading east for 400m from Aldersyde Road;
    - iii. Widening to 6m and resurfacing the existing 4m wide Hummerston Road carriageway for a distance of 350m through to the end of seal; and
    - iv. Extending Hummerston Road from the end of seal to connect with Fern Road, with the proposed extension subject to public consultation.
  - d) Listing funds for consideration in the City's Long Term Financial Plan to undertake legal survey to modify the road reserve to reflect the actual location of Fern Road between Mundaring Weir Road and the Hummerston Road road reserve connection.

## **BACKGROUND**

4. A petition containing 65 signatures from Paulls Valley residents and business owners was tabled at the Development and Asset Services Committee meeting in December 2016 requesting that Hummerston Road East to Fern Road, Piesse Brook be re-gazetted and reopened. The petition requests that Hummerston Road East from the end of the existing sealed pavement through to Fern Road be re-gazetted and reopened (currently an unconstructed and partially cleared road reserve containing public utility services) for the following reasons:
- a) Traffic loads continue to increase on Mundaring Weir Road citing that the Mundaring Weir Road/Fern Road intersection is dangerous when making a right turn from Fern Road onto Mundaring Weir Road;
  - b) In the event of a fast moving wild fire closing Mundaring Weir Road then Paulls Valley residents are trapped; and
  - c) Increase in sporting events, power pole replacements and road maintenance together with traffic accidents resulting in closure of Mundaring Weir Road results in significant inconvenience to residents.

Refer to Attachment 1 for a full copy of the petition inclusive of signatories.

5. In assessing the petition it is advised that the 65 signatures are representative of 28 properties within Paulls Valley and two external to the area (refer Attachment 2). Sealed access to Mundaring Weir Road from Paulls Valley is able to be gained through Fern Road, Paulls Valley Road and Asher Road. It is noted that Fern Road and Paulls Valley Road are interlinked, with Asher Road being independent from these two roads. As a consequence, residents and business owners with properties that gain access to Mundaring Weir Road via Asher Road (ie: 19 signatories from 12 properties) have no direct relationship with Fern Road nor the need to connect with Hummerston Road.
6. The City has over time received numerous requests from both the residents of Paulls Valley and Piesse Brook areas for upgrading of a track(s) from the Hummerston Road end of seal through to Fern Road to provide an alternative access during emergency situations, in particular bush fires, and during times when Mundaring Weir Road is closed for various lengths of time to undertake routine maintenance works and various cycling events.
7. Council addressed road closure for Hummerston Road on two occasions during the 1990's, namely:
  - a) During 1990 when Council considered temporary closure of Hummerston Road between the end of seal and Fern Road, with the method of temporary road closure utilising the erection of barriers on Hummerston Road and the access tracks. As a consequence, this resolution served in only blockading the road reserve from unauthorised vehicles; and
  - b) During 1999 when Council considered closure of an unconstructed section of Hummerston Road resolving that Administration:  
*"Requests the Minister for Lands to approve the closure of portion of Hummerston Road reserve as shown on the plan attached from the boundary of Location 763 to its intersection with Paulls Valley Road and that the land be amalgamated into the surrounding State Forrest 54."*

This closure related to road reserve that was located to the east of Fern Road (i.e.: not directly related to the matter at hand), with closure as requested subsequently actioned by State Government.

8. A further complication in addressing this petition is the existing Fern Road sealed carriageway from the point at which a proposed extension of Hummerston Road would connect, through to the Fern Road/Mundaring Weir Road intersection, is in part, located outside of the gazetted road reserve. As a consequence, any road construction activity proposed would in the first instance necessitate corrective action from a legal survey perspective. As the land on both sides of this road reserve is National Park, this will require both the excision and release of road reserve from the Park. This process will require the endorsement of both houses of State Parliament and generally takes in the order of two years or more to complete.

The Fern Road carriageway alignment relative to the gazetted road reserve is shown in Attachment 3.

9. In addressing the Petitioners request; “...*that Hummerston Road East to Fern Road, Piesse Brook be re-gazetted and reopened.*” is not relevant as this section of the Hummerston Road road reserve is still formally gazetted as road reserve and is therefore still vested in care and control of the City. The question arising from the petition is whether or not to extend Hummerston Road along this section of unconstructed road reserve from the end of seal through to its connection with Fern Road.
10. This report was presented to the Development and Asset Committee meeting held on 2 October 2017, with the Committee resolving to defer the report to the Ordinary Council Meeting scheduled for November 2017 pending further consultation with representatives from the local community to clarify the petition intent. At the Ordinary Council Meeting in November 2017 a further deferral to December 2017 was endorsed.
11. The reason for the deferral arose as a consequence of the City’s understanding that the petition’s primary objective was focused on the extension of Hummerston Road from the existing end of seal through to connection with Fern Road. On readdressing this matter with the petition organiser it was made clear that the priority in this instance is for appropriate emergency access to be provided (i.e.: a second access option for local residents/visitors), with the extension of Hummerston Road being secondary. A meeting with representatives of the local “Paulls Valley” community was subsequently convened and as a consequence, the report as originally presented has been amended accordingly to address these concerns.

## DETAILS

12. Hummerston Road is a gazetted public road from Mundaring Weir Road (from just east of the Kalamunda Town Centre) to Fern Road with an overall length of approximately 2.6 km. Its function is designated as an Access Road in the City’s Road Hierarchy.  
  
A location plan that identifies the various road linkages in the Hummerston Road/Fern Road/Mundaring Weir Road area is presented as Attachment 4.
13. **Unconstructed Hummerston Road Road Reserve**  
The unconstructed Hummerston Road road reserve of approximately 350m in length from the current end of seal through to connection with Fern Road. It is able to be traversed by way of a poorly formed gravel track that is in poor condition, primarily as a result of scouring due to uncontrolled stormwater runoff, and is considered only able to be traversed by a 4-wheel drive vehicle. The track is barricaded at the Hummerston Road entry to exclude use by unauthorised vehicles.  
  
For ease of reference, the unconstructed section of Hummerston Road is highlighted in yellow, in Attachment 4, with the gravel track in dark blue adjacent to it.
14. Western Power infrastructure consisting of overhead power distribution lines, along with underground Telstra infrastructure, are both located on the northern side of the unconstructed Hummerston Road road reserve, with the poorly formed gravel track primarily acting as maintenance access for the

public utility service providers in order to access both above and below ground utility services.

15. It is noted that a further gravel track branches off at approximately 45deg from the lower slope of the unconstructed Hummerston Road road reserve and crosses National Park land before connecting to the Fern Road road reserve. This track is considered to be in reasonable condition and is barricaded at the Fern Road entry to exclude use by unauthorised vehicles however, it is not under the care and control of the City.

The location of this track is also highlighted in dark blue in Attachment 4.

16. **Emergency Access**

The existing tracks have over the years been used for unauthorised access with vandalism to various forms of gated control that have been established at various times. The post and chain gate controls recently put in place in two locations are yet to be tested, with post foundations being well grounded and the chain being heavy duty.

Appropriate access controls are in place for both Western Power and Telstra maintenance/inspection arrangements, with both the City and the Department of Biodiversity, Conservation and Attractions (DBCA) taking responsibility for track maintenance on an as required basis for their respective alignments.

17. Currently it appears that existing emergency access arrangements are not clearly defined and as a consequence, the concern as expressed in the petition. Following clarification of the intent of the petition, it was determined that there is a need for formalised arrangements to be established for use in emergency situations, this was subsequently reinforced by the representatives from the local "Paulls Valley" community at the meeting that was convened.

18. It was agreed at the meeting that physical access is currently compromised by the condition of the track along the unconstructed Hummerston Road road reserve. The representatives were also advised that the track that branches off at approximately 45deg from the lower slope of the unconstructed Hummerston Road road reserve, passes through the National Park and is not in the care and control of the City.

Photographs relating to each of the access points for both gravel tracks are presented in Attachment 4.

19. Currently there are two chain gates installed on the track, one on the unconstructed Hummerston Road road reserve near the Hummerston Road end of seal and the other at the Fern Road end of the track that traverses the National Park. There is no gated control at the Fern Road end of the unconstructed Hummerston Road road reserve, with unauthorised access resulting in confusion given the inability of not being able to access Hummerston Road. As a consequence, a degree of vandalism occurs from time to time.

20. Discussion was held with the then Department of Parks & Wildlife early in 2017 (now the DBCA) regarding the possible use of the track crossing National Park land with a positive response. However, formal agreement would need to be entered into and would result in the City needing to commit to a



Memorandum of Understanding focused on undertaking maintenance responsibility for the upkeep of the track.

21. In order to ensure accessibility for use in emergency situations representatives were charged with the responsibility of determining how the local community might coordinate this approach, with the outcome subsequently recommended that provision of keys be issued to Community Street Coordinators for the following street groups:
- a) Paulls Valley Road;
  - b) Asher Road/Quicke Road;
  - c) Fern Road/Furfaro Road; and
  - d) Brigeta Road.

It is considered that appropriate control/conditions would need to be developed and agreed to ensure compliance in relation to proposed use of the access track.

22. It was resolved at the meeting that:
- a) Appropriate reconstruction/maintenance of the track located within the unconstructed Hummerston Road road reserve needs to be undertaken by the City to enable appropriate use to be made of this track for use in emergency situations;
  - b) Installation of a third chain gate at the Fern Road end of the unconstructed Hummerston Road road reserve to control unauthorised access; and
  - c) Community Street Coordinator arrangements be developed/entered into with both the local "Paulls Valley" community.
23. In subsequent reflection of the proposed Community Street Coordinator arrangement, this would also need to be established for the local "Hummerston Road" community to ensure access arrangements are in place in both directions.

24. **Existing Hummerston Road Upgrade**  
Hummerston Road is currently constructed with a sealed pavement from its intersection with Mundaring Weir Road to approximately 750m east of its intersection with Aldersyde Road, with the last 750m section being a "No Through Road" to the end of seal.

25. The Hummerston Road carriageway is typically 6m wide, with this width applicable from its intersection with Mundaring Weir Road through to approximately 400m east of its intersection with Aldersyde Road. The carriageway then narrows to approximately 4m wide for a further 350m through to the end of seal.

26. The 6m wide carriageway extends for a length of 400m from immediately east of Aldersyde Road, with the pavement considered to be in a poor state of repair and will require full rehabilitation in the short to medium term. Pavement deformation is clearly evident within the existing carriageway, and localised widening will also be required as the width is also noted as being somewhat marginal at various locations.

The 6m wide section of carriageway is highlighted in light blue in Attachment 4.

27. The existing 4m wide section of sealed pavement will need to be upgraded over the remaining length of 350 metres to the 6m wide standard. This will incur significant costs due to the extent of earthworks/hard rock excavation. It may be feasible in this instance to minimise encroachment of batters into the adjacent rural properties through stone pitching or retaining walls. This would need to be confirmed during detailed design.

In relation to proposed horizontal geometry it is advised that there is also a need to also enlarge the radii of two tight bends to appropriate design standards along this section of road. This may result in possible cut/fill encroachment into adjacent properties, with the actual impact, if any, subject to detailed design

The 4m wide section of carriageway is highlighted in green in Attachment 4.

28. **Proposed Hummerston Road Extension**

In assessing the ability to construct a road pavement in the unconstructed section of the Hummerston Road road reserve the following matters require consideration.

29. Design Grade of the Hummerston Road Extension

A preliminary design assessment indicates that the extension of the pavement from the Hummerston Road end of seal to the existing Fern Road sealed pavement will result in an average longitudinal grade of approximately 12%. This is fixed due to the alignment of the unconstructed road reserve and the difference in ground levels at the two connection points with existing sealed pavement. The resultant grade is steeper than the desirable grade for truck traffic of 5%, with a practical maximum of 8%. For comparison purposes it is noted that the average grade on the steep section of Welshpool Road East is about 8%.

30. Alternative Hummerston Road Alignment

As previously noted, a second gravel track branches off to the south at approximately 45deg from the lower slope of the unconstructed Hummerston Road road reserve. This track traverses through the National Park prior to connecting to Fern Road approximately 100m north of the Fern Road intersection with Mundaring Weir Road however, it is not located in a gazetted road reserve.

A preliminary assessment of the ground contours indicates that this alignment would not improve the design longitudinal grade in comparison to the design that could be accommodated within the Hummerston Road road reserve. Furthermore, this access alignment through the National Park is likely to have significant impact on the park and would at minimum require environmental impact assessment, land acquisition (with Parliamentary consideration required given the land is within a National Park) and if successful, vegetation clearing/offsets consideration in order to advance this proposal.

In considering this alignment it was determined that there was no clear advantage from a design/construction perspective compared to extending

Hummerston Road within the unconstructed road reserve and resulted in a decision to forgo further consideration of this alternative alignment.

31. Hummerston Road/Fern Road Intersection

The Hummerston Road road reserve aligns directly into the Fern Road road reserve at its point of intersection and this option (i.e.: referred to as Option 1) would align the Hummerston Road pavement directly into the existing Fern Road pavement and make this a priority movement. The section of Fern Road from Mundaring Weir Road would then become a terminating leg at a tee junction and this would also change traffic priority for through movements. The other feasible option (ie: referred to as Option 2) would result in the Hummerston Road pavement being aligned as a right angle intersection with the existing Fern Road pavement. As a consequence, traffic priority would remain focused on Fern Road. However, this option results in marginal sight lines due to the geometry of the resultant intersection and compromises design standards.

Both Options 1 and 2 are presented in Attachment 6, with Option 1 being preferred given the design constraints associated with Option 2.

It is also advised that both options are compromised by the location of the existing gazetted road reserve for Fern Road. As noted previously and shown in Attachment 3, the existing road carriageway making up the section of Fern Road between the new intersection that would be created as a result of extending Hummerston Road (i.e.: for either option), and Mundaring Weir Road, is in part located outside of the existing dedicated road reserve and would therefore need to be rationalised through a combination of excision/release of road reserve relating to the road alignment within the National Park.

32. Fern Road/Mundaring Road Intersection

The Fern Road/Mundaring Weir Road intersection was also reviewed to confirm whether or not design standards are compromised with the outcome of the review noting that it is able to operate as it currently exists. However, it is noted that improvement to existing line marking at this intersection will be undertaken in lead up to the completion of the two-staged Mundaring Weir Road Upgrade Project approved as part of the 2017/2018 and 2018/2019 State BlackSpot Programs, with detailed design is scheduled to commence for this project.

33. Property Impacts

The construction of the extension of Hummerston Road will result in an average design grade of 12% and given the topography of this area, will also result in some sizable cut and fill batters that subject to detailed design, may encroach into adjacent rural properties and the National Park.

Similarly, there are possibly some pinch points along the existing 4m wide pavement section of Hummerston Road where detailed design relating to cut/fill batters will need careful consideration to avoid spill into adjacent private properties and the National Park.

34. Western Power Services

The concept design for the proposed extension to Hummerston Road has endeavoured to mitigate impact on the existing Western Power and Telstra infrastructure. However, detailed design will need to be undertaken to determine the extent of impact, if any.

35. Stormwater Drainage

Due to the steep design grade there is a need for stormwater drainage control comprising regular catch drains to moderate discharge flows located strategically along the full length of the proposed extension to Hummerston Road. In addressing this matter, the need for a stormwater disposal site will be dependent on the outcome of detailed design relating to stormwater volume control. If required it would most likely need to be accommodated in an adjacent private property and can be in the form of an easement or excision of land for drainage purposes.

36. **Vegetation Clearing**

There will be a need to remove a number of trees along with other vegetation to accommodate proposed widening and extension related works on Hummerston Road. As a consequence, appropriate procedural protocols with regard to clearing approvals will need to be accommodated during detailed design once the extent of impact has been determined.

37. **Traffic Impact Consideration**

In addressing current traffic movements the following data was collected using the City's Traffic Classifiers (NB: Reference to "vpd" refers to vehicles per day):

- a) Mundaring Weir Road (East of the Fern Road intersection):  
Data collected March 2017  
Average Week Day Traffic Volume = 615vpd (East-bound)  
Average Week Day Traffic Volume = 640vpd (West-bound)  
Average Weekend Day Traffic Volume = 1,080vpd (East-bound)  
Average Weekend Day Traffic Volume = 1,005vpd (West-bound)
- b) Mundaring Weir Road (West of the Fern Road intersection):  
Data collected March 2017  
Average Week Day Traffic Volume = 664vpd (East-bound)  
Average Week Day Traffic Volume = 690vpd (West-bound)  
Average Weekend Day Traffic Volume = 1,136vpd (East-bound)  
Average Weekend Day Traffic Volume = 1,075vpd (West-bound)
- c) Fern Road:  
Data collected March 2017  
Average Daily Traffic Volumes = 63vpd (North-bound)  
Average Daily Traffic Volumes = 62vpd (South-bound)  
Hummerston Road (between Mundaring Weir Road & Roach Road):  
Data collected May 2017  
Average Daily Traffic Volumes = 178vpd (East-bound)  
Average Daily Traffic Volumes = 168vpd (West-bound)

Truck traffic was recorded as being typically less than 10% of traffic volumes recorded in all instances.

38. In reviewing the data collected it is clear that Mundaring Weir Road exhibits a major change in traffic volume between week and weekend days. Both Fern Road and Hummerston Road proved to be reasonably balanced across the whole week, with the data in the case of these two roads reflecting local traffic conditions.
39. The data also indicated approximately 5% more traffic is heading east on Mundaring Weir Road compared to traffic heading west. This is also reflected in the Hummerston Road data, suggesting that some traffic may utilise Hummerston Road as a shortcut to Mundaring Weir Road via Aldersyde Road.

### **STATUTORY AND LEGAL CONSIDERATIONS**

40. The Hummerston Road road reserve contains native vegetation and as such considerations as to the requirement for a Clearing Permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 would be required in order to undertake earthworks for cut/fill batters that subject to confirmation by way of detailed design, is to be accommodated within the road reserve for the pavement rehabilitation, road widening and extension works proposed.

### **POLICY CONSIDERATIONS**

41. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

42. Nil.

#### **External Referrals**

43. The local "Paulls Valley" community have provided the City with their recommended Community Street Coordinators, with further consultation to be undertaken in order to formalise arrangements and procedural matters to be followed.
44. The local "Hummerston Road" community will need to be consulted in relation to use of the track located within the unconstructed Hummerston Road road reserves in emergency situations and the need for a Community Street Coordinator responsible for emergency access control.
45. The local "Paulls Valley" and "Hummerston Road" communities will need to be consulted about the proposed Hummerston Road rehabilitation, widening and extension works as relevant to each community. The main focus of the consultation will be related to the proposed extension and potential amenity concerns as a consequence of a likely increase in traffic movement on Hummerston Road once the connection to Fern Road is in place. It is noted that such a connection will create a more direct route for Paulls Valley residents/business owners heading west (and on return), and will most likely divert traffic to/from Mundaring Weir Road as a consequence of reduced

distance/travel time in both directions between the Kalamunda Town Centre and the Mundaring Weir Road/Fern Road intersection.

## **FINANCIAL CONSIDERATIONS**

46. Installation of a third chain gate to be located at the Fern Road end of the unconstructed Hummerston Road road reserve located as identified in Attachment 5 is required to control unauthorised access at Fern Road to the existing track that connects to end of seal on Hummerston Road. The cost for the supply and installation of the chain gate is estimated at \$12,000,
47. Upgrade of the existing track located within the unconstructed Hummerston Road road reserve is required to ensure accessible access for the local "Paulls Valley" and Hummerston Road" communities for use in emergency situations. The cost of maintenance to undertake the upgrade works is estimated at \$30,000, with this work to also be actioned as soon as practically possible given the approach of hotter/dryer weather conditions.
48. The track upgrade and gate installation works will be undertaken by the City's road maintenance team and the costs can be accommodated within the 2017/2018 Engineering Operations Maintenance Budget.
49. A concept design of the proposed extension to Hummerston Road has been developed based on a balanced cut to fill earthworks approach, with design limited to the fact that an average gradient of 12% needs to be accommodated.
50. When considering the extension as proposed, upgrade of Hummerston Road from Aldersyde Road through to end of seal needs to be undertaken prior to the extension being advanced.
51. Budget cost estimates have also been prepared for both the extension and the upgrade sections of Hummerston Road, with cost estimates based on a staged progression of works noted as follows:
  - a) Stage 1 - Hummerston Road Widening (350m section leading up to end of seal) @ \$230,000 confirmed as the first stage from a road safety perspective given sightline restrictions on two existing curves.
  - b) Stage 2 - Hummerston Road Pavement Rehabilitation (400m section from Aldersyde Road heading east) @ \$265,000
  - c) Stage 3 - Hummerston Road Extension (End of seal to Fern Road) @ \$385,000

The above estimates include a 25% contingency but exclude allowances to cover the cost of any required modifications to existing Western Power and Telstra infrastructure, extent of cut/fill encroachment on adjacent properties, construction costs to accommodate a stormwater disposal site and, associated land acquisition related costs in each instance.

The exclusions noted will be dependent on the outcome of detailed design, with any additional cost incurred to be considered as being additional to the budget cost estimates provided for each stage of works.

52. It is noted that the City's Long Term Financial Plan has the following projects currently listed for future budget consideration by Council:
- a) 2018/2019 - Hummerston Road Widening Detailed Design @ \$20,000
  - b) 2018/2019 - Hummerston Road Resurfacing @ \$185,000
  - c) 2019/2020 - Hummerston Road Widening Construction @ \$200,000
53. It is proposed that the above allocations be deleted and based on the outcome of this report be replaced with new allocations as follows:
- a) 2018/2019 - Hummerston Road Rehabilitation, Widening and Extension Detailed Design @ \$50,000, with the outcome of detailed design rationalising current budget cost estimates in relation to whether there are any public utility services impacts, land acquisition requirements arising from cut/fill, conditions of vegetation removal (i.e.: Clearing Permit), and/or stormwater design requirements.
  - b) 2019/2020 – Hummerston Road Widening (Stage 1) @ \$230,000, subject to review of the budget cost estimate based on the outcome of detailed design
  - c) 2019/2020 - Hummerston Road Pavement Rehabilitation (Stage 2) @ \$265,000, subject to review of the budget cost estimate based on the outcome of detailed design
  - d) 2020/2021 - Hummerston Road Extension (Stage 3) @ \$385,000, subject to review of the budget cost estimate based on the outcome of detailed design
54. As a consequence of reviewing requirements in response to the petition as presented, there is also a need to modify the road reserve for Fern Road from where the Hummerston Road road reserve connects with Fern Road through to its intersection with Mundaring Weir Road. This will necessitate corrective action from a legal survey perspective and will require the endorsement of both houses of State Parliament.

It is estimated that a budget of \$25,000 is required to undertake this work, with the proposal that this be listed for consideration in the City's Long Term Financial Plan for 2018/2019.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

55. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 1.2: To provide safe and healthy environmental for community to enjoy.

Strategy 1.2.1 Facilitate a safe community environment.

OBJECTIVE 3.2: To connect community to quality amenities.

Strategy 3.2.2 Provide and advocate for improved transport solutions.

## SUSTAINABILITY

### Social Implications

56. The following social implications are noted:
- a) Improved road network connectivity between the Kalamunda Town Centre and the eastern suburbs of the City's jurisdiction/connection with Mundaring.
  - b) Additional "formalised" road access in case of civil emergency in the general area and/or temporary road closure between the Mundaring Weir Road/Hummerston Road and Mundaring Weir Road/Fern Road intersections.
  - c) Impact of additional traffic to residents of Hummerston Road (currently in part a "No Through Road").

### Economic Implications

57. The following economic implications are noted:
- a) Savings fuel/costs as a result of shorter travel distance between Paulls Valley and the Kalamunda Town Centre and, potential diversion of traffic from Mundaring Weir Road to and from the Kalamunda Town Centre.
  - b) The actual cost is unknown at this time and would require a full economic analysis to be undertaken in order to verify overall impact based on the difference between existing/predicted before and after traffic movements.
  - c) Improved road environment from a road safety perspective when comparing the section of Mundaring Weir Road between the Hummerston Road and Fern Road intersections to the Hummerston Road/Fern Road route if the Hummerston Road/Fern Road connection is made.

### Environmental Implications

58. The following environmental implications are noted:
- a) Loss of trees as a consequence of road widening.
  - b) Reduction in carbon emissions due to a potential marked change in traffic movement resulting from the shorter travel distance between Paulls Valley and the Kalamunda Town Centre and, potential diversion of traffic from Mundaring Weir Road to and from the Kalamunda Town Centre.

## RISK MANAGEMENT CONSIDERATIONS

59.	<b>Risk:</b> Support for the extension of Hummerston Road from the end of seal to its connection with Fern Road is not provided.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	Ensure both public utility service maintenance and emergency access arrangements are in place, maintenance of the gravel tracks is undertaken on an as required basis by both the City and the DBCA, and during non-		



emergency situations, provide supervised access as and when required and/or appropriate.		
<b>Risk:</b> The removal of native trees will cause community concern.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	High
<b>Action/ Strategy</b>		
Ensure all property owners along Hummerston Road are advised of the impact of roadworks on native trees. Advertise the proposed works in the local newspapers and on the City's webpage. Submit an application for a Clearing Permit in accordance with legislative requirements.		

## OFFICER COMMENT

60. The suggested Community Street Coordinator approach to address emergency access arrangements by the representatives from the local "Paulls Valley" community is supported by the City. This approach should also be extended to the local "Hummerston Road" community. Appropriate procedures and protocols will need to be established to ensure controlled access to the Access Track is maintained.
61. Construction of the extension to Hummerston Road with a sealed 6m wide pavement will provide a more direct route to the Kalamunda Town Centre for Paulls Valley residents/business proprietors as well as an alternative route for motorists utilising Mundaring Weir Road, reducing travel distance (one-way) by 2.1km and 1.6km respectively. The extension will also provide a fully constructed alternative access in the area during times of civil emergency.
62. It is to be noted that Mundaring Weir Road functions as a Regional Distributor in the City's Road Hierarchy with road pavement provided to a suitable high volume standard. The Hummerston Road extension would provide an alternative and more convenient option to motorists due to reduced travel distance. However, the road hierarchy may be impacted as traffic volume increases and as a consequence, may require alteration of the current Access Road status of Hummerston Road and potentially, further upgrade of the existing road carriageway in the form of road widening.
63. Should Hummerston Road be extended to connect with Fern Road, Hummerston Road residents will most likely experience a marked increase in traffic volume and associated noise due to the reduced distance and more direct nature of travel between the Kalamunda Town Centre and the Fern Road/Mundaring Weir Road intersection.
64. An extension to Hummerston Road would also indirectly impact on the existing Fern Road/Mundaring Weir Road intersection, with probable upgrade required given a change in turning movements that will most likely be generated – this has not been costed at this time but will need to be addressed as part of detailed design to determine actual impact/requirements for upgrade, if any.
65. The extension of Hummerston Road will provide alternative access in the case of emergencies and flexibility in the road network. However, this must be

considered in relation to the significant costs associated with the construction of both the extension and, the rehabilitation and widening of the "No Through Road" section of Hummerston Road, as well as addressing the various constraints outlined in this report.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Acknowledges receipt of the petition from residents and business owners of Paulls Valley as presented to the Development and Asset Services Committee meeting on 12 December 2016.
2. Supports the proposal for controlled access being provided to the Access Track located within the unconstructed Hummerston Road road reserve linking Fern Road and the Hummerston Road end of seal for public utility service provider use during emergency situations only and, as and when required and/or appropriate, inclusive of maintaining the track and associated chain gates that controls unauthorised access. The works to be funded through the 2017/2018 Engineering Maintenance Operating Budget.
3. Endorses the proposal to set up Community Street Coordinators for the local "Paulls Valley" and "Hummerston Road" communities supported by procedure protocols.
4. Notes that controlled access to the Access Track through the National Park linking Fern Road and the Hummerston Road end of seal during emergency situations will be progressed through the Department of Biodiversity, Conservation and Attractions and implemented if supported by the Department.
5. Lists for consideration in the City's Long Term Financial Plan, the following Hummerston Road projects, noting that existing budget allocations for this road will require deletion:
  - a) 2018/2019 - Hummerston Road Rehabilitation, Widening and Extension Detailed Design @ \$50,000, with the outcome of detailed design rationalising current budget cost estimates in relation to whether there are any public utility services impacts, land acquisition requirements arising from cut/fill, conditions of vegetation removal (ie: Clearing Permit), and/or stormwater design requirements.
  - b) 2019/2020 – Hummerston Road Widening (Stage 1) @ \$230,000, subject to review of the budget cost estimate based on the outcome of detailed design.
  - c) 2019/2020 - Hummerston Road Pavement Rehabilitation (Stage 2) @ \$265,000, subject to review of the budget cost estimate based on the outcome of detailed design.

- d) 2012/2021 - Hummerston Road Extension (Stage 3) @ \$385,000, subject to review of the budget cost estimate based on the outcome of detailed design.
- 6. Lists an amount of \$25,000 for consideration in the City's Long Term Financial Plan for 2018/2019 to undertake legal survey to modify the road reserve for Fern Road from where the Hummerston Road road reserve connects with Fern Road through to its intersection with Mundaring Weir Road.
- 7. Requests the Chief Executive Officer to advise the petitioners of Council's decision.

Moved:

Seconded:

Vote:

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

*The Director Asset Services provided a presentation on this item.*

**10.3.4 Proclamation of Changes to Roads and Ramps for the Gateway WA Project**

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset Planning
File Reference	TR-AIR-015
Applicant	Main Roads WA
Owner	Various

[Attachment 1](#)

Letter from Main Roads WA and attached plans –  
201621-0102-01 and 201721-0023-00

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a request from Main Roads WA for Council agreement to the proclamation of new road sections, ramps, realignments and locations of Main Roads controlled pathways at the recently completed Tonkin Highway/Roe Highway interchange project.
2. Main Roads WA has completed the construction of the Roe Highway and Tonkin Highway interchange. This work was completed within the boundaries of the City of Kalamunda, but will be managed and maintained by Main Roads WA. As part of its policy, Main Roads WA is required to issue a proclamation that defines the extent of roads and paths under its responsibility.
3. It is recommended that Council agrees to the proclamation drawings which define the new road sections, ramps, realignments, and locations of Main Roads WA controlled paths at the Roe Highway and Tonkin Highway Interchange in the City of Kalamunda.

**BACKGROUND**

4. Main Roads WA is in the process of gazetting the recently completed works undertaken at this interchange as part of the Gateway WA Project.
5. This gazettal process requires that Council endorse the plans as shown on Attachment 1 to enable the Commissioner of Main Roads WA to recommend the proclamation to the Hon. Minister of Transport.
6. Reporting to Council serves as a formal public process for proclaiming the responsibility for the roads and paths.

**DETAILS**

7. The interchange of Tonkin Highway and Roe Highway was upgraded to incorporate new road sections, ramps and realignment and locations of paths as part of the recently completed Gateway WA Project.

8. As a result of these works, new road sections, ramps and paths have been constructed to improve the interchange at Roe Highway and Tonkin Highway. Refer *Attachment 1*.
9. Main Roads WA intends to gazette the new road sections, ramps and paths as State roads and paths.

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. The dedication is in accordance with section 13 of the Main Roads Act.

## **POLICY CONSIDERATIONS**

11. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. Nil.

### **External Referrals**

13. Nil.

## **FINANCIAL CONSIDERATIONS**

14. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

15. Kalamunda Advancing: Strategic Community Plan to 2027  
  
OBJECTIVE 4.2 To proactively engage and partner for the benefit of the community.  
  
Strategy 4.2.2: Increase advocacy activities and develop partnerships to support growth and reputation.

## **SUSTAINABILITY**

### **Social Implications**

16. The proclamation of the new road sections, ramps and paths relates to the upgrade of Roe Highway and Tonkin Highway interchange.
17. The recently upgraded interchange now provides improved road capacity, ramp access and shared path separation and connectivity, providing an overall improvement to road safety and congestion at this interchange.

### **Economic Implications**

18. Nil.

### **Environmental Implications**

19. Nil.

### **RISK MANAGEMENT CONSIDERATIONS**

20.	<b>Risk:</b> The Proclamation Drawings are not endorsed.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/ Strategy</b>		
	An objection to be lodged with the Commissioner of Main Roads WA.		

### **OFFICER COMMENT**

21. The proposed proclamation defines the roads and paths under Main Roads WA management and maintenance responsibility. This is the desired outcome, ensuring Main Roads WA manages the significant road and associated path infrastructure at the Tonkin Highway/Roe Highway Interchange.

<b>Voting Requirements: Absolute Majority</b>
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### **OFFICER RECOMMENDATION**

That Council:

1. Endorses the proclamation drawings as shown in plans 201621-0102-01 and 201721-0023-00 (Attachment 1).
2. Authorises the Chief Executive Officer to endorse a duplicate set of the proclamation drawings as shown in plans 201621-0102-01 and 201721-0023-00 (Attachment 1) and forward to Main Roads WA quoting the resolution number and date of the meeting.

Moved:

Seconded:

Vote:

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

*The Director Asset Services provided a presentation on this item.*

**10.3.5 2017/2018 Black Spot Program - Kalamunda Road/Newburn Road/Chipping Drive Roundabout**

Previous Items	OCM 139/2016
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	EG-RDM-004
Applicant	N/A
Owner	N/A

<a href="#">Attachment 1</a>	Concept Layout Plan Drawing 4086-001-001/A
<a href="#">Attachment 2</a>	Concept Drawing 4086-01-01/A
<a href="#">Attachment 3</a>	Concept Drawing 4086-02-02/A

**EXECUTIVE SUMMARY**

1. The purpose of this report is to provide an update on the City's 2017/2018 Black Spot submission for funding towards modifications to the Kalamunda Road/Newburn Road/Chipping Drive intersection and the process for obtaining feedback on the proposed works.
2. The City has been successful in receiving a 2017/2018 National Black Spot Grant for this project and there is now a requirement to obtain community and motorist feedback on the proposed modifications.
3. It is recommended to Council that it notes the proposed feedback mechanism for the roundabout modifications and a change to the grant funding to enable the project to be implemented over two years, with a corresponding amendment to the 2017/2018 Budget.

**BACKGROUND**

4. Council considered a report addressing the City's State and Australian Government Black Spot Programs Submissions 2017/2018 (D&I 48/2016) at its Ordinary Council Meeting held on 22 August 2016, with the following recommendations arising:

RESOLVED EN BLOC OCM 139/2016

*COMMITTEE RECOMMENDATION TO COUNCIL (D&I 48/2016)*

*That Council:*

1. *Endorses the submission of the following projects to Main Roads WA for grant funding consideration as part of the 2017/2018 State and National Government Black Spot Program:*
  - *Kalamunda Road/Newburn Road intersection – Provision of pre-deflection to the existing roundabout on Kalamunda Road approaches.*
  - *Kalamunda Road/Roe Highway intersection – Provision of overhead mast arms on Kalamunda Road approaches.*

- *Canning Road, between Pomeroy Road to Welshpool Road – Provision of a sealed shoulder and short section of guard rail.*
  - *Mundaring Weir Road, between Fern Road to Shire boundary – Improvement of clear zones with removal of sections of vegetation.*
  - *Mundaring Weir Road, between Fern Road to Shire boundary – Provision of a sealed shoulder and improved delineation devices.*
2. *Requests the Chief Executive Officer to advise Main Roads WA of its endorsement of these projects.*
3. *Defers the Kalamunda Road/Newburn Road intersection upgrade works (Job No 3327) approved in the 2016/2017 Roadworks (Renewal) Program subject to the outcome of the submission for Black Spot funding towards this project and further subject to community consultation.*
5. All Black Spot Projects submitted by the City were subsequently approved for funding by Main Roads WA early in the 2017/2018 financial year. The Kalamunda Road/Roe Highway Mast Arm project was subsequently withdrawn due to the announcement that Main Roads WA's proposal for grade separation of the Kalamunda/Roe Highway intersection is now funded.

## **DETAILS**

6. The Kalamunda Road/ Newburn Road/Chipping Drive Roundabout Project has been approved by Main Roads WA as part of the 2017/2018 National Black Spot Program for which 100% grant funding to the value of \$181,620 has been allocated (MRWA Ref 21113363/City Ref: 3405).
7. Rear end crashes are significantly over represented at the Kalamunda Road/ Newburn Road/Chipping Drive Roundabout, with this considered to be a result of the intersection geometry relating to the Kalamunda Road approaches. It comprises an unusual configuration with one approach leg with two lanes and the remaining three legs having single lane approaches.
8. Removal of the right dedicated turn lane and installation of pre-deflection nibs on both the Kalamunda Road approaches to the roundabout was presented for Blackspot funding consideration, as detailed in the City's Drawing No. 4086-001-001 at Attachment 1.
9. The City's Black Spot submission and this drawing were assessed by Main Roads WA appointed traffic consultants and supported for Black Spot funding.
10. As the upgrade to the roundabout was initially proposed to be funded from Municipal Funds, an independent Road Safety Audit (Stage 5) was undertaken by Shawmac Consulting Civil and Traffic Engineers, with the final report presented on 22 June 2016.
11. Two key recommendations of this Road Safety Audit were:
- 1. "Review the roundabout design and if the geometry is inadequate to regulate speed through the intersection, modify to increase deflection or alternatively, provide pre-deflection on deficient approaches."



2. "Review the operational performance of the roundabout with a view to removing the dedicated right turn lane if possible, thereby removing the need for the merge lane on the eastbound departure leg."
12. These recommendations support the City's Black Spot submission with Drawing No. 4086-001-001 (Attachment 1) incorporating pre-deflection nibs to slow the approach speeds and removal of the right turn dedicated lane.
13. It is noted that Council, when considering the City's Black Spot submissions for 2017/2018 funding, requested that works in relation to the project be subjected to community consultation prior to any works being undertaken.
14. Following advice that Blackspot funding was approved, Administration revisited the qualifying crash location to determine alternate remedial treatments and associated costs. As a consequence, an option that retains the dedicated right turn lane was developed as per the City's Concept drawing 4086-01-01/A (Attachment 2) through implementation of modified line marking that identifies lanes priorities as well as single lane egress for straight through traffic travelling east along Kalamunda Road.
15. City staff met with Main Roads WA in early November to determine the viability of the "line marking" protocol given Main Roads WA ultimately is responsible for approval of all line marking implementations across the State's road network.
16. Main Roads WA advised that the "line marking" proposal is not supported and the approved Black Spot project is the supported solution. This advice was subsequently confirmed via email.
17. Main Roads WA also advised at this meeting that the existing two lane approach on Kalamunda Road from a traffic management perspective is not supported in its current arrangement.

## **STATUTORY AND LEGAL CONSIDERATIONS**

18. Nil.

## **POLICY CONSIDERATIONS**

19. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

20. Nil.

### **External Referrals**

21. In accordance with the Council resolution of 22 August 2016, community and motorist feedback on the proposed modifications to the roundabout in accordance with the City's approved Black Spot submission will be sought through:

1. "Have Your Say - Proposed Roundabout Modifications" signs in Kalamunda Road, Newburn Road and Chipping Drive with referral to the City's web page to enable completion of an electronic feedback form.
2. "Have Your Say" section on the City's website allowing for electronic feedback forms.
3. Information letters with hard copy feedback forms with reference to the City's website to be distributed to residents and businesses located within a 400 metre radius of the roundabout.

## FINANCIAL CONSIDERATIONS

22. The Kalamunda Road/Newburn Road/Chipping Drive Blackspot project received 100% funding through the 2017/2018 National Blackspot Program totalling \$181,620, with the first 40% claim entitlement amounting to \$72,648 already recouped.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

23. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.2: To connect community to quality amenities.

Strategy 3.2.1 Optimal management of all assets.

## SUSTAINABILITY

### Social Implications

24. Improved traffic management within the City's road network through designing out Black Spot locations will reduce the severity of crashes that may arise and associated trauma that may be experienced by road users.

### Economic Implications

25. Funding approval of the Kalamunda Road/Newburn Road/Chipping Drive Blackspot project through the 2017/2018 National Black Spot program has removed the need for municipal funding to address Black Spot locations in the City's road network.

### Environmental Implications

26. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 27.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Project not advancing as approved in 2017/2018 National Blackspot Program. |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Moderate           | Medium        |
| <b>Action/ Strategy</b>   |                    |               |
| Explore options for alternative funding.  |                    |               |

## OFFICER COMMENT

28. Main Roads WA has confirmed that it does not support the proposal to modify existing line marking at the Kalamunda Road/Newburn Road/Chipping Drive Roundabout as presented in the City's Concept drawing 4086-01-01/A (Attachment 2). Furthermore, the existing arrangement is also not supported.

29. Council, when considering the City's Blackspot submissions for 2017/2018 funding, requested that works in relation to the Kalamunda Road/Newburn Road/Chipping Drive Roundabout project be presented for community consultation prior to any works being undertaken on site.

To enable the City to undertake this process and furthermore, to report the outcome of this process back to Council for formal resolution of the preferred actioned to be taken, Main Roads WA has agreed to split the project into two stages and fund over two financial years, namely:

- a) 2017/2018 - Community consultation, report back to Council and thereafter to undertake detailed design subject to the outcome of Council's subsequent decision, with project funding allocated at 40% of the approved grant (i.e.: being funds already claimed/recouped by City); and,
- b) 2018/2019 – Undertake construction subject to the outcome of Council's subsequent decision, with project funding allocated at 60% of the approved grant (i.e.: funds still to be claimed/recouped by the City).

30. The budget will require amendment to reflect this decrease in income and associated expenditure on this project in 2017/2018.

<b>Voting Requirements: Simple Majority</b>
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## OFFICER RECOMMENDATION

That Council:

1. Notes that feedback will be sought on the proposed modifications to the roundabout at the Kalamunda Road/Newburn Road/Chipping Drive intersection in accordance with the approved National Black Spot project details from residents and businesses within a 400 metre radius of the roundabout and from motorists who use this roundabout.
2. Notes that a report will be presented to Council on the outcomes of these processes outlined in 1.
3. Notes that Main Roads WA has agreed to the National Black Spot Funding to be allocated over two financial years as follows:
  - (a) 2017/2018 - Community consultation, report to Council, detailed design, documentation and approvals. 40% Grant Funds (\$72,648)
  - (b) 2018/2019 – Construction of the roundabout modification. 60% of Grant Funds (\$108,972)

4. Approves an amendment to the 2017/2018 Budget to reflect a decrease of \$108,972 in Grant Funding Income and corresponding decrease in budget allocated to Job No. 3405 Kalamunda Road/Newburn Road/Chipping Drive Roundabout Upgrade Project.

Moved:

Seconded:

Vote:

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

*The Director Asset Services provided a presentation on this item.*

**10.3.6 Disposal of Surplus Plant and Equipment**

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset and Waste Operations
File Reference	PT-CNE-001
Applicant	N/A
Owner	City of Kalamunda

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the disposal of plant and equipment that has been identified as being surplus to the City's future needs.
2. It is recommended that Council approves the disposal of the listed items of plant and equipment and that they be disposed of to the highest bidder at public auction.

**BACKGROUND**

3. A recent review of the City's Plant and equipment register identified several items of plant that were not being used sufficiently enough to warrant their retention. Further evaluation was undertaken on each individual item to ascertain if the item was still required, the number of hours it was being used, its condition, ongoing cost of maintenance, the further rate of depreciation, resale value and if other available cost effective alternatives were available.
4. A spreadsheet outlining the findings was presented to the Fleet Management Steering Committee for consideration during September 2017.
5. An independent plant valuer undertook inspections and provided the City with valuations on all items being considered for disposal.

**DETAILS**

6. The following list of selected plant and equipment no longer contribute to the service delivery outcomes expected by the City due to either poor condition, underutilisation or through sub-contracting of essential works.
  - a) P0066 Caterpillar Grader registration 1EGK 502
  - b) P0016 Dog Trailer registration KM30805
  - c) P0017 Dog Trailer registration KM30806
  - d) KM30607 Arrow Board
  - e) P1015 Caterpillar Roller
  - f) P1705 Heavy Plant Mower Slasher
  - g) P1600 Medium Plant Trailer
  - h) P0085 Minor Plant Aerator
  - i) P0071 Kubota Tractor
7. During October 2010 the City purchased a Caterpillar Grader to undertake shoulder maintenance, road construction and gravel road maintenance. Since

its purchase the Grader has been utilised for an average 303 hours per annum. The Grader utilisation is well below the national industry average of 1000 hours per annum and considerably less than the number of hours required to be cost effective.

With changes to the way in which the City delivers its capital program, the size and number of road construction projects requiring Grader use has diminished considerably. Gravel pavement maintenance, while through the disposal of the grader will bring about less flexibility, will be undertaken more cost effectively through contractors or internally by using other existing suitable forms of plant.

(Estimated Disposal Price \$130,000.00)

8. Two Dog Trailers were purchased in 2011 to assist with the intended proposal to carry out the provision of bulk verge collection for domestic residents in house. The idea was to minimise the time and cost associated with transport/logistics and disposal of collected waste streams. The City did not pursue with bringing this in house as it was ascertained to be more financially viable to continue this service with contractors. Further the City now uses the Skip Bin system for bulk waste collection and therefore these Dog Trailers have not subsequently been used since.

(Estimated Disposal Price \$45,000.00 each)

9. The Arrow Board, KM30607, has since been replaced due to its age and poor condition with a newer model of message board. The message board provides the additional benefit of messages and arrows where and when required. Subsequently the arrow board has been made redundant.

(Estimated Disposal Price \$1,000.00)

10. The Caterpillar Roller, P1015, has been standing in the yard for approx. 10 months due to poor condition and increased mechanical issues. These issues have resulted in escalating repair costs and substantial downtime necessitating alternative arrangements to be made for its replacement.

(Estimated Disposal Price \$5,000.00)

11. The Heavy Plant Mower Slasher, P1705, is well past its useful life cycle and overdue for replacement. As a result a new replacement has been purchased. The new mower has demonstrated an increase in productivity and overall quality which cannot be achieved with the existing mower for broad acre mowing.

(Estimated Disposal Price \$5,000.00)

12. The Medium Plant Trailer, P1600, has also been identified to be well past its useful life cycle. Consequently, due to un-road worthiness and the ever increasing cost to maintain and repair, it has remained unused for approx. 6 months pending disposal.

(Estimated Disposal Price \$1,500.00)

13. The Minor Plant Aerator, P0085, was purchased to undertake in house broad acre repair, maintenance and turf care in an effort to minimise associated costs. It was demonstrated that this can be achieved more cost effectively through contractors providing the City with significant cost relief. As a result the Aerator has remained unused for approximately 18 months.

(Estimated Disposal Price \$6,000.00)

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. Section 3.58 of *Local Government Act 1995*. Part 6 of the *Local Government (Functions and General) Regulations 1996*.
15. The assessed value of some of the plant being considered for disposal is in excess of \$75,000 and in accordance with the *Local Government Act 1995* (WA) amended Local Government (Functions and General Regulations 1996 30(3)(b), Council approval is necessary for the *disposal of property worth more, than \$75,000*.
16. Section 3.58 of *Local Government Act 1995*.  
(2) *Except as stated in this section, a local government can only dispose of property to —*  
(a) *the highest bidder at public auction; or*  
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
17. The CEO has delegated authority under section 5.42 of the *Local Government Act 1995* (WA) (**LGA**) to dispose of property pursuant to the exemption under section 3.58(d) of the LGA, which are prescribed in Regulation 30 of the *Local Government (Functions and General) Regulations 1996* (WA) (**F & G Regs**).
18. Regulation 30 of the F & G Regs provides that a disposition of property, other than land is an exempt disposition in two separate circumstances. Firstly, if its market value is less than \$20,000 (Reg 30(3)(a)) or if the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000 (Reg 30(3)(b) as amended.
19. As neither of these two exemptions apply, Council approval is required and the City must comply with section 3.58(2) or (3) of the *Local Government Act 1995* (WA) in regard to the means of sale. In short, this means that the property must be sold at auction to the highest bidder (section 3.58(2)(a) LGA), or to the person who at a public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest bidder (section 3.58(2)(b) LGA) and otherwise in accordance with section 3.58(3) of the LGA via public notice.

## **POLICY CONSIDERATIONS**

20. The City's Delegation Register includes a delegation LGA4 relating to Disposal of Surplus Property and Materials whereby the Council at its meeting held on 27 March 2017 delegated to the Chief Executive Officer the authority to

disposition of property where it is an exempt disposition and the market value is less than \$20,000.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

21. The Fleet Management Steering Committee considered a spreadsheet/report on the underutilisation and disposal of plant and equipment at its meeting held on 29 September 2017 whereby it supported the disposal of all the plant and equipment referred to in this report.
22. Relevant City Departments including Corporate Services, Parks & Environment, Procurement and People Services have been, and continue to be, consulted.

### **External Referrals**

23. Nil.

## **FINANCIAL CONSIDERATIONS**

24. No income has been allowed for in the 2017/18 Budget. Based upon valuations received the total funds that may be derived from the sale of this surplus plant is estimated to be around \$ 235,000.
25. The City has a Light Plant Reserve Fund for the purpose of light plant purchases and this would be an appropriate account for the proceeds to be credited to for future plant and equipment purchases.
26. Cost of auction is estimated to be as follows, Heavy Plant up to \$5000 at a rate of 10% and above this 3%.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

27. *Kalamunda Advancing: Strategic Community Plan to 2027*  
  
OBJECTIVE 3.2: To connect community to quality amenities.  
  
Strategy 3.2.1 Optimal management of assets.

## **SUSTAINABILITY**

### **Social Implications**

28. Nil.

### **Economic Implications**

29. Nil.



## Environmental Implications

30. Nil.

## RISK MANAGEMENT CONSIDERATIONS

31.	<b>Risk:</b> That at Public Auction the value of bids received is below market value.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	To ensure that Reserve Prices are set on each item of plant consistent with the initial valuations provided by valuer.		

## OFFICER COMMENT

32. A review identified all plant items that were not being utilised in the delivery of City works and items which were not being used more than 1000 hours per year. Each item was subsequently researched to determine the reason for the underutilisation and to ascertain what the potential usage is considered for the foreseeable future.
33. A reasonable effort was made to ensure no other Council Directorate has a need for the asset and an assessment was made on those items that required maintenance as whether they were determined to be economical to repair.
34. By calculating the amount of time and money spent supporting or repairing equipment which breaks down frequently. It has been determined that replacement can be more beneficial in the longer term, particularly when having the equipment off-line forces production to stop (downtime) or keeps employees from completing their jobs efficiently and in a timely manner.
35. Some items such as the message boards are easily outdated and are not expected to return much in the second hand market because of new models on the market which are more energy efficient, have brighter and clearer Light Emitting Diode (LED) lights and more extensive messaging abilities.
36. The disposal of selected plant and equipment will result in the added benefit of reducing the City's need for capital expenditure on plant purchases / replacement and improving available cash flow for the organisation. No warranty will be offered on assets sold, they will be sold on an "as is" basis.
37. No items have been identified as having historical or cultural significance.
38. The sale of items as required by the *Local Government Act 1995* by public auction will maximise returns through an open, transparent and effective competition process.

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<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Approves the disposal of the following items of plant and equipment which are surplus to its current requirements:
  - a) P0066 Caterpillar Grader registration 1EGK 502
  - b) P0016 Dog Trailer registration KM30805
  - c) P0017 Dog Trailer registration KM30806
  - d) KM30607 Arrow Board
  - e) P1015 Caterpillar Roller
  - f) P1705 Heavy Plant Mower Slasher
  - g) P1600 Medium Plant Trailer
  - h) P0085 Minor Plant Aerator
  - i) P0071 Kubota Tractor
  
2. Disposes of the abovementioned items of plant and equipment through public auction in accordance with Section 3.58 of the *Local Government Act 1995*.

Moved:

Seconded:

Vote:

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

*The Director Asset Services provided a presentation on this item.*

**10.3.7 Consideration of Tenders for the Provision of Plant Hire & Auxiliary Hire Services (RFT 1712)**

Previous Items	OCM 94/2012
Responsible Officer	Director Asset Services
Service Area	Asset and Waste Operations
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Tender Evaluation Report

Reason for Confidentiality

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

Confidential Attachment 2 Schedule of Rates

Reason for Confidentiality

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

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the award of a contract for the Provision of Plant Hire & Auxiliary Hire Services (Contract).
2. These services were provided under Contract 1203 which commenced on 20 August 2012 and expired on 20 August 2017.
3. On 6 September 2017, the City issued Request for Tender 1712 (RFT 1712) seeking tenders for the provision of services set out in the Contract for a period of two (2) years with an option, at the sole discretion of the City to extend the Contract by a further one (1) x 12 month period.
4. It is recommended that Council appoint McKay Earthmoving Pty Ltd as Primary Contractor and Platinum Plant & Equipment Hire Pty Ltd as Secondary Contractor.

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## BACKGROUND

5. The Provision of Plant Hire and Auxiliary Plant Hire Services was undertaken under Contract 1203, which commenced on 20 August 2012 and expired on 20 August 2017.
6. The City issued a Request for Tender (RFT 1712) through its website and an advertisement in the West Australian newspaper on 6 September 2017. Receipt of Tender submissions closed at 2.00pm, Thursday 21 September 2017.
7. The Scope of Services for the Contract is defined in RFT 1712 and includes the provision of a wide range of plant hire services required to provide specialist plant such as large excavators and supplement the City's plant fleet for both operational (maintenance) and capital works.
8. Plant hire under this contract is generally plant that the City does not use significantly enough to warrant its purchase. A hire arrangement provides flexibility without the capital outlay and the option to use City labour if available.
9. The provision of services under this contract will be completed through a structure panel contracting arrangement. In this instance a panel of two contractors is preferred over individual contracts because the panel provides the City of Kalamunda with a better response capacity (if the Primary contractor is unable to respond the Secondary contractor will be required to provide the service). Also, it will deliver efficiencies in administration, reduce the need for coordination of contractor's onsite, and transfer liability to contractors providing multiple items. Further advantages are the familiarisation of the panel with City works techniques and safe work method statements. Two Contractors that provide the City with the best value for money, will be part of the panel as structured below.
  - a) Primary Contractor – Tenderer that receives the highest total evaluation score
  - b) Secondary Contractor – Tenderer that receives the second highest total evaluation score.
10. The City received Tender submissions from the following 16 organisations:
  - a) Allwest Plant Hire Australia Pty Ltd
  - b) Brooks Hire Service Pty Ltd
  - c) Chivas Enterprises Pty Ltd (Mayday Earthmoving)
  - d) Citywide Civil Contractors
  - e) Coates Hire Operations Pty Ltd
  - f) Conplant Pty Ltd
  - g) Egan Civil Pty Ltd (Castle Civil)
  - h) Hawleys Bobcat Services
  - i) Industrial Roadpavers (WA) Pty Ltd
  - j) JSB Fencing and Machinery Hire Pty Ltd
  - k) Kala Bob Kats Pty Ltd
  - l) Kingston Industries Pty Ltd (Tutt Bryant Hire)
  - m) McKay Earthmoving Pty Ltd
  - n) MMA (WA) Pty Ltd
  - o) Platinum Plant & Equipment Hire Pty Ltd

p) Sherrin Rentals Pty Ltd

**DETAILS**

11. The scope of the Tender requires the services of suitably qualified and experienced contractors for the provision of plant hire and auxiliary hire services as outlined in the RFT 1712 specifications.
12. The Contract shall be in force for a period of two years, with an option, at the sole discretion of the City, to extend the Contract by a further one x 12 month period. However, in the event of the Contractor failing in any manner to carry out the Contract to the City's satisfaction, the City may determine (terminate) the Contract by written notice to the Contractor.
13. The following staff were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
  - a) Coordinator Infrastructure Services (Panel Chair)
  - b) Coordinator Waste and Fleet Services
  - c) Construction Supervisor
14. The Probity overview was conducted by the Senior Procurement Officer.
15. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by the Senior Procurement Officer. Chivas Enterprises Pty Ltd (Mayday Earthmoving), Conplant Pty Ltd and Coates Hire Operations Pty Ltd were assessed as being non-complaint with the Tender Compliance Criteria. Details of the compliance assessment are provided in the Attached Tender Evaluation Report included as (Confidential Attachment 1).
16. As part of the Tender assessment process, all submissions must be considered against predefined Qualitative Criteria, which are all described in the Request document.
17. The purpose of the Qualitative Criteria is to ensure that Tenderers easily understand what is required of them in the context of the future contract that may be entered into and in providing that understanding, ensures that Tenderers have the opportunity to properly demonstrate their ability and experience, amongst other things, in answer to each of the Qualitative Criteria required.
18. The Panel undertakes a qualitative assessment of each Tender submission in accordance with the following general direction:
  - a) Panel members read each response and evaluate answers to the Qualitative Criteria on an individual basis;
  - b) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
  - c) Where clarifications are sought from Tenderers, all responses are logged in a Clarifications Register and duly considered by the Panel; and
  - d) The evaluation process is observed by the Senior Procurement Officer to ensure correct processes are followed.
19. Clarifications from McKay Earthmoving Pty Ltd and Egan Civil Pty Ltd (Castle Civil) were registered for this Tender.

- 
20. Panel members completed the qualitative assessment on 3 and 5 October 2017.
21. On completion of the qualitative assessment, each Panel member individually signed the assessment scores. Qualitative scores achieved are detailed in the Attached Tender Evaluation Report included as (Confidential Attachment 1).
22. The Tender is based on a Schedule of Rates against which services to be provided are measured and paid for on a unit rate basis. The price assessment methodology is based on comparing the rates provided by the Tenderers for all the items of the Schedule of Rates.
- For each item, the lowest rate receives the maximum Price score, and more expensive rates receive lower Price scores. Price scores achieved are detailed in the Attached Tender Evaluation Report included as (Confidential Attachment 1).
23. A review of our usage over the first six months of this year, identified that 81% of plant hired was for items 1-16 (Loaders, Backhoes, Excavators, Rollers and Grader) with the remaining 19% being for items 17-23 (Trucks and Labourer), with truck hire being only 151 hours.
24. Whilst it is noted that McKay Earthmoving Pty Ltd prices were generally the cheapest for items 1-16 (Loaders, Backhoes, Excavators, Rollers and Grader) and Platinum Plant & Equipment Hire Pty Ltd were generally cheaper for items 17-23 (Trucks and labourer), 81% of the plant hired over the first 6 months of this year related to items 1-16 and therefore McKay Earthmoving Pty Ltd represents best value as the Primary Contractor.
- Further in some situations such as excavator hire, there is often a requirement for the excavator to be transported by truck and it is therefore prudent that the same supplier provide both plant items for efficiency and liability reasons.
25. The Panel determines the Weighted Combined Score for each Tender submission by applying the predefined Weightings, which are all described in the Request document.
- The Weighted Combined Score is the result of combining the Qualitative Score (Weighting 40%) and the Price Score (Weighting 60%).
-

26. The resultant outcome of the Weighted Combined Score in ranked order are detailed in the table below:

<b>Tenderer</b>	<b>Ranking</b>
McKay Earthmoving Pty Ltd	1
Platinum Plant & Equipment Hire Pty Ltd	2
JSB Fencing and Machinery Hire Pty Ltd	3
MMA (WA) Pty Ltd	4
Allwest Plant Hire Australia Pty Ltd	5
Egan Civil Pty Ltd (Castle Civil)	6
Industrial Road Pavers	7
Kala Bob Kats Pty Ltd	8
Brooks Hire Service Pty Ltd	9
Sherrin Rentals Pty Ltd	10
Kingston Industries Pty Ltd (Tutt Bryant Hire)	11
Citywide Civil Contractors	12
Hawleys Bobcat Service	13

As demonstrated in the above table, McKay Earthmoving Pty Ltd was the highest ranked Tenderer, and Platinum Plant & Equipment Hire was the second highest ranked Tenderer, following Combined Weighted Score.

## **STATUTORY AND LEGAL CONSIDERATIONS**

27. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

## **POLICY CONSIDERATIONS**

28. Policy C-PP01 – Purchasing, has been followed and complied with.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

29. Nil.

### **External Referrals**

30. Nil.

## **FINANCIAL CONSIDERATIONS**

31. The services supplied under the Contract are used for both Capital and Maintenance related works.
32. The total value of this service under the recently expired contract (Contract 1203) for the last three financial years was \$865,664.
33. The annual amounts varied depending on the number of projects in the approved Capital Program and the extent of maintenance arising from Maintenance Program.

34. Funding for this service is annually secured through individual Capital and Maintenance cost codes attributed to the relevant project or maintenance activity.
35. The cost of services provided will be determined in accordance with section 1.22 Price Basis in RFT 1712, with details in this regard identified in the attached Tender Evaluation Report included as (Confidential Attachment 1).

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

36. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 3.2: To connect community to quality amenities.
- Strategy 3.2.1 Optimal management of assets.

## SUSTAINABILITY

### Social Implications

37. Nil.

### Economic Implications

38. Nil.

### Environmental Implications

39. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 40.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Tender not awarded.   |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Possible   | Moderate           | Medium        |
| <b>Action/ Strategy</b>  |                    |               |
| Hire of plant and equipment will need to be procured through quotations with impact on responsiveness and resulting increased administrative time.   |                    |               |
| <b>Risk:</b> The Contractor does not satisfy the specification.  |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Moderate           | Low           |
| <b>Action/ Strategy</b>  |                    |               |
| Warranties, Australian Standard contracts and Professional Project Management in place. The panel of two contractors allows for the engagement of an alternative contractor to provide the services to specifications. |                    |               |



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## **OFFICER COMMENT**

41. All Tenderers were given the opportunity to provide information in accordance with the RFT.
42. The Panel concluded that McKay Earthmoving Pty Ltd provides the best value for money and Platinum Plant & Equipment Hire Pty Ltd provides the second best value for money. As a consequence, the Panel recommends that McKay Earthmoving Pty Ltd be appointed as for Primary Contractor and Platinum Plant & Equipment Hire Pty Ltd as Secondary Contractor.
43. It is anticipated that the Contract is to commence in December 2017, subject to the outcome of consideration of Tender Award by Council.

<b>Voting Requirements: Simple Majority</b>
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## **OFFICER RECOMMENDATION**

That Council:

1. Approves the appointment of McKay Earthmoving Pty Ltd as Primary Contractor and Platinum Plant and Equipment Hire Pty Ltd as Secondary Contractor for the Provision of Plant Hire and Auxiliary Hire Services (RFT 1712) for a period of two years with an option, at the sole discretion of the City, to extend the Contract by a further one x 12 month period in accordance with the Schedule of Rates in Confidential Attachment 2.

Moved:

Seconded:

Vote:

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

*The Director Asset Services provided a presentation on this item.*

*Councillor Fernie asked for consideration that the bins will not be installed where the future activity centre plan is set to prevent them being removed during the upgrade. The Director Asset Services provided information on planned locations of the bins at this current point in time.*

*A member of the community asked what level of consultation will be undertaken with the businesses. The Director advised it will be with the surrounding businesses in the town centre.*

**10.3.8 Provision of Recycling Bins and Associated Servicing in Kalamunda Town Centre**

Previous Items	OCM 151/2017
Responsible Officer	Director Asset Services
Service Area	Manager Asset & Waste Operations
File Reference	EG-RLW-002
Applicant	City of Kalamunda
Owner	City of Kalamunda
<a href="#">Attachment 1</a>	240lt MGB Bin Surrounds
<a href="#">Attachment 2</a>	Bin Location Map
<a href="#">Attachment 3</a>	Proposed New Waste and Recycling Bin Stations

**EXECUTIVE SUMMARY**

1. The purpose of this report is to report back on the investigation into how recycling bins and associated servicing could be introduced in the Kalamunda Town Centre.
2. The City has been implementing a recycling service at its key reserves and facilities, and this is an opportunity to extend this Recycling Service to the Kalamunda Town Centre.
3. It is recommended that Council receives this report, notes that the first stage of this service will be implemented in early 2018 and further notes that subject to a review of Stage 1, lists funding for consideration in the Draft 2018/2019 Waste Services Budget to complete the program.

**BACKGROUND**

4. At the 28 August 2017 Ordinary Council Meeting, Council supported a Notice of Motion submitted by Cr Destree and resolved OCM 151/2017 "That Council request the Chief Executive Officer investigate and report on how recycling bins and associated servicing could be introduced in the Kalamunda Town Centre".

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## DETAILS

5. Currently within the Kalamunda Town Centre there are 27 general waste bins as summarised below (Attachment 1) and located as per the Bin Location Map (Attachment 2):
  - a) 9 x 80lt steel bins (enclosed within ailing bin surrounds),
  - b) 7 x free standing 240lt mobile garbage bins (MGB's),
  - c) 4 x 120lt free standing MGB's,
  - d) 2 x Natsal bins within enclosures and
  - e) 2 x 240lt free standing MGB's in metal surrounds.
6. These general waste bins are serviced and maintained by the City and this is carried out in-house on regular weekly service schedules.
7. There are currently no recycling bins in the Town Centre, however the City has 20 recycling bins that are located at the following sites:
  - a) Kostera Oval, Recreation Rd, Lesmurdie - 4
  - b) Ray Owen Centre, Gladys Rd, Lesmurdie – 2
  - c) Forrestfield Tennis Club (Hartfield Park), Morrison Rd, Forrestfield – 1
  - d) Scott Reserve, Norling Rd, High Wycombe – 3
  - e) Kalamunda United Soccer Club (Maida Vale Reserve), Ridge hill Rd, – 2
  - f) Kalamunda Tennis Club, Railway Rd, Kalamunda – 1
  - g) BMX Club, Gladys Rd, Lesmurdie – 2
  - h) Kalamunda Swing Band, Sanderson Rd, Lesmurdie – 1
  - i) Kalamunda Toy Library, Canning Rd, Kalamunda – 1
  - j) Bill Shaw Reserve, Grove Rd, Lesmurdie – 1
  - k) Forrestfield Skate Park (Hartfield), Hartfield Rd, Forrestfield – 1
  - l) High Wycombe Library, Western Ave, High Wycombe – 1
8. These recycling bins are serviced and maintained by the City's Waste Services Team on regular weekly service schedules. Cleanaway undertakes the household fortnightly recycling bins service, the eight recycling bins at Hartfield Park, (predominately used by the Rugby and Cricket clubs) and three provided at the Administration building and Operations Centre.
9. The City also has cardboard recycling cages at Hartfield Park (1 x Rugby and 1 x Soccer Clubs), Kostera Oval and Walliston Transfer Station. This type of cage is also programmed for Maida Vale Reserve and the start date is subject to delivery.
10. Cleanaway has been approached to ascertain whether they would be able and willing to empty recycling bins if they were installed within the Town Centre and they have replied in the affirmative.
11. A recycling service in the Town Centre by way of a contractor will be relatively easy to implement, with a servicing cost of between approx. \$1.20-\$1.90 per bin depending upon accessibility and location. This makes it a financially viable alternative to an in-house service.
12. The supply and installation/retrofitting of suitable bin surrounds in keeping with a common theme for street furniture will however be costly.

- 
13. The City has recently been using the style of bin surrounds for general waste shown on Attachment 3, with 240lt Mobile Garbage Bins inside. These have been installed at the recent Bibbulmun Track entry works and also in Wattle Grove.
- These bin surrounds are sturdy, stylish, functional and easy to service. They come in two styles to provide for General Waste and Recycling and work best when they are located alongside one another. This prompts the public to think about which bin they should put their rubbish in.
14. There is a small price differential between the bin types with the bin surround prices currently:
- a) \$1,567 for general waste and
  - b) \$1,713 for recycling
  - c) \$600 Installation and site preparation (concrete pad)
  - d) \$75 for MGB to insert
15. In late 2016/2017, the City purchased seven sets of the new style of bin surrounds shown on Attachment 3, with a view to implementing these during 2017/2018 throughout the City. This implementation was put on hold in August until the findings of the Town Centre investigation was finalised in accordance with the Notice of Motion.
16. It is estimated that 20 bin locations will be necessary to ensure adequate coverage and increased visibility for the proposed Town Centre precinct. Based on the previous figures, this would have required 40 bin surrounds at an estimated cost of \$80,600, supplied and installed. This will result in the high use existing locations being upgraded or relocated and additional locations as the Town Centre expands.
17. The 2017/2018 City Budget has a \$25,000 allocation in the Public Bin Replacement Program account which could be used to continue implementing a staged approach to upgrade to the bins and implement a Town Centre recycling service.
18. Using the bin in stock and this year's \$25,000 allocation would enable the installation of 13 new bin sets out of the recommended 20 sets for the Town Centre.
19. After reviewing the effectiveness and determining the actual associated costs over the next six months, the remaining seven sets could be considered in the 2018/19 budget deliberations. This will require a future budget allocation in the order of \$26,600 to complete the program. Funding sources include either the Waste Services Reserve Fund or the Municipal Rubbish Service Charge.
20. Operationally the cost to service is modest in comparison to the capital cost and can be accommodated within existing operating recycling service budget allocations. Using a collection cost of \$1.90 per bin lift for 40 bin lifts per week for a year would cost an extra \$4000 per annum, plus material processing cost estimated at less than \$1,000 per annum based upon processing approximately 1 tonne per week.
-

21. A plan of the actual siting locations of where the 20 bin sets would be placed is being finalised and needs to consider terrain, space available and ease of access.
22. It is proposed that the Draft Plan be completed and then community engagement be undertaken which would include the Chamber of Commerce, local businesses and Town Centre event organisers prior to being finalised.
23. It is recommended that an education program be undertaken in conjunction with the installation of the Bin Stations through the City's Waste Education Officer promoting the benefits of recycling.
24. Once the engagement has been completed and the plan finalised the installation of the bins could be completed within two months early in 2018.
25. Another location which would be ideally suited to this initiative and which is also a highly used area and adjacent to the Town Centre is Stirk Park, however it is considered appropriate to await the outcomes of the Stirk Park Masterplan before further examination.

## **STATUTORY AND LEGAL CONSIDERATIONS**

26. Nil.

## **POLICY CONSIDERATIONS**

27. The proposal is in line with the City's current Waste Strategy.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

28. The Draft Location Plan will have input from Events and Waste Services Staff.

### **External Referrals**

29. It is proposed that when the Draft Location Plan is finalised, it will be referred to Local Businesses, Chamber of Commerce and Event Organisers for comment.

## **FINANCIAL CONSIDERATIONS**

30. The 2017/2018 City Budget has a \$25,000 allocation in account number N330 Public Bin Replacement Program which could be used to start implementing a staged approach to upgrading the bins and a Kalamunda Town Centre recycling service.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

31. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 2.3: To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

Strategy 2.3.1 Identify and implement strategies to reduce waste.

## SUSTAINABILITY

### Social Implications

32. The proposed improvements to Waste/Recycling Bin Stations will provide refreshed infrastructure to the Town Centre which will provide a social stimulus and new opportunities in recycling as an essential element in sustainable communities.

### Economic Implications

33. Effective use of the new Waste/Recycling Bin Stations leads to reduced waste disposal costs and enhanced financial sustainability for the City.

### Environmental Implications

34. Proposed improvement in Waste/Recycling Stations will improve the City's performance towards the goal of Zero waste to landfill.

## RISK MANAGEMENT CONSIDERATIONS

- 35.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The proposed improved waste/recycling stations plan is not supported by the Business and local community.                                      |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Medium        |
| <b>Action/ Strategy</b>   |                    |               |
| Manage the communication strategy associated with the Public Consultation process and ensure appropriate level of detail, reasoning and advice is provided. |                    |               |
| <b>Risk:</b> The new Waste/Recycling Bin Stations are not used by the public.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Medium        |
| <b>Action/ Strategy</b>   |                    |               |
| Undertake Waste Education Programs and promote the stations locations. Review locations to ensure placed in best position to encourage usage.               |                    |               |

## **OFFICER COMMENT**

36. The City is currently not operationally well positioned to implement an extended recycling service with the day labour staff because with the City in-house service double handles the materials collected and the material collected is comingled. Further, the cost is more expensive because of the minimal number of bins to be serviced and the large distances between them. Therefore, it is more cost effective and efficient to implement this service engaging a commercial operator and as Cleanaway currently undertake the City's recycling services they would be best suited to this service. Cleanaway would take the recycled materials to their processing plant in South Guildford and incorporate this new service into their current rounds/service.
37. There is a great opportunity to upgrade the existing aging bin infrastructure within the Town Centre, along with the introduction of Recycling Bins and make significant improvements that would align with the City's strategic direction of reducing the amount of waste produced and increasing the amount of reuse and recycling of waste. To place new style recycling bins next to an existing plastic 240lt MGB bin will highlight the new and old infrastructure and detract from the overall presentation of the bin station. It is proposed therefore to upgrade the old existing bins to new style ones when installing new recycling style bins.
38. In respect to servicing the bins it makes sense to use a contractor that is geared up to undertake specifically recycling against using the City in house service which double handles the materials collected.
39. It is anticipated that the service would initially be weekly and monitored to ascertain the usage and any requirement to increase the frequency of collection.
40. Whilst the City is promoting a recycling culture it needs to provide the appropriate infrastructure to enable the community to participate at source. Providing the infrastructure without an education program would not derive the transition we are aiming for from general waste to recycling.
41. The cost of processing recycling is cheaper than the cost of waste disposal and larger bins reduce the cost of emptying.
42. The introduction of the Container Deposit scheme is likely to reduce the amount of recycling waste put in both bins, but by having a recycling bin next to general waste gives the public an opportunity to choose.

<b>Voting Requirements: Simple Majority</b>
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## **OFFICER RECOMMENDATION**

That Council:

1. Receives this report on a proposal to implement a Staged Recycling Service in the Kalamunda Town Centre.

- 
2. Notes that the first stage of this Service will be implemented in early 2018, subject to finalisation of the sites in conjunction with businesses and other key stakeholders and a Waste Education Program.
  3. Notes that subject to a review of Stage 1 implementation program, funding will be listed for consideration in the Draft Waste Services 2018/2019 Budget to complete the program.

Moved:

Seconded:

Vote:



## 10.4 OFFICE OF THE CEO

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

*The Chief Executive Officer provided highlights from the City's Annual Report commenting on it being the final report for the former Shire of Kalamunda and covers results from the financial year from 1 July 2016 through to 30 June 2017.*

### 10.4.1 Acceptance of Annual Report 2016/2017

Previous Items	
Responsible Officer	Office of the Chief Executive
Service Area	Office of the Chief Executive
File Reference	
Applicant	N/A
Owner	N/A

[Attachment 1](#) Draft 2016/2017 Annual Report

#### PURPOSE

1. The purpose of this report is to consider the City of Kalamunda 2016/2017 Annual Report and set the date for the Annual General Meeting of Electors.
2. It is recommended that the Annual Report be accepted and the Annual General Meeting of Electors be held on 6 February 2018.

#### BACKGROUND

3. Section 5.53 of the *Local Government Act 1995* (the Act) requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.
4. Section 5.54 of the Act requires a local government to accept the Annual Report for a financial year no later than 31 December in the year after that financial year, subject to the availability of the Auditor's Report.
5. Section 5.55 of the Act requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.
6. Section 5.27 of the Act requires that a general meeting of the electors of a district is to be held once every financial year.

#### DETAILS

7. The statutory Annual Report is prepared to advise the Community on the activities of the local government. It reports on the annual outcomes achieved by the organisation against the strategic priorities, objectives and strategies set out in the Strategic Community Plan – Kalamunda Advancing.
8. The Annual Report also contains the audited Annual Financial Report, previously adopted by Council.

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## **STATUTORY AND LEGAL CONSIDERATIONS**

9. The Draft 2016/2017 Annual Report is in compliance with Sections 5.53 and 5.54 of the Act.
10. Section 5.27(2) of the Act requires that the Annual General Meeting of Electors is required to be held within 56 days of acceptance of the Annual Report.

## **POLICY CONSIDERATIONS**

11. There are no policy considerations with respect to the Annual Report.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

12. Although no community engagement consultation is required in the preparation of the Annual Report, Section 5.55 of the Act requires that the Chief Executive Officer give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.

## **FINANCIAL CONSIDERATIONS**

13. The 2017/2018 Budget includes provision for the cost of producing the Annual Report for statutory and public distribution.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

14. *Kalamunda Advancing: Strategic Community Plan to 2027*  
  
OBJECTIVE 4.1: To provide leadership through transparent governance  
  
Strategy 4.1.1                      Provide good governance

## **SUSTAINABILITY**

### **Social Implications**

15. Nil

### **Economic Implications**

16. Nil

### **Environmental Implications**

17. Nil

## RISK MANAGEMENT CONSIDERATIONS

18.	<b>Risk:</b> The Annual Report is not accepted as required by the Act.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/ Strategy</b>		
	Ensure the Annual Report is prepared in time to meet the legislative requirements.		

## OFFICER COMMENT

19. As the Act requires that the Annual General Meeting (AGM) of Electors is required to be held within 56 days of acceptance of the Annual Report, it is proposed that the Annual General Meeting of Electors be held on 6 February 2018.

## Voting Requirements: Absolute Majority

## OFFICER RECOMMENDATION

That Council:

1. Pursuant to Section 5.54 of the *Local Government Act 1995*, accepts the 2016/2017 Annual Report (Attachment 1).
2. Requests the Chief Executive Officer give local public notice of the availability of the Annual Report as soon as practicable.
3. Agrees that the Annual General Meeting of Electors be held on 6 February 2018.

Moved:

Seconded:

Vote:

## **11.0 PUBLIC QUESTIONS OF CLARIFICATION**

### **9.1 Councillor Tracy Destree**

Following on from the recent fatalities of two pedestrians in Kalamunda on two separate occasions over the last week, I feel that we need to address pedestrian safety as a high priority. How can Councillors help in communicating to the residents when we are contacted directly.

The Director Asset Services advised that this will be addressed as a matter of priority and the City will look at the possibility of pedestrian refuge islands. The Chief Executive Officer advised that she will speak with the Public Relations Manager to organise statements to be released to the public.

A community member asked if zebra crossings could be provided in priority points in the town centre. The Director Asset Services advised that there are certain aspects that the City is unable to control, such as road markings and speed limits.

### **9.2 Mr Dick Lovegrove**

Mr Lovegrove provided positive comments on the introduction of the public briefing sessions.

## **10.0 CLOSURE**

### **10.1** There being no further business, the Presiding Member declared the meeting closed at 9:56pm.

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