

# Special Council Meeting

Minutes for Tuesday 30 April 2018

## UNCONFIRMED



**city of  
kalamunda**

## INDEX

<b>1. Official Opening .....</b>	<b>3</b>
<b>2. Attendance, Apologies and Leave of Absence Previously Approved .....</b>	<b>3</b>
<b>3. Public Question Time.....</b>	<b>4</b>
<b>4. Petitions/Deputations .....</b>	<b>4</b>
<b>5. Announcements by the Member Presiding Without Discussion.....</b>	<b>5</b>
<b>6. Matters for Which the Meeting may be Closed .....</b>	<b>5</b>
<b>7. Disclosure of Interest.....</b>	<b>5</b>
<b>8. Reports to Council .....</b>	<b>7</b>
<b>8.1. Development Services Reports .....</b>	<b>7</b>
8.1.1. Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie .....	7
8.1.2. Development Application: Proposed Telecommunications Tower and Infrastructure - Lot 3000 (199) Hale Road, Forrestfield.....	38
8.1.3. Forrestfield North Local Structure Plan (Residential Precinct) - Adoption for Public Advertising .....	48
<b>9. Meeting Closed to the Public.....</b>	<b>71</b>
<b>10. Closure.....</b>	<b>71</b>

## **1. Official Opening**

The Deputy Mayor is the Presiding Member at this meeting and opened the meeting at 6.08pm, welcoming Councillors, Staff and Members of the Public Gallery.

## **2. Attendance, Apologies and Leave of Absence Previously Approved**

### **Councillors**

#### **South East Ward**

John Giardina - (Mayor)

Michael Fernie

Geoff Stallard

#### **South West Ward**

Lesley Boyd

Allan Morton

Brooke O'Donnell

#### **North West Ward**

David Almond

Sara Lohmeyer

Dylan O'Connor (Deputy Mayor) (Presiding Member)

#### **North Ward**

Cameron Blair

Tracy Destree

Margaret Thomas

### **Members of Staff**

#### **Chief Executive Officer**

Rhonda Hardy

#### **Executive Team**

Rajesh Malde - A/Director Corporate & Community Services

Dennis Blair - Director Asset Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel & Executive Advisor

#### **Management Team**

Andrew Fowler-Tutt - Manager Approval Services

Nicole O'Neill - Manager Customer & Public Relations

Ross Jutras-Minett - Senior Statutory Planner

#### **Administration Support**

Donna McPherson - Executive Research Officer to Chief Executive Officer

### **Members of the Public 98**

### **Members of the Press Nil.**

### **Apologies**

Gary Ticehurst - Director Corporate & Community Services

### **Leave of Absence Previously Approved**

Nil.

### **3. Public Question Time**

#### **3.1. Public Question Time**

*A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers will be summarised.*

3.1.1 Gail Simpson, 1 Gregona Place, Kalamunda - Development Application: Proposed Telecommunications Tower and Infrastructure - Lot 3000 (199) Hale Road, Forrestfield

Q. What consideration has been given to it being placed on giving the monopole a different address such as in the industrial area in Forrestfield?

A. The Director Development Services advised a number of locations have been investigated with regard to the potential construction of the monopole and Hartfield Park was identified as the most appropriate location in terms of the catchment the facility is required to service.

3.1.2 Nigel Dickinson 12 Longfellow Road Gooseberry Hill - Forrestfield North Local Structure Plan (Residential Precinct) - Adoption for Public Advertising

Q. There is one passing reference in the Plan to Aged Care. Given the City's acknowledgement of the crisis in lack of provision for local aged care should I be surprised the documents so roundly ignore this deepening crisis?

A. The Director Development Services advised the plan being presented for the purpose of public advertising is for the residential precinct associated with Forrestfield North. The aged care component is associated with the Transit Oriented Development Precinct which is closer around the train station. The aged care component is envisaged to be closer to the amenities and the activity centre planned within the Transit Oriented Development.

### **4. Petitions/Deputations**

4.1 A deputation has been approved from Mr Ben Doyle representing Planning Solutions in relation to Item 8.1.2 Development Application: Proposed Telecommunications Tower and Infrastructure - Lot 3000 (199) Hale Road, Forrestfield.

Cr Geoff Stallard declared an impartiality interest in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie. Cr Stallard left the chambers at 6.22pm and returned at 8.35pm.

Cr David Almond left the meeting at 7.27pm and did not return.

- 4.2 A deputation has been approved from Rachel Coetzee and Terry Fitzgerald in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie
- 4.3 A deputation has been approved from Ron Davey in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie
- 4.4 A deputation has been approved from Kristen McPhail in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie
- 4.5 A deputation has been approved from Belinda Moharich in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie
- 4.6 A deputation has been approved from Donald Veal in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie
- 4.7 A deputation has been approved from Steve Allerdin in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie
- 4.8 A deputation has been approved from Kirsty Bennett in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie
- 4.9 A deputation has been approved from Nicole Pilbeam in relation to Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie
- 4.10 A deputation has been approved from Lance Harper in relation to 8.1.3 Forrestfield North Local Structure Plan (Residential Precinct) - Adoption for Public Advertising.

## **5. Announcements by the Member Presiding Without Discussion**

- 5.1 Deputy Mayor Presiding Member  
Cr O'Connor advised the meeting he was presiding over the meeting as the Mayor, although in attendance, was not feeling well enough to conduct the meeting as his voice was failing.
- 5.2 Welcome – Member for Forrestfield  
Cr O'Connor welcomed the Member for Forrestfield, Mr Stephen Price, to the meeting.

**6. Matters for Which the Meeting may be Closed**

**6.1 8.1.1 Development Application: Child Care Centre (Pachamama) – Lot 9 (36) Marri crescent and Lot 55 (61) Coolinga Road Lesmurdie – Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

**6.2 8.1.2 Proposed Telecommunications Tower & Infrastructure – Lot 3000(199) Hale Road, Forrestfield – Forrestfield Football Club Petition**

*Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

**6.3 8.1.2 Proposed Telecommunications Tower & Infrastructure – Lot 3000(199) Hale Road, Forrestfield – Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

**7. Disclosure of Interest**

**7.1. Disclosure of Financial and Proximity Interests**

a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 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*.)

7.1.1 Nil.

**7.2. 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.

7.2.1 Cr Brooke O'Donnell declared an Interest Affecting Impartiality on Item 8.1.2 Proposed Telecommunications Tower & Infrastructure - Lot 3000 (199) Hale Road, Forrestfield as the Morrison Oval is part of the Football Club (to which her children are members) and the Teeball Club to which she is a member of the committee.

7.2.2 Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 8.1.1 Development Application: Child Care Centre (Pachamama) - Lot 9 (36) Marri Crescent and Lot 55 (61) Coolinga Road Lesmurdie as his grandchild uses the Centre.

## **8. Reports to Council**

### **8.1. Development Services Reports**

The Presiding Member adjourned the meeting at 8.10pm the meeting resumed at 8.21pm.

#### **8.1.1. Development Application: Child Care Centre (Pachamama) - Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie**

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

Previous Items	OCM 80/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA17/0531, DA17/0532
Applicant	Allerding & Associates
Owner	36 Marri Crescent: Chakana Pty Ltd & Maggie Pty Ltd 61 Coolinga Road: Chakana Pty Ltd & Maggie Pty Ltd
Attachments	<ol style="list-style-type: none"><li>1. 61 Coolinga Application detail <b>[8.1.1.1]</b></li><li>2. 36 Marri Application and Plans <b>[8.1.1.2]</b></li><li>3. Car Parking Plan <b>[8.1.1.3]</b></li><li>4. Traffic Impact Statement Report <b>[8.1.1.4]</b></li><li>5. Bushfire Management Plan <b>[8.1.1.5]</b></li><li>6. Roadside Fire Mitigation Management Procedure <b>[8.1.1.6]</b></li><li>7. 36 Marri Crescent Lesmurdie Bushfire Management Strategy Plan <b>[8.1.1.7]</b></li><li>8. Lot 55 Coolinga Road Lesmurdie Bushfire Management Strategies <b>[8.1.1.8]</b></li><li>9. DA170532 and DA170531-36 Marri Crescent - Pachamamma Child Care Centre - DFES Response <b>[8.1.1.9]</b></li><li>10. LUP Referral - Lots 54 and 55 Coolinga Road Lesmurdie <b>[8.1.1.10]</b></li><li>11. Allerding &amp; Associates DFES Response Statement <b>[8.1.1.11]</b></li><li>12. Acoustic Report <b>[8.1.1.12]</b></li><li>13. Submitters Table <b>[8.1.1.13]</b></li></ol>
Confidential Attachment 1	Submitters Map

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider two Development Applications for an unauthorised (retrospective) increase in the number of children and operating hours for the Pachamama Child Care Centre located at Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie.

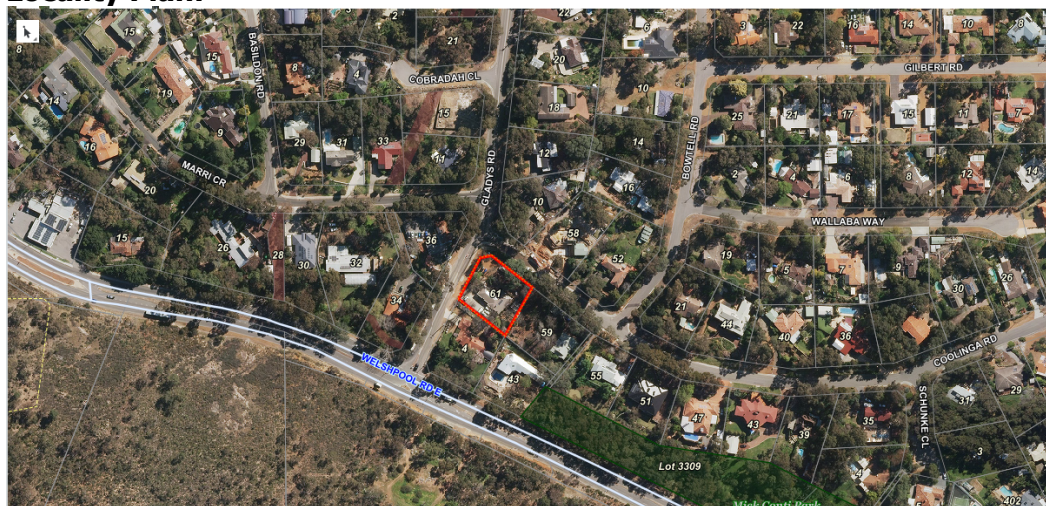
2. Council in May 2017 refused an application for a proposed child care centre at Lot 54 (59) Coolinga Road, Lesmurdie. On appeal, the State Administrative Tribunal (SAT) approved the application subject to the approval of the subject Development Applications at at Lot 19 (36) Marri Crescent and Lot 55 (61) Coolinga Road, Lesmurdie.
3. It is recommended that the applications are refused due to:
  - a) The location and scale of the land use over the sites;
  - b) The parking deficiencies in terms of number of bays;
  - c) Car park legibility and inadequate vehicle circulation and associated safety concerns; and
  - d) The potential amenity impacts created by an intensified land use within a residential zoned area.

## BACKGROUND

### 4. Land Details:

Land Area:	No.61 Coolinga Road, Lesmurdie =1754m <sup>2</sup> No.36 Marri Crescent, Lesmurdie =1800m <sup>2</sup>
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban

### 5. Locality Plan:



6. The applicant operates an existing child care premises at No. 61 Coolinga Road and No. 36 Marri Crescent, Lesmurdie. Details of these uses are outlined below.

7. *No. 36 Marri Crescent, Lesmurdie:*

- a) Development approval was initially granted for a child care centre in December 1987.
- b) In November 1998, a new application for a child care centre was approved, limiting the number of children to 20 and operation between Monday and Friday only.
- c) In June 2003, additions were approved to the child care centre, increasing the maximum number of children from 20 to 30.
- d) In July 2003, the City reconsidered the application for additions and approved the application based on a maximum of 40 children and 8 staff members and operating hours between 7am and 6pm, Monday to Friday only.
- e) Subsequently, an application for appeal was lodged with the Town Planning Appeal Tribunal (now known as the State Administrative Tribunal) in respect to the condition limiting the number of children to 40.
- f) In December 2003, the Tribunal ordered that the appeal be upheld and limited the number of children under care to 47.

8. *No. 61 Coolinga Road, Lesmurdie:*

- a) Development approval was granted on 5 December 2013 for 'After School Care'.
- b) The approval permits after school care for a maximum of 10 children on weekdays between 3:30pm and 6:00pm.
- c) One of the conditions of approval requires the provision of a Universal Access Parking Bay (Acrod). This has not been provided in accordance with the Australian Standards.
- d) Access to this property is taken from Gladys Road which is a reasonably busy local distributor road carrying 3842 vehicles per day (2017), particularly in the morning and evening peak periods which have a peak flow of 384 vehicles per hour
- e) A bus stop is also located on Gladys Road next to the lower car park crossover.

9. Council in May 2017 refused an application for a proposed child care centre at Lot 54 (59) Coolinga Road, Lesmurdie. On appeal, the State Administrative Tribunal approved the application subject to the approval of the subject Development Applications at at No.36 Marri Crescent and No.61 Coolinga Road, Lesmurdie.

10. The application at No.61 Coolinga Road, Lesmurdie is mentioned in a State Administrative Tribunal (SAT) determination 'PACHAMAMA PTY LTD and CITY OF KALAMUNDA [2017] WASAT 158' whereby an application to expand the child care facility into the adjacent property at Lot 54 (59) Coolinga Road, Lesmurdie was originally refused by the City and then determined by SAT. The SAT determined that the proposal be approved subject to a number of conditions.

11. On the 14 December 2017 SAT delivered the following as summarised:  
*'The Tribunal further found that the proposal (Change of Use from Single House to Child Care Premises) could satisfy most requirements of the City's*

*child care policy and there was a basis for an exemption from the locational requirements because of how the use would operate. The Tribunal was concerned that if an approval was not granted for the proposed child care use on No 61 then the proposed use of No. 59 Coolinga Road not proceed. The Tribunal upheld the application and granted conditional approval. The conditions included a deferred commencement condition that stipulated that the proposed child care use of **No.59 Coolinga Road were to commence only when and if the proposed application for use of No 61 was granted. If that approval was not granted within two years then the approval for No.59 Coolinga Road would lapse.***

12. The application at No. 59 Coolinga Road, Lesmurdie included a long day care facility for up to 8 babies, up to 18 months old, and after school day care for up to 30 primary school aged children. This site is a 2000m2 residential zoned lot adjacent to No.61 Coolinga Road and forms one part of the three part proposed child care operation, with two parts already operating contrary to previous planning approvals. The SAT decision also included a condition requiring engineering drawings and specifications relating to vehicle and pedestrian ways, and parking areas, being submitted to and approved by the City. The plans have yet to be submitted to the City for consideration, although a plan has been included in the traffic assessment report for No.61 Coolinga Road.
13. The subject sites are located in a predominantly low density residential area with the property directly adjacent to No.36 Marri Crescent operating as a dental surgery.

## **DETAILS**

14. Application DA17/0531 – Lot 19 (36) Marri Crescent, Lesmurdie proposes the following:
  - a) An increase in the number of children permitted at the site from 47 children to 69 children plus 12 staff.
  - b) Modification to the existing approved hours of operation from 7:00am – 6:00pm Monday to Friday, to the proposed hours of 6:30am-6:30pm, Monday to Friday.
  - c) Some of the employee parking is proposed to be accommodated offsite and within No. 61 Coolinga Road, Lesmurdie.
15. Application No. DA17/0532 – Lot 55 (61) Coolinga Road, Lesmurdie proposes the following:
  1. An increase in the number of children permitted at the site from 10 children to 43 children plus 5 staff.
  2. Modification of the existing hours of operation from 3:30pm-6:00pm, Monday to Friday to the proposed hours of:
    - I. 6:30am-8:30am Monday to Friday (Before School care);
    - II. 2:30am -6:30pm Monday to Friday (after school care); and

- III. 7:00am- 6:30pm (vacation care, week days only, not including public holidays.
  - IV. Five (5) mini buses are stored and operated from this site.
3. The application also includes the construction of an outbuilding (shed) and a timber deck structure to the northern portion of the site.
16. In terms of the background of the child care service model proposed, the applicant has provided the following additional information:
- a) *"Pachamama offers a unique and highly sought after 'nature way' environment, featured this year on Channel 9's Garden Gurus, by Chris Ferreria. The Long Day Care service received an "exceeding the National Quality Standards" rating by Australian Children's Education and Care Quality Authority (ACECQUA), and the OSHCare service won the inaugural Innovation Award from industry's peak body OSHWA. Pachamama has recently received the recognition internationally for the work it is doing in the 'nature way' arena, with 600,000 views of its recent Facebook video.*
  - b) *Pachamama is a significant employer in the Kalamunda City, currently spending in excess of \$1 million on wages. It currently employs 45 staff on a permanent and casual basis, the majority of whom live in the City of Kalamunda.*
  - c) *When at full capacity, this proposal to expand our services will provide further employment opportunities to the local community.*
  - d) *Additionally Pachamama sources most of its food, fuel and trade service requirements from local suppliers supporting the economy by contributing around \$150,000.*
  - e) *Our services are highly regarded and have become the centres-of-choice to the local residents, and many of those working in the educational community significantly comprised of teachers at the numerous local schools (Kalamunda High School, Mazenod College, St Brigid's, Falls Road Primary, Kalamunda Primary, Pickering Brook Primary School, Lesmurdie Primary, Kalamunda Christian and Lesmurdie Senior High School)."*
17. The applicant has provided a Transport Impact Statement (TIS) and a Bushfire Management and Evacuation Plan (BMP & EEP) in support of the proposed child care premises. Further discussion regarding these documents is provided in the later sections of this report.
18. The applicant advises that they use the road verge at the entrance on Gladys Road to manoeuvre the buses so that they can reverse into the car park. This manoeuvre is done with the children in the bus and when there are no cars in the car park obstructing access to the bus bays. There are five buses potentially undertaking this manoeuvre.
19. The applicant has provided further comment following a discussion with the City's planning staff on the 19 April 2018 which states:

*'As mentioned earlier, and following our conversation today, the issues concerning swept paths for minivans and parking arrangements for all vehicles was subject to discussions with our traffic consultant. Specifically, with respect to Minivans the City's engineers advised that the manoeuvring arrangements were satisfactory on the proviso that cameras and beepers were installed on all vans which Pachamama are happy to do. The minivans always exit the site in forward gear. Safety was obviously a key issue discussed in those engagements and formed the basis of the recommendations from Council staff. The suggestion in our conversation today that it relates to children is not correct. Child care is a highly regulated industry and children are required to be signed in and out by parents and would not be roaming the footpaths or outside the premises. Children are dropped from within the minivan within the premises and escorted by carers to within the centre buildings. They are never left to wander outside the centre or on footpaths and are always under supervision by carers when entering or exiting the minivans. Further there is no conflict with parent parking ever because the minivans do not operate when parents use the parents parking bays. We would have no objection to a condition that required the use of those buses in that manner in response to your concerns as to if the centres is ever sold to a future purchaser who may operate differently. However, in practical effect, any other operator is likely to use the buses in the same way given their function is exclusively to pick up and drop of children to school after or before parents have picked them up from the centre. It has operated that way successfully for three years.'*

20. The vehicles mentioned are 'Toyota Hi Ace' mini buses and a Toyota Coaster Bus which have the following dimensions:

- a) Toyota Commuter – width 1695mm, length 4695mm;
- b) 2010 Toyota Hiace – width 1695mm, length 4695mm;
- c) 2011 Toyota Commuter – width 1695mm, length 4695mm;
- d) 2008 Toyota Van – width 1690mm, length 4595mm; and
- e) 2004 Toyota Coaster – width 2000mm, length 6200mm.

21. As part of analysis undertaken for the application for the change of use at 59 Coolinga Road, Lesmurdie, on the 3 April 2017 the City provided advice relating to the intersections of Gladys Road and Marri Crescent and Coolinga Road, which is relevant to this current application. The advice in summary came to the following conclusions:

- a) It was considered that compliance with the Australian Standards may be achieved for the driveway access through detailed survey and design, with associated civil works.
- b) The traffic volume likely to be generated from the proposed child care premises will have minimal impact on the level of service being experienced by nearby intersections
- c) The proposed traffic generation would likely have a minimal impact on queuing that occurs at the intersection of Welshpool Road East and Gladys Road during peak periods.

22. Further advice was requested to determine compliance of the existing car park with particular emphasis on the existing and proposed car parking arrangements and Australian Standards, which states the following:
- a) Considering the development as User Class 2 as per **AS2890.1:2004-Parking facilities - Off-street car parking**, typical parking bay dimension do not comply, typical dimension to be 2.5m wide x 5.4m long.
  - b) Where there is vertical obstruction (more than 150mm high), the required width is 2.8m, car bay(s) near the shed/fence do not comply with the required dimension.
  - c) Proposed aisle widths of 5.8m do comply
  - d) Staff parking bays dimension complies for small cars only – 2.3m wide x 5.0m long. It cannot be ascertained if all staff are utilising small vehicles nor can it be easily monitored or assured.
  - e) Maximum gradient allowed for parking module is 1 in 16 (6.25%) in any direction. Existing gradient taken from Geographical Information Systems appears to be 14% and doesn't comply.
  - f) Considering Mini Bus as a Medium Rigid Vehicle (MRV), required service bay dimension is 3.5m wide x 8.8m long as per **AS 2890.2-2002 Parking facilities - Off-street commercial vehicle facilities**. 5 Buses cannot be accommodated within 9.6m long parking area proposed.
  - g) Manoeuvring area for the buses has not been shown on the plan enabling vehicles to exit out of the development in forward gear (section 3.2.3 AS2890.2).
  - h) As per the City's Crossover Construction Specification, the access way needs to be fully sealed and drained, full crossover of asphalt, concrete or brick/paver is required.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

23. The applicant may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the Planning and Development Act 2005, in the event that the City decides to not approve the development application, or impose conditions which are unacceptable to the applicant.

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

24. Clause 8.4 of the LPS provides guidance for the provisions relating to unauthorized existing uses and development:

*8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.*

*8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval and the continuation of the development unlawfully commenced is taken to be lawful upon the granting of planning approval.*

25. The subject site is zoned 'Residential R5' under the Local Planning Scheme No. 3 (Scheme). The objectives of the Residential zone are as follows:
- *To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.*
  - *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.*
  - *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.*
  - *To encourage the retention of remnant vegetation.*
26. The applicant has submitted two applications for the unauthorised (retrospective) use over two properties and is seeking approval which would acknowledge that the scale and associated numbers and hours of operation are approved by the City are in accordance with the licensing obligations of the Department of Local Government and Communities Education and Care Regulatory Unit. While this may be required by the operator it does not form part of the planning process and has no bearing on the planning assessment.
27. The subject sites are zoned Residential with an R Coding of R5 in accordance with the Scheme. Child Care premises are defined as an 'A' use which means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 9.4 (to advertise). It is noted that a smaller scale land use has already been approved by the Council and is an existing operational child care centre over the two properties. The current use however, with an increased number of children and hours of operation, does not match the current planning approvals and is therefore unauthorised (in breach of existing approvals).
28. The proposed use is defined under the Scheme as follows:
- "Child care premises has the same meaning given to the term in the Community Services (Child care) Regulations 1988."*
- Under the Community Services (Child Care) Regulations 1988, a child care premises has the following meaning:
- "Child care premises means premises specified in a licence or permit as premises in which a child care service may be provided."*
29. The aims of the Scheme are relevant in this instance in particular Clause 1.6 including the following sub-clauses:
- (i) *To zone the Scheme area for the purposes described in the Scheme so as to strategically promote the orderly and proper development of land*

*by making suitable provisions for the use of land within the Scheme area;*

- (ii) *To ensure the amenity, health and convenience of the Scheme area and the residents thereof.*

30. Car parking for a child care premises is determined in accordance with the standards stipulated in Table 3 of the Scheme which are:

*1 parking bay per staff member, plus 1 parking bay for every 10 children allowed under the approval.*

31. The car parking bays shown on the plans in terms of dimensions and access aisles are in some instances below the Australian Standards to varying degrees, or deficient in the provision of appropriate Universal Access bays (Acrod).

32. The applicant has confirmed the following with regard to on-site parking provisions for the proposal:

- a) No.36 Marri Crescent, 13 parking bays provided\* (19 parking bays required)
- b) No.61 Coolinga Road, 12 parking bays provided\* (10 parking bays required)
- c) No.59 Coolinga Road, 13 parking bays provided\* (9 parking bays required.
- d) It is noted that No.59 Coolinga Road does not form part of this application, however, the reciprocal car parking arrangements are fundamental to the applicant's strategy to contain car parking on-site across the three individually titled properties.

33. A total of 38 bays are required across the three sites in accordance with Table 3 of the Scheme. This would include the provision of three Universal Access bays (Acrod), being one for each site. The applicant has provided a total of 38 car parking bays, although some of these are considered to not meet Australian Standards and the location and dimensions of any Universal Access bays is not clear. A Universal Access Parking Bay (Acrod) is constructed at No. 36 Marri Crescent but this may not be completely in accordance with the current standards as, according to the City's records, it was constructed in 2005 and the standards changed in 2004.

34. In addition to the parking bays, space for the parking of five mini-buses is provided on No.61 Coolinga Road in the location of the current mini-bus storage area. The attached plan (DVC-Z51902-03) (See Attachment 4) and the revised Parking and Traffic Management Plan (DVC March 2018 Rev 2) demonstrates the applicant's traffic engineer support for the bus parking arrangement as proposed. The following concerns have arisen from the City's assessment:

- a) Vehicle swept paths are not provide, to demonstrate safe movement of vehicles within the site for the proposed design vehicle.
- b) Some parking bay widths are narrow and do not meet Australian Standards.
- c) No set down or pick up bays are provided.

- d) The mini-buses are not able to enter and leave the site in a forward gear.  
Section 3.2.3 AS2890.2 (without use of the road verge for manoeuvring)

The applicant has advised that:

- a) *On the basis of the reciprocal use of parking as noted above, there is no shortfall in parking proposed;*
- b) *The number of mini-buses stored within the bus storage area on 61 Coolinga Road is five; and*
- c) *The two applications (as advertised) already note the use of off-site parking areas (refer attached advertising sign text). On the basis that the City has discretion to permit reciprocal parking under Clause 5.7.3 of LPS3, we do not consider that the applications need to be amended.*
- d) *The parking arrangement above reflects the detail contained within the City's public consultation letter circulated to neighbours, the public consultation signage and as detailed in the PTMP prepared by DVC.*
- e) *If the City were to proceed with and be successful in respect to the Supreme Court action for No.59 Coolinga Road, we affirm that we would seek to progress with the application as anticipated in DVC-Z51902-02 Rev1 as outlined in our email of 22 January 2018. In either circumstance, we affirm that parking would be compliant.*

35. Clause 5.7.3 of the Scheme specifies in which circumstances the City will allow for reciprocal car parking arrangements provided across different sites to serve the purpose of providing car parking for a specific land use. In this instance the applicant is seeking the application of this clause which states:

*"Local government may vary the parking requirements as specified in Table 3 for any zone when it is considered reasonable to do so by the recognition of reciprocal arrangements for parking or access or circulation. In making its decision on application for such recognition, the local government shall take into consideration the following matters:*

- i. The nature of the proposed development in relation to the existing or future development of any land within the immediate vicinity of the subject land;*
- ii. The hours or normal operation of the intended use and abutting land uses*
- iii. Any such matters as the local government considers relevant, including legal agreements between the affected land owners."*

36. On 19 April 2018 the applicant advised that:  
*'With respect to the enforceability of the reciprocal parking arrangements, we do not in principle have an objection to a legal agreement as was suggested. We simply wanted to understand the basis of what the agreement was to contain. However if a legal agreement was required I am instructed we would have no objection to that and would work with your external legal advisers as to the contents of that agreement.'*

## **POLICY CONSIDERATIONS**

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

In considering an application for planning approval, Clause 67 of Schedule 2 of the Regulations (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters including, but not limited to:

- The requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, that the local government is seriously considering adopting or approving;
- The amenity of the locality including the environmental impacts of the development, the character of the locality, and the social impacts of the development;
- The compatibility of the development with its setting including the relationship of the development 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 development;
- The adequacy of the means of access and egress from the site and arrangements for the loading, unloading, maneuvering and parking of vehicles.
- The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

### **38. City of Kalamunda Planning Policy P-Dev 56 – Family Day Care and Child Care Premises.**

The City is increasingly receiving enquiries and applications for child care centres and family day care services. Given that there was previously limited guidance regarding the appropriateness of the siting, design, scale and operational conditions of a child care centre, and there not being a measure of potential amenity impact the City developed a Local Planning Policy to provide further guidance for both applicants and the community. This policy was adopted by Council on the 27<sup>th</sup> November 2017 and is therefore applicable to this application.

#### **39. *Location Criteria (Clause 1)***

Child care centres should be located in areas where there are appropriate amenities within walking distance with preference to being located away from arterial roads, and distribution between existing centres. The consideration of site size and dimension is also a prime consideration with a development not to affect the amenity of the adjoining area.

#### **40. *Siting Criteria (Clause 2)***

The policy states that the site area of the subject lot needs to be adequate for the provision of on-site car parking, pedestrian access, setbacks, and play areas and landscaping.

41. *Inappropriate Sites (Clause 2a)*

The policy states that in a number of circumstances a child care premises is inappropriate, these include:

- a) *At the end of cul-de-sacs*
- b) *In residential zone land, within 300m of another child care premises.*
- c) *Within rural land, within 800m of another child care premises*
- d) *Sites with sole vehicular access from a longer or undedicated Right of way (ROW), under width street or laneway,*
- e) *Sites located on, or at intersection to a Primary or District Distributor Road*
- f) *Sole access abuts traffic lights, roundabout or traffic calming device;*
- g) *Rear battle-axe and strata titled sites and*
- h) *Multiple Dwellings.*

42. *Minimum Lot Size and Site Coverage (Clause 2B)*

The policy stipulates that in accordance with the Western Australia Planning Commission (WAPC) Planning Bulletin 72/2009 that child care premises will not be considered on sites that are in residential areas on lots less than 1000sqm. This provision is to ensure that appropriate outdoor play spaces can be provided. The policy also stipulates that a maximum site coverage of roofed structures should not exceed 50% of the site area.

43. *Design Criteria, Built Form and Streetscape (Clause 3.1)*

The policy specifies that a proposal be designed to a residential scale and that conformity to height, setbacks of the local area be maintained and that the prevailing and existing streetscape not be modified.

It is clearly stated that:

'The design must care for the existing level of residential amenity and minimise the potential nuisance in terms of:

- a) *Visual impact ; and*
- b) *Noise associated with operation of the child care facility and car park.*

44. *Parking and Traffic Assessment (Clause 3.2)*

The policy provides guidance in terms of the appropriate standard that the City expects for a child care premises.

The policy clearly states that:

***'Vehicles will be required to enter and exit the site in a forward gear. All parking related to the Family Day Care or Child Care Premises will be contained on the subject site'***

45. Where there is an existing centre proposing to increase the number of children by more than 10, and for new child care premises the application should be accompanied by a Traffic Impact Assessment provided by a suitably qualified traffic engineer.

46. The policy also states that proposals will not be supported if the form, function and the safety of the surrounding road network is deemed to be considered compromised.
47. The Policy further requires the applicant, through a suitably qualified engineer, to address a number of matters including the provision of pick up and drop off facilities within the site.
48. The policy makes mention of landscaping and signage requirements, with the objective of preserving the residential amenity and character of a particular area.
49. *Operational Criteria, Hours of Operation (Clause 4.1b)*
- The policy states that the hours of operation for a Child Care Premises shall be restricted to Monday to Friday between 6:00am and 7:00pm and Saturday between 8:00 am and 4:00pm, unless otherwise approved by Council.
50. *Maximum number of children, (Clause 5)*
- The policy states that:
- 'In accordance with the Education and Care Services Regulations 2012, the number of children present at the child care premises must not exceed the maximum number of children specified in the licence or permit to operate. The proposed number of children will be considered having regard to the locational criteria identified in Clause 1 of the Policy.'*
51. *Outdoor Play Areas and Noise Management (Clauses 7 & 8)*
- The policy specifies a requirement and any proposed outdoor play area shall be setback a minimum of 1 metre from lot boundaries to ensure that the potential for noise impact upon surrounding properties is minimised. Play areas may be required to be separated from the boundary by a physical barrier. Adequate shading is also a requirement of the policy.
52. With regard to noise management, the application as part of the policy requirements is to provide a Noise Management Plan and an Acoustic Impact assessment. This needs to be approved by the City prior to any approval being granted and compliance with the Environmental Protection Noise Regulations 1997 or design / specification measures demonstrating measures will be incorporated to reach compliance.
53. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**
- SPP 3.7 intends to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. The policy applies to development applications located in bushfire prone areas.
- Under SPP3.7, the proposed child care premises is deemed a vulnerable land use, which is defined as follows:

*"A land use where persons may be less able to respond in a bushfire emergency."*

54. *No.36 Marri Crescent:*  
The applicant has lodged a Bushfire Management and Evacuation Plan (BMEP) to support the proposed child care centre. Among other recommendations, this plan recommends that an asset protection zone is established within the subject site, meaning that leaf litter and accumulated ground level fuels need to be removed and maintained, and includes the on-going maintenance of trees. Based on this recommendation, the applicant's Bushfire Consultant assesses the bushfire attack level (BAL) as BAL-12.5.
55. *No.61 Coolinga Road:*  
The applicant has lodged a BMEP to support the proposed child care centre as part of their previous application for No.59 Coolinga Road (report dated April 17 2017 by RUIC). The City received correspondence from the Department of Fire Emergency Services (DFES) dated the 29 May 2017 whereby the DFES were satisfied that the proponent had adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria could be achieved with the submitted BMEP, DFES recommended support as a compliance application.
56. Under the provisions of SPP 3.7, a vulnerable use should not be supported unless the BMEP is jointly endorsed by both the City and the DFES. Comments from DFES are summarised in the external referral section of this report.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

57. *Traffic and Parking*  
The City has received and reviewed the Transport Impact Statement (TIS) Report, prepared by Donald Veal Consultants for the applicant. This Report has included assessments of the three sites of No.59 and No.61 Coolinga Road, and No.36 Marri Crescent. The Report adequately represents the impacts to the road network.
58. The following items have not been appropriately demonstrated to the satisfaction of the City:
- i) Considering the development as User Class 2 as per **AS2890.1:2004- Parking facilities - Off-street car parking**, typical parking bay dimension do not comply, typical dimension to be 2.5m wide x 5.4m long.
  - j) Where there is vertical obstruction (more than 150mm high), the required width is 2.8m, car bay(s) near the shed/fence do not comply with the required dimension.
  - k) Proposed aisle widths of 5.8m do comply
  - l) Staff parking bays dimension complies for small cars only – 2.3m wide x 5.0m long. It cannot be ascertained if all staff are utilising small vehicles nor can it be easily monitored or assured.

- m) Maximum gradient allowed for parking module is 1 in 16 (6.25%) in any direction. Existing gradient taken from Geographical Information Systems appears to be 14% and doesn't comply.
- n) Considering Mini Bus as a Medium Rigid Vehicle (MRV), required service bay dimension is 3.5m wide x 8.8m long as per **AS 2890.2-2002 Parking facilities - Off-street commercial vehicle facilities**. 5 Buses cannot be accommodated within 9.6m long parking area.
- o) Manoeuvring area for the buses has not been shown on the plan enabling vehicles to exit out of the development in forward gear (Section 3.2.3 AS2890.2).
- p) As per the City's Crossover Construction Specification, the access way needs to be fully sealed and drained, full crossover of asphalt, concrete or brick/paver required.

59. *Noise and Acoustics*

An Acoustic report has been provided by ND Engineering, See Attachment 12 which has provided the following conclusions:

ND Engineering's opinion is that:

- a) *Proposed extension to the Pachamama Activity Centre (PAC) at 59 Coolinga Rd will comply with the Noise Regulations (Reference A), during the daytime periods of 0630 - 1830 hours Monday to Friday subject to implementation of the recommendations contained in Section 5 'Recommendations';*
- b) *Existing PAC at 61 Coolinga Rd and CCC at 36 Marri Cr will comply with the Noise Regulations (Reference A), during the daytime periods of 0630 - 1830 hours Monday to Friday subject to implementation of the recommendations, if any, contained in Section 5 'Recommendations'*

The recommendations include the following:

- a) *Detailed final design of components by appropriately experienced persons in accordance with the current relevant editions of Australian Standards, Regulations, Gas Installation Code/s and the BCA.*
- b) *Completion of minor details, including acoustic/vibration details, on site by competent and qualified tradesmen and technicians.*
- c) *New materials and equipment to be installed in accordance with the manufacturer's and/or supplier's instructions.*
- d) *New materials and equipment to comply with, and be installed in accordance with, the BCA.*
- e) *Installer of materials and/or equipment to comply with: (1) Regulatory safety requirements. (2) The safety procedures on the relevant Materials Safety Data Sheets (MSDS). (3) The site safety requirements including the wearing of protective clothing such as safety boots, safety glasses, safety goggles and hard hats.*
- f) *A site inspection to fully determine the extent of the work and the nature of the site.*
- g) *Operational: The PAC extension is to be operational, excluding public holidays, between 0630 to 1800 hours Monday to Friday;*
- h) *Staff will be instructed not to arrive on site prior to 0600 hours and to be off site by 1830 hours.*

- i) Children are not permitted outdoors, carpark excluded, prior to 0700 hours.*
- j) Play areas:*
- k) Children are not permitted outdoors, carpark excluded, prior to 0700 hours.*
- l) Practical considerations:*
- m) Fixed play equipment should be non-metallic. If metal fixed play equipment is used then hollow metal sections shall be filled with expanding foam or sand.*
- n) Concrete or paved areas, if any, should be minimised and if practicable covered with synthetic grass carpet to minimise noise of play equipment on hard surfaces.*
- o) Limit the number of children in Outdoor Play area to a maximum of 15 children at any time; and*
- p) Provide the following Noise Barriers as shown in Figure 5.1*
- q) Music: (1) Keep external windows and doors closed; and (2) Do not play music outdoors.*
- r) Carpark: (1). Signage is placed within the carpark asking parents/staff not to slam car doors/boots; and (2). Signage is placed within the carpark asking parents/staff not to play music or radio; and (3) Provide the Noise Barriers as shown in Figure 5.1.*
- s) Mechanical Services: (1) Exhaust systems: (a) No specific external acoustic requirements for small non-kitchen exhaust systems. (b) No specific acoustic requirements for a domestic kitchen canopy ducted to the exterior when the inputs is less than either 8 kW electrical or 29 MJH gas.*
- t) Specific external acoustics requirements for a commercial kitchen canopy with an external fan when the input is greater than either 8 kW electrical or 29 MJH gas then the exhaust fan shall be: (i) Located greater than 6.0m from a residential boundary and discharge vertically; (ii) Operating at a speed not exceeding nominally 960 rpm with a Sound Pressure Level not exceeding 52 dB(A) @ 3.0 m at the operating speed.*
- u) Air-Conditioning systems: (a) Evaporative AC units shall be of the centrifugal fan type and shall be sized to deliver the required air quantity on the low speed setting; and (b) Refrigerated AC units shall be of the inverter type with night time 'quiet/silent' mode; and (c) Do not locate the AC unit/s closer than 6 metres to a residential boundary; and (d) AC units shall have Sound Pressure Level not exceeding 61 dB(A) @ 1.0 metre when operating at rated conditions. (e) Position the refrigerated AC units facing the North West or North East.*

The City has reviewed the noise and acoustics assessment from an Environmental Health perspective and have raised no concerns or objections to the proposed management plan and measures proposed.

60. From a Building Services perspective, the following comments regarding compliance with the Building Code of Australia have been provided:

- a) The subject building is required to comply with the Building Code of Australia for a Class 9B 'early childhood building'.*
- b) Access is required to comply with AS1428.1*
- c) A certified Building Application is required for any proposed building works*

61. From an Environmental Assets perspective comments regarding environmental asset protection including trees have been provided:

- a) Any trees requiring protection from development works should be in accordance with AS 4970 2009 "Protection of trees on Development sites".*
- b) Measures are required to be taken to ensure the protection of any vegetation on the site prior to commencement of development works.*

### **External Referrals**

62. *Department of Fire and Emergency Services (DFES)*

The application and the contents of the BMEP for 59 & 61 Coolinga Road, Lesmurdie were referred to DFES on the 26 March 2017 with a response received on the 29 May 2017.

DFES Advice;

*'DFES advises that the proposal has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved with the submitted BMP.'*

*Recommendation – support compliant application.'*

63. The application and the contents of the BMEP for No.36 Marri Crescent, Lesmurdie were referred to DFES on the 26 March 2018 with response received on the 19 April 2018.

DFES Advice;

*'DFES acknowledge that the site currently operates as a Child Care Centre and that the development application seeks an increase in hours and operation and numbers of children accommodated.*

*Consequently there is little influence DFES can advocate in relation to the fill application of the acceptable solutions to address the bushfire protection criteria for the existing land use.*

*It is critical the Bushfire Management Plan (BMP) and the Emergency Evacuation Plan (EEP) address any non-compliance for the existing development.*

*It should be noted that Method 2 calculation within the EEP for the 'bushfire safer assembly areas' has not been assessed as the calculations may be impacted by the vegetation inputs which require clarification as per the tables above (see Attachment 9).*

64. DFES Recommendation;

*In its current form the BMP and EEP are not supported and that modifications are required to ensure compliance with the State Planning Policy 3.7 requirements for Bushfire Prone Areas, in which a Child Care Centre is deemed to be a 'vulnerable land use'*

*It is acknowledged that this site has been developed prior to the introduction of the bushfire policy framework. However, the BMP and the EEP for the site should be refined to demonstrate the measures to be implemented will address compliance with the bushfire protection criteria. The EEP and BMP can then influence the appropriate bushfire management measures to reduce vulnerability and provide for contingencies to minimise the threat of bushfire to visitors and the site itself.*

DFES advise that the proposed development is not supported for the following reasons:

*The development design has not demonstrated compliance to – Element 1: Location or Element 2: Siting and Design.*

The applicant has provided further information in response to DFES referral comments dated the 19th April 2018, this is outlined in Attachment 11.

65. The City undertook community consultation of the development application(s) including a community drop in session which was undertaken on-site at 61 Coolinga Road, Lesmurdie.
66. In accordance with Clause 64 of the Regulations and Local Planning Policy P-Dev 45 – Public Notification of Planning Proposals, the application was advertised using the following methods:
  - a) Letters to property owners within 200m of the subject site;
  - b) A sign located on site;
  - c) Copies of the application being made available at the City's Administration Offices.
  - d) Online (Engage HQ) section of the City of Kalamunda website.
  - e) A community information session / open evening at Pachamama's premises in Lesmurdie.
67. As part of the community feedback the City received a total of 251 submissions which consisted of the following:
  - a) 10 objections (owners within the 300m advertised catchment area)
  - b) 241 letters of support of which were made up of the following:
    - I. 76% of non-objecting submitters were located outside of the 300m advertising catchment area.
    - II. 54% of submitters were located within the suburb of Lesmurdie.
    - III. 11.5% of submitters were located outside of the City.
    - IV. 100% of objectors were within the advertised catchment area.
68. A summary of the submissions including applicant and City responses is detailed in Attachment 13.

## FINANCIAL CONSIDERATIONS

69. In the event that the Council refuses the application or imposes conditions that are unacceptable to the applicant and an application is lodged for review/appeal with the SAT, there may be financial implications associated with defending the appeal. It is noted that the applicant has already lodged an application to SAT as a deemed refused application, given the timeframe in which the application has exceeded 90 days to determine a development application.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

*Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

**Objective 1.1** - To be a community that advocates, facilities and provides quality lifestyles choices.

**Strategy 1.1.3** - Facilitate opportunity to pursue learning.

#### Priority 3: Kalamunda Develops

**Objective 3.3** - To develop and enhance the City's economy.

**Strategy 3.3.1** - Facilitate and support the success and growth of industry and businesses.

## SUSTAINABILITY

### Social Implications

70. Consideration should be given to the impact that the proposal may have on the amenity within what is an existing low density residential area. Several submissions raise concerns in regard to the proposal commercialising an existing residential area and the associated impacts on the amenity of the residential area.

### Economic Implications

71. It is noted that the applicant undertook their own independent notification of this proposal with customers of their other child care centres, and that several submissions have been received that support the proposal on the basis that it will facilitate child care services to parents and carers in the community.

### Environmental Implications

72. Activities conducted on site would be required to comply with the Environmental Protection (Noise) Regulations 1997.
73. The proposal does not incorporate the removal of vegetation, however, it has been recognised by the applicant in their statement of 19 April 2018 that:

*'The Australian Standards are not determinative in their own right and the City has discretion to approve the proposed car parking irrespective of whether or not they strictly comply with Australian Standards. We consider that on the merits of this case the proposed car parking and access arrangements ought to be supported. It is possible for us to modify the parking layout to be strictly compliant with all AS standards. However, it would not serve any material significant benefit in traffic functionality or safety and in our opinion would lead to an inferior planning outcome in maintaining the character and amenity of the Lesmurdie Hills area which is explained below.'*

74. It is acknowledged by the applicant that to comply with the Australian Standards for their car parking arrangement will require alteration to the car park both materially and functionally to allow for buses to exit the site in a forward gear and manouver within the site, rather than the current situation where they are utilising the verge. To comply and provide a plan with full compliance will result in a more commercialised car park which would require the removal of trees. It is acknowledged by the applicant that this will result in the inability to maintain the character and amenity of the Lesmurdie Hills area.

## RISK MANAGEMENT CONSIDERATIONS

- 75.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> The amenity of the area is unduly affected  |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Likely   | Significant        | High          |
| <b>Action/Strategy</b>   |                    |               |
| The officer recommendation is to refuse this application. In the event that the Council resolves to approve the application, conditions should be included which address the potential amenity issues, traffic impacts and safety concerns associated with any non-compliance with the Australian Standards. |                    |               |
- 
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The safety of children and pedestrians is unduly compromised through existing unauthorised car parking and vehicle movements.  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Rare  | Critical           | Extreme       |
| <b>Action/Strategy</b>  |                    |               |
| Ensure that all car parking, maneuvering and access into and out of the site complies with the Australian Standards by way of Conditions. The nature of the land use requires appropriately design parking to minimise any potential accidents with children. |                    |               |
| <b>Risk:</b> The safety of children and staff is compromised through bushfire risk of a non-compliance Bushfire Management and Emergency Evacuation Plan  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Rare  | Critical           | Extreme       |
| <b>Action/Strategy</b>  |                    |               |
| Ensure that all Bushfire Management and Evacuation Plans comply with requirements of DFES prior to considering the approval of a vulnerable land use.   |                    |               |

## OFFICER COMMENT

76. The proposal seeks to legitimise the existing operations that have been approved (excluding the additional use at 59 Coolinga Road) by the DLGC Education and Care Regulatory Unit since the 23 January 2014. These applications seek planning consent in accordance with the Scheme to operate the child care centre land use to the scale and degree to which it has been operating for four years for the two sites at 36 Marri and 61 Coolinga. What is different and additional to the current operations is that if the application at 61 Coolinga is approved then the additional centre at 59 Coolinga can become operational, as a result of the SAT decision referred to above.
77. In assessment of the two applications it is noted that the applicant has provided reports regarding traffic management, bushfire management, and noise acoustics. It is acknowledged that the applicant has gone to extensive degrees to address the concerns raised by the City and has been responsive to seeking solutions to concerns that have been raised.
78. In addition to this however, due regard needs to be given to the amenity issues raised by the directly affected neighbours through the community consultation process and parking requirements in the context of the land use and safety. Given the retrospective nature of the proposal it is important to note that the amenity impacts are currently being experienced and expressed by surrounding residents.
79. **Intensification of Use**  
The use that has been approved by the Council was for a total of 57 children and 10 staff over two sites between the hours of 7.00am and 6.00pm at 36 Marri Crescent and only 3.30pm to 6.00pm at 61 Coolinga Road. The current applications, including the activation of the additional use at 59 Coolinga Road, would result in a total of 150 children and 22 staff over the extended hours from 6am to 7.00pm. This, by any measure, is a substantial intensification of use, particularly in the context of a low density residential area.
80. The combination of these factors together with the suggested reciprocal parking arrangements results in a real amenity impact for the immediate neighbours. This is contrary to the intent of the objectives of the Scheme and the City's Planning Policy (P-DEV 56 Family Day Care and Child Care Premises).
81. The proposal is considered to increase the child care activities to a scale and concentration that will inevitably generate levels of additional traffic and noise, which would not reasonably be expected in an established residential area.
82. It is important to note that several submissions received from the residential properties in the immediate vicinity of the proposed child care premises (on Coolinga Road) raise significant concern with the proposal, particularly with regard to noise and traffic and safety relating to car parking. Given the retrospective nature of the proposal it is important to note that the amenity impacts are currently being experienced and expressed by surrounding

residents. It is not a forecast or measure of potential amenity impacts, the City is being advised of them by immediately surrounding residents.

83. **Parking Areas**

*No.36 Marri Crescent*

The current on-site parking does not meet the requirements for the expanded use. In addition, while there is a Universal Parking bay (Acrod) on-site it may not be in accordance with the current Australian Standards. Should this bay need to be adjusted to meet the standards it could result in one less bay than currently available. As a result, there would be 12 bays (including one substandard bay). The potential seven (7) bay shortfall is considerable in the context of the location and cannot be supported. While the applicant has suggested a reciprocal parking arrangement, that has its own issues as discussed further below.

84. *No.61 Coolinga Road*

The current gravel car park is substandard in many respects. While the current parking arrangement may have had a previous approval, the intensification of the use and the increased number of mini buses within the car park requires that the parking area meet current standards. This will ensure greater legibility and ease of use, and improved safety for visitors, staff and children. This is particularly important in the context of the number of valuable patrons at the land use (i.e. children).

85. The current practice of manoeuvring the buses on the road verge of Gladys Road presents a risk that is not acceptable and is non-compliant with Australian Standards. Further to this the City's policy (P-DEV- 56 Family Day Care and Child Care Premises) also refers to the need for all vehicles, including the buses, to be able to enter and leave the site in a forward gear as well as providing a drop off and pick up location on site for the bus. Such provision has not been made on this site and compliance with these requirements will reduce the number of bays on-site.

86. In addition to these issues, the car park at this address, as well as the parking at No.59 Coolinga Road, is being offered as reciprocal parking to compensate for the shortfall in parking on 36 Marri Crescent. This proposal would compound the access and circulation problems on a single property designed for residential purposes. The plan submitted as part of the traffic assessment report shows 13 parking bays at No.59 Coolinga Road, however, there is no universal bay indicated. If this universal bay was included, in accordance with the standards, then the total number of bays available may be reduced to 12.

87. The parking area, as proposed, is to maintain the existing "gravel" surface. This presents an ongoing issue for the use of the bays, particularly those bays located on a gradient steeper than the standards required and for the Universal Access bay. The parking area would need to be sealed and line marked to overcome these issues. The applicant on the 19 April 2018 has indicated that they are willing to amend their plans to ensure compliance with the Australian Standard, however, have indicated that they would prefer not to do so because they wish to maintain the existing character of the site within its low density residential setting. Compliance with standards is likely to require the removal of trees and vegetation on the site.

88. The car park could be redesigned to meet the standards required. To achieve this would require the removal of vegetation. This would not be a desirable outcome as it would give the premises a greater commercial appearance and have a detrimental impact on the existing amenity of the area.
89. This is a fundamental reason why it is not suitable for No.61 Coolinga Road to be intensified in nature of land use, because the knock on effects of compliance for parking and safety reasons results in a commercialisation of a residential property in a residential area. This would occur in a setting where amenity will be impacted due to works that are needed to sustain such an intensification and therefore impacting on the local community.
90. The applicant has provided the following statement:
- 'Child care is a highly regulated industry and children are required to be signed in and out by parents and would not be roaming the footpaths or outside the premises. Children are dropped from within the minivan within the premises and escorted by carers to within the centre buildings. They are never left to wander outside the centre or on footpaths and are always under supervision by carers when entering or exiting the minivans. Further there is no conflict with parent parking ever because the minivans (buses) do not operate when parents use the parents parking bays. We would have no objection to a condition that required the use of those buses in that manner in response to your concerns as to if the centres is ever sold to a future purchaser who may operate differently. However, in practical effect, any other operator is likely to use the buses in the same way given their function is exclusively to pick up and drop of children to school after or before parents have picked them up from the centre. It has operated that way successfully for three years.'*
91. The development is currently operating outside of the parameters of existing approvals. The level of risk that is associated with children being dropped off and delivered into a car park which does not have appropriate approvals or compliance poses a potential risk. It is assessed that the current operating (unauthorised) car parking arrangement at this site poses an unnecessary risk to the operator and to the City and is therefore deemed to be unacceptable.
92. *Bus Parking, Ingress and Egress*
- It is assessed that the situation which exists on site currently relating to the parking and manoeuvring of buses, utilising the verge for reversing is not an acceptable outcome and compliance with Australian Standard AS 2890.2-2002 Parking facilities - Off-street commercial vehicle facilities should be demonstrated. As assessed by the City's Traffic engineers, 5 Buses can't be accommodated within 9.6m long parking area. The applicant has stated that:
- 'With respect to your request as to whether we would be willing to indemnify Council with issues associated with the bus using the verge, I am instructed that we would be open to consider that but note that should not be necessary given the issue of safety was an express reason in the engagement with Council engineers that led to the suggested solutions that we accept. If the*

*City wish to require those measures to be included in a management plan for enforceability then we have no objection to that approach’.*

93. It is the officer’s recommendation that the City do not enter into any development approval situations where there are acknowledgments of potential public indemnity risks associated with compromising an Australian Standard requirement, in this instance Australian Standard AS 2890.2-2002 Parking facilities - Off-street commercial vehicle facilities. If approved by Council in its current form an element of risk would be accepted by the City where it not necessarily need to and whereby if Council seek compliance through appropriate development conditions this risk could therefore be avoided.
94. **Reciprocal Parking**  
The Scheme enables the Council to consider reciprocal parking having regard to certain matters relating to the operation of the car park, the location of the additional parking (abutting), the impact on neighbours and the legal agreement between land owners. Reciprocal parking would generally occur when a shortfall is calculated on one use, usually located in the same development complex, where different uses are likely to have different peak usage times. Usually a legal agreement is entered into by the parties to ensure certainty of the arrangement for the life of the development that is short on parking.
95. In the situation with the two development applications, a reciprocal arrangement is proposed which requires the shortfall from No.36 Marri Crescent to be accommodated at No.61 Coolinga Road (accessed off Gladys Road) and at No.59 Coolinga Road, some 150m from the car park with the shortfall, and across a reasonably busy road. As a means of ensuring the reciprocal arrangement remains in place the applicant is suggesting a simple condition of approval and no legal agreement. This arrangement not only sends more vehicles down Coolinga Road but provides no certainty that it would be maintained into the future. This is not considered a sound or workable solution to the parking shortfall.
96. The applicant has provided acknowledgment of acceptance that if the City were to approve the development that they would be willing to accept a condition requiring that the site(s) be subject to a legal agreement regarding reciprocal car parking arrangements.
97. **Bushfire Management**  
*No.36 Marri Crescent*  
The City has received advice from the DFES which has recommended that in its current form cannot support the application due to the BMEP not complying with the provisions of State Planning Policy SPP3.7 Planning for Bushfire Prone Areas.
98. The applicant has provided detail supporting justification to address the DFES concerns that were raised on the 19 April 2018. It is acknowledged that the applicant may be able to amend their supporting documentation and re-submit that information for DFES to reconsider its position.

99. The City is obligated to take into consideration the recommendation provided by DFES, however it acknowledges that by amending the reports and referring this back to DFES there is a high probability that subject to the amendments requested and a re-evaluation taking place, that the applicant may be able to achieve a different response from DFES.
100. At this time however, the current recommendation not to support the application influences the City's abilities to approve a vulnerable land use within a Bushfire Prone Area whereby the associated risk of conditioning approval subject to a compliant BMP and EEP is considered to be unacceptable. In the context of the vulnerable land use, the City will only be prepared to support an approval regarding this element at such time that DFES have recommended support to the application.
101. **Other Issues**  
While it is noted that the information provided demonstrates that noise and traffic could be mitigated, it is noted that the proposed developments do not meet all of the objectives of the City's Local Planning Policy, P-Dev 56, Family Day and Child Care Premises. In particular the proposals do not comply with Clause 2a, Inappropriate Site Location: '*In residential zone land, within 300m of another child care premises.*'
102. In this instance the SAT, in its determination of the appeal for 59 Coolinga Road Lesmurdie, has determined that the application is an extension of the existing centre and therefore the application would satisfy the criteria of not being located within 300m of an existing centre as Pachamama would operate its business across all three sites.
103. The subject site(s) are proposed to be located adjacent to a new centre at No.59 Coolinga Road which is directly adjacent to No.61 Coolinga Road in Lesmurdie. It is considered that the proposal, in its previously approved format would not compromise the objectives of the policy and would comply with the site location criteria, however, the intensification of these two sites, in conjunction with an application to expand the child care centre into the property next door is considered to be in contradiction with the requirements of the policy which are to maintain a distance of 300m between child care centres. The intensification of the three properties represents a significant commercial development above what is envisaged within a predominately residential area.
104. As each lot remains, and they are not amalgamated to form one standalone centre, it is a concern to the City that the landowners may separate the business into three separate child care centres at some point in the future, and that if approved, three standalone child care centres could be operating adjacent to one another in a residential zoned area. This is in complete contradiction to the requirements of the policy. The expansion and intensification of child care facilities in a low density residential area and within this local vicinity is not considered to be in line with the expected or appropriate pattern of development in the area.
105. It is however acknowledged that the applicant in its response to the City dated 19 April 2018 has stated that:

*'With respect to Acrod bays, our preliminary view is that a dedicated Acrod bay may not be a pre-requisite for each site, however on the presumption that the City is correct, in cooperation with the City's position, we are willing to look at solutions to address that issue. We note that 36 Marri Crescent already contains a disabled bay. We are willing to amalgamate 59 and 61 Coolinga Road as one lot. Based on your concerns, that may require consideration of adding 59 into the application if a condition requiring amalgamation on 61 is not possible. We would then look at modifying the car park on 59 Coolinga to establish a dedicated Acrod Bay with access between the two buildings;'*

106. It is acknowledged that there is a willingness on behalf of the applicant to amalgamate No.59 and 61 Coolinga Road, in order to reduce the requirements of universally accessible car parking bays with an aim to therefore comply with overall parking requirements. However, to comply, as acknowledged by the applicant, this will require removal of trees and vegetation which will in fact result in an amenity impact on the surrounding landscape. This is determined not to be an acceptable outcome.
107. **Conclusion**  
The Council is presented with two development applications and is therefore required to make two decisions. While it would be easy to characterise the applications as simply bringing an existing, albeit unauthorised, situation into compliance it is much more than that. It is an intensification of the use, plus the addition of No.59 Coolinga Road, which brings with it issues around parking, access, and safety and amenity which may not have been addressed previously. It would appear that the sites are not capable of accommodating the required number of vehicles and vehicle movement requirements to a level which can ensure safety and minimal congestion.
108. The Australian Standards in relation to parking and vehicle movement set a benchmark for establishing safe and workable operations. They are only standards and can be varied. However, the extent of variation needs to be considered in the context and nature of the use. The proposed use involves the movement of cars and buses, and young children in a reasonably confined space and care should be undertaken when exercising discretion in this regard.
109. The applicant argues that both of the sites have been operating without incident and with little complaint from the neighbours. While this may be the case, a number of objections have been submitted through the advertising process. The Council needs to determine whether it is prepared to relax the standards to the extent proposed and allow the operation to continue with the inherent risks associated with this activity. If the standards are upheld and approved subject to compliance, the Council has to determine whether or not it is prepared for the site to become visually commercial in nature, and how this may impact on the amenity of the immediate vicinity. On this basis it is recommended that the Council refuse the application.

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

## **RECOMMENDATION**

That Council:

1. In accordance with the provisions of the City of Kalamunda Local Planning Scheme No.3, REFUSES the development application dated 21 July 2017 for an increase in the number of children and modified operating hours for the existing Pachamama Child Care Centre located at Lot 19 (36) Marri Crescent for the following reasons:
  - a) The proposed development and use does not comply with State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the guidelines for Planning in Bushfire Prone Areas whereby the development design has not demonstrated compliance to – Element 1: Location or Element 2 : Siting and Design.
  - b) The proposed development and use does not comply with Clause 67 Schedule 2 of the Planning and Development (Local Planning Schemes Regulations) 2015 whereby the City of Kalamunda has due regard to consider the adequacy of the means of access and egress from the site and arrangements for the loading, unloading, manoeuvring and parking of vehicles which it deems to be deficient.
  - c) The parking shortfall on site will impact on the traffic movement and access to the site resulting in potential on site congestion, safety risks and street parking;
  - d) The Universal Access parking bay on site is not constructed in accordance with the Australian Standard AS/NZS 2890.1:2004 which, if done according to the standard, would further reduce the amount of parking available on site;
  - e) The proposed reciprocal parking arrangement, through a planning condition linking other sites at No.61 and No.59 Coolinga Road, is not considered to be an appropriate or workable solution, in accordance with the provisions of CI 5.7.3 of the Scheme, as the site(s) in question is across a road and not directly abutting the site. This is considered to be unsafe and does not provide a binding legal tie between the parking across the three separate lots in varying ownership;
  - f) The proposed reciprocal parking arrangement is not considered appropriate in this situation as the increased parking on one lot to compensate for the lack of parking on the other has an amenity impact on the quiet low density residential location and immediate neighbours by virtue of the increased vehicle movements and associated noise, and there is no guarantee that the reciprocal arrangement will remain in place for the life of the development;
  - g) The combined scale of the intensified use over three properties is not in the interest of orderly and proper planning of the locality in that it will impact on the amenity and quiet enjoyment of the residential locality and the immediate neighbours by virtue of the traffic movements and the appearance of non-residential uses.
2. In accordance with the provisions of the City of Kalamunda Local Planning Scheme No.3, REFUSES the development application dated 26<sup>th</sup> June 2017 for an increase in the number of children and modified operating hours for the existing Pachamama Child Care Centre located at Lot 55 (61) Coolinga Road, Lesmurdie for the following reasons:
  - a) The proposed development and use does not comply with Clause 67 Schedule 2 of the Planning and Development (Local Planning Schemes Regulations) 2015 whereby the City of Kalamunda has due regard to consider the adequacy of the

- means of access and egress from the site and arrangements for the loading, unloading, manoeuvring and parking of vehicles which it deems to be deficient.
- b) The proposed parking bays do not meet the Australian Standards in terms of dimensions, aisle width, gradient, and accessibility enabling all vehicles to enter and leave the site in a forward motion resulting in a potentially congested and unsafe situation for staff, carers and children using the parking area;
  - c) The proposed car parking and access to the site does not comply with the City's Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises whereby no pick up and set down provision within the car park are proposed for the mini bus use.
  - d) The proposed parking bays do not meet the Australian Standards in terms of Universally Accessible car parking bay with appropriate surface material and line markings in accordance with the relevant Australian Standards on site which, if included, would further reduce the amount of parking available.
  - e) The proposed reciprocal car parking arrangement through a planning condition linking other sites at 36 Marri Crescent and 59 Coolinga Road is not considered to be an appropriate or workable solution, in accordance with the provisions of CI 5.7.3 of the Scheme, as the site(s) in question are across a road and not directly abutting the subject site. This is considered to be unsafe and does not provide a binding legal tie between the parking across the three separate lots in varying ownership;
  - f) The proposed reciprocal parking arrangement is not considered appropriate in this situation as the increased parking on one lot to compensate for the lack of parking on the other has an amenity impact on the quiet low density residential location and immediate neighbours by virtue of the increased vehicle movements and associated noise, and there is no guarantee that the reciprocal arrangement will remain in place for the life of the development;
  - g) The combined scale of the intensified use over three properties is not in the interest of orderly and proper planning of the locality in that it will impact on the amenity and quiet enjoyment of the residential locality and the immediate neighbours by virtue of the traffic movements and the appearance of non-residential uses.

Moved:

Seconded:

Vote: **LAPSED**

As there was no mover or seconder for the recommendation it LAPSED. Cr Tracy Destree proposed an alternative motion which received a seconder before being put to a vote.

RESOLVED SCM 66/2018

That Council,

1. In accordance with the provisions of the City of Kalamunda Local Planning Scheme No.3 APPROVES the application dated 21 July 2017 for the increase in the number of children and modified operating hours for the existing Pachamama Child Care Centre which is located at Lot 19 (36) Marri Crescent, Lesmurdie subject to the following conditions:
  - a. The development shall be carried out only in accordance within the terms of the application as approved herein and the plans as approved or as amended for any minor adjustments with the written agreement of the City.
  - b. Stormwater to be managed in accordance with the City's Stormwater Design Guidelines, to the specification and satisfaction of the City of Kalamunda.
  - c. A revised Vehicle Parking and Manoeuvring Plan and Report shall be submitted to the specifications and satisfaction of the City of Kalamunda within 30 days of the development approval. Within 90 days of approval of the Plan, the Plan shall be implemented and completed. The Vehicle Parking and Manoeuvring Plan shall include the following:
    - i. The plan shall demonstrate manoeuvring and circulation areas being suitably constructed, sealed, drained, and line marked to the specifications and satisfaction of the City and in compliance with Australian Standards.
    - ii. The provision of a compliant universal accessible car parking bay (Acrod car parking bay) in accordance with the requirements of the Australian Standards to the satisfaction of the City of Kalamunda.
    - iii. The provision and maintenance of 13 car parking bays on-site as part of an overall reciprocal car parking plan which provides a total number of 38 car parking bays across all three sites being Lot 55 (61) Coolinga Road, Lesmurdie, Lot 19 (36) Marri Crescent, Lesmurdie and Lot 54 (59) Coolinga Road, Lesmurdie.
    - iv. All parking and vehicle drop off and collection associated with the operation of the Child Care Centre to be contained on site, with the road verges not being used for that purpose.
  - d. A revised Landscaping Plan and Arborist Reports shall be submitted to the specifications and satisfaction of the City of Kalamunda within 30 days of the development approval. Within 90 days of approval of the Plan, the Plan and recommendations of reports shall be implemented and completed. The Landscaping Plan shall include the following:
    - i. Identification of any naturally occurring vegetation to be removed, including any tree with a trunk diameter 300mm or greater,
    - ii. An independent arborist's report, for any tree with a trunk diameter of 300mm or greater that will be removed or impacted by the works, where the report is to detail the species, condition of the tree(s), nature of the impact, and any potential impact of the works on the tree(s), and
    - iii. Details regarding proposed landscaping plant species and management.
  - e. Crossovers shall be designed and constructed to the specification of the City of Kalamunda.

- f. A lighting Plan for all external security lighting is to be prepared and implemented to the satisfaction of the City of Kalamunda within 90 days, or as otherwise agreed in writing by the City.
  - g. The permitted hours of operation for the Childcare premises are limited to 6:30am to 6:30pm Monday to Friday.
  - h. A maximum of 69 children are permitted at any one time.
  - i. A revised Bushfire Management Plan shall be prepared and implemented to the satisfaction of the Department of Fire and Emergency Services and the City of Kalamunda.
  - j. A legal agreement being prepared and entered into by both parties within 120 days or as agreed in writing by the City from the date of this approval, at the cost of the applicant, to ensure the ongoing reciprocal parking arrangement between Lot 55 (61) Coolinga Road, Lot 54 (59) Coolinga Road and Lot 19 (36) Marri Crescent.
2. In accordance with the provisions of the City of Kalamunda Local Planning Scheme APPROVES the application dated 26 June 2017 for the increase in the number of children and modified operating hours for the existing Pachamama Child Care Centre which is located at Lot 55 (61) Coolinga Road, Lesmurdie subject to the following conditions:
- a. The development shall be carried out only in accordance within the terms of the application as approved herein and the plans as approved or as amended for any minor adjustments with the written agreement of the City.
  - b. Stormwater to be managed in accordance with the City's Stormwater Design Guidelines, to the specification and satisfaction of the City of Kalamunda.
  - c. A revised Vehicle Parking and Manoeuvring Plan and Report shall be submitted to the specifications and satisfaction of the City of Kalamunda within 30 days of the development approval. Within 90 days of approval of the Plan, the Plan shall be implemented and completed. The Vehicle Parking and Manoeuvring Plan shall include the following:
    - i. The plan shall demonstrate manoeuvring and circulation areas being suitably constructed, sealed, drained, and line marked to the specifications and satisfaction of the City and in compliance with Australian Standards.
    - ii. The provision of a compliant universal accessible car parking bay (Acrod car parking bay) in accordance with the requirements of the Australian Standards to the satisfaction of the City of Kalamunda.
    - iii. The provision and maintenance of 12 car parking bays on-site as part of an overall reciprocal car parking plan which provides a total number of car parking bays 38 bays across all three sites being Lot 55 (61) Coolinga Road, Lesmurdie, Lot 19 (36) Marri Crescent, Lesmurdie and Lot 54 (59) Coolinga Road, Lesmurdie.
    - iv. All parking and vehicle drop off and collection associated with the operation of the Child Care Centre to be contained on site, with the road verges not being utilised for that purpose.
    - v. All Medium Rigid Vehicle (MRV) including bus parking and manoeuvring shall comply with relevant Australian Standards - Parking facilities for off-street commercial vehicle facilities.
  - d. A revised Landscaping Plan and Arborist Reports shall be submitted to the specifications and satisfaction of the City of Kalamunda within 30 days of the development approval. Within 90 days of approval of the Plan, the Plan

and recommendations of reports shall be implemented and completed. The Landscaping Plan shall include the following:

- i. Identification of any naturally occurring vegetation to be removed, including any tree with a trunk diameter 300mm or greater,
  - ii. An independent arborist's report, for any tree with a trunk diameter of 300mm or greater that will be removed or impacted by the works, where the report is to detail the species, condition of the tree(s), nature of the impact, and any potential impact of the works on the tree(s), and
  - iii. Details regarding proposed landscaping plant species and management.
- e. Crossovers shall be designed and constructed to the specification of the City of Kalamunda.
  - f. A lighting Plan for all external security lighting is to be prepared and implemented to the satisfaction of the City of Kalamunda.
  - g. The permitted hours of operation for the Childcare premises are limited to 6:30am to 6:30pm Monday to Friday.
  - h. A maximum of 43 children are permitted at any one time.
  - i. A revised Bushfire Management Plan shall be prepared and implemented to the satisfaction of the Department of Fire and Emergency Services and the City of Kalamunda.
  - j. A legal agreement being prepared and completed within 120 days of the date of this approval, at the costs of the applicant, to ensure the ongoing reciprocal parking arrangement between Lot 55 (61) Coolinga Road, Lot 54 (59) Coolinga Road and Lot 19 (36) Marri Crescent. Such agreement shall be to the satisfaction of the City of Kalamunda.
3. That the City of Kalamunda engages an independent consultant at the developer's cost, to audit the vehicle parking and manoeuvring arrangements, and safe access to the facilities, in accordance with relevant laws and Australian Standards, at the existing Child Care Centres operating as 'Pachamama' at Lot 55 (61) Coolinga Road, Lesmurdie and Lot 19 (36) Marri Crescent, Lesmurdie. Further, that the developer implements the recommendations of the audit.
  4. The City of Kalamunda include a requirement for a caveat on the respective titles to ensure no individual lot may be sold to any third party without reciprocal parking arrangements, as agreed, being maintained.

Moved: **Cr Tracey Destree**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Cr Tracy Destree left the meeting at 9.35pm and returned at 9.36pm.

### **8.1.2. Development Application: Proposed Telecommunications Tower and Infrastructure - Lot 3000 (199) Hale Road, Forrestfield**

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

Cr Brooke O'Donnell declared an Interest Affecting Impartiality on Item 8.1.2 Proposed Telecommunications Tower & Infrastructure - Lot 3000 (199) Hale Road, Forrestfield as the Morrison Oval is part of the Football Club (to which her children are members) and the Teeball Club to which she is a member of the committee. Cr O'Donnell left the meeting at 9.35pm and returned at 9.37pm she did not vote on this matter.

Previous Items	OCM 127/2017, OCM 248/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	LW-04/012
Applicant	Planning Solutions on behalf of Service Stream for Optus
Owner	Crown Land under management order to City of Kalamunda
Attachments	<ol style="list-style-type: none"> <li>1. Applicant Report <b>[8.1.2.1]</b></li> <li>2. Environmental EME Report <b>[8.1.2.2]</b></li> <li>3. Site Plans <b>[8.1.2.3]</b></li> <li>4. Elevation Plan <b>[8.1.2.4]</b></li> <li>5. Photomontage of Tower <b>[8.1.2.5]</b></li> <li>6. Submitters Table <b>[8.1.2.6]</b></li> </ol>
Confidential Attachment 1	Forrestfield Football Club Petition
Confidential Attachment 2	Submitters Map

#### **EXECUTIVE SUMMARY**

1. The purpose of the report is to consider a development application for a telecommunications monopole and ancillary equipment at Lot 3000 (199) Hale Road, Forrestfield, otherwise known as 'Hartfield Park'. As part of the refusal of Council in July 2017 for a telecommunications monopole and ancillary equipment at Lot 39 (12) Lewis Road, Wattle Grove, Council requested that the applicant work with Council and City Officers to investigate alternative locations for the proposed telecommunications monopole and associated equipment.
2. Hartfield Park is a Class A reserve, any application made for development in the reserve must be determined by the Department of Planning, Lands and Heritage (DPLH). In this instance the City is required to provide a recommendation to the DPLH and is not the determining authority. The City undertook advertising in accordance with Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals. During the advertising a total of 53 responses were received, comprising of 50 objections and 3 non-objections. The majority of submissions were provided as part of a petition undertaken by a local sporting club. The key concerns raised as part of the submissions were related to the potential hazardous nature of monopole tower

electromagnetic emissions, the location of the monopole tower, and the amenity impact on the surrounding area.

3. The Officer Recommendation is that Council recommend to the DPLH that the application for development be approved.

## BACKGROUND

4. **Land Details:**

Land Area:	136.039 hectares
Local Planning Scheme Zone:	Not Within an LPS3 Zone
Metropolitan Regional Scheme Zone:	Parks & Recreation

5. **Locality Plan:**  
Proposed location marked in orange.



6. Council, at its Ordinary Council Meeting (OCM) of 24 July 2017, resolved to refuse an application for a proposed telecommunications tower and infrastructure at Lot 39 (12) Lewis Road, Wattle Grove. As part of the refusal Council requested that the applicant work with Council and City Officers to investigate alternative locations for the proposed telecommunications monopole and associated equipment.
7. Subsequent to Council's decision, the applicant lodged an appeal with the State Administrative Tribunal (SAT), who provided an order pursuant to Section 31 (1) of the State Administrative Tribunal Act 2004 (WA) that the City is invited to reconsider its decision.
8. A motion put to Council for approval at the December 2017 OCM lapsed, whereupon Council resolved as follows (OCM 248/2017):
  - a) *Defer for a period of one month the Section 31 reconsideration of the decision made at the Ordinary Council Meeting of Council on 24 July 2017 to refuse the application for the proposed Telecommunications Mobile Base Station and Ancillary Equipment on Lot 39 (No. 12) Lewis Road, Wattle Grove for the purpose of seeking detailed written clarification from the Department of Planning, Lands and Heritage regarding the process and specific timeline by which the Management Order of Hartfield Park can be amended that would allow the location of the Telecommunications Mobile Base Station and Ancillary Equipment in Hartfield Park.*
  - b) *Request an adjournment of the State Administrative Tribunal Directions Hearing scheduled for Thursday 21 December 2017 regarding this matter in order for the City to receive detailed written advice from the Department of Planning, Lands and Heritage regarding the matter mentioned in point 1 above.*
9. Following liaison with the Western Australian Planning Commission (WAPC) and Department of Lands, the City was informed that Hartfield Park could be considered as an alternative location for the telecommunications tower. The applicant has since lodged an application for the monopole tower and associated equipment at Hartfield Park, and the SAT appeal has since been adjourned until 29 June 2018, so that a recommendation regarding the proposed tower within Hartfield Park can be provided to the WAPC.

## **DETAILS**

10. The application seeks approval to undertake the following:
  - a) Erection of a 36.5m high monopole;
  - b) Installation of associated infrastructure related to the tower; and
  - c) Creation of a gate and access to the tower for maintenance vehicles.
11. The monopole tower is proposed to be located adjacent to existing parking facilities and is approximately 295m from the nearest residential property, 60m from the Football Oval, 140m from the Football Club premises and 100m from the Hartfield Park Recreation Centre.
12. The applicant states as part of documents included that the system has been assessed as being well within the Australian Radiation Protection and Nuclear

Safety Agency (ARPANSA) standards in terms of electromagnetic emissions (See Attachments 1 and 2).

13. Plans of the proposal, including a photomontage of the tower in its proposed location, have been included as Attachments 3 - 5.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

14. Clause 3.2 (Regional Reserves) of Local Planning Scheme No. 3 (the Scheme) stipulates that the objectives for the regional reserves are as follows:
- a) Clause 3.2.1: The lands shown as "Regional Reserves" on the Scheme Map are lands reserved under the Metropolitan Regions Scheme (MRS) are shown on the Scheme Map for the purposes of the Planning and Development Act 2005. The subject sites lands are is not reserved under the Scheme.
  - b) Clause 3.2.2: The approval of local government under this Scheme is not required for the commencement or carrying out of any use or development on a Region Reserve.

The Scheme also notes that:

*The Provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.*

15. 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."***
16. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- a) The compatibility of the development within its settings.
  - b) Any approved Statement of Planning Policy of the Western Australian Planning Commission.
  - c) The preservation of amenity of the locality.
  - d) 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.
  - e) Any relevant submissions received during advertising or from any authority consulted.

## POLICY CONSIDERATIONS

### State Planning Policy 5.2 – Telecommunications Infrastructure

17. 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.
18. 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."*
19. 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:
  - a) Located where the facility will not be prominently visible from significant viewing locations, such as scenic routes, lookouts, and recreation centres.
  - b) Located so as to avoid detracting from a significant view of a landmark, streetscape, vista or panorama, whether viewed from public or private land.
  - c) Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised.

- d) Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.
- e) Located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.
  - o Facilities should be co-located whenever possible.

### **Local Planning Policy P-DEV 52 – Telecommunications Infrastructure**

20. The objective of P-DEV 52 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."*

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 and as such are not a relevant planning consideration.

22. 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 on the surrounding locality.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

23. The City undertook an initial assessment and determined the proposal required review from an Environmental Health, Engineering, Building, Environment, and Community Development perspective.
24. Subsequently, the City determined that as Hartfield Park is listed as a Class A reserve additional conditions should be applied to the proposal to ensure that the impact upon the surrounding ecology of the area is minimised.
25. Various conditions relating to this have been included as part of the Officer Recommendation.

## **External Referrals**

26. 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 process, letters were sent to affected properties within 500m of the tower location, two signs were erected on site (one on Hale Road, the other at the proposed tower site), a notification was placed in the local newspaper, and the proposal was added to the engage Kalamunda portal.
27. In addition to this, letters were sent to the sporting clubs of Hartfield Park inviting their comments on the proposal, and a community information evening was held.
28. Over the course of the advertising period a total of 54 responses were received, comprising of 3 non-objections, 1 comment on the proposal, and 50 objections. The majority of objections received formed part of a survey circulated by a local sporting club. A copy of this survey has been included as a confidential attachment to this report. In addition to this a summary of all comments received has been included as Attachment 6.
29. Key concerns raised by objectors related to the visual amenity of the area, the potential impacts of electromagnetic energy (EME) of nearby persons, and the proximity of the tower to the football oval.
30. The applicant was asked to comment on the above and has supplied the following responses:

### **Potential Health Issues Resulting from Exposure to EME:**

Matters related to perceived potential health impacts are not relevant for consideration of an application for planning approval. An EME report has been submitted as part of the application, which confirms the facility will produce emissions significantly below the permitted threshold.

### **Visual Amenity Impacts of the Tower:**

With regard to visual amenity, it is considered that of persons attending this section of Hartfield Park, the majority would be players and spectators of the sporting activities on the oval. The location is not considered to be a 'significant viewing location'. The facility will not impact on views of a landmark or vista or panorama, under the provisions of SPP4.2.

### **Other Locations for the Tower Should Be Considered:**

The proposed site was selected in consultation with the City's officers, taking into account constraints relating to existing lease areas, infrastructure easements, construction and maintenance access, services, and the objective of minimising tree clearing.

## **FINANCIAL CONSIDERATIONS**

31. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

32. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 3: Kalamunda Develops**

**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

33. The 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.
34. An increase in mobile phone coverage within the area will lead to members of the community being able to get in touch with their friends and family with ease.

### Economic Implications

35. 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

36. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 37.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b><br>The amenity of the area is unduly affected.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Significant        | High          |
| <b>Action/Strategy</b>  |                    |               |
| Ensure that the facility is appropriately located and designed so as to minimise undue impacts on visual amenity. |                    |               |

## OFFICER COMMENT

38. In regard to the concerns raised during advertising, the following is considered:

#### **Potential Health Issues Resulting from Exposure to EME:**

As noted above, the City is not technically able to consider the alleged health impacts of the telecommunications infrastructure when determining an application for development approval.

**Visual Amenity Impacts of the Tower:**

The applicant has included a photomontage of the proposed tower in the location that is being proposed. While it is considered that a large tower will be noticeable within the area a monopole design does have the advantage of being less visually intrusive than a lattice-style tower. In addition to this it is considered that the City can recommend that the tower be painted in such a way to reduce glare, thus reducing the potential visual impact of the structure. The nature of the uses on Hartfield Park are temporary (i.e. no residents permanently live there) and while patrons undertake sporting activities their focus is not on the infrastructure surround sports spaces but rather the sporting activity itself. The visual impact of the tower is that similar to the impact from sports lighting poles or equipment.

**Other Locations for the Tower Should Be Considered:**

Other locations within Hartfield Park were considered as part of preparing the proposal, however, the land has Aboriginal Heritage significance, is an Class A reserve, contains a Threatened Ecological Community and noted rare flora on site. In addition to this there are a number of leases held for various areas of the site and a large easement runs through the park adjacent to Tonkin Highway.

39. For these reasons it is considered that locations at the site that allow for easy access without impacting upon the native vegetation or any of the above constraints are limited and that all these factors were considered by both the applicant and the City prior to the submission being lodged.
40. Alternative locations outside Hartfield Park were also considered including locations adjacent to Tonkin Highway. Upon further investigation it was considered that the proposed location at Hartfield Park had less of an impact on residential land uses.
41. It is considered that the proposed location of the tower is well situated considering the various constraints of the site. As noted above it is a significant distance from residential properties, the Hartfield Park Recreation Centre and the Football Club and is therefore considered to be of minimal impact on the surrounding area.
42. As noted above, the City is not the determining authority for this application, and is being called upon to assess the proposal and provide a recommendation to the WAPC.

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

RESOLVED SCM 67/2018

That Council:

1. Forwards to the Western Australian Planning Commission a recommendation that the proposed telecommunications tower and associated infrastructure at Lot 3000 (199) Hale Road, Forrestfield, be APPROVED subject to the following conditions.

- a. The development shall be carried out only in accordance with the terms of this approval, and any approved plans.
- b. Prior to the commencement of works, the applicant is to submit a schedule of materials and colours for approval by the City of Kalamunda.
- c. The works area should be fenced prior to construction to limit the construction footprint.
- d. A dieback hygiene plan shall be submitted for approval by the City of Kalamunda prior to any site works commencing. The objectives of the plan will be to:
  - i. ensure dieback is not introduced to the site
  - ii. ensure dieback is not translocated throughout the site.
- e. All building materials, refuse, and waste materials should be retained within the construction site.
- f. On completion of development works, all excess articles, equipment, rubbish and materials shall be removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Kalamunda.

Moved: **Cr John Giardina**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (12/0)**

### **8.1.3. Forrestdfield North Local Structure Plan (Residential Precinct) - Adoption for Public Advertising**

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

Previous Items	OCM 14/2015, SCM 07/2015, OCM 15/2017
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. Forrestdfield North District Structure Plan Map <b>[8.1.3.1]</b>
	2. Forrestdfield North Residential Precinct Map <b>[8.1.3.2]</b>
	3. Forrestdfield North Residential Precinct Local Structure Plan Volume 1 <b>[8.1.3.3]</b>
	4. Forrestdfield North Residential Precinct Local Structure Plan Volume 2 - Technical Appendices <b>[8.1.3.4]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council the opportunity to consider the Forrestdfield North Residential Precinct Local Structure Plan (the LSP) for the purpose of public advertising.
2. The advertising process will give landowners a formal opportunity to comment on the proposed LSP and for the City to provide a response and consider possible modifications.
3. It is recommended that Council adopt the LSP for the purposes of public advertising.

#### **BACKGROUND**

##### **4. Land Details:**

Land Area:	117.80ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**

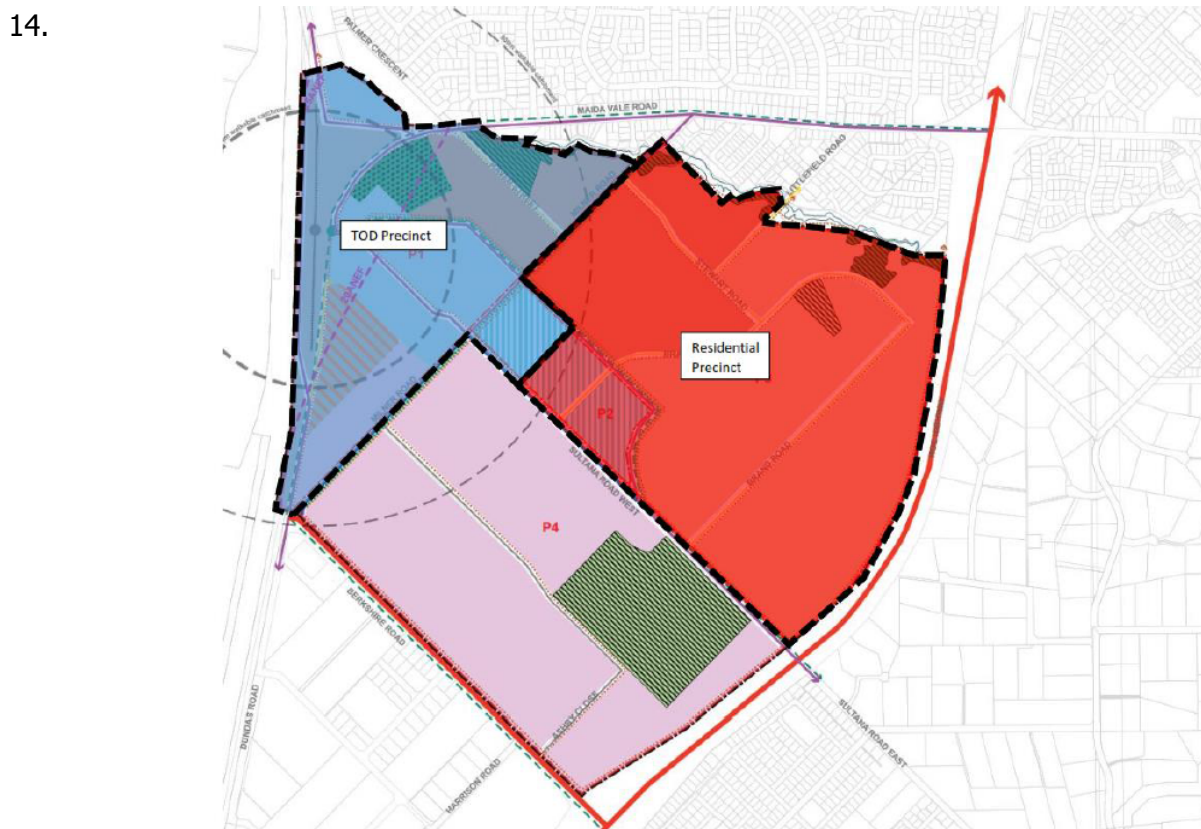


6. The Forreestfield North Residential Precinct Local Structure Plan (LSP) is located within the City of Kalamunda (the City) in the suburb of High Wycombe and is generally bound by Sultana Road West to the south, Roe Highway to the east, Poison Gully Creek to the north and Milner Road to the west.
7. In June 2014, the State Government announced a decision to proceed with the Forreestfield-Airport Link. Following this decision, the State Government requested the City to consider the planning and land use opportunities that the Forreestfield Train Station could create for the surrounding areas of Forreestfield and High Wycombe.
8. The State Government instructed the City to prepare a District Structure Plan (DSP) over the subject land, in order to identify new land use opportunities arising from the Forreestfield Train Station. In response, Element (previously TPG + Place Match) under commission from the City prepared the Forreestfield North DSP.

9. In September 2016, the Forrestfield North DSP was approved by the Western Australian Planning Commission (WAPC) to guide the structure, vision and objectives of future urban development for the area. A copy of the approved Forrestfield North DSP is provided in Attachment 1.
10. The Forrestfield North DSP identifies objectives and planning principles for each of the precincts that form part the DSP area. The DSP requires further detailed investigations to articulate the vision and objectives during the detailed planning phase and through the preparation of LSPs.
11. At the 27 February 2017 Ordinary Meeting of Council, the City appointed Element as the successful tender to undertake the detailed planning for the Transit Oriented Development (TOD) – Precinct 1, the Activity Centre – Precinct 2 and the Residential – Precinct 3.
12. Since February 2017, the City has been working with Element and their consultant team to prepare the detailed planning for the precincts. The LSP is now progressed to a stage where Council can consider it for public advertising.

## DETAILS

13. Through detailed planning, it has been made evident that there are efficiencies and synergies associated with preparing two LSP areas as opposed to the three envisaged by the DSP. As a result, Precinct 2 has been split and amalgamated into Precincts 1 and 3. The revised precinct boundaries in relation to the DSP are illustrated below:



15. The proposed LSP seeks to create a planning framework to coordinate future subdivision and development over 89 existing properties within the Residential Precinct of the LSP area shown in red above. A copy of the LSP Map is provided in Attachment 2 with the supporting reports and technical documentation in Attachments 3 / 4.
16. The TOD – Precinct 1 Local Structure Plan (TOD LSP) shown in blue above is still in the process of development. Significant inputs regarding the future form and function of car parking arrangements associated with the new station are being progressed with the State Government. Details of these inputs are required to enable the TOD LSP to be developed. The City is working closely with various State Government departments to progress these matters. The City will communicate directly with landowners within this precinct and continue to provide updates on timeframes as they become available.
17. The proposed LSP comprises of the following key elements:
- a) Residential Land Uses;
  - b) Primary School;
  - c) Public Open Space (POS);
  - d) Conservation;
  - e) Community Uses;
  - f) Environmental Management (including Noise / Bushfire);
  - g) Movement Networks; and
  - h) Water Management.

The following information addresses the key elements of the LSP.

18. Residential Land Uses  
The LSP proposes a variety of residential land uses ranging from medium to high density. The outer areas of the LSP are proposed to contain medium residential densities ranging from R40 – R60 representing lot sizes between 120sqm – 180sqm. While the middle and more central areas located in proximity of the new Forrestfield Train Station and proposed retail/commercial precinct contain medium / high residential densities ranging from R60 – R100 and represent lot sizes between 100sqm – 120sqm.
19. The various density ranges provide proponents the opportunity to develop both single lot and apartment product, providing for a diverse range of housing typologies.
20. An alternative composite (residential / light industrial) land use is proposed for properties that front Sultana Road West and interface directly with the existing Forrestfield / High Wycombe Stage 1 Industrial Area. The composite use will allow the light industrial component of the site to front Sultana Road West and provide a more appropriate interface with adjacent industrial land uses. This will allow the residential component of the use to interface directly with urban development.

21. The LSP incorporates three density ranges; R40-R60, R60-R80 and R80-R100. As part of the preparation of the LSP an estimate of the predicted dwelling yields was undertaken at the higher end of the density range. Within the LSP area it is estimated that up to approx. 3600 dwellings can be achieved. The approximate breakdown based on the higher range of densities is provided below:
- a) Residential R60 – approximately 426 houses and 83 apartments
  - b) Residential R80 – approximately 1602 houses and 686 apartments
  - c) Residential R100– approximately 769 houses
  - d) Composite lots – approximately 10 houses
22. The residential land densities as proposed by the LSP are largely consistent with the ranges specified by the DSP.
23. Primary School  
The LSP proposes to provide a government primary school site within its boundaries. This requirement has been confirmed with the Department of Education as part of preliminary engagement undertaken throughout preparation of the LSP and based on the projected development potential of the broader DSP area.
24. The primary school site has been located to provide co-locational opportunities with the proposed sports space identified over the old landfill site at Brand Road and is readily accessible via the proposed arterial road network. To assist with informing the community infrastructure requirements a concept plan has been developed to inform more detailed investigations as to the future form and function of the proposed primary school site and sports space.
25. In regards to the existing landfill site, detailed site investigations (including intrusive sampling) are currently underway. A key consideration of these investigations is to ensure appropriate measures are put in place that protect adjacent land uses and to ensure contaminants are controlled and do not transfer to adjacent properties. It is important to note that the primary school site is proposed adjacent to and not on the existing Brad Road landfill site.
26. Prior to the State Government purchasing the land for the primary school site further studies will need to be conducted as part of the detailed site investigations to satisfy the Department of Education that the development of a school adjacent to the landfill site is feasible. Additionally, discussions will have to progress with the State Government for the landowners of this parcel to eventually be bought out for the purpose of the school site.
27. The advertising of the LSP will facilitate the necessary discussions with landowners impacted by the school site and relevant agencies within the State Government regarding its future purchase.
28. Public Open Space  
The distribution of Public Open Space (POS) is located to make spaces readily accessible to residents within and surrounding the LSP area.

29. The proposed POS areas achieve the strategic directions of the City's draft POS Strategy which aims to provide for large multi-functional open spaces and an increase in sports space provision while also enhancing and protecting key environmental assets.
30. Approx. 19.5ha of unrestricted POS reserves are proposed throughout the LSP area. This equates to approx. 17.8% of the gross subdivisible area and is above the minimum required 10% provision under Liveable Neighbourhoods. The oversupply is primarily driven by environmental conservation requirements including the delivery of an environmental corridor and the utilisation of the Brand Road land fill site as sports space.
31. The POS areas consist of three primary typologies, being:  
a) An environmentally oriented 'green link';  
b) Co-located educational and 'sports space' precinct; and  
c) A centralised co-located community hub and 'town park'.

These areas are further discussed below for the benefit of Council.

32. *Green Link*  
The green link is proposed to connect the existing Bush Forever site on Sultana Road West with Poison Gully Creek to the north of the LSP area. The 'green link' is designed to incorporate areas of active parkland, conservation (including the wavy-leaved smoke bush), significant stands of vegetation and existing Bush Forever areas. These POS areas will provide the community with active and passive recreation opportunities, high levels of amenity while also achieving and balancing environmental conservation. The green link also provides opportunities for fauna to co-exist within the urban environment and biodiversity to propagate and be rehabilitated where possible.
33. Landscape concepts and development guidelines for the green link will be progressed as part of the Public Realm Design Guidelines that will support the LSP and other forms of proposed POS. The LSP and overall planning framework is required to be progressed to public advertising to provide a degree of certainty that will enable the finalisation and progression of the Public Realm Design Guidelines. If the Public Realm Design Guidelines are progressed at this phase, there is a risk of producing detailed plans and concepts that are required to be re-worked and revised as a result of changes proposed in response to submissions received on the LSP.
34. Cost estimates associated with the upgrade of this POS are being developed as part of the Development Contribution Plan (DCP) and in parallel with the development of the Public Realm Design Guidelines.
35. *Sports Space Precinct*  
The sports precinct is proposed at the old landfill site on Brand Road which is currently undergoing detailed site investigations to determine the level of remediation required to develop the site as playing fields. The utilisation of this area as sports space will help alleviate the City's shortfall identified in the draft POS Strategy and provide a high quality active recreational space for residents of the broader locality. The POS Strategy identifies High Wycombe as having an existing 12.6ha shortfall of sports space and 14.8ha shortfall by

2036. The proposed sports precinct at Brand Road will reduce the shortfall to approximately 5ha for 2036 predications.
36. A concept plan has been developed as part of the Community Infrastructure Strategy to guide future detailed landscape and civil designs for future development of the sports precinct.
37. Key community infrastructure considerations proposed as part of the sports precinct include:
- a) Oval playing field
  - b) Multipurpose playing field
  - c) School play area – off the main playing fields
  - d) Clubhouse, change room, playgroup, out of school care
  - e) Skate park
  - f) BMX track
  - g) Carpark
  - h) Cricket practice nets
  - i) Water supply bore and storage tanks
  - j) Site furniture - shade and seating
  - k) 2.4m wide red bitumen walk trail
38. Preliminary estimates have been undertaken to inform the cost of community infrastructure to support the development of the sports precinct. The staged development of the precinct is forecast to occur between 2028 – 2035 and is estimated to cost approx. \$7.1 million.
39. It is important to note that these estimates are premised on an order of probable costs which are based on preliminary concepts and do not include the cost of remediation of the landfill site. Remediation costs for the landfill site are currently in the process of being investigated.
40. The Brand Road landfill site is owned by the City in freehold and as such there may be an opportunity for the City to “gift” the landfill site to the area as a POS land contribution. This contribution may be offset by the development, through the DCP, by funding the remediation works. Until the costs and scope of remediation are known, the ability to include this expense within the DCP cannot be determined. This arrangement will be considered and progressed in parallel with the finalisation of the LSP and corresponding DCP.
41. *Town Park*  
The town park will provide both passive and active recreational opportunities in a central location adjacent to the future community hub and in close proximity to the Activity Centre and Forrestfield Train Station.
42. The development of the town park is proposed to be a demonstration of high quality urban landscape complete with the following key elements:
- 1. Shade (natural and man-made)
  - 2. Public art – stand-alone and integrated
  - 3. Connecting pathways
  - 4. Clear open turf areas with good sightlines

5. Seating
  6. Areas for civic and social celebrations
  7. Drinking fountain
  8. Power and water connections for events
  9. Water feature
  10. Security lighting
  11. Public toilets (self-cleaning style)
  12. Feature lighting
  13. Community information and signage
  14. Play equipment
43. Due to the central location of the Town Park, it is anticipated that this area will be developed in the early phases of the development of community infrastructure. Initial infrastructure items include the provision of perimeter roads, parking areas and landscaping.
44. Preliminary estimates have been undertaken to inform the cost of infrastructure to support the development of the town park. The staged development of the precinct is forecast to occur between 2022 – 2032 and is estimated to cost approximately \$3 million.
45. *Funding to Acquire Land for POS and Infrastructure Upgrades*  
The LSP is characterised by fragmented landownership with 89 properties making up the land within the area. Fragmented landownership is a challenge for future planning, for reasons including:
- 1 There are a large number of different landowners who need to be consulted, often with a range of views and aspirations.
  - 2 The cost of developing an LSP is generally beyond the financial capacity of individual landowners, particularly with limited lot, dwelling and financial yields to be derived. In this regard, the City has proactively undertaken this process on behalf of the landowners.
  - 3 The cost and complexities involved with land acquisition for future infrastructure, such as POS and new roads is often prohibitive at the time of subdivision due to a lack of 'economies of scale'.
46. For these reasons there is a clear need for the establishment of a DCP to support, coordinate and fund the required infrastructure within the LSP area. The DCP is currently in the process of being developed and includes the acquisition of land for POS and drainage. Similar to the Public Realm Design Guidelines, the LSP and overall urban structure is required to be progressed to public advertising to provide a degree of certainty that will enable the finalisation and progression of the DCP.
47. Details relating to the funding of infrastructure upgrades associated with POS and discussed above will be progressed as part of the preparation of the DCP that is currently in the process of being developed to support the provision of infrastructure within the LSP area.
48. If the DCP was to be progressed at this phase, there is a risk of preparing a DCP that is required to be re-worked and revised as a result of changes proposed in response to consultation and submissions received on the LSP.

The DCP requires a degree of certainty and detailed information to be available as key inputs into the arrangement. This will be provided as the LSP is progressed to public advertising.

49. The advertising of the LSP will facilitate the necessary discussions with landowners impacted by POS and other required infrastructure. They will be provided an opportunity to document their concerns and for Council to consider these issues on their merits and in the context of the broader planning for the locality.
50. DCPs require development to occur and for funds to be collected which will enable the purchase of land for public infrastructure including POS. A future consideration for Council is the pre-funding of critical items of infrastructure and land to enable development and providing amenities to future residents in a timely manner. As part of the development and finalisation of the DCP, Council may choose to pre-fund land acquisitions and infrastructure provision. This is a detailed matter for Council to consider in the future with the LSP needing to be progressed to establish a framework for implementation.
51. Community Uses  
The LSP proposes to deliver new community infrastructure in two key locations; the Community Hub/Town Park in the north-west corner of the LSP area and the Sports/Education Precinct in the south-east portion of the LSP area.
52. A Community Infrastructure Strategy has been prepared to make recommendations on the provision and timing of community facilities with a view of providing the most appropriate community facilities to the new residents with the resources expected to be available at different stages of development.
53. Community facilities are expected to be delivered as demand for these facilities increases through the progression of development and increase in resident population. A majority of community infrastructure milestones, including multipurpose community facilities in the Community Hub and Sports Precinct, are expected to be developed between 2022 and 2036.
54. A key feature of the plan is the future Community Hub which is proposed to provide a social gathering and meeting space for a multitude of community groups and to provide a new library service to potentially replace the existing High Wycombe library. The following components are proposed to be included to meet the variety of needs identified:
  - a) Public toilets (as part of the building)
  - b) Branch library (as per NSW guidelines)
  - c) Function room (200pax)
  - d) Activity room 1 – dry (100pax)
  - e) Board / meeting room (20pax)
  - f) Activity room 2 – wet (40pax)
  - g) Manager / Reception area
  - h) Storage areas
  - i) Kitchen (commercial grade)

j) Circulation space and lobby areas

55. Preliminary estimates have been undertaken to inform the cost of infrastructure to support the development of the Community Hub. The staged development of the precinct is forecast to occur between 2022 – 2036 and is estimated to cost approximately \$21 million.
56. Details relating to the funding of infrastructure upgrades and land requirements associated with Community Hub will be progressed as part of the preparation of the DCP that is currently in the process of being developed to support the provision of infrastructure within the LSP area.
57. A significant portion of the costs for community infrastructure will be included within the DCP for the broader DSP area which will provide the City a significant funding source. There are, however, a number of district level facilities within the Sporting Precinct and Community Hub which service a catchment greater than the DSP area. These items will require funding from a future City wide DCP (to apportion costs from neighbouring suburbs) or alternative funding sources (i.e. grants, municipal contributions or reserve funds etc.).
58. Conservation  
In 2015, the DSP area was amended from Rural to Urban under the Metropolitan Region Scheme (MRS). The Environmental Protection Authority (EPA) identified the following environmental factors relevant to the LSP area:
- a) Flora and vegetation- Wavy-leaved Smokebush (*Conospermum undulatum*).
  - b) Terrestrial fauna- Remnant vegetation providing roosting, foraging and potential breeding habitat for Carnaby's and Forest Red-tailed Black Cockatoos and the Quenda/Southern Brown Bandicoot.
59. The EPA advised that it is expected the Local Planning Scheme No. 3 (LPS3) text as part of a future amendment be modified to include provisions which would contain:
- "specific mechanisms and adequately secure, protect and manage the significant environmental values within the amendment area".*
60. In 2016, the City prepared Amendment 75 to LPS3 to rezone the DSP from Light Industry, Industrial Development and Special Rural to Urban Development. Amendment 75 was referred to the EPA, the referral was examined and preliminary investigations and inquiries were conducted and Amendment 75 was not formally assessed but advice was given.
61. The EPA in their advice advised as follows (summarised):
- a) The EPA expects that further detailed management plans and LPS3 provisions be provided to address flora and vegetation that will be assessed prior to the finalisation of the LSP.
  - b) The protection of declared rare flora, associated habitat, threatened fauna habitat, and low representation vegetation complexes in appropriately sized retention areas for conservation purposes. These retention areas shall be informed by Level 2 Flora and Vegetation and Fauna Surveys in

accordance with EPA Guidance Statements 51 and 56 (or as revised), and targeted for Declared Rare Flora and threatened fauna, and associated habitat. The retention area size, location, protection and management mechanism shall be subject to OEPA advice prior to the WAPC endorsement of the LSP.

- c) All future subdivision and development proposals must be consistent with the retention areas agreed.
62. This level of intervention required by the EPA at the LSP phase is not common practice and is primarily because of the extensive nature of vegetation complexes located within the LSP area. The EPA is usually only ever concerned at the rezoning phase and is rarely involved in the LSP preparation process.
63. After extensive consultation and various meetings and iterations of the LSP, the EPA advised of the priority of key environmental factors and their required retention within the LSP area. This guidance was considered "Preliminary State biodiversity advice" prior to formal consideration of the LSP. The advice received incorporated the following (summarised):
- a) Retention of intact and good condition areas of Wavy-leaved Smokebush plants which are viable in the long-term.
  - b) That a functional ecological linkage between the Sultana Road West Bush Forever site and Poison Gully Creek be provided to assist in maintaining the ecological viability of both sites and the intervening retained areas within the corridor are important design elements for the LSP.
64. In response to the advice received and detailed environmental studies and investigations, the LSP has identified approx. 10.31ha of land to be reserved and managed for conservation purposes. This land area is in addition to the approx. 19.5ha already identified for POS and drainage.
65. The need to retain the conservation areas has stemmed from the requirements of the EPA and the fact that many of the species are protected under State and Federal legislation.
66. *Funding for Conservation Areas*  
The majority of conservation areas which protect vegetation that are of State and Federal significance within the LSP area are primarily within private landownership. These areas have been identified in addition to the POS areas and are required to be secured through future acquisition.
67. The future development of the LSP area and Forrestfield North more broadly does not require the conservation of these areas through offsets (i.e. there is no extensive clearing of this vegetation type proposed as part of the development).
68. There may, however, be some incidental clearing of this vegetation type which would require some offsets by particular landholdings. However, these instances are limited and can be dealt with on a case by case basis. There is no clear 'need and nexus' between the development of Forrestfield North more broadly and the conservation of key environmental values required by the

EPA. The need for the conservation of these environmental values is driven by State and Federal environmental protection requirements.

69. Additionally, the financial liability on the DCP to include these conservation areas for acquisition would be significant and likely make development unviable. There is already a number of key land acquisitions required through the DCP to establish local level infrastructure needs.
70. In the context of the requirement for the conservation areas by State and Federal environmental protection requirements, the City is of the view that the funding for these areas should be established through State and/or Federal Government funding sources.
71. Any future or current areas of Bush Forever that have not yet been acquired should be purchased through the Metropolitan Region Improvement Fund (MRIF). The MRIF has previously been used to purchase Swan River foreshores, to protect the face of the Darling scarp, to implement the Bush Forever program and has enabled the WAPC to create the existing system of regional open space which is emblematic of Perth.
72. Another funding source may be that the areas are purchased through a third party acquisition (i.e. for an environmental offset requirement). There are known major developments in the locality including the future development of Perth Airport and the Forrestfield Airport Link that may require offsets of this specific environmental type. The City will continue to explore the potential for these developments to acquire parts of the conservation areas as offsets.
73. While the above funding sources do not provide landowners impacted by conservation any certainty with regard to the timing of potential acquisition, the advertising of the LSP will facilitate the necessary discussions with the State Government and other relevant stakeholders. This process will assist with defining and identifying the appropriate acquisition process for these conservation areas.
74. Water Management  
The Local Water Management Strategy proposes to maintain pre-development flows off the site through detention and retention on site, while minimising land intake for drainage to improve public amenity.
75. The site is located within two drainage catchments, referred to as 'Poison Gully' (northern portion of the site) and 'Airport South' (southern portion of the site). Poison Gully drains into the Perth Airport Northern Main Drain. The Airport South catchment drains into the Perth Airport Southern Main Drain.
76. The majority of the LSP area has minimal drainage infrastructure, which is limited to open drains within the road reservation. The LSP area is characterised by sandy free draining soils, significant depth of ground water and limited areas of hardstand.

77. The stormwater drainage system has been designed using a major/minor approach. The major drainage system includes the use of roads, detention storages and open spaces to provide safe passage of stormwater runoff from major storm events.
78. The minor system will focus on treatment of the 1-year ARI event and involves the use of raingardens within road reserves and areas of POS identified for drainage purposes, outside of the areas of POS identified for conservation purposes.
79. Lots (including strata developments) and laneways will be required to retain and infiltrate the first 26 mm of rainfall within the lot or strata development (equivalent to the 1 hour, 5-year ARI event) prior to the water entering the road drainage system.
80. Lot scale water management systems should aim to include a treatment element in the form of a lot scale retention systems (i.e. tree pits or a planted roof garden) to clean stormwater prior to infiltration.
81. *Water Sustainability Initiatives*  
The water management strategy for the LSP area includes a number of key water saving initiatives, these include:
- The use of water efficient fixtures being mandated for all new developments in the LSP area to minimise water. This will include the use of water efficient fixtures to the following standards in all buildings:
    - a. Showerheads and taps that use  $\leq 6$  L/min in kitchens, bathrooms and laundries
    - b. Dishwashers, where installed, that use  $\leq 14$  L per use
    - c. Toilets that use  $\leq 4.7$  L per full flush.
  - The use of water efficient residential landscaping incorporating local species.
82. With these measures, it is estimated that potable water demand will be approximately 66 kL/person/year, approximately one third less than the State Water Plan target of 100 kL/person/year.
83. Bushfire  
The Forrestfield North development is within a Bushfire Prone Area, which has triggered the requirement for the preparation of a Bushfire Management Plan (BMP). The BMP has assessed the hazard level pre and post development. Medium-High Bushfire Hazard post development is limited to the 'green link' conservation and public open space areas, the Bush Forever located to the south of Sultana Road West and along Poison Gully Creek. This hazard will be managed through using road reserves as buffers, parkland management in public open space areas and the requirement for bushfire attack level (BAL) Assessments to be undertaken at the subdivision and/or development application stage to determine further mitigation requirements.

84. Noise and Vibration

The greatest noise and vibration impacts on Forrestfield North are Perth Airport, Freight Rail Marshalling Yards, Roe Highway and the Forrestfield Train Station. The Residential Precinct is situated outside the Australian Noise Exposure Forecast (ANEF) contour, which does not limit the density that can be achieved. Noise and vibration will be managed through development provisions and the recommendations of the detailed Noise and Vibration assessment that accompanies the LSP.

85. Movement Networks

The LSP proposes a series of major neighbourhood connectors supported by major access and boundary roads. These roads are proposed generally in accordance with the arterial road network identified within the DSP. Traffic modelling undertaken as part of the LSP is predicated on a flyover existing between Maida Vale Road and Berkshire Road.

86. There is a departure between the alignment of the proposed flyover Roe Highway shown on the DSP and that proposed in the LSP. The main reason for this shift in alignment from Sultana Road West is to ensure the construction of the flyover does not affect existing medium density residential development on the eastern side of Roe Highway. A shift further north allows for the flyover to be constructed on rural land holdings that are proposed to be upgraded as part of future urban development.

87. The road network requirements are influenced by the results of the Traffic Impact Assessment which predicts the following key routes vehicles per day (VPD) 2031:

- a) TOD Connector: 8000-9000VPD (Roe Highway - Community Hub)
- b) TOD Connector: 11,000-12,000VPD (Community Hub - TOD)
- c) Maida Vale Road: 13,000-15,500VPD (Roe Highway - Milner Road)
- d) Berkshire Road: 24,000-26,500VPD (Roe Highway – Milner Road)
- e) Milner Road: 14,000-17,000VPD

88. The movement network focuses on a wide range of infrastructure initiatives inclusive of:

- a) Major road network upgrade requirements including upgrades to:
  - Berkshire Road (upgrade to 4-lanes)
  - Milner Road (upgrades to 4 lanes south of Sultana Road West, upgrade to 2 lane divided carriageway between Sultana Road West and Maida Vale Road with parking and widened pedestrian environment plus cycling facilities)
  - Sultana Road West (improved industrial access road)
  - Maida Vale Road (upgrade to 4 lanes east of Milner Road, upgrade to 2 lane divided carriageway west of Milner Road)
  - Provision of new TOD Connector Boulevard linking the Forrestfield North Railway Station, through the Forrestfield North Residential Precinct LSP Area to the Maida Vale South LSP Area
- b) Key intersection upgrades at the intersection of:
  - Berkshire Road / Dundas Road / Milner Road (dual lane roundabout)
  - Milner Road / Sultana Road West
  - Milner Road / TOD Connector Boulevard (new intersection)

- c) Bridge and interchange upgrades at the Roe Highway / Maida Vale Road interchange
  - d) Conceptual bridge design and incorporation of future road widening requirements of Roe Highway to 4 lanes in each direction for the TOD Connector Boulevard (connecting future Maida Vale South LSP with the Forrestfield North LSP area)
89. Significant upgrades will be required to the existing road network to support development envisaged by the LSP. Access streets and minor roads will generally be delivered through the subdivision and development process as part of conditional approvals. The remaining arterial road network upgrades outside of the subdivision and development process will be considered as part of the preparation of the DCP that will support the provision of infrastructure within the area.
90. Details relating to the funding and apportionment of major infrastructure upgrades and land requirements associated with road upgrades will be progressed as part of the preparation of the DCP that is currently in the process of being developed to support the provision of infrastructure within the LSP area. With regard to road infrastructure, the DCP requires a clear and well defined road network in order to be established. The progression of the LSP to advertising will assist with providing this certainty and enabling progression of the DCP.
91. *Pedestrian and Cycle Networks*  
The LSP proposes a series of shared paths and on road cycle lanes largely consistent with the DSP. The pedestrian and cyclist movement network is linked by neighbourhood connectors and major access streets proposed for vehicle traffic.
92. The proposed network feeds into the major transport infrastructure attractors such as the Forrestfield Train Station through strategic routes identified within the LSP area along Maida Vale Road and over the future flyover and into the TOD LSP area.
93. It is proposed that shared paths are to be provided along major routes within the LSP area. This is also supported by an extensive on-road cycle network that includes cycle lanes of 1.5 metres wide in each direction. Additionally, all access roads within the LSP area will have a footpath on at least one side of the road.
94. *Public Transport*  
The LSP area will be serviced by an improved public transport network with the new Forrestfield Train Station being the key feature. The station is anticipated to be open by December 2020 and is currently in advanced stages of construction.
95. Proposed as part of the new station is a major bus terminal to support feeder bus services that will take residents from the surrounding localities through the LSP area down major arterials and to the station. The proposed road network has been designed to cater for increased bus services and will be readily accessible to surrounding residents.

96. As a project initiative, the LSP area proposes the investigation of an autonomous cyclical bus route that provides residents autonomous access to the new station at Forrestfield from within the LSP area. This project initiative will require a project specific brief and further progression in liaison and partnership with the Public Transport Authority (PTA).
97. The City has also been in contact with the PTA regarding improved bus services within the general locality. The PTA advised they have dates scheduled in 2019 to discuss and re-evaluate these services with the City. The provision of new and increased services is an operational matter for the PTA which is generally reviewed at a time closer to the station being complete.
98. Infrastructure and Servicing  
*Wastewater*  
Detailed discussions have been held with the Water Corporation in relation to the upgrade and extension of wastewater infrastructure to service Forrestfield North and Maida Vale South as an interim measure, while the Water Corporation completes detailed planning. The interim plan involves the extension of wastewater infrastructure along Dundas Road for the TOD and Activity Centre Precincts and along Milner Road with 3 branch systems along Sultana Road West (picking up the proposed Activity Centre and the Industrial Composite land-uses in Sultana Road West, and into Raven Street and Stewart Road to service the majority of the Residential Precinct. Not all properties will be able to service directly off these extensions, however the premise is that the wastewater infrastructure provided under the DCP for the area will accelerate development across a greater number of landholdings than presently exists.
99. The Water Corporation will determine ultimate wastewater planning based on future land development requirements primarily in Forrestfield North and Maida Vale South, with potential for expansion of the network into Maida Vale and High Wycombe. The Water Corporation have confirmed verbally that the construction of infrastructure to suit the ultimate system will not be required by developers of Forrestfield North or Maida Vale South.
100. *Water*  
Water infrastructure planning has commenced and has been submitted to the Water Corporation for consideration. The development of water infrastructure is generally simpler than wastewater planning because the water network does not need to be designed to consider depth of service as it's a pressurised system. This means that development can be catered for generally anywhere within the precinct with relation to the water infrastructure network.
101. At this stage, the Water Corporation are completing their planning for the ultimate development scenario. The provision of water infrastructure should not be considered a DCP item and will be provided as part of the subdivision and development process.
102. *Power*  
Initial discussions have been held in relation to current Western Power policies when considering large-scale / long-timeframe developments of this nature.

The development of power infrastructure to suit developments of this type is an iterative process, as additional power capacity cannot be “stored”. It is understood that Western Power is currently not utilising new 1-hectare transformer / substation sites but is preferring to increase the capacity of existing major substations. Some lead-in work may be required after the first 5 to 10 years of development, but this will be contingent on the rate of development in Forrestfield North and the rate of expansion of other land-use assets connected to local substations and feeders. The key infrastructure requirement will be the undergrounding of existing HV and LV assets in roads to be widened and in road reserves to be closed. The DCP for the area will allow for the relocation of all existing assets due to road widening / road reservation closure and will allow for the undergrounding of all HV assets at 33kV and greater.

103. Existing power services are generally considered to be adequate for initial phases of development to occur in the LSP area.
104. *Gas*  
Gas infrastructure is available in the LSP area for immediate development.
105. *Telecommunications*  
Telecommunications infrastructure is available in the LSP area for immediate development.
106. Remaining Studies / Investigations  
The Development Contributions Plan, Sustainability and Innovation Strategy Public Realm Design Guidelines, Land Assembly Strategy and Private Realm Design Guidelines are in the development phase and will be completed during the finalisation of the LSPs. It is not unusual for these documents to be progressed post advertising of the main planning framework. This allows for a degree of certainty to be reached within the planning framework and avoids re-working of these documents to account for changes to the LSPs.

## **STATUTORY AND LEGAL CONSIDERATIONS**

107. Under the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), the City is required to take the following actions:
- a) Determine the level of information required to be provided with the LSP;
  - b) Assess the LSP against appropriate planning principles;
  - c) Advertise the LSP;
  - d) Consider and respond to submissions received during advertising; and
  - e) Prepare a report and recommendation on the proposed structure plan amendment, and provide it to the WAPC for its decision.

## **POLICY CONSIDERATIONS**

108. **Directions 2031 and Beyond**  
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.

109. **Draft Perth and Peel @ 3.5million - North-East Sub-Regional Planning Framework**  
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.
110. The North-East Sub-Regional Framework (Framework) is a spatial plan of the north-east region, which will provide guidance on strategic planning for the next 35 to 40 years. This Framework encourages a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form, and places a greater emphasis on urban infill and increased residential density of existing urban areas. Under this Framework, the subject site is identified as urban.
111. **Liveable Neighbourhoods**  
Liveable Neighbourhoods is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.
112. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters.
113. **State Planning Policy 3.1 – Residential Design Codes**  
The Residential Design Codes (R-Codes) apply to any Residential zoned land that has a coding number superimposed on the Scheme Map. The core objective of the R-Codes is to ensure appropriate residential design and density in line with the Scheme.
114. The core application of the R-Codes, as it relates to the proposed LSP, is the reference to residential density and associated development requirements, including lot size. In this regard the proposed R60 and R80 areas on the LSP will be required to achieve an average lot size of 150m<sup>2</sup> and 120m<sup>2</sup> respectively. The proposed R100 areas on the LPS are to adhere to the general site requirements of multiple dwellings.
115. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**  
State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals take into account bushfire protection requirements. SPP 3.7 contains objectives and policy measures relating to strategic planning proposals (such as the proposed LSP) in designated bushfire prone areas, as well as reference to the Guidelines for Planning in Bushfire Prone Areas.
116. Given the subject site is located within a bushfire prone area, a BMP has been prepared. The BMP notes that bushfire risks are readily manageable through standard management responses.
117. At the stage of subdivision and/or development a BAL Assessment will be required to be lodged.

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

Development Control Policy 2.3 (DC 2.3) establishes the requirement that 10 percent of gross subdivisible area shall be given up free of cost by a subdivider for public open space. More than the required 10 percent POS is proposed as part of the LSP.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

119. During the development of the LSP and the supporting strategies and studies, the City ensured the preparation of the plans were assessed from the perspective of the following key development oriented disciplines:
- i.* Assets
  - ii.* Parks and Environment
  - iii.* Community Development
  - iv.* Economic Development
120. Further input will be required from these disciplines as part of finalisation of the LSP.

### **External Referrals**

121. Preliminary community and stakeholder engagement was undertaken from May-June 2017. The engagement included a Landowner Forum on the 29 May 2017, a Community Workshop on the 1 June 2017 and surveys tailored to either landowners or the general community during the engagement period.
122. Key themes from this consultation period that were expressed by landowners and the community indicated a desire to have a family-oriented and natural vibe, to celebrate creeks and streams, recreation and bushland living in the design and to cater for sporting facilities and open green spaces that are lacking in the area.
123. These themes have been addressed in the LSP through the provision of:
- A town park and community hub to create a family-orientated precinct;
  - A 'green link' for conservation and recreation purposes to cater for bushland living a recreational opportunities;
  - A sports precinct to cater for the perceived lack of sports space and open green spaces; and
  - The protection and enhancement of Poison Gully Creek to celebrate creeks and streams in the area.
124. Some landowners also expressed a concern with the naming of the LSP area being Forrestfield North. The suburb naming of the area will be considered through a separate naming process which is currently in the process of development. This will be undertaken in consultation with existing landowners and the State Government's Geographic Names Committee.

125. During the development phases of the LSP a technical advisory group (TAG) was formed including various state agencies and key stakeholders to provide technical guidance and input into the LSP. The TAG met on an as required basis and included representation the following agencies:
- a) Department of Planning, Lands and Heritage (DPLH)
  - b) Metronet
  - c) Department of Biodiversity, Conservation and Attractions (DBCA)
  - d) Main Roads WA (MRWA)
  - e) Public Transport Authority (PTA)
  - f) Freight and Logistics Council (FLC)
  - g) Department of Fire and Emergency Services (DFES)
  - h) Perth Airport
  - i) Department of Water and Environmental Regulation (DWER)
  - j) City of Kalamunda
126. The outcomes of the TAG have generally been incorporated within the LSP. A key outcome from this process is reducing the number of changes required by State Government agencies after the advertising process.
127. If Council decide to adopt the proposed LSP for advertising, it will be advertised for public comment for not less than 60 days. Given the significance of the proposal, the City has been provided a formal extension to the advertising period. Advertising processes will include but not be limited to:
- a) Issuing letters to landowners affected by the LSP and those within a 300m radius of the LSP
  - b) A notice on the City's media platform
  - c) A notice in the local newspaper
  - d) Display of the LSP at the Administrative Centre
  - e) Letter to relevant public and service authorities
  - f) Various landowner information sessions
128. The City has also developed a comprehensive stakeholder engagement program to ensure landowner are provided numerous opportunities to consult and be provided information on the LSP.

## **FINANCIAL CONSIDERATIONS**

129. Costs associated with the preparation of the document and public advertising will be met through the Development Services annual budget.
130. Infrastructure items associated with the LSP will be met through the future DCP that will support the development of Forrestfield North.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

131. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

**Objective 1.2** - To provide a safe and healthy environment for community to enjoy.

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

**Strategy - 1.2.1** Facilitate a safe community environment.

#### **Priority 1: Kalamunda Cares and Interacts**

**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.

#### **Priority 2: Kalamunda Clean and Green**

**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.

#### **Priority 3: Kalamunda Develops**

**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.

#### **Priority 3: Kalamunda Develops**

**Objective 3.4** - To be recognised as a preferred tourism destination.

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

## SUSTAINABILITY

### Social Implications

132. The LSP will facilitate the development of a greater diversity of lot sizes and housing typologies which in turn will provide greater housing choice, affordability and a potential broader demographic for the City.
133. A key consideration is ensuring the appropriate interface with the Forrestfield/High Wycombe Stage 1 Industrial Area. This has been achieved through the proposal to provide a composite land use along Sultana Road West as an interface between the existing industrial and future urban development.
134. The 'green link' and other POS areas will provide the community with high quality amenity as well as health, recreational and organised sports benefits.

## Economic Implications

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

## Environmental Implications

136. Poison Gully Creek is a registered Aboriginal Heritage Site as a water source and historical birthplace. There is also existing Bush Forever and POS running along the creek which are to be retained and enhanced as part of the LSP. The 'green link' will link Poison Gully with Bush Forever and areas of environmental significance to the south.
137. Existing Bush Forever sites are located at Poison Gully Creek, Brae Road Reserve and Sultana Road West. These sites are to be retained and linked within the proposed 'green link'.
138. The threatened Wavy-leaved Smokebush (*Conospermum undulatum*) is extensively recorded in the precinct. There are 520 individuals recorded in the precinct. Approx. 88% are proposed to be retained in the LSP area representing a significant retention rate.
139. The total area of 'high quality' foraging habitat for Black Cockatoo species in the LSP is 18.31ha and 3.20ha of 'valued' quality foraging habitat. A total of 458 significant trees were recorded in the DSP area with 26 of these containing a total of 42 suitable hollows. 13% of Cockatoo habitat trees, 30% of potential breeding trees and 29% of foraging habitat are proposed to be retained in the LSP area.
140. The total area of native vegetation representing Banksia Woodland Threatened Ecological Community (TEC) is 14.92ha within the LSP. 33% is proposed to be retained in the LSP.
141. Brand Road Landfill Site is identified as a contaminated site. The site was previously used for landfill and sand extraction. Landfill operations commenced in approximately 1978. It was operated by Western Excavating from the beginning of the sand mining activities until 1989. The sanitary landfill operations started in 1989. The site has been identified for potential sporting fields. The site is currently undergoing investigations for potential suitable uses and remediation requirements.

## RISK MANAGEMENT CONSIDERATIONS

142.	<b>Risk:</b> Landowner expectations for land values and timing of development and delivery of infrastructure are too high.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Significant	High
	<b>Action/Strategy</b>		

LSP to incorporate land assembly strategy and Development Contribution Plan which will deal with the delivery of infrastructure. Ensure on-going consultation occurs directly with landowners during advertising period.

143.

<b>Risk:</b> Some landowners are aggrieved by being identified for public infrastructure (i.e. roads, conservation and POS).		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Significant	High
<b>Action/Strategy</b>		
Ensure the LSP is advertised to provide landowners and opportunity to comment on the proposal and formalise discussions around potential acquisition strategies. It is noted that these matters cannot be resolved without the input of State Government agencies and the broader community.		

### OFFICER COMMENT

144. The advertising of a LSP is the most important part of the process to ensure Council has the most relevant information from a range of stakeholders not involved in preliminary assessment or preparation of the LSP. As identified in the key issues identified within the body of the report some matters cannot be resolved without the input of State Government agencies and the broader community.
145. Information obtained through advertising will equip Council with the information required to make the most appropriate decision. Based on this, not every issue requires complete resolution ahead of advertising, as this would preclude other stakeholders and the community being involved in the planning process and makes advertising a formality rather than a real opportunity to be involved in the planning for the locality.
146. Whilst there are some major issues outstanding regarding the LSP and the greater implementation of the DSP particularly with regard to land acquisition, the advertising of the LSP will enable these issues to be progressed and further explored. Therefore, it is recommended to progress the LSP to public advertising.

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

RESOLVED SCM 67/2018

That Council:

1. Adopt the Forrestfield North Local Structure Plan (Residential Precinct) for the purpose of public advertising.
2. Authorise advertising in accordance with the requirements stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr John Giardina**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12\0)**

**9. Meeting Closed to the Public**

9.1 Nil.

**10. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 9:45pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2018.