

Development & Infrastructure Services Committee Meeting

Minutes for Monday 8 August 2016

CONFIRMED



**shire of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	6
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	6
3.0	PUBLIC QUESTION TIME	7
4.0	PETITIONS/DEPUTATIONS	10
5.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	10
6.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	11
7.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	11
8.0	DISCLOSURE OF INTERESTS.....	11
9.0	REPORTS TO COUNCIL	11
	47. PROPOSED LOCAL DEVELOPMENT PLAN – LOTS 5 AND 6 (280 AND 276) HALE ROAD, WATTLE GROVE.....	12
	48. STATE AND AUSTRALIAN GOVERNMENT BLACK SPOT PROGRAMS SUBMISSIONS 2017/2018	3
	49. BUSH FIRE ADVISORY COMMITTEE – TELECOMMUNICATIONS INFRASTRUCTURE RECOMMENDATION.....	10
	50. CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS – PROVISION OF CLEANING SERVICES IN VARIOUS COUNCIL BUILDINGS AND FACILITIES (RFT1610).....	14
10.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	16
11.0	QUESTIONS BY MEMBERS WITHOUT NOTICE	16
12.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	16
13.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	16
14.0	TABLED DOCUMENTS	16
15.0	MEETING CLOSED TO THE PUBLIC.....	17
16.0	CLOSURE	18

MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 7.07pm, and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Andrew Waddell JP	(Shire President)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Tracy Destree		North Ward
Simon Di Rosso	(Presiding Member)	North Ward
Michael Fernie		South East Ward
John Giardina		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
Noreen Townsend		South West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Clayton Higham	A/Director Development Services
Dennis Blair	Director Asset Services
Gary Ticehurst	Director Corporate & Community Services
Darrell Forrest	Manager Governance, Strategy & Legal Services
Chris Lodge	A/Manager Development Services
Nicole O'Neill	Public Relations Coordinator
Carrie Parsons	Manager Customer & Public Relations
Sara Slavin	Council Support Officer

Members of the Public 6

Members of the Press 0

2.2 Apologies

Councillors

Geoff Stallard	South East Ward
----------------	-----------------

Members of Staff Nil.

2.3 **Leave of Absence Previously Approved** Nil.

3.0 PUBLIC QUESTION TIME

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

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

Q1. When I need to deal with Council I need to know who I need to deal with, given all the changes is it possible that I could be provided with a list of Officers, their hierarchal structure and the responsibility of those sections, I have found names have been changing lately and in the interest of transparency I would really like to know who should be receiving my questions?

A1. The Chief Executive Officer suggested to Mr Fowler he meet with her to discuss the matter.

Q2. Given the potential loss of mature trees within this site, has the Environmental section been asked to comment on this proposal? If so, what was their comment or advice? If not, why has comment not been invited?

A2 The Chief Executive Officer took this question on Notice.

Adding to the question asked by Mr Forrest (Agenda item 3.1.1 Question 1), I Would like to add a further question.

Q3a. Given that the parking study was conducted in 2011, may it not be viewed as out-of-date? With the loss of Barber Street parking, developments planned for Haynes Street and Canning Road and the Shire's own proposal for extensive urbanisation under their Perth and Peel @3.5 million and N.E Sub-Regional Framework submission, will a new parking study be commissioned before this project is approved, or will that be within the remit of the varied traffic study (Agenda item 3.1.1 – Answer 4.)

A3a. The Chief Executive Officer took this question on Notice.

Q3b. Could any such study include Kalamunda market days?

A3b. The Chief Executive Officer took this question on Notice.

Q4. If the Mead St, Central Road land remains under Shire ownership and is leased to a commercial entity as Aldi, will the Shire then become the proponent of any development, with all this implies? (EPBC Act referrals etc).

A4. The Chief Executive Officer took this question on Notice.

Q5. Have Councillors carried out a site inspection (on foot and equipped with legible plans)?

- A5. The Chief Executive Officer took this question on Notice.
- Q6. Given the widespread concern over the level of community consultation and potential effect of this proposal on local retail businesses, has the Kalamunda Chamber of Commerce been invited to comment on the proposal, or is this not considered part of community consultation?
- A6. The Chief Executive Officer took this question on Notice.

Local Planning Policy P-DEV 52

Whilst supporting the need for improved communication facilities, particularly in light of the BFAC recommendation, the details of P-DEV 52 concerns me. Section 2.2 the visual impact of Telecommunications Infrastructure, lists "other facilities: Amongst them – '(vi) a facility in an areas of environmental significance'. The lack of a definition of such areas makes this almost meaningless. Despite this sub-section, the Shire appears to concern itself only with the "visual impact" of the installation.

- Q7. Will Council look to amending the above policy to include "having regard to the provisions of its District Conservation Strategy, Wildlife Corridor Strategy, Local Biodiversity Strategy and, Local Planning Strategy (2010)"?
- A7. The Chief Executive Officer took this question on Notice.

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

- Q1 Has the DoP/WAPC approved of the proposal whereby the Shire will enter into a leasehold arrangement with the proposed Developer Proponents(s) to create a Leasehold interest for the duration of the suggested term of 25 years?
- A1. The Chief Executive Officer took this question on Notice.
- Q2. Has the Hon. Minister for Lands given to the Shire – "Approval in Principle" to the Commercial arrangement being proposed for Lot 611 and Lot 612?
- A2. The Chief Executive Officer took this question on Notice.
- Q3. If neither the Minister for Lands, nor the Planning Agencies have given their "conditional approval" is the Council premature in considering, or approving the Proponents "Commercial DA"?
- A3. The Chief Executive Officer took this question on Notice.

Q4. Why is Council passing its development responsibility to the proponent?

A4. The Chief Executive Officer took this question on Notice.

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

Q1. Regrettably it appears that Council is so far declining to revisit the matter – despite the fact that the conditions are so far, extremely vaguely defined and will obviously be difficult for the proponent to comply with, and whoever negotiates them, does not yet have a clear brief from the Councillors as to the extent of action required to safeguard the longer term community interests, Is that correct?

A1. The Chief Executive Officer took this question on Notice.

Q2. Use of the community owned public car park area. Council proposes to give that away for 25 years to priority use by one commercial entity; and therefore favouring one business against others the Town Centre – who may in due course find their trade being affected by a shortage of car parking as the Town Centre expands with expected major regional growth.

Q3. A high use public car park and associated Bus Station urgently need externally accessible public toilet facilities. Neither the proponent nor the Shire Council has provided for that, why not?

A3. The Chief Executive Officer took this question on Notice.

Q4. Why is the Council denying local growth in public transport services (eg, park and ride) when a nearby Railway Station is being built that will liberate travel capability from Kalamunda and facilitate tourism business growth?

A4. The Chief Executive Officer took this question on Notice.

Q5. Environmental – it appears that Council did not received a report on this issue before making a decision. If it had, Councillors would have been aware of several practical issues.

A5. The Chief Executive Officer took this question on Notice.

First – that the oldest mature heritage shade trees are in such a position as to block the main store entrance.

Second – that simply re-surfacing the car park is problematic, as that will need to be done to avoid damaging those mature tree root systems and to retain all surface rainwater distributed on site.

Third – that the proponents plan shows 8 large healthy mature trees being removed and no other layout was discussed – the implied but vague ‘conditions’ do not specify how many trees are to be “identified and protected”.

Q6. Is this Council, that so far very little experience of urban development design and planning prepared to risk losing credibility with the community, by proceeding with no context by way of a structure plan for the Town Centre even yet commissioned.

A6. The Chief Executive Officer took this question on Notice.

The Acting Director Development Services responded, there are a number of points that you are raising there, and I’m happy to look at those. The issue of the approval with conditions and revisiting that approval, it is highly normal for approvals to be given with conditions, I can’t remember giving an approval to something without some conditions so that is a very normal process for any local government. It is normal to say that that development has approval you don’t actually have to say with conditions, those conditions are an obligation on the applicant to fulfil those conditions prior to certain dates such as a building permit or occupation of the building.

In terms of revisiting an approval that is just something that probably won’t occur because once the approval has been issued and the applicant received notification of that approval then that it is it, the Council really cannot revisit that approval no matter what you might think or anybody else might think. There are serious financial consequences of any Local Government trying to revisit an approval under those sort of circumstances. Mr Forrest if you have other questions and you put those specific questions in writing and we look at addressing those.

Mr Peter Forrest responded regarding the approval that it is the vagueness of the conditions that is the problem.

The Acting Director Development Services responded, those conditions are set and that is it.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 11 July 2016, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Andrew Waddell**

Seconded: **Cr John Giardina**

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

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 **50. Consideration of Tenders – Provision of Cleaning Services in Various Council Buildings and Facilities (RFT1610)** - (Attachment 1) (Attachment 2) Reason for Confidentiality *Local Government Act 1995* S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

8.1.1 Nil.

8.2 Disclosure of Interest Affecting Impartiality

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

8.2.1 Nil.

9.0 REPORTS TO COUNCIL

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

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

47. Proposed Local Development Plan – Lots 5 and 6 (280 and 276) Hale Road, Wattle Grove

Previous Items	OCM 41/2015; OCM 112/2016
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	149020 and 809-14
Applicant	Harley Dykstra Planning and Survey Solutions
Owner	CK Nominees Australia Pty Ltd Shimmer Holdings Pty Ltd
Attachment 1	Proposed Local Development Plan
Attachment 2	Cell 9 Wattle Grove Structure Plan

PURPOSE

1. To consider the adoption of a Local Development Plan (LDP) (previously known as a Detailed Area Plan) for Lots 5 and 6 (278 and 280) Hale Road, Wattle Grove. Refer to (Attachment 1).

BACKGROUND

2. On 1 December 2015, the Western Australian Planning Commission (WAPC) granted conditional approval for a 26 lot subdivision over the subject site.
3. On 15 December 2015, the WAPC granted conditional approval for a six (6) lot survey-strata subdivision over the subject site.
4. At its Ordinary Council Meeting held on 27 June 2016, Council resolved to adopt an LDP for the north-west portion of the subject site. While the LDP which is currently being considered is located on the same lot, it relates to a separate grouping of lots of the approved subdivision over the land. The LDP which is the subject of this report relates to 19 freehold lots and six (6) survey-strata lots in the southern portion of the site.

5. Land Details:

Land Area:	Lot 5: 1.04ha (10,414m ²) Lot 6: 1.04ha (10,414m ²)
Local Planning Scheme Zone	Urban Development
Metropolitan Regional Scheme Zone:	Urban
Structure Plan density:	Residential R30

Locality Plan

6.



DETAILS

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

"Local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following —
(a) site and development standards that are to apply to the development;
(b) Specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates."

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

R-Codes Provision	R30 Deemed-to-Comply requirement	Proposed LDP requirement
5.1.2 Street setback	Primary Street: 2m minimum, 4m average Secondary Street: 1.5m	Primary Street: 2m minimum Secondary Street: 1m
5.2.4 Street walls and fences	1.8m maximum height, visually permeable above 1.2m	0.9m maximum height

R-Codes Provision	R30 Deemed-to-Comply requirement	Proposed LDP requirement
5.3.5 Vehicular access	Provided from a secondary street where available	Restricted access to safe and accessible locations and on the secondary street
5.1.3 Lot boundary setback	Side setbacks: generally 1m – 1.5m for single storey development.	Side setbacks: 1.2m for single storey walls with major openings, 1m for single storey walls without major openings.

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

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

11. The Regulations stipulate that an LDP may be prepared to address a condition of subdivision approval, under the requirements of a structure plan or activity centre plan, or where the WAPC and the Shire considers that an LDP is required for the purposes of orderly and proper planning.
12. In making a decision in relation to the LDP, Council is required to:
 - i) Approve the LDP; or
 - ii) Require the person who prepared the LDP to –
 - i. modify the plan in the manner specified by the Shire; and
 - ii. Resubmit the modified plan to the Shire for approval;or
 - iii) Refuse to approve the plan.
13. In the event that Council resolves not to approve the LDP, the applicant may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14.

Local Planning Scheme No. 3

14. The subject lots are zoned 'Urban Development' under the Local Planning Scheme No. 3 (Scheme), which includes the following objectives under Part 4.2.1 (Residential Zones):
- *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*

POLICY CONSIDERATIONS

Liveable Neighbourhoods

15. Liveable Neighbourhoods is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.
16. The policy recommends the use of LDPs for a particular lot or group of lots to vary the requirements of the R-Codes, and deliver lot diversity and housing choice, particularly for small lots where design coordination is required to ensure that buildings work both for the occupier and the streetscape.

COMMUNITY ENGAGEMENT REQUIREMENTS

17. Under the Regulations, advertising is generally required for 14 days. However the Shire may elect to not advertise the modified LDP where the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or adjoining area.
18. Given that the only discernable externalities proposed by the LDP relates to setbacks, which are considered to be closely aligned with the deemed-to-comply requirements of the R-Codes, the likely resultant impact of the proposal on adjoining properties is considered minor and accordingly, advertising was not considered necessary in this instance.

FINANCIAL CONSIDERATIONS

19. Any costs associated with the preparation of an LDP are to be borne by the applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

21. Nil.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.

RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposed LDP will allow development which will have an undue impact on the amenity of the area.	Unlikely	Minor	Low	Ensure some flexibility in the built form design to allow for effective use of space with minimal impact on the amenity of the area.

OFFICER COMMENT

25. The proposed LDP allows some flexibility for housing design at the subject properties. For example, the LDP would allow a house to have boundary walls to both side boundaries to make effective use of space and facilitate a larger rear outdoor living area and yard.
26. The proposed variations in the LDP are considered reasonable as they will facilitate development of contemporary house designs on relatively constrained lots, particularly with respect to the setback and boundary wall requirements.

27. If this LDP is adopted, any proposed development for a single house will not require planning approval if the development demonstrates compliance with the requirements of the LDP (unless approval is otherwise required due to Bushfire Protection).
28. As noted above, a LDP may only be prepared in the following circumstances:
- 1) To address a condition of subdivision approval;
 - 2) A structure plan requires the preparation of an LDP;
 - 3) An activity centre plan requires the preparation of an LDP; or
 - 4) The WAPC and the Shire considers that an LDP is required for the purposes of orderly and proper planning.
29. Given the Cell 9 Wattle Grove Structure Plan and relevant subdivision approval does not specifically require the preparation of an LDP, and that the site does not fall within an activity centre plan, the applicant is seeking consideration of the LDP under item 4 above, which requires both the Shire and the WAPC to support the preparation of the LDP. In the event that Council resolves to support the proposal, it is recommended that the LDP be forwarded to the WAPC for consideration prior to final adoption.

A number of issues concerning the subdivision layout were clarified.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 47/2016)

That Council:

1. Forwards the proposed Local Development Plan for Lots 5 and 6 (278 and 280) Hale Road, Wattle Grove (Attachment 1) to the Western Australian Planning Commission for its consideration and comment.
2. Subject to the Western Australian Planning Commission considering the proposed Local Development Plan for Lots 5 and 6 (278 and 280) Hale Road, Wattle Grove (Attachment 1) is required for the purposes of orderly and proper planning, approves the Local Development Plan pursuant to Clause 51 (1) (a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr John Giardina**

Seconded: **Cr Michael Fernie**

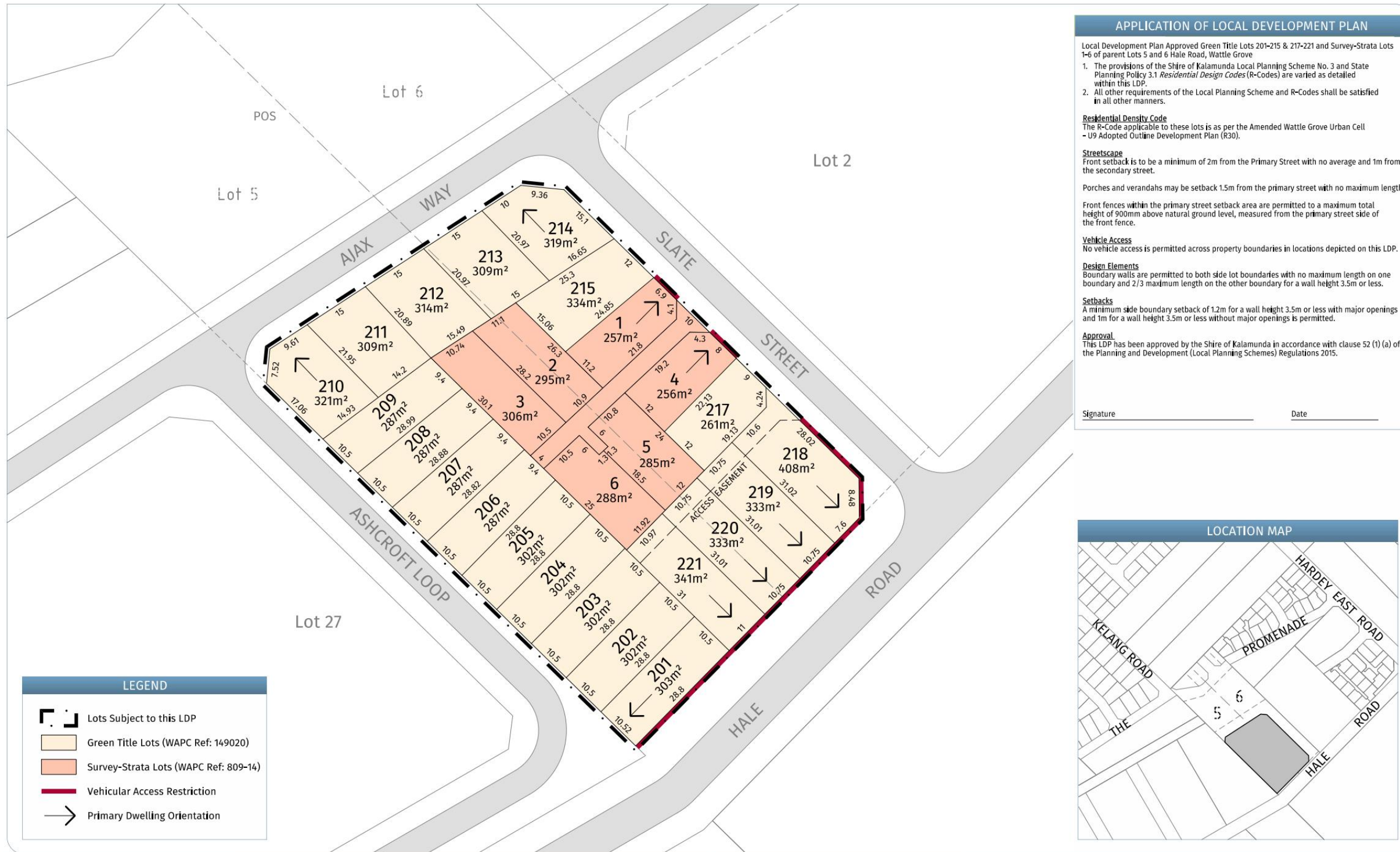
Vote:

<u>For</u>	<u>Against</u>
Cr Michael Fernie Cr John Giardina Cr Andrew Waddell Cr Sara Lohmeyer Cr Dylan O'Connor Cr Tracy Destree Cr Simon Di Rosso Cr Sue Bilich CARRIED (8/3)	Cr Allan Morton Cr Brooke O'Donnell Cr Noreen Townsend

Attachment 1

Proposed Local Development Plan – Lots 5 and 6 (280 and 276) Hale Road, Wattle Grove

Proposed Local Development Plan



APPLICATION OF LOCAL DEVELOPMENT PLAN

Local Development Plan Approved Green Title Lots 201-215 & 217-221 and Survey-Strata Lots 1-6 of parent Lots 5 and 6 Hale Road, Wattle Grove

- The provisions of the Shire of Kalamunda Local Planning Scheme No. 3 and State Planning Policy 3.1 Residential Design Codes (R-Codes) are varied as detailed within this LDP.
- All other requirements of the Local Planning Scheme and R-Codes shall be satisfied in all other manners.

Residential Density Code
The R-Code applicable to these lots is as per the Amended Wattle Grove Urban Cell - U9 Adopted Outline Development Plan (R30).

Streetscape
Front setback is to be a minimum of 2m from the Primary Street with no average and 1m from the secondary street.
Porches and verandahs may be setback 1.5m from the primary street with no maximum length.
Front fences within the primary street setback area are permitted to a maximum total height of 900mm above natural ground level, measured from the primary street side of the front fence.

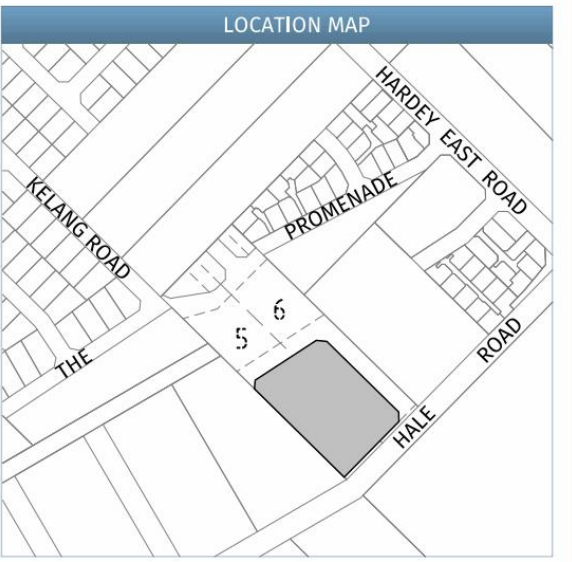
Vehicle Access
No vehicle access is permitted across property boundaries in locations depicted on this LDP.

Design Elements
Boundary walls are permitted to both side lot boundaries with no maximum length on one boundary and 2/3 maximum length on the other boundary for a wall height 3.5m or less.

Setbacks
A minimum side boundary setback of 1.2m for a wall height 3.5m or less with major openings and 1m for a wall height 3.5m or less without major openings is permitted.

Approval
This LDP has been approved by the Shire of Kalamunda in accordance with clause S2 (1) (a) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Signature _____ Date _____



LOCAL DEVELOPMENT PLAN
STAGES 2 - 4
Lots 5 & 6 Hale Road, WATTLE GROVE

Plan No. | 09684-LDP_Stage2-4
Date | 24/06/16
Drawn | JV
Checked | DM
Revision | B

PERTH OFFICE:
Level 1, 252 Fitzgerald Street,
Perth WA 6000
T: 08 9228 9291
E: perth@harleydykstra.com.au
W: www.harleydykstra.com.au
Offices also at Albany, Bunbury,
Busselton and Katanning

COPYRIGHT:
This document is and shall remain the
property of HARLEY DYKSTRA.
The document may only be used for the
purpose for which it was commissioned
and in accordance with the terms of
engagement for the commission.
Unauthorized use of this document in
any form whatsoever is prohibited.

Scale | 1:750@A3

NOTE: This plan has been prepared for planning purposes. Areas, Contours and Dimensions shown are subject to survey.

Harley Dykstra
PLANNING & SURVEY SOLUTIONS

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

48. State and Australian Government Black Spot Programs Submissions 2017/2018

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

PURPOSE

1. To consider the endorsement of submissions for funding from the 2017/2018 State and Australian Government Black Spot Programs.

BACKGROUND

2. The State and Federal Governments have both committed to reductions in casualty crashes on Australian roads through Black Spot Programs. These programs are primarily reactive and target road locations where crashes have occurred, although some allowance is made for proactive submissions supported by a formal Road Safety Audit (RSA).
3. An invitation for submissions for the 2017/2018 State and Australian Government Black Spot Programs was issued by Main Roads WA (MRWA) in April 2015, with a closing date of 29 July 2016. The resulting submissions are evaluated by MRWA against criteria set out in the Black Spot Program Development and Management Guidelines. To assist with the preparation of submissions, MRWA provided access to the Crash Analysis Reporting System and the crash data for the five-year period 2011 to 2015. The crash data is provided to MRWA by the WA Police and the Insurance Council of Australia.
4. The Black Spot Program Development and Management Guidelines require Black Spot projects based on crash data to meet a minimum Benefit Cost Ratio (BCR) to ensure the proposed remedial works are both cost effective and treatment is considered appropriate for the safety concerns. The BCR is the ratio of the benefit to the community of the expected reduction in crashes versus the cost of the proposed remedial treatment.
5. Successful State Government Black Spot projects are funded two-thirds by the Program and one-third by the Shire and are based on all recorded crashes, fatalities, casualties and property damage. The criteria for the program are as follows:
 - For intersections, mid-block or short road section (<3kms), the crash criterion is five crashes over a five-year period.
 - For road lengths (>3kms), the crash criterion is average of two crashes per kilometre per five-year period.
 - Value of works between \$2,000 and \$3,000,000.
 - Minimum Benefit Cost Ratio (BCR) = 1.0.

6. Successful Australian Government Black Spot projects are fully funded by the Program and are based on casualty crashes, fatalities or personal injury and their associated crash cost for each. The criteria for the program are as follows:
- For intersections, mid-block or short road sections (<3kms), the crash criterion is two casualty crashes over a five-year period.
 - For road lengths (>3kms), the crash criterion is 0.13 casualty crashes per kilometre per five-year period.
 - Value of works between \$2,000 and \$2,000,000.
 - Minimum Benefit Cost Ratio (BCR) = 1.0. (reduced from 2 for 2015/2016 and 2016/2017).

DETAILS

7. Administration investigated the qualifying crash locations for both programs to determine the appropriate remedial treatments and associated costs. Dependent on the proposed treatment, cost and the resultant BCR, projects are nominated for either or both the State and Australian Government Black Spot programs.
8. Funding for proactive projects, where potential hazards exist and supported by a Road Safety Audit is also available.
9. It is anticipated that the Metropolitan Regional Road Group (MRRG) will assess nominations in December 2016 and that the State's Minister for Transport will announce the approved projects by May 2017 to allow sufficient time to finalise the 2017/2018 budget.
10. Five projects have been identified from the available crash history data provided to the Shire by MRWA for the 5 year period 2011 to 2015 and submitted for funding consideration by the 29 July 2016 deadline. The projects are summarised below, detailing the identified crash summary and proposed treatment for each:

Kalamunda Road/Newburn Road intersection

Crash Summary:

Rear end crashes, significantly over represented for this intersection. This is considered to be a result of the intersection geometry on the Kalamunda Road approaches.

Proposed Treatment:

Reduce the western approach on Kalamunda Road from 2 lanes to 1 lane. Remove the right dedicated turn lane, with pre-deflection nibs installed on both the Kalamunda Road approaches to the roundabout.

BCR : 2.61

Kalamunda Road/Roe Highway intersection

Crash Summary:

Rear end crashes, significantly over represented for this intersection. A contributing factor to this is considered to be the rising and setting sun.

Proposed Treatment:

Provision of overhead mast arms on Kalamunda Road approaches.

BCR : 3.74

Canning Road, between Pomeroy Road to Welshpool Road

Crash Summary:

Hit object crashes, significantly over represented for this section of road. This is considered to be a result of the proximity of vegetation (including trees) to the road carriageway. This vegetation is considered to be a contributing factor resulting in the reduced vehicle runoff recovery area.

Proposed Treatment:

Improvement of the roadside clear zones with the pruning of sections of vegetation, provision of a 0.6-1.2m wide sealed shoulder, installation of curve warning signage and the installation of a short section of guard rail. This may contribute to reducing the frequency and severity of off carriageway crashes.

BCR : 1.52

Mundaring Weir Road, between Fern Road to Shire Boundary (Vegetation Removed)

Crash Summary:

Hit Object crashes, significantly over represented for this section of road. This is considered to be a result of the proximity of vegetation (including trees) to the road carriageway. This is a popular route for motorcyclists due to its hilly and winding terrain. It is considered that vegetation is a contributing factor, resulting in the reduced vehicle runoff recovery area.

Proposed Treatment:

Improvement of the roadside clear zones with the removal of sections of vegetation. This may contribute to reducing the frequency and severity of off carriageway crashes.

BCR : 5.50

Mundaring Weir Road, between Fern Road to Shire Boundary (Road Widening)

Crash Summary:

Pending the completion of roadside vegetation works as presented in the vegetation clearing submission for Mundaring Weir Road, it is also considered that the existing lane widths compromises motorists' ability to maintain control.

Proposed Treatment:

The completion of the abovementioned roadside vegetation works will facilitate the installation of a sealed shoulder and improved delineation devices. This may contribute to reducing the frequency and severity of off carriageway crashes.

BCR : 2.05

STATUTORY AND LEGAL CONSIDERATIONS

11. Nil.

POLICY CONSIDERATIONS

12. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

13. Residents affected by any approved Black Spot project will be consulted during the design and construction phases of the project.

FINANCIAL CONSIDERATIONS

14. Subject to State and Australian Government review/approval, the financial impact for the Shire is summarised in the following table.

Location	Proposed treatments	Funding Source	BCR	Estimated construction cost	Shire 1/3 contribution
Kalamunda & Newburn Rd & Chipping Dr, High Wycombe	1) Enlarge and reposition the existing roundabout. 2) Install pre-deflection nibs on Kalamunda Rd legs.	State + Australian	2.61	\$181,620	\$60,540
Kalamunda Road intersection with Roe Hwy	Install overhead mast arms on Kalamunda Rd legs to improve drivers' visibility of traffic signals.	Australian	3.74	\$80,000	Nil
Canning Rd - Pomeroy Rd to Welshpool Rd	Provide 0.8 to 1.2m sealed shoulder. Install 110m of W beam barrier on curve & install signage and RRPM's	State	1.52	\$394,408	\$131,470
Mundaring Weir Rd - from Fern Rd to Shire Boundary	Remove up to 1.2m of vegetation on straight sections and up to 2-3m on curves to improve the clearzone and remove hazards. Install RRPM's and curve advisory signage to increase delineation and forward visibility	State + Australian	5.50	\$412,500	\$137,500
Mundaring Weir Rd - from Fern Rd to Shire Boundary	Provide sealed shoulder (0.6m on straight sections, 1.2m on curves) for a recovery area. Install edge lines and guide posts to delineation for vehicles and motorbikes.	State + Australian	2.05	\$1,769,000	\$589,667
Total:				\$2,837,528	\$919,177

15. Should the Shire be successful in securing funding for all five nominated projects at the higher level of funding (Australian Government Black Spot), the Shire's municipal funding component will equate to \$131,470. However, if Black Spot funding is not secured at the higher level for the three submissions (either State or Australian Government Black Spot) then the municipal component will equate to \$919,177.

16. The Long Term Financial Plan has included an annual amount of \$450,000 for Black Spot Projects, comprising \$300,000 grant funding and \$150,000 municipal funding. The 2017/2018 amount will require amendment to reflect approval of funding for part/all submissions.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

OBJECTIVE 6.8 – To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 6.8.3 Access maximum levels of grants funding available through government and non-government sources.

Strategy 6.8.4 Provide effective financial services to support the Shire's operations and to meet sustainability, planning, reporting and accountability requirements.

SUSTAINABILITY

Social Implications

18. Nil.

Economic Implications

19. The approval of State or Australian Government funds as part of this program will reduce the requirement for municipal funding to address Black Spots in the Shire's road network.

Environmental Implications

20. A clearing permit has been prepared and submitted to Department of Environment and Regulation in preparation for the proposed Mundaring Weir Road project relating to vegetation removal. Prompt submission of this permit to the Department will confirm the viability of this project and assist in the early commencement of design pending MRWA Black Spot and Department of Environment and Regulation approvals.

RISK MANAGEMENT CONSIDERATIONS

21.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The submissions are not endorsed and the opportunity is lost for government funding contributions towards treatment of Black Spots on the Shire's road network.	Unlikely	Major	Medium	Provide detailed project submissions in accordance with the grant conditions.
A submission is not approved for government Black Spot funding.	Possible	Major	High	Each unsuccessful project will need to be incorporated into the Shire's Long Term Financial Plan for future funding consideration.

OFFICER COMMENT

22. As a part of the preparation of the 2017/2018 Black Spot project submissions, officers have reviewed the available crash data across the Shire to determine suitable engineering treatments available that will address the crash types identified. The resultant treatment is aimed at eliminating crash types where practicable, or to reduce severity and likelihood through the application of improved road design.
23. Other than the Kalamunda Road/Roe Highway project, all remaining projects identified were subjected to a detailed Road Safety Audit, carried out by an independent Traffic Engineering Consultant. This process involves the consultant leading a team that included Shire officers, along with other suitably qualified representatives, including one from MRWA. A copy of the final report arising from the audit was included with each relevant submission to MRWA.
24. The proposed grant funding submissions for the 2017/2018 Black Spot Program have undergone stringent engineering reviews that ensure each treatment proposed is feasible and can be progressed to detailed design and delivery, pending MRWA review/approval of each submission.
25. As the closing date for submissions was 29 July 2016, the completed submissions were delivered to MRWA to commence assessment.

This report is therefore submitted on a retrospective basis, with Council's endorsement of the submissions able to be provided in writing at the earliest available opportunity.

26. Council approved an amount of \$105,000 in the 2016/2017 Roadworks (Renew) Program for modifications to the roundabout at the Kalamunda Road/Newburn Road intersection (Job No 3327). These works need to be put on hold until a decision is made on the submission for Black Spot funding towards the upgrade of this intersection.

Cr Andrew Waddell foreshadowed an amendment to point 3 to include the words "and further subject to community consultation" after the word project. A mover and seconder were found for the substantive motion and the amendment was heard.

The mover of the substantive motion accepted the amendment and therefore it became part of the substantive motion.

A Number of issues with respect to Mundaring Weir Road were clarified.

Voting Requirements: Simple Majority

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

That Council:

1. Endorses the submission of the following projects to Main Roads WA for grant funding consideration as part of the 2017/2018 State and National Government Black Spot Program:
 - Kalamunda Road/Newburn Road intersection – Provision of pre-deflection to the existing roundabout on Kalamunda Road approaches.
 - Kalamunda Road/Roe Highway intersection – Provision of overhead mast arms on Kalamunda Road approaches.
 - Canning Road, between Pomeroy Road to Welshpool Road – Provision of a sealed shoulder and short section of guard rail.
 - Mundaring Weir Road, between Fern Road to Shire boundary – Improvement of clear zones with removal of sections of vegetation.
 - Mundaring Weir Road, between Fern Road to Shire boundary – Provision of a sealed shoulder and improved delineation devices.
2. Requests the Chief Executive Officer to advise Main Roads WA of its endorsement of these projects.
3. Defers the Kalamunda Road/Newburn Road intersection upgrade works (Job No 3327) approved in the 2016/2017 Roadworks (Renewal) Program subject to the outcome of the submission for Black Spot funding towards this project **and further subject to community consultation.**

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

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

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

49. Bush Fire Advisory Committee – Telecommunications Infrastructure Recommendation

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	N/A
Applicant	N/A
Owner	N/A

PURPOSE

1. To consider the recommendation of the Bush Fire Advisory Committee (BFAC).

BACKGROUND

2. The Council has approved the establishment, pursuant to the provisions of section 5.8 of the *Local Government Act 1995* (the Act) and section 67 of the *Bush Fires Act 1954*, of the BFAC including its Terms Of Reference.
3. A Committee of Council is required to comply with the standing orders of the Shire of Kalamunda and may make recommendations to Council. The Chief Executive Officer is responsible for preparing all reports to Council and may decide to alter recommendations if required.

DETAILS

4. At the meeting of the BFAC held on 21 July 2016 the Committee unanimously passed the following motion:-

Motion

"Council are to take action and support the installation of additional telecommunications infrastructure throughout the Shire, to improve the communications to the Community and improve the response to emergency situations".

STATUTORY AND LEGAL CONSIDERATIONS

5. Telecommunications infrastructure is considered 'development' under the *Planning and Development Act 2005*, which means that development approval may be required under the Local Planning Scheme (for zoned land) or the Metropolitan Region Scheme (for reserved land).
6. However, under the *Telecommunications Act 1997* some telecommunications facilities are exempted from the requirement to obtain development approval, including 'low-impact facilities', which are generally smaller facilities that are attached to an existing building or tower.
7. In respect to the Shire's Local Planning Scheme No. 3, the development of telecommunications infrastructure is able to be considered in all zones.

However, each application for telecommunications infrastructure is assessed on the merits of the proposal, primarily having regard to the visual impact of a facility on the amenity of the area. In this respect, it is important to note that telecommunications infrastructure may not be appropriate in all locations.

POLICY CONSIDERATIONS

State Planning Policy 5.2 – Telecommunications Infrastructure (2015)

8. State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2) recognises that adequate and reliable telecommunications are essential for all aspects of contemporary and community life, including for contact between emergency services and the community.
9. 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.

Local Planning Policy P-DEV 52 – Telecommunications Infrastructure

10. Council at its meeting held 25 July 2016 resolved to adopt Local Planning Policy P-DEV 52 – Telecommunications Infrastructure. P-DEV 52 supports low-impact facilities and co-location of facilities where appropriate, and discourages telecommunications infrastructure for which, in the opinion of the Shire, the visual impact outweighs the public benefit that the infrastructure would bring.
11. P-DEV 52 sets out public advertising protocols for telecommunications facilities that are subject to a development application. Furthermore it establishes that the potential health impacts of telecommunications facilities are not within the scope of development control through Local Planning Schemes or Local Planning Policies.

COMMUNITY ENGAGEMENT REQUIREMENTS

12. Community engagement has not been undertaken with respect to this report.

FINANCIAL CONSIDERATIONS

13. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1:1 To ensure the community has the resilience to respond and protect itself from danger and disasters.

Strategy 1.4.1 The Shire is well prepared and has plans and resources ready to respond to any disaster or danger that may confront the community.

SUSTAINABILITY

Social Implications

15. The community generally expect quality mobile phone coverage throughout the Shire.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Recommendation is not supported.	Likely	Minor	High	Report details the importance of effective communications through the Shire, especially for emergency management.

OFFICER COMMENT

19. The BFAC recommendation requesting the 'Council are to take action and support the installation of additional telecommunications infrastructure throughout the Shire, to improve the communications to the Community and improve the response to emergency situations' is intended to seek and obtain Councils support for future telecommunications facilities in the Shire.
20. This recommendation is supported by the Shire's Local Planning Policy P-DEV 52 for the installation of 'low-impact facilities', where development approval is not required for the telecommunications facility.

21. It is acknowledged however that some telecommunications facilities require development approval, and that consideration needs to be given to the siting, location and design of the infrastructure with a view of protecting visual amenity and character. Consideration should also be given to comments received from the community during advertising.
22. Members of the BFAC have indicated that there are cases where the lack of effective mobile phone coverage have hampered communications during emergency situations.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 49/2016)

That Council:

1. Resolves in-principal to support the installation of additional 'low-impact' telecommunications infrastructure throughout the Shire that will result in improving communications to the community and improve response to emergency situations.
2. Notes that some telecommunications facilities require development approval, and that due regard needs to be given to the objectives of the Local Planning Scheme No. 3, State Planning Policy 5.2 – Telecommunications Infrastructure, and Local Planning Policy P-DEV 52 – Telecommunications Infrastructure, when considering proposals for telecommunications infrastructure.

Moved: **Cr John Giardina**

Seconded: **Cr Tracy Destree**

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

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

50. CONFIDENTIAL ITEM – Consideration of Tenders – Provision of Cleaning Services in Various Council Buildings and Facilities (RFT1610)

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

Previous Items	OCM 71/2012
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	RFT1610
Applicant	N/A
Owner	N/A

Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Tender Evaluation Report
---	--------------------------

Confidential Attachment 2 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Price Schedule
---	----------------

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 50/2016)

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Spick and Span Commercial Property Maintenance Pty Ltd as the primary contractor for the Provision of Cleaning Services in Various Shire Buildings and Facilities (RFT1610) – North Zone for a period of two years in accordance with the Price Schedule in Confidential Attachment 2, with 4 x 6 month extensions at the sole discretion of the Principal.

2. Accepts the recommendation of the Tender Evaluation Panel to appoint Office Cleaning Experts Pty Ltd trading as OCE Corporate as the primary contractor for the Provision of Cleaning Services in Various Shire Buildings and Facilities (RFT1610) – Central Zone for a period of two years in accordance with the Price Schedule in Confidential Attachment 2, with 4 x 6 month extensions at the sole discretion of the Principal.

3. Accepts the recommendation of the Tender Evaluation Panel to appoint Menzies International (Aust) Pty Ltd as the primary contractor for the Provision of Cleaning Services in Various Shire Buildings and Facilities (RFT1610) – South Zone for a period of two years in accordance with the Price Schedule in Confidential Attachment 2, with 4 x 6 month extensions at the sole discretion of the Principal.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

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

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

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr Dylan O'Connor – Aldi Development

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

A1. The Chief Executive Officer took this question on notice.

11.2 Cr Michael Fernie – Bike Plan

Q1. If the bike plan identifies an area of Welshpool Road where the wire rope has been installed, how will that effect it?

A1. The Director Asset Services responded that it will be a decision that needs to be made by Council.

Q2. Is that the decision to move the wire rope?

A2. The Director Asset Services responded that again this would be a decision by Council.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Cr Noreen Townsend – Garden Maintenance of a Property in Kalamunda

Q1. Is it possible for the Shire to contact the owners of what used to be St Emalie's and request that they do some maintenance works around the garden, as it is in a terrible state looking very neglected and it is the entry point into Kalamunda. Could the Shire encourage them to tidy the place up a bit?

A1. Staff have spoken with the Ester Foundation and it is understood that work to the gardens would occur by the 1 August 2016.

13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

13.1 Nil.

14.0 TABLED DOCUMENTS

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Meeting be Closed to the Public

MOTION

That the meeting be closed to the public to discuss confidential Item D&I 50. (Provided under separate cover).

Moved: **Cr Andrew Waddell**

Seconded: **Cr Sue Bilich**

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

The meeting be closed at 7.42pm. All members of the public left the gallery.

15.2 50. CONFIDENTIAL ITEM – Consideration of Tenders – Provision of Cleaning Services in Various Council Buildings and Facilities (RFT1610)

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

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 50/2016)

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Spick and Span Commercial Property Maintenance Pty Ltd as the primary contractor for the Provision of Cleaning Services in Various Shire Buildings and Facilities (RFT1610) – North Zone for a period of two years in accordance with the Price Schedule in Confidential Attachment 2, with 4 x 6 month extensions at the sole discretion of the Principal.
2. Accepts the recommendation of the Tender Evaluation Panel to appoint Office Cleaning Experts Pty Ltd trading as OCE Corporate as the primary contractor for the Provision of Cleaning Services in Various Shire Buildings and Facilities (RFT1610) – Central Zone for a period of two years in accordance with the Price Schedule in Confidential Attachment 2, with 4 x 6 month extensions at the sole discretion of the Principal.

3. Accepts the recommendation of the Tender Evaluation Panel to appoint Menzies International (Aust) Pty Ltd as the primary contractor for the Provision of Cleaning Services in Various Shire Buildings and Facilities (RFT1610) – South Zone for a period of two years in accordance with the Price Schedule in Confidential Attachment 2, with 4 x 6 month extensions at the sole discretion of the Principal.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

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

15.3 Meeting Reopen to Public

MOTION

That the meeting reopened to the public following consideration of confidential item D&I 50 (provided under separate cover).

Moved: **Cr Sue Bilich**

Seconded: **Cr Andrew Waddell**

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

The meeting was reopened to the public at 7:48pm, two members of the public returned to the meeting. The Presiding Member read the resolution.

16.0 CLOSURE

- 16.1 There being no further business the Presiding Member declared the meeting closed at 7.49pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2016