



# Special Council Meeting

Tuesday 19 May 2020

The Meeting commenced at 6:38pm.

*RESOLVED SCM 72/2020*

*That this meeting now adjourns until 6.30pm on Tuesday 2 June 2020*

***Moved** Cr Dylan O'Connor*

***Seconded** Cr Janelle Sewell*

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

The meeting adjourned at 9:30pm.

The meeting will reconvene at 6:30pm on Tuesday 2 June 2020.

## Questions of which previous written notice was provided.

---

Eddie van Rijnswoud, Piesse Brook

Q1. The assumption that the typical car occupancy will be 4 persons, in my opinion is unrealistic. This view is based on observations over many years of the patronage of existing tourism venues and the resulting congestion in the Bickley Valley and Pickering Brook regions. Most of the time, cars observed to had just two occupants.

Based on this observation, an average number of vehicles of around 200 can be expected. On special occasions this could be significantly higher.

A1. Car parking provision is not an assumption of car occupancy, it is the rate prescribed in Table 3 of LPS3 for 1 bay to be provided for every four people to be accommodated.

Q2. 200 vehicles per day maybe considered acceptable when distributed over the whole day but in the context of a major function, for example a wedding or an organised function, the 200+ vehicles will arrive and depart in a single cluster.

A2. The applicants Operation Management Plan indicates that upon closure of the venue, attendees will be gradually ushered out of the venue, rather than forced out all at the same time. In the event of a large booking, it is expected that attendees would arrive in a short space of time. Whether it is arriving or departing, the required upgrades to the crossover, and the addition of a left turn lane into the site in a northbound direction, means that while busy, the access to the site will be appropriately designed.

Q3. Mundaring Weir Road in particular and surrounding connecting roads are not designed for this peak traffic condition. Special events such as the Targa Rally require special traffic management procedures have to be put in place.

A3. The operation of the restaurant on a daily basis does not generate the need for on-site traffic management which is common for large events. If an event was proposed at the site which was a special one off event and was able to obtain the required approval from the City of Kalamunda to do so, it is likely that traffic management measures would be required. However, due to the site's finite supply of car parking area, the ability for the site to host a large event where attendees travel by car is likely to be similar to that of the maximum capacity of the restaurant in any case.

Q4. Mundaring Weir Road already has a bad accident record.

## Questions of which previous written notice was provided.

---

- A4. The Traffic Impact Statement (Figure 14) shows crash history for the section of Mundaring Weir Road from Aldersyde to Fern. Two crashes were recorded in 2014 and one in 2016.
- Q5. I have lived in the area since 1951 and have observed on many occasions bad and dangerous driving. Visitors often do not take due care of the prevailing road conditions. Drivers become impatient when stuck behind slow vehicles or bicycles and overtake when it is not permitted by road markings. Kalamunda has a large number of bicycles visiting the town and area. Whereas these are concentrated on weekends, smaller numbers visit us during the week. One or two bikes on Mundaring Weir Road often cause various levels of driver frustration, and all too frequently to road rage and dangerous driving.
- A5. Noted.
- Q6. Most of the access to Mundaring Weir Road is via the Kalamunda town site and its limited feeder routes already suffer from congestion and the additional 200+ vehicles will have the potential to extend or exacerbate the current peak period congestion times.
- A6. The Traffic Impact Statement shows in Table 5 that the level of service for intersections around the site maintain an 'A' standard up until the Sunday peak traffic projected for 2051 which drops to a 'B' standard. This means that intersections will operate without congestion.
- Q7. There does not appear to be any economic solution to increasing the traffic flow capabilities into, through and around the townsite due to topographical features and existing development levels.
- A7. Traffic modelling shows 65% of traffic will be from the west (Kalamunda Town Centre) and 35% from the east.
- Q8. Noise levels in the town site are already objectional on weekends when large numbers of motorcycles and cars visit or transit through Kalamunda.
- A8. Noted. These concerns are beyond the proposed development application.
- Q9. What provisions have been made for overflow parking when onsite capacity has been exceeded?
- A9. There are no provisions for overflow parking. The maximum capacity is not able to be exceeded.

Questions of which previous written notice was provided.

---

- Q10. The proposal appears not to have a contingency plan should the proposed treatment systems fail or not perform correctly and impact the water supply of the catchment area, local residents who are dependent on the local ground water supply and the tourists who utilise the walk trails lower down in the valley.
- A10 The wastewater has a failsafe mechanism, and the operational management plan has been recommended to be modified to include a requirement for a backup power source to be available at all times.
- Q11. Who will be responsible for the consequences and any remediation in the event of an adverse incident?
- A11 The onus is on the landowner to ensure that all conditions and management plans are implemented for the duration of the development. The City audits compliance with conditions for high-risk applications to ensure ongoing compliance. The responsibility for any incident will need to be assessed based on the particulars of an incident.

Dennis & Angela Jones, Piesse Brook

- Q1: What is the time frame for this proposed development? Why was it deemed necessary to hold a Special Meeting during the Covid 19 crisis when residents are necessarily focussed on family, health, schooling and job retention issues? Surely this development application could've waited until a later Ordinary Meeting.
- A1: The City has processed the application as further information has been made available.
- Q2: Did Council approve CR to operate as a restaurant catering for a maximum daily total of 350 persons, including staff and contractors, on 26 November 2012?
- A2: No. The Department of Health approved a wastewater treatment system for 350 persons.
- Q3: What conditions were placed on this approval and why was the number capped at 350?
- A3: The conditions the Department of Health placed on this approval related exclusively to the design, installation and ongoing management of the proposed wastewater system. The number was capped at 350 through negotiation with then Department of Water as they wanted to ensure that the impacts to the water catchment were appropriately managed.

Questions of which previous written notice was provided.

---

Q4: What is the status of this approval today?

A4: The approval lapsed and is no longer applicable.

Q5: What conditions have changed to now consider raising the total daily number to 480?

A5: Further site investigations and details around the operation of the system. The application is for 480 persons and therefore the Council has an obligation to consider this number.

Q6: CR was previously a restaurant that catered for indoor dining only, although there were a small number of tables outside. The current proposal includes provision for outside dining on the balcony and outdoor dining area. These outdoor additions will generate the most noise that will disturb many neighbours within the valley. Is there an estimate of the number of diners in these areas and is there any proposed live/recorded music being considered in the outdoor locations?

A6: The application does not specify the number of patrons in different areas of the site. Yes, external amplified music is proposed 9.00am to 6.00pm Mondays to Saturdays and 10.00am to 5.00pm Sundays and Public Holidays. A 10 Amp limit to power supply is proposed for external music.

Internal music is proposed to be limited from 9.00am to 9.00pm all days and is proposed to be background music, so visitors can have a conversation with music playing in the background. These details are provided in the Noise Management Plan.

Q7: The Applicant states that CR operated as a restaurant with approval for 350 patrons for over 30 years under the previous owner. Can Council please confirm this statement and provide details of any conditions of this earlier approval?

A7: Approval from 1975 has no patronage restriction but does have parking requirement of 93 bays.

Q8: The Applicant points out that the application is for "a restaurant and not an events venue or entertainment function centre". What is the difference in the approval process between these types of venues and does one type of venue attract more onerous conditions?

A8: They're different use classes under the City's Local Planning Scheme No.3

## Questions of which previous written notice was provided.

---

"restaurant/cafe" means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;

"reception centre" means premises used for hosted functions on formal or ceremonial occasions;

### Roadworks

"Officers acknowledge that an increase in restaurant capacity will result in more traffic. The applicant provided a Traffic Impact Assessment demonstrating that subject to upgrades, access to the site can be acceptable."

Q9: Can Council please provide details of all road upgrades and how does Council measure "acceptable"?

A9: Crossover to Mundaring Weir Road requires redesign and construction. Basic left turn into the site needs to be constructed. Acceptability is based on compliance with Australian Standards and applicable Austroads standards.

### Noise

"Officers acknowledge that restaurants are a generator of noise. The applicant has provided a noise management plan and subject to minor modifications, the noise management plan is considered to reduce noise to an acceptable level. Officers note that the restaurant will still need to comply with the Environmental Protection (Noise) Regulations."

Q10: Can Council please advise how "an acceptable (noise) level is measured, especially to nearby residents and those in the valley, which is essentially an echo chamber.

A10: The legal standard for the measurement of noise is prescribed within S.20 of the Environmental Protection (Noise) Regulations 1997. It is important to note that measurements are required to be collected from the complainant's property and not from the noise source.

### Piesse Brook Preservation Group (Set 1)

Q1: Does the Applicant intend to have Weddings at the Venue?

A1: The applicant has sought approval for an expansion of the restaurant, not a wedding venue.

Q2: Have Department of Water and Environmental Regulation (DWER) approved the Applicants wastewater management plan?

Questions of which previous written notice was provided.

---

A2: No, DWER, as an advisory agency, are not supportive of the application. However, the City has given due regard to the comments of DWER in its assessment of the proposal.

Q3: Have DWER agreed to nutrient retention and setback distances to drinking water source protection areas?

A3: No, DWER, as an advisory agency, are not supportive of the application. However, the City has given due regard to the comments of DWER in its assessment of the proposal.

Q4: Has the Applicant provided the City with a summary of the economic benefits of a larger facility?

A4: No.

Q5: In the Agenda, page 28, Environmental Implications Item 135 – on balance the City considers that the strict compliance with the management and mitigation s can be applied to the proposal. The proposed development is shown to have minimal environmental implication. The question: Who warrants the strict compliance?

A5 : The City.

What are the legal ramifications of failures to any of the compliances?

A Compliance action through the City's Local Planning Scheme and *the Planning and Development Act 2005*.

Q6: Have DWER expressed its concerns with storm water generation and dispersal in regard to contaminates (Hydrocarbons) especially from the car parking facilities?

A6: Yes.

Q7: On page 59 of the Middle Helena Catchment Strategy (MHCS) under recommendations – Refer all planning applications that are not consistent with the Strategy or with State Planning Policy 2.7 – Public Drinking Source Policy to the West Australian Planning Commission (WAPC), for advice, prior to determination. Question – does the City intend to seek the advice of WAPC as this amendment is not consistent with the MHCS as evidence in the various DWER correspondences to the City?

A7: Restaurants can be considered subject to conditions and as such WAPC advice was not required to be sought.

## Questions of which previous written notice was provided.

---

Two points earlier in the recommendation of the MHCALUWMS it is clearly states that:

“Refer all planning applications that are listed as compatible with conditions in priority 2 and priority 3 areas in the Department of Water’s water quality protection note Land Use Compatibility in Public Drinking Water Source Areas, including the variations contained in this strategy (table 7), to the Department of Water for advice and recommendations prior to determination, unless other referral arrangements have been agreed with the Department of Water (Shire of Kalamunda, Shire of Mundaring).”

As ‘restaurant’ is compatible with conditions and in a P2 area, this recommendation applies, not the later recommendation requiring WAPC determination. The City has referred to the Department of Water (now DWER), therefore a determination of the application is able to be made in a manner consistent with the MHCALUWMS.

Q8: What is the definition of a Restaurant under the City’s Town Planning Scheme No. 3 and does it comply with Priority 2 (P2) source protection of the MHCS?

A8: " restaurant/cafe" means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988; Restaurants can be considered in the P2 area, subject to conditions.

Q9: The July 2019 correspondence from the City seeking Residents comments on the Amendment mention is made of DWER’s concerns for the aquifers. The group has tested several bores in close vicinity and the water quality was of a high standard. Question, if bores are contaminated who is responsible?

A9: It would depend on the source of the contaminate.

Q10: Are the Council and DWER aware the dam on which the carpark storm water is being directed is a natural spring?

A10: The City cannot answer for DWER. It appears that this feature is on a separate site.

Q11: Sheppard Design Services drawing – mentioned the ATU is to have a bunding to retain spills or leakages. Does this not suggest that spills or leakages will occur and the ATU’s positioning is very close to the Hacketts Gully waterways?

A11: Proposed as a mitigation measure, should it occur.



Questions of which previous written notice was provided.

---

Q12: In the correspondence from DWER to the City dated 26 February 2020, DWER reiterates "*DWER cannot support the proposal for the reasons stated above. However, should the decision making authority resolve to approve the proposal, contrary to the DWER's advice, then the following conditions of approval are recommended:*

A12: *Water Management Plan*

- *Prior to the commencement of site works, a Water Management Plan is to be prepared and approved, to the satisfaction of the Department of Water and Environmental Regulation and the City of Kalamunda.*
- *The approved Water Management Plan shall be implemented to the satisfaction of the City of Kalamunda.*

*The Water Management Plan should identify and address all potential risks to water quality from the existing land uses and proposed development, including but not limited to:*

- *wastewater loadings and management;*
- *nutrient budget and effluent disposal farther from carparks and roads;*
- *management of irrigation and nutrients from landscaped areas;*
- *potential impacts and mitigation measures for onsite and offsite water quality if proposed management systems fail*

*The Water Management Plan should be prepared in accordance with relevant Water Quality Protection Notes (WQPN) and guidelines including:*

- *WQPN 25: Land use compatibility tables for public drinking water source areas;*
- *WQPN 70: Wastewater treatment and disposal – domestic systems*
- *WQPN 79: Rural restaurants, cafés and taverns near sensitive water resources;*
- *WQPN 88: Rural tourist accommodation;*
- *Middle Helena Catchment Area Land Use and Water Management Strategy."*

Q13: Can the council satisfy DWER's conditions?

A13: The City will consult with DWER on the various aspects of the conditional requirements, should the application be approved and proceed.

Q14: Why has the Development Services not provided a Risk Management report for Bushfires?

## Questions of which previous written notice was provided.

---

A14: There is no requirement for a Risk Management Report to be provided in relation to bushfires. Other information in relation to bushfire is attached including a Bushfire Attack Level assessment, Bushfire Management Plan and Emergency Evacuation Plan.

Q15: Has the recommendations from correspondence from DFES to the City dated 5th May 2020 and which is contained in the Agenda's associated documents, been acted upon?

A15 Conditional requirement as the matter is capable of being addressed.

Q16: Why has the Development Services not provided a Risk Management Report for Traffic?

A16: There is no requirement for a Risk Management Report to be provided in relation to traffic. Other information in relation to traffic is attached including a Transport Impact Statement.

### Piesse Brook Preservation Group (Set 2)

Q1: In 2006 a request was made to initiate an amendment to the Scheme to allow for an Additional Use Restaurant to operate from Lot 3.

Was the Applicant advised that the restaurant would cater for a maximum of 80 patrons/day and wastewater loads to have an output of less than or equal to 580litres/day?

A1: Based on the information contained in the Minutes from the Planning Services meeting held 14 August 2006, the report, at the time, envisaged 80 patrons for the restaurant use (Paragraph 6 of Item 77). The report notes that the Draft Middle Helena Catchment Area Land Use and Water Management Strategy (at the time) identified a restaurant as a 'Conditional' use in P2 areas subject to wastewater loads having less than or equal to 540 litres per day.

Q2: Did the Applicant propose that they would utilize the existing purpose buildings and this would not entail any additional buildings or structures on site?

A2: Based on the information contained in the Minutes from the Planning Services meeting held 14 August 2006, the report, at the time noted that:

The applicant is proposing to utilise the existing purpose built building for use as a restaurant, this will not entail any additional buildings or structures on the site (Paragraph 6 of Item 77).

Questions of which previous written notice was provided.

---

Q3: Did the Applicant also state that no vegetation would be removed?

A3 Based on the information contained in the Minutes from the Planning Services meeting held 14 August 2006, the report at the time noted that: This will not necessitate the removal of any vegetation and will not compromise the objectives of the zone. (Paragraph 7 of Item 77).

Q4: Did the Shire not state in a meeting with the Proponent at a meeting on 11 March 2009 that restriction on Patron numbers (80/day) was a consequence of the site being in a Public Drinking Water Area and the condition was requested by the Department of Water?

A4 The City's record of the meeting indicate the following:

"...that a maximum of 80 persons per day may be accommodated in the Restaurant."

"...was a consequence of the site being in a public drinking water area and that the condition was requested by the Department of Water (DoW). It was imposed by the Shire on its planning consent as we are required to have due regard to State Policy and comments from State agencies."

Q5: Was it imposed by the Shire on its planning consent as the Shire are required to have due regard to State Policy and comments from State Agencies?

A5 Noted above.

Q6: At the same meeting to Question 2, was the Proponent advised that the current patron restrictions should be taken into account when contemplating the extensions, as even if the building area increased, there would not be an increase in the allowable number of Patrons?

A6 The City's record of the meeting indicates the following:

"...was strongly advised that the current patron restrictions should be taken into account when contemplating the extensions, as even if the building area increased, there would not be an increase in the allowable number of patrons. It was suggested that the patron number issues be sorted out before committing to the extensions, but ultimately this was a matter for the owners."

Q7: Is this now justification for the Patron numbers to increase because the floor area of the restaurant has increased?

## Questions of which previous written notice was provided.

---

A7 A number of considerations have been taken into account in relation to patron numbers, not just the size of the existing built form. These various considerations are outlined in the City's report.

Additional Information from the City:

Notwithstanding the information above, the City's records indicate that the proposed Scheme Amendment, the subject of the 14 August 2006 report, was withdrawn on 25 Jan 2007.

### Piesse Brook Preservation Group (Set 3)

Q1: When operational did the original Chalet Rigi have an approval patronage number of 350 persons/day set by the then Shire of Kalamunda?

A1: No.

Q2: In June 2008 the Shire granted a DA for the restaurant to reopen. It did so with conditions, one of which was patronage numbers being 80 persons. The DA approval was for 2 years. The approval lapsed in 2010. Question: did the approval for the 80 patrons also lapse?

A2: The development was substantially commenced and as such, the approval did not lapse.

Q3: The building permits – number 2012-1083 and 20151193 were issued to the Applicant June 2010 by the Shire to increase the existing restaurant envelope. Question: is the City aware of the conditions set for the granting of the permits and specifically the Shire President's clear comments to the Applicant?

A3 Yes, the City is aware of the conditions set on the permit. No, the City was not able to source the comments from the then Shire President.

### Paul & Janine Smith, Piesse Brook

Q1: Can you advise what the City of Kalamunda and Councilors have done to address the concerns by those who have submitted objections? Have they met or spoken with everyone who has submitted the objections?

A1: Further information has been requested from the application in response to issues raised.  
Meetings have been held with objectors, where requested.

Q 2: Has information requested by the residents of Piesse Brook been provided to them in a timely manner with reasonable time to review?

## Questions of which previous written notice was provided.

---

- A2: The application was referred to residents for comment. There is no requirement under the City's Local Planning Scheme No.3 to re-advertise further information provided as part of the assessment process.
- Q 3: It appears that the City of Kalamunda has relied only on the information provided by the applicant? Can you confirm if the Shire has completed its own independent reviews on any of the main concerns (traffic, noise, fire)? Or, as it appears, the City of Kalamunda has relied only on the information provided by the applicant?
- A3: The City has reviewed the information provided by the applicant from the various disciplinary perspectives.
- Q4: As per the agenda there were 56 objections to the submission: In bringing this matter before Council for approval, is Council disregarding these objections? Why has the City of Kalamunda called a SPECIAL MEETING to approve this application, with less than a week's notice to opposing residents, and at a time wherein many people are unable to attend?
- A4: All objections have been documented and reported. The Special Council Meeting has been called for Council to consider the application.
- Q 5: Has the City of Kalamunda ensured that the third parties who have provided reports and supporting documentation for this application are qualified to supply the advice and reports?
- A5: Verification of reports was undertaken.
- Q 6: Has the City of Kalamunda ensured that the third parties who have provided reports and supporting documentation have no conflict of interest in this matter?
- A6: The City is unable to provide comment on third party conflicts of interest.
- Q7: All the Risk Management points on the agenda (136 – 140) are Significant, Possible, High – who will be monitoring and reporting on these risks in the future?
- A7: The City will monitor compliance for the conditions of the application which relate to the relevant risk considerations.
- Q8: The applicant is saying that he will do many things "once he opens" – will Council make approval conditional on these commitments? If they are not fulfilled, what would be the consequences for the applicant?

## Questions of which previous written notice was provided.

---

A8 Compliance may be undertaken by the City through its planning scheme and the Planning and Development Act 2005.

Q9: What would the council require the applicant to do to prevent his patrons trespassing onto the neighbouring properties. Are all fences around the proposed venue suitable as a boundary fence for a restaurant? There are dams and creeks on neighbouring properties.

A9: Any trespassing is a matter for the Police.

### Application Type

Q10: Is this application for a restaurant or a function center?

A10: Restaurant.

Q11: What is the maximum capacity of patrons of the venue at any one time?

A11: 480 per day, which include staff as well as patrons.

Q12 As per the Associated Documents the letter from SafeRight ([10.1.1.15 415 Mundaring Weir Road - Applicant Response to Submissions](#)) the application claims that the restaurant has only ever operated under approval for 350 patrons. Can the City of Kalamunda confirm the veracity of this claim, both historically and currently?

A12 Approval from 1975 has no patronage restriction but does have parking requirement of 93 bays.  
Approval from 2012 has a patronage restriction to 80 per day.

Q13: In attachment [10.1.1.15 415 Mundaring Weir Road - Applicant Response to Submissions](#) it states under TRAFFIC AND PARKING: "Production of a stand-alone Events Traffic Management Plan for any events outside of normal operating conditions (none currently planned), including traffic control, signage and marshals". Does this mean that if the applicant is granted approval by the City of Kalamunda the applicant already has the intention of holding events rather than operating a restaurant? If so why is this application for operation as a restaurant?

A13 No, any special event applications will have to be assessed on their merits.

Q14: Attachment 8.1.1.15 states the following: "An operational and marketing focus on a family-friendly venue suitable for daytime and group visitors particularly in the mid-week when other nearby venues are closed, including:

## Questions of which previous written notice was provided.

---

- Self-drive families or group visiting the Hills in the daytime
- Tour buses exploring Hills wineries/cideries and wanting to have a sit-down lunch or Local clubs wanting to host group meals in the daytime e.g. WA Seniors, Red Hatters or Cyclists using the road or mountain bike networks, typically mornings and lunch.

This focus will ensure that the peak flow of visitors will be around 11 am – 2 pm (i.e. not during main commute times). More information is provided in the Operational Management Plan (January 2020)."

If the main focus is on day time visitors during the mid-week why is approval being sought to be open until 10pm on week nights and 12pm on weekends?

A14 The City has assessed the application based on proposed operational times.

Q15: Can Council advise what other restaurant in the City of Kalamunda has a capacity of 480 people? This seems very excessive for a restaurant – these numbers seem more aligned to a function center?

A15: The City is not aware of any restaurant that has the capacity for specifically, 480 persons per day.

Q16: Under the Advice Notes G) "The applicant is advised that if the proposed premises or part thereof will be available for hire then an application for a Certificate of Approval under the Health (Public Buildings) Regulations 1992 must be submitted to the City of Kalamunda and approved prior to use of the building." Again, is this application for a restaurant or should it be a function center if the applicant already has intention of hiring the premises out (and the City of Kalamunda is already aware of this)?

A16 The application is for a restaurant.

"restaurant/cafe" means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;

"reception centre" means premises used for hosted functions on formal or ceremonial occasions.

### Water Contamination

Q17 Who is going to take responsibility for possible water contamination given that the City of Kalamunda has not taken the advice of DWER who have advised that there should only be a maximum of 80 patrons?

## Questions of which previous written notice was provided.

---

- A17: The onus is on the landowner to ensure that all conditions and management plans are implemented for the duration of the development. The City audits compliance with conditions for high-risk applications to ensure ongoing compliance. The responsibility for any incident will need to be assessed based on the particulars of an incident.
- Q18: Who will be undertaking the regular water testing to check for contamination and where will the test water be taken from in Hacketts Gully?
- A18: Responsibility of the applicant, to the satisfaction of the City.
- Q19: Will the City of Kalamunda be undertaking its own water quality tests before approval is granted to provide a base-line of water quality?
- A19: The City has undertaken its own water monitoring for this area.
- Q20: Does approval of this development application set precedent for other such developments to be undertaken in the area in contravention of State Government regulations and recommendations? Or is this development, for some reason, to be given special status?
- A20: Each application will have to be assessed on its merits.

### Noise

- Q21: On the noise report – Page 58 – can you clarify what “Thick Glass Windows” means? Is there a noise rating on these windows?
- A21: Question for the applicant.
- Q22: As per the noise report the owner is going to be responsible for dealing with noise complaints – isn’t this like putting the fox in charge of the hen house?
- A22: The proponent handles noise complaints in the first instance, if the City receives complaints the approval/conditions don’t absolve the City of the responsibility for investigating and actioning complaints received.
- Q23: He has mentioned in the noise report on page 54 – some isolated variances may be expected from the above operating hours and conditions, although these would be limited to isolated occurrences on special events e.g. birthday celebrations. Is this statement forwarning that the applicant is going to disregard the rules whenever it suits – how is this going to be managed by the City of Kalamunda? This statement also makes it obvious that the applicant fully intends to hold functions at the venue – even though he is applying for approval for a restaurant.



Questions of which previous written notice was provided.

---

A23 Any complaints or incidents will need to be assessed and managed by the City.

Q24: Has the City of Kalamunda considered the consequences for the surrounding residents of 480 people leaving a restaurant between 12am – 1am? We would consider this to be unreasonable?

A24 Details are outlined in the report.