

Ordinary Council Meeting

Minutes for 22 May 2017

UNCONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

- 1.1 The Presiding Member opened the meeting at 6.31pm 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) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Sue Bilich		North Ward
Tracy Destree		North Ward
Michael Fernie		South East Ward
Geoff Stallard		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
Natalie Martin Goode	Director Development Services
Dennis Blair	Director Asset Services
Gary Ticehurst	Director Corporate & Community Services
Rajesh Malde	Manager Financial Services
Darrell Forrest	Manager Governance, Strategy & Legal Services
Andrew Fowler-Tutt	Manager Approval Services
Peter Varelis	Manager Strategic Planning
Carrie Parsons	Manager Customer & Public Relations
Donna McPherson	Executive Research Officer to Chief Executive Officer

Members of the Public 34

Members of the Press Nil

2.2 Apologies

Councillors

John Giardina	South East Ward
Dylan O'Connor	North West Ward

2.3 Leave of Absence Previously Approved

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 Council. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 Mr Hamish Thom presented a deputation to Council in respect to D&A Item 22 – Proposed Outbuilding, 7 Sunrise Heights, Maida Vale.

4.2 Hailey Osborne presented a deputation to Council in respect to item 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

4.3 Ms Kristen McPhail (Pachamama) and Mr Tom Hockley (Allerding & Associates) presented a deputation to Council in respect to item 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

4.4 Carli Imrie presented a deputation to Council in respect to item 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

4.5 Barry O'Brien presented a deputation to Council in respect to item 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

4.6 Andrew Herden presented a deputation to Council in respect to 10.1.4 item Retrospective Approval for Outbuilding/Shed at 310 Canning Road.

4.7 Garfield Woods presented a deputation to Council in respect to 10.1.4 item Retrospective Approval for Outbuilding/Shed at 310 Canning Road.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 RESOLVED OCM 70/2017

That the Minutes of the Ordinary Council Meeting held on 24 April 2017, are confirmed as a true and accurate record of the proceedings follow correction of OCM 60/2017:

Remove from 1(f) *"For the purposes of this condition, all signage shall be located wholly within the subject lot."*

Moved: **Cr Michael Fernie**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

*Reference Note – Resolution No. OCM 60/2017 relates to Item 10.2.3.
Retrospective Application for Nursery and Temporary Food Van – Lot 17
(105) Tanner Road, Carmel*

6.2 **RESOLVED OCM 71/2017**

That the Minutes of the Special Council Meeting held on 24 April 2017, are confirmed as a true and accurate record of the proceedings following correction to show the adjournment of the meeting was 11pm on Monday 24 April 2017.

Moved: **Cr Sue Bilich**

Seconded: **Cr Geoff Stallard**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Noreen Townsend
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Andrew Waddell	
	Cr Sara Lohmeyer	
	Cr Tracy Destree	
	Cr Sue Bilich	

CARRIED (8/1)

7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 **D & A 27. CONFIDENTIAL ITEM – Consideration of Tenders – Provision for Supply of Skid Steer and Truck (Wet Hire)**
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.”

8.2 **C & C 37. Altus Collaborative Development Consortium Project CONFIDENTIAL ATTACHMENTS 1 & 2** Provided under separate cover.
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.”

8.3 **10.3.3 Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie Attachment 6 (Confidential) - Lot 54 (59) Coolinga Road, Lesmurdie**

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

8.4 **10.3.5 CONFIDENTIAL ITEM – Consideration of Tenders – Insurance Broking and Risk Management Services RFT1706 Contract 0618/0606**

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.”

9.0 DISCLOSURE OF INTERESTS

9.1 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*.)

9.1.1 Cr Michael Fernie declared an indirect financial interest in Item 10.1.4 Retrospective Application for Outbuildings and Retaining – 310 Canning Road in Lesmurdie as the applicant is a friend.

9.1.2 Cr Michael Fernie declared an indirect financial interest in Item 10.1.10 Considerations of Tenders Supply of Skid Steer and Truck Services as he has employed one of the tenderers in his own business.

9.1.3 Cr Tracy Destree declared an indirect financial interest in Item 10.3.5 Consideration of Tenders Insurance Broking and Risk Management Services RFT 1706 Contract 0618/0606 as she was a direct manager of the director of the account submission from Marsh in 2011.

9.1.4 Cr Geoff Stallard declared an indirect financial interest in Item 10.3.4 Proposed change of use for Single House to Child care Premises – Lot 54 Coolinga Road in Lesmurdie as his grandson attends the child care centre and he drops him off four days a week.

9.2 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.

9.1.2 Nil.

10.0 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.

10.1 Development & Asset Services Committee Report

10.1.1 Adoption of Development & Asset Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 72/2017

That recommendations D&A 19 to D&A 28 inclusive, contained in the Development & Asset Services Committee Report of 1 May 2017, excluding withdrawn item D&A 21 and D&A 27, be adopted by Council en bloc.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.1.2 D&A 19 Cell 9 Wattle Grove Development Contribution Plan Review 1

EN BLOC RESOLUTION OCM 72/2017

That Council:

1. Adopts the proposed Development Contribution Plan Report (Attachment 3).
2. Adopts the new Contribution Rate of \$26,588 (GST free) per dwelling yield, effective immediately; and
3. Notes that affected landowners will be notified of the new Contribution Rate.

10.1.3 D&A 20 Retrospective Application for Storage of a Sea Container - Lot 143 (4) Kalamatta Way, Gooseberry Hill

EN BLOC RESOLUTION OCM 72/2017

That Council:

1. Refuse the retrospective planning application for storage of a sea container at Lot 143 (4) Kalamatta Way, Gooseberry Hill due to the following reason:
 - a) The proposed development is not compliant with Local Planning Policy DEV- 20 Outbuildings and Sea Containers, in respect to the sea containers appearance, location and overall impact on the amenity of the locality and streetscape.
 - b) The proposal is not in accordance with the principles of Orderly and Proper Planning.

Withdrawn – Officer Recommendation **LOST** at Committee and represented for Council consideration.

Cr Michael Fernie declared an indirect financial interest and left the meeting at 7.36pm and did not vote on this item. Cr Fernie returned to the meeting at 7.47pm

10.1.4 D&A 21 Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

RESOLVED OCM 73/2017

That Council:

1. Approves the retrospective planning application for an outbuilding (shed) and retaining walls at Lot 77 (310) Canning Road, Lesmurdie, subject to the following conditions:
 - a) Within 60 days of the date of this approval effective screening is to be installed and maintained on the outbuilding, to the satisfaction of the Shire of Kalamunda.
 - b) The design of the screening fence shall be as per Attachment 6, and include the following:
 - a. the fence shall be constructed of slats made from treated pine.
 - b. screws shall be used in place of nails.
 - c. the paint colour shall be Dulux 'Leroy'.
 - d. the right edge of the proposed fence, when viewed from the neighbours property, shall be extended to the edge of the applicants property.
 - e. the left edge of the proposed fence, when viewed from the neighbours property, shall be extended to

the outer edge of the retaining wall on the applicants property being the retaining wall.

- c) All stormwater is to be disposed of on-site to the satisfaction of the Shire of Kalamunda.
- d) The Outbuilding shall not be used for commercial, industrial, or habitable purposes.
- e) Within 90 days of the date of this approval a notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
"All screening between the existing outbuilding (shed) and the rear boundary is to be maintained to the satisfaction of the Shire of Kalamunda."

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote:	<u>For</u>	<u>Against</u>
	Cr Geoff Stallard	Cr Allan Morton
	Cr Brooke O'Donnell	Cr Sara Lohmeyer
	Cr Noreen Townsend	Cr Tracy Destree
	Cr Sue Bilich	Cr Andrew Waddell

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

LOST (4/5)

10.1.5 D&A 22 Proposed Outbuilding (Shed) – Lot 137 (7) Sunrise Heights, Maida Vale

EN BLOC RESOLUTION OCM 72/2017

That Council:

1. Approve the application for a 150m² outbuilding (shed) at Lot 137 (7) Sunrise Heights, Maida Vale, subject to the below conditions:
 - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 - b) Stormwater shall be disposed of on-site, to the satisfaction of the Shire of Kalamunda.
 - c) The outbuilding shall be constructed of similar and/or sympathetic colours to the existing building(s), to the satisfaction of the Shire of Kalamunda.

- d) The outbuilding shall not be used for commercial, industrial, or habitable purposes.
- e) Within 30 days of the erection of the outbuilding appropriate vegetative screening is to be installed. . The screening vegetation shall be a minimum pot size of 100L and comprise appropriate species suitable to screen the wall and ridge height of the outbuilding. All vegetation screening shall be maintained to the satisfaction of the Shire of Kalamunda.
- f) A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
"All screening between the outbuilding (shed) and the rear property boundary is to be maintained to the satisfaction of the Shire of Kalamunda as required by condition e) of the issued planning approval.

10.1.6 D&A 23 Proposed Local Development Plan – Lot 9000 Hawtin Road, Forrestfield

EN BLOC RESOLUTION OCM 72/2017

That Council:

1. Approves the Local Development Plan pursuant to Clause 52 (1)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following minor modifications:
 - a) The addition of the words "for the purpose of passive surveillance." To point 14 of attachment 3 (Proposed Local Development Plan); and
 - b) The addition of point 15 to attachment that states "No privacy provisions apply."

10.1.7 D&A 24 Approval of Amendment 86 to Local Planning Scheme No. 3 – Lot 73 (30) and Portion of Lot 200 (24) Edney Road, High Wycombe – Rezoning from Private Clubs and Institutions to Residential R25/R40

EN BLOC RESOLUTION OCM 72/2017

That Council:

1. Supports Amendment 86 to Local Planning Scheme No. 3 pursuant to Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* without modifications.

2. Pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* forwards to the Western Australian Planning Commission for their consideration:

- A schedule of submissions made on the Amendment; and
- Amendment 86 to Local Planning Scheme No. 3 Scheme documents.

10.1.8 D&A 25 Memorandum of Understanding (MOU) with the Department of Housing

EN BLOC RESOLUTION OCM 72/2017

That Council:

1. Endorse the Shire of Kalamunda entering into a Memorandum of Understanding with the Department of Housing as detailed in Attachment 1.
2. Requires major variations to the Memorandum of Understanding be referred to Council for consideration.

10.1.9 D&A 26 Pathways Asset Management Plan 2017

EN BLOC RESOLUTION OCM 72/2017

That Council:

1. Defer the approval of the Pathways Assets Management Plan 2017 to the Ordinary Council Meeting in May and refer this to the Disability and Carers Advisory Committee for comment.

Cr Michael Fernie declared an indirect financial interest and left the meeting at 7.36pm and did not vote on this item. Cr Fernie returned to the meeting at 7.47pm

10.1.10 D&A 27 CONFIDENTIAL ITEM – Consideration of Tenders – Provision for Supply of Skid Steer and Truck (Wet Hire) Services (RFT1702)

RESOLVED OCM 74/2017

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Kala Bob Kats P/L as the primary contractor for the Provision for Skid Steer and Truck (Wet Hire) Services (RFT1702) – Waste Services Sub Panel for a period of two years in accordance with the Price Schedule in Confidential

Attachment 2, with 2 x 12 month extensions at the sole discretion of the Principal, subject to the provision of their certificate of currency for Public Liability Insurance for a sum not less than \$20,000,000.

2. Accepts the recommendation of the Tender Evaluation Panel to appoint Kala Bob Kats P/L as the primary contractor for the Provision for Skid Steer and Truck (Wet Hire) Services (RFT1702) – Parks and Environment Sub-Panel for a period of two years in accordance with the Price Schedule in Confidential Attachment 2, with 2 x 12 month extensions at the sole discretion of the Principal, subject to the provision of their certificate of currency for Public Liability Insurance for a sum not less than \$20,000,000.
3. Accepts the recommendation of the Tender Evaluation Panel to appoint Hawley's Bobcat Services as the primary contractor for the Provision for Skid Steer and Truck (Wet Hire) Services (RFT1702) – Civil Infrastructure Sub-Panel for a period of two years in accordance with the Price Schedule in Confidential Attachment 2, with 2 x 12 month extensions at the sole discretion of the Principal, subject to the provision of their certificate of currency for Public Liability Insurance for a sum not less than \$20,000,000.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

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

10.1.11 D&A 28 CONFIDENTIAL ITEM – Shires Contaminates Sites Database

EN BLOC RESOLUTION OCM 72/2017

That Council:

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

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 75/2017

That the recommendations C&C 34 to C&C 43 inclusive, contained in the Corporate & Community Services Committee Report of 15 May 2017, except withdrawn item C&C 40 and C&C 41, be adopted by Council en bloc.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Tracy Destree
	Cr Goeff Stallard	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Noreen Townsend	
	Cr Andrew Waddell	
	Cr Sara Lohmeyer	
	Cr Sue Bilich	

CARRIED (8/1)

10.2.2 C&C 34 Rates Debtors Report for the Period Ended 30 April 2017

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. Receives the rates debtors report for the period ended 30 April 2017 (Attachment 1).

10.2.3 C&C 35 Debtors and Creditors Report for the Period Ended 30 April 2017

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. Receives the list of payments made from the Municipal Accounts in April 2017 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
2. Receives the list of payments made from the Trust Accounts in April 2017 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

3. Receives the outstanding debtors and creditors reports (Attachment 2 & 3) for the month of April 2017.

10.2.4 C&C 36 Draft Monthly Financial Statements for the Period Ended 30 April 2017

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. Receives the draft Monthly Statutory Financial Statements for the period to 30 April 2017, which comprises:
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.

10.2.5 C&C 37 Altus Collaborative Development Consortium Project

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. Endorses the proposal from ITVision for the Shire of Kalamunda to become involved with the Altus Collaborative Development Consortium Project as outlined in confidential Attachment 1.

10.2.6 C&C 38 Capital Grants - Clubs and Community Groups – Council Policy and Management Procedure

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. Notes the draft Capital Grants - Clubs and Community Groups Policy and associated Management Procedures.
2. Request the Chief Executive Officer to advertise the draft Policy for a period of 28 days for public comment and holds a focus group to communicate the details of the new Capital Grants Policy and Management Procedure to all clubs and groups interested in the Policy.
3. Amends Community Funding Policy (COMR 20) by deleting *item 3. Community Capital Small Grants Funding Program* and *item 4. Long Term Planning Grants Funding Program*.

10.2.7 C&C 39 Stirk Park Master Plan

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. Receives the draft Stirk Park Master Plan.
2. Advertises the attached draft Stirk Park Master Plan for a period of 80 days, with results then presented to Council, prior to final adoptions of the Plan.

10.2.8 C&C 40 Transition of High Wycombe Community & Recreation Centre to an Unstaffed Facility

RESOLVED OCM 76/2017

That Council:

1. Supports transitioning the High Wycombe Community and Recreation Centre to an unstaffed, bookings only facility, in addition to providing a 24/7 access service to the gymnasium.
2. Supports the inclusion of a \$102,000 allocation within the 2017/18 annual budget to provide a 24/7 access service to the gymnasium.
3. Supports the Chief Executive Officer establish hire agreements for permanent user groups and progress discussions with Perth Diabetes Care for use of the gym, crèche, court and kitchen rooms.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Sara Lohmeyer**

Vote:	<u>For</u> Cr Goeff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Noreen Townsend Cr Andrew Waddell Cr Sara Lohmeyer Cr Tracy Destree Cr Sue Bilich	<u>Against</u> Cr Michael Fernie
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CARRIED (8/1)

Withdrawn – Absolute Majority Required

10.2.9 C&C 41 Disability Access and Inclusion Plan 2017-2022

RESOLVED OCM 77/2017

That Council:

1. Endorses the Disability Access and Inclusion Plan 2017-2022 and requests the Chief Executive Officer to submit the final plan to the Disability Services Commission.

Moved: **Cr Tracy Destree**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)**

10.2.10 C&C 42 Review of the Shire of Kalamunda Events Program 2017/18 and Draft Event Sponsorship and Donations Policy

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. Endorse the draft Council Policy Sponsorship and Donations and associated Management Procedure as shown in Attachment 1 for public comment for a period of 28 days.
2. Endorse the 2017/2018 events program as outlined in Attachment 4.
3. Notes the non-recurrent community projects program and budget will be submitted in the 2017/2018 budget process for consideration by Council.

10.2.11 C&C 43 Corporate Business Plan Report – January-March 2017

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. Receives the Corporate Business Plan Report for January – March 2017.

10.3 CHIEF EXECUTIVE OFFICER REPORTS

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

10.3.1 Occupational Safety and Health – Council Policy Review

Previous Items	
Responsible Officer	Chief Executive Officer
Service Area	People Services
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Previous Occupational Safety and Health Shire Policy
Attachment 2	Proposed Update to Occupational Safety and Health Shire Policy

EXECUTIVE SUMMARY

1. An annual review of the Shire's Occupational Safety and Health Policy identified the need to ensure the policy complied with both the Australian Standard 4801 and the proposed International Standard (ISO) 45001.
2. Review of the Shire's Occupational Safety and Health Policy is a requirement of the Shire's Safety Management Plan and is in line with best practice protocol. The updated Policy has a consolidated list of compliance statements and now includes an Injury Management Statement and a hierarchy of controls in relation to risk mitigation. Further the Policy incorporates the requirements of the proposed ISO 45001, making it both nationally and internationally compliant.
3. This item was previously presented to the Ordinary Meeting in April and deferred pending further consideration of the Occupational Safety and Health Policy document. Information has now been included in the proposed Occupational Safety and Health Policy and is submitted for Council adoption.

BACKGROUND

4. The Shire periodically reviews, revokes and adds new policies to its Policy Register. Policies are used to ensure consistency and transparency in decision making as well as adding clarity to and intent to existing legislation.
5. As such, the Occupational Safety and Health Policy has been reviewed and updated for inclusion in the Policy Register.

DETAILS

6. The Shire is committed to protecting the wellbeing of employees and stakeholders through the effective prevention of occupational injury and illness, by incorporating a Safety Management System that promotes continuous improvement.

7. The Policy has been reviewed and updated to include requirements from the proposed International Standard 45001 ensuring the Shire's approach to Occupational Safety and Health remains current and moves from national to international best practice.
8. Review of the Shire's Occupational Safety and Health Policy is a requirement of the Shire's Safety Management Plan and is in line with best practice protocol. The updated Policy has a consolidated list of compliance statements and now includes an Injury Management Statement and a hierarchy of controls in relation to risk mitigation. Further the Policy incorporates the requirements of the proposed ISO 45001, making it both nationally and internationally compliant.

STATUTORY AND LEGAL CONSIDERATIONS

9. The relevant Acts are:
 - *Occupational Safety and Health Act 1984*
 - *Tobacco Products Control Act 2006 (WA)*
 - *Tobacco Products Control Regulations 2006*
 - *Health (Smoking in Enclosed Public Places) Regulations 1999 (WA)*
 - *AS/NZS 4801:2001*
 - *ISO 45001 (proposed)*

POLICY CONSIDERATIONS

10. N/A

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Reviewed and approved by the Shire of Kalamunda's Work Health and Safety Representatives Committee.

External Referrals

12. N/A

FINANCIAL CONSIDERATIONS

13. In committing to adopting the Occupational Safety & Health (OSH) policy, the financial impact for the Shire may be seen through the on-going training and dissemination of OSH information to staff. However, increasing staff awareness, ensuring tickets and licences are kept up to date; and providing an effective reporting, investigation and recording system works towards the reduction of serious workplace incidents, which would in turn reduce the financial implications of workers' compensation and related expenses.
14. Any additional cost will be captured during the Annual Budget process.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.9: To provide a risk minimised and safe working environment in every aspect of the Shire's business.

Strategy 6.9.2: Implement processes that ensure compliance with Occupational Safety and Health legislation.

SUSTAINABILITY

Social Implications

16. Provide a safe and secure environment for residents and visitors to the Shire of Kalamunda who may be impacted by the day to day business of the Shire, as far as reasonably practical.

Economic Implications

17. N/A

Environmental Implications

18. N/A

RISK MANAGEMENT CONSIDERATIONS

- 19.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|-------------|--------|---|
| Ineffective system of reporting, investigating and recording accidents / incidents | Likely | Medium | High | Regular review and update of systems based on current needs |
| Staff and stakeholders are not adequately educated on up to date methods and requirements for working safely and have knowledge of emergency plans | Rare | Medium | Low | All staff are given an OSH induction with general safety and role specific OSH information; including emergency exit plans, locations of first aid and specialised resuscitation equipment, the provision of protective equipment and clothing and regular information sessions on sun care, injury management etc. |

OFFICER COMMENT

20. Given the advancements in technology and the continually changing work patterns and environments, it is important to keep up to date with contemporary best practices both nationally and globally. The Shire's new Occupational Safety and Health Policy seeks to bridge the gap in requirements ensuring the Shire's compliance with both national and international standards.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Adopts the Occupational Safety and Health Policy (Attachment 2).

Moved:

Seconded:

Vote: **WITHDRAWN** prior to meeting.

Attachment 1

C-HR03 – Occupational Safety and Health

Purpose

The Shire of Kalamunda will maintain an effective Safety Management System that incorporates continuous improvement philosophy and provides as far as is reasonably practical for maintenance of occupational safety and health standards to protect the wellbeing of our staff, stakeholders and the environment.

Policy Statement

The Shire of Kalamunda will ensure all employees have safe workplace conditions, work instructions and safe systems of work that minimise the risk of injury or illness to our people (including full time and part time employees, contractors, labour hire, visitors, volunteers and other customers) and damage to our property and the environment.

The Safety Management System will continue to be integrated into the culture of our organisation and commitment will be demonstrated through effective leadership and consultation.

The Shire of Kalamunda is committed to:

- Ensuring that the organisations operations do not place the local community at risk of injury, illness or property damage.
- Take such steps as are reasonably practicable to provide and maintain a safe working environment.
- Maintaining and enhancing the wellbeing of our employees, contractors, community and environment, by:
 - Continuously improving our health and safety performance.
 - Respecting and complying with its legal obligations.
 - Seeking opportunities to share its successes.

The Shire of Kalamunda will:

- Comply with the Western Australian Occupational Safety and Health Act 1984, all relevant Regulations, Codes of Practice and Australian Standards.
- Ensure staff and stakeholders understand and comply with their obligations regarding relevant Occupational Safety and Health Legislation and Council's policies, procedures and safe systems of work.
- Provide a safe and secure environment for residents and visitors to the Shire of Kalamunda who may be impacted by the day to day business of the Shire of Kalamunda, as far as is reasonably practical.
- In consultation with staff and stakeholders, manage all safety related matters to reduce risks in the workplace.
- Control physical and procedural safety and environmental hazards through continuous hazard identification and control processes.
- Provide induction and ongoing training, information and instruction to staff and relevant stakeholders, regarding Occupational Safety and Health.
- Ensure that effective purchasing programs, contracts, tenders, leasing, hiring systems and assets comply with and are maintained in line with the Council's Policies and procedures and Australian Standards in relation to the Western Australian Occupational Safety and Health Act 1984.
- Provide an effective system of accident / incident reporting, investigation and recording.
- Ensure that staff and stakeholders are aware of the Emergency Response Plans and their responsibilities.
- Maintain sufficient qualified First Aid Officers and adequate First Aid Kits and ensure that all staff are familiar with their location throughout the organisation.
- Provide and maintain appropriate specialised Resuscitation equipment.
- Establish and maintain a safety management system modelled on Australian Standard 4801:2001.
- Protect workers from the harmful effects of the sun by using a combination of sun protection measures including protective clothing, hats, sunglasses, sunscreens, job rotation and utilising shade.
- Ensure that all Shire of Kalamunda indoor premises and motor vehicles will be smoke free at all times.

Staff and Stakeholders will

- Comply with the West Australian Occupational Safety and Health Act 1984, all relevant Regulations, Codes of Practices and Australian Standards.
- Report all workplace hazards and incidents to supervisors / manager.
- Work in accordance with the policies, procedures and safe systems of work of the Shire of Kalamunda.
- Work in a safe manner that will not endanger the safety and health of yourself, your colleagues the public or the environment.
- Consult and cooperate with supervisors and management on matters relating to workplace safety and health.

Attachment 2

C-HR03 – Occupational Safety and Health

Purpose

The Shire of Kalamunda values its employee's and community's health and safety and make all effort, as far as reasonable practicable, to protect them from injury or harm.

The Shire will maintain an effective Safety Management System and continuously improve its occupational safety and health standards and processes to protect the wellbeing and prevent of injury and illness to our employees and stakeholders.

Policy Statement

The Shire of Kalamunda will ensure all employees have access to safe work instructions and safe workplace conditions and systems of work that minimise the risk of injury or illness to our employees and stakeholders or damage to our assets and the environment, to as low as reasonable practicable.

The Safety Management System will continue to be integrated into the culture of our organisation and commitment will be demonstrated through effective leadership and consultation.

The Shire of Kalamunda is committed to:

- Ensuring that the organisations' operations do not place its employees, volunteers or the local community at risk of injury, illness or property damage.
- Take such steps to provide and maintain a safe working environment.
- Maintaining and enhancing the wellbeing of our employees and stakeholders by:
 - Continuously improving our health and safety performance.
 - Respecting and complying with its legal obligations.
 - Seeking opportunities to share its successes.

The Shire of Kalamunda employees will:

- Comply with the Western Australian *Occupational Safety and Health Act 1984*, all relevant Regulations, Codes of Practice and Australian Standards.
- Comply with their obligations regarding Council's and the Shire of Kalamunda's policies, procedures and safe systems of work.
- Ensure the Shire's management are aware of their obligations under the legislation regarding ensuring safe systems or work are maintained, adequate supervision, instruction and training is provided and demonstrating safe behaviours.
- Empower employees to 'stop the job' where they consider there is a risk of injury or harm.
- Implement safety risk assessment processes and tools to ensure risks are identified and managed to as low as reasonable practicable, including applying Job Safety Analysis for all new activities or changed work processes
- Provide a safe and secure facilities and environment for residents and visitors to the Shire of Kalamunda who may be impacted by the day to day business of the Shire of Kalamunda, as far as is reasonably practicable.
- Seek to engage contractors who can demonstrate an appropriate OSH management system capability and performance that, as a minimum, meets the Shire of Kalamunda OSH standards which will optimise safety management for people contracted by the Shire of Kalamunda, and the community.
- In consultation with staff and stakeholders, manage all safety related matters to reduce risks in the workplace and control to as low as reasonably practicable through effective risk assessment and applying the "hierarchy of controls (HoC)" principles.
- Control all safety, health and environmental hazards through continuous hazard identification and effective hazard management.
- Provide induction and ongoing training, information and instruction to management and employees and relevant stakeholders, regarding Occupational Safety and Health hazards, risks and control requirements.
- Ensure that effective purchasing programs, contracts, tenders, leasing, hiring systems and assets comply with and are maintained in line with the Council's Policies and procedures and Australian Standards in relation to the Western Australian *Occupational Safety and Health Act 1984*.
- Provide an effective system of accident / incident reporting, investigation and recording.
- Ensure that staff and stakeholders are aware of the Emergency Response Plans and their responsibilities.
- Maintain sufficient qualified First Aid Officers and adequate First Aid Kits, including specialised resuscitation equipment and ensure that all staff are familiar with their location throughout the organisation.
- Establish and maintain a safety management system modelled.
- Provide effective personal protective equipment where it is required to the reduce the risk of exposure, and ensure PPE is appropriately stored and maintained

- Ensure that all Shire of Kalamunda indoor premises, motor vehicles and social functions are smoke free at all times, and provided designated smoking areas to minimise exposure to effects of passive smoke.
- Provide a systematic approach to injury management and rehabilitation throughout the Shire immediately following work related illness or injury.
- Ensure Health and Safety Representatives are elected, trained and consulted in accordance with the Act
- Establish and manage a consultative Safety and Health Committee to monitor and set objectives and targets to continuously improve the Shires OSH performance

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

10.3.2 Conference Attendance – Transit Oriented Development Australia 2017

Previous Items	C&C12/2017 / OCM17/2017
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Transit Oriented Development Australia 2017 – Conference Flyer
Attachment 2	Collated Presentations
Attachment 3	Officer Presentation

EXECUTIVE SUMMARY

1. Councillor Dylan O'Connor and Manager Strategic Planning of the Shire of Kalamunda (the Shire) attended the Transit Oriented Development Australia 2017 held in Sydney, Australia.
2. The purpose of this report is to present the outcomes of the conference.

BACKGROUND

3. At the Ordinary Meeting of Council on 27 February 2017, Council approved the attendance of Councillor Dylan O'Connor and Manager Strategic Planning of the Shire to attend the Transit Oriented Development Australia 2017 held in Sydney, Australia and requested Councillor Dylan O'Connor and Manager Strategic Planning provide a report on the outcomes of the conference.

DETAILS

4. The Transit Oriented Development Australia 2017 conference was held in Sydney, Australia from 15 March – 16 March 2017 and included 15 presentations and 1 panel discussion over the 2 days.
5. The Transit Oriented Development (TOD) Australia event acts as a strategic think-tank, idea exploration, discussion and network platform with the objective of helping to shape Australian TODs in creating sustainable modern cities that promotes a walkable urban neighbourhood with convenient access to mass transit.
6. The conference consisted of a combination of key note speakers and a panel session on the final day. Councillor Dylan O'Connor and Manager Strategic Planning also undertook site visits to TODs around the Sydney metropolitan area on 17 March 2017. The TODs visited were Chatswood and Zetland.

7. Some international and interstate key note speakers included:
- Peter Newman; Curtin University, WA
 - Greg Vann; Buckley Vann Planning + Development, QLD
 - Toby Lodge; HASSEL, QLD
 - Steve Yiu, MTR Corporation, HKG
 - Jason Hutchings; ATKINS, HKG

STATUTORY AND LEGAL CONSIDERATIONS

8. Nil

POLICY CONSIDERATIONS

9. Conference Attendance and Professional Development for Elected Members (Adopted August 2013).

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

10. Nil.

External Referrals

11. Nil.

FINANCIAL CONSIDERATIONS

12. All conference, travel costs and accommodation arrangements were paid for by the Shire of Kalamunda. An allocation for conference attendance is included in the 2016/2017 Budget as adopted by Council.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

Strategy 4.1.3	Implement and review structure plans to consolidate Shire services in key activity centres in Forrestfield and Kalamunda
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SUSTAINABILITY

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil

OFFICER COMMENT

17. While a wide range of topics were covered in the conference, the main themes that were the most relevant to the Shire of Kalamunda and in particular Forrestfield North included:
18. Global Trends in TODs and WA:
- Car use is on the decline globally and in particular developed countries. With car use peaking in 2005 and is currently at the same levels as was in 1994.
 - Cities are densifying for economic reasons (affordability, knowledge based economy).
 - There is also a significant change in millennials who want to be closer to cities and where areas are vibrant and have a variety of activities on offer.
 - 5 state elections have extended the rail network in Perth by over 100km.
19. Design Considerations:
- Be persistent with good planning philosophy and insist on high design outcomes in TODs. This is relevant for the Shire with regard to the Park and Ride area in Forrestfield North.
 - TODs take time to develop, they do not come overnight and do not accept mediocre outcomes for the sake of “something” developing.
 - Land assembly is a major constraint to TODs located in the “middle ring”. There is no easy solution and ensuring enabling infrastructure such as sewer is provided can assist with these constraints.
20. Hong Kong TODs
- Integrated rail and property development. Highly complex projects with property development driving majority of the projects.
 - TODs account for 13 million m² of floor space in Hong Kong.
 - Property is used to finance the funding gap in rail projects.
 - The project philosophy in developing TODs is typified by the entrepreneurial spirit businesses are well known for in Hong Kong.
21. Take home messages:
- i) Do not accept the park and ride facility in its currently location.
 - ii) Do whatever is required politically to ensure it is not constructed adjacent to the station.
 - iii) If the parking is constructed it may never actually be developed as a TOD.

-
22. Planning is key:
- i) The Shire of Kalamunda is a leader in this regard, NSW Department of Planning took the lead on all planning for TODs on the North West Rail Link.
 - ii) Plan for the TOD and station first with construction to follow. We have an opportunity to secure this through future stations in Wattle Grove as part of future Metronet.
 - iii) Comprehensive land use plan is required before detailed rail design.
 - iv) Ensure community buy into the process and sell a vision (component of the regions broader Aerotropolis).
23. PowerPoint presentations from the conference are included in Attachment 2.
24. A copy of the PowerPoint presented to Senior Management Group by Manager Strategic Planning is in Attachment 3.

Voting Requirements: Simple Majority

RESOLVED OCM 78/2017

That Council:

1. Note the report and attachments that outline the conference outcomes.

Moved: **Cr Michael Fernie**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Attachment 1 - 10.3.2 Conference Attendance – Transit Oriented Development Australia 2017

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

Attachment 2 - 10.3.2 Conference Attendance – Transit Oriented Development Australia 2017

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

Attachment 3 - 10.3.2 Conference Attendance – Transit Oriented Development Australia 2017

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

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

10.3.3 Pathways Asset Management Plan 2017

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

EXECUTIVE SUMMARY

1. To consider endorsement of the Shire of Kalamunda Pathways Asset Management Plan 2017 (PAMP) and set the objective of maintaining the average condition of pathways at 2.54.
2. This PAMP is the first update of the set of plans prepared in 2013 and identifies 371km of paths with a value in the order of \$40.65 million.
3. This report recommends an average funding increase of \$83,100 per year for path renewals. This will maintain the pathway network condition at existing service levels, being an average of 2.54. The average annual renewal (capital) budget will increase from \$332,500 to \$415,600.
4. The asset management plans collate and inform many aspects of Shire operations. In particular, the plans provide input to the Long Term Financial Plan, and meet statutory obligations for the Integrated Planning and Reporting Framework and Guidelines.
5. The Council is requested to endorse the PAMP, and sets the objective of maintaining the average condition of pathways at 2.54, with an estimated annual increase in pathway renewal funding of \$83,100. Council is requested to note that a specific community engagement process on pathways “level of service” is planned for 2017/2018.
6. The Development and Asset Services Committee considered a report on this matter at its meeting on 1 May 2017 and resolved to defer approval of the PAMP to the Ordinary Council Meeting on 22 May and refer this to the Disability and Carers Advisory Committee for comment. The feedback is detailed in this report under *External Referrals*.

BACKGROUND

7. The Shire produced its first asset management plan for pathways in 2013. Subsequently in 2016 the Asset Management Council Policy was revised, and a number of internal processes improved to produce the current PAMP.

DETAILS

8. The PAMP covers the following subjects:
- Current Status of Assets
 - Levels of Service
 - Life Cycle Management
 - Risk Management
 - Future Demand
 - Financial Summary
 - Improvements, Monitoring and Review
9. The current status of assets identifies the 371 km of paths, their material type, age and widths. Widths are presented to identify those that are not considered to meet the current standard, being 1.8 metres to enable two people in wheelchairs to pass, with 220 km of the Shire's paths being less than 1.8 metres in width. The PAMP does not seek to upgrade these paths, with the exception of those with a condition rating of Poor or Very Poor. Those paths will be upgraded as they are scheduled for replacement.
10. As most paths are concrete, they are durable and generally have a life in excess of 50 years. Only 24 km of paths are currently in Poor and Very Poor condition, all of which are listed in the 10-year program to renew.
11. The average condition of the Shire's pathway network has been evaluated as 2.54. The condition scale is 1 (New) to 5 (Very Poor). This average condition of 2.54 is a measure that the Shire has used to represent the current level of service provided by the pathways assets.
12. Levels of service should be set based on community consultation. To date this process has not been undertaken specifically for pathways. Instead, the Community Satisfaction Survey of 2016 has been used to guide the objectives of the PAMP as presented. This identifies that 63% of the comments has provided a positive performance rating for pathways (excellent + good + okay). It is therefore important not to let the current standard decrease.
13. The section on future demand addresses the growth in population and associated path networks. Approximately 46 km of pathways are expected from Shire works and developers over the next 20 years. As these will be mostly concrete and long life assets there will only be a growing need for maintenance support (sweeping and minor repairs).
14. This report recommends an average funding increase of \$83,100 per year for path renewals, with this maintaining conditions at existing service levels, that is; an average of 2.54. The average annual renewal (capital) budget will increase from \$332,500 to \$415,600.

15. The PAMP and the associated practices will be improved, with the following objectives:
- Undertake community consultation to determine desired levels of service 2017/2018
 - Develop Kalamunda Bike Plan 2017/2018
 - Develop a pathway maintenance plan 2018/2019
 - Analyse Shire's pathway network needs and prepare forward works program 2018/2019

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. The PAMP was reviewed and endorsed by the Asset Management Steering Group.

External Referrals

19. Asset Management Plans are informed by a "levels of service" process which is the result of a community consultation process. The only consultation undertaken to provide direction to the PAMP was through the 2016 Community Satisfaction Survey. It is proposed that a more pathways specific community consultation be undertaken in 2017/2018.
20. The draft PAMP was considered by the Disability and Carers Advisory Committee at its meeting on 8 May 2017. Some items raised by the Committee have been addressed in the PAMP, while others will be resolved by operational processes. The Committee requested that:
- The risk arising from trip hazards should include gumnuts and stones,
 - Increasing populations and increasing use of gophers and other mobility aids be considered when planning new paths,
 - New and renewal paths should be designed to consider accessibility, and constructed through driveways (which will be addressed by updating the Shire's standard engineering drawings),
 - The crossing hazards for the sight impaired along Canning Road be assessed,
 - Accessibility be included in parking area design,

- Footpaths be kept clear for pedestrians by enforcing no parking and informing residents on appropriate bin placement, and
- Awareness is raised of the means for the public to report footpath problems.

FINANCIAL CONSIDERATIONS

21. The Shire currently forecasts to expend an average of \$332,500 capital per year on path renewals.
22. Modelling of different target path conditions has identified that the Shire has the options of either increasing average path condition, maintaining, or declining the average path condition. Modelling suggests that maintaining the current level of path renewal funding would result in a decline in average condition from 2.54 to 2.74, resulting in 60.8km of paths being in Poor or Very Poor condition over the next ten years.
23. Increasing renewal funding by an average of \$83,100 per year will enable the Shire to maintain the average condition at 2.54, noting that this results in 6.3km of paths being in Poor or Very Poor condition over the next ten years.
24. Increasing renewal funding further has also been analysed, with the following two options for improvement included in the modelling:
 - (i) Annual increase of \$127,900 – 0.8km of paths remaining Poor or Very Poor
 - (ii) Annual increase of \$187,200 – 0.0km of paths remaining Poor or Very Poor
25. Key Financial Ratios

Table 10, page 21 of the PAMP presents the Shire's key financial ratios.

The Asset Consumption Ratio should be 0.50 or greater, with this ratio indicating that assets are half depreciated (that is, half consumed). The Shire has recorded a ratio of 0.32, due in the main to the depreciation method currently used to represent the value of assets along with the relative age of the assets. The depreciation method is currently under review.

The Asset Sustainability Ratio should be 0.90 or greater, with this ratio using the value of funding identified over the next ten (10) years, divided by depreciation. The majority of the Shire's paths assets do not require renewing in the next ten (10) years, so the funding need is low as reflected by the low ratio of 0.40.

The Asset Renewal Funding ratio should fall between 0.75 and 0.95, with the Shire's ratio being 0.80 indicating that funding needs have been adequately identified in the Long Term Financial Plan.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 2.3 – To encourage and facilitate healthy lifestyles through regular participation in recreational and leisure oriented activities.

Strategy 2.3.3 Plan for the improvement and expansion of the existing shared pathways network to ensure a high quality and consistent network is provided for walking, cycling and recreational hiking.

OBJECTIVE 4.6 – To ensure the optimal management of assets delivers continuity of services to the community.

Strategy 4.6.2 Develop financially sustainable funding models to ensure the Shire can adequately fund its asset plans.

OBJECTIVE 5.5 – To be courageous and tenacious in the pursuit of benefits from the State and Federal Governments through effective advocacy.

Strategy 5.5.1 Continue to advocate to all levels of government for the delivery of appropriate public transport options including cycling and walkways for the Shire and the region.

SUSTAINABILITY

Social Implications

27. Maintaining the standard of pathways will continue to support a range of healthy activities and community interaction.

Economic Implications

28. There are no grant funding sources for the renewal of pathways and any increase in funding will need to be provided through municipal funding.

Environmental Implications

29. Maintaining the standard of pathways will continue to support pedestrian and cycling activities, thus reducing the impact to the environment caused by vehicles.

RISK MANAGEMENT CONSIDERATIONS

30.	Risk	Likelihood	Consequence	Rating	Action / Strategy
	That pathways asset management planning as an activity does not produce the desired outcomes, in particular failing to identify renewal funding and ensure levels of service are provided.	Unlikely	Significant	Medium	Ensure asset management activities continue in line with national practice. Continue to improve practices, seek funding for renewals and engaging with the community on levels of service.

31. The PAMP provides a more detailed analysis of risks associated with pathway hazards, and these are available on page 15 of the plan.

OFFICER COMMENT

32. The PAMP is in a format that meets current practice across Australia and New Zealand. The scenario modelling that identified the average condition rating and funding requirements, is considered an 'Intermediate' level practice.
33. As the 2016 Customer Satisfaction Survey indicates a Positive Performance of 63%, it is recommended that the average condition of the pathway network be maintained at 2.54, with the additional annual funding required to maintain this condition level estimated at \$83,100.
34. Through the scenario modelling process, the PAMP provides 10-year funding options for Council to consider and assists in the development of appropriate pathway renewal programs.

Voting Requirements: Simple Majority

RESOLVED OCM 79/2017

That Council:

1. Endorses the Pathways Asset Management Plan 2017 and sets the objective of maintaining the average condition of pathways at 2.54, with an estimated annual increase in pathway renewal funding of \$83,100.
2. Notes that a specific community engagement process on pathways "level of service" is planned for 2017/2018.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Attachment 1 - 10.3.3 Pathways Asset Management Plan 2017

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

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

Cr Geoff Stallard declared an indirect financial interest in Item 10.3.4 Proposed change of use for Single House to Child care Premises – Lot 54 Coolinga Road in Lesmurdie as his grandson attends the child care centre and he drops him off four days a week. Cr Stallard left the meeting at 7.20pm and returned at 8.10pm and did not vote on this matter.

10.3.4. Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

Previous Items	D&A 09 2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CL-14/059 & DA16/0568
Applicant	Pachamama Pty Ltd
Owner	L & K West
Attachment 1	Development Plans
Attachment 2	Applicant's Development Application Report
Attachment 3	Applicant's Traffic Impact Statement
Attachment 4	Applicant's Bushfire Management Plan
Attachment 5	Submission Table
Attachment 6	Confidential Consultation Plan <u>Reason for Confidentiality Local Government Act 1995</u> <u>S5.23 (2) (b) – "the personal affairs of any person"</u> Provided under separate cover
Attachment 7	Site Photographs – Driveway Gradient
Attachment 8	Applicant's Additional information – Driveway Concept and Response to Deputations
Attachment 9	Asset Services Traffic and Access Analysis
Attachment 10	Applicant's Additional Bushfire Planning Information/Justification
Attachment 11	Applicant's Acoustic Report
Attachment 12	Applicant's Response to the Recommended Reasons for Refusal
Attachment 13	Applicants Engineering Drawings for Proposed Access and Parking Areas

EXECUTIVE SUMMARY

1. At the Development and Asset Services Committee Meeting held on 7 March 2017, it was recommended by the Committee that the subject application be deferred until further information can be provided, namely in respect to traffic and access implications of the proposal. The applicant has lodged several additional pieces of information with a view of addressing traffic, bushfire protection, noise, and the original recommended reasons for refusal. This information is detailed below under 'Application History'.
2. The proposal incorporates the use of the subject site as a child care premises, with a maximum of 38 children and five (5) staff members per day.

3. During advertising, the Shire received 27 submissions, comprising 12 objections, 13 non-objections and two (2) comments on the proposal. Refer to the submission table in (Attachment 5).
4. It is relevant to consider that the applicant also operates two (2) existing child care facilities in the immediate area, one at Lot 19 (36) Marri Crescent and the other at Lot 55 (61) Coolinga Road, Lesmurdie. Consideration has been given to the appropriateness of the scale of child care facilities in the area, and the location of the proposal on Coolinga Road, which is an established residential area.
5. Given concerns in regard to location and amenity impacts of the child care premises from affected residents, it is recommended that the application be refused.

BACKGROUND

6. Land Details:

Land Area:	2,021.8m ²
Local Planning Scheme No. 3 Zone:	Residential R5
Metropolitan Region Scheme Zone:	Urban

7. The site has a 54 metre frontage to Coolinga Road located between the intersections of Bowtell Road and Gladys Road, and currently contains a single house, carport and scattered vegetation. Access to the site is via two single crossovers.
8. The site adjoins an existing child care centre to the north-west (also operated by the applicant), however the area is predominantly characterised by single houses on 2,000m² lots. A 3 metre wide pedestrian access way (connecting with Mick Conti Park) adjoins the south-east boundary of the site.

9. Locality Plan



10. **Site History**

The Shire's records indicate that the site has been used as a single house for over 50 years.

11. **Application History**

At the Development and Asset Services Committee Meeting held on 7 March 2017, it was recommended by the Committee that the subject application be deferred until further information can be provided. Since this meeting, the following additional information was received:

On 24 March 2017, the applicant's planning consultant submitted additional information to address some of the issues raised in the deputations that were given at the Development and Asset Services Committee on 7 March 2017 (Attachment 8).

On 29 March 2017, the applicant's planning consultant submitted a preliminary concept plan for the driveway to the site to demonstrate that, in the opinion of the applicant, there is a viable design opportunity for achieving compliant driveway gradient to the subject site in accordance with Australian Standards.

On 3 April 2017, the Shire's Asset Services provided analysis on the access to the site and the intersections of Gladys Road and Marri Crescent and Coolinga Road. This analysis came to the following key conclusions:

- It is considered that compliance with the Australian Standards may be achieved for the driveway access through detailed survey and design, with associated civil works.
- 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
- 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.

Full advice is provided in (Attachment 9).

On 19 April 2017, the Shire received a written submission from the Kalamunda Rate Payers Association objecting to the proposal on the grounds that it will affect the amenity of the residential area, and that the location of the facility is not considered appropriate having regard to the Western Australian Planning Commission's Bulletin 72/2009. It is noted that this information was received outside of the original advertising period, however the submission table has been updated to reflect the additional submission.

On 24 April 2017, the applicant submitted a response to the Department of Fire and Emergency Services' (DFES) request for additional information and amendments to the Bushfire Management Plan. The Shire is yet to receive confirmation from DFES that the information provided by the applicant addresses their initial concerns/queries. This additional information is provided in (Attachment 10).

On 2 May 2017, the applicant's planning consultant lodged an acoustic assessment prepared by ND Consulting Engineers. Notwithstanding the limitations of applying the Environmental Health (Noise) Regulations to the operation of the site in respect to children talking and laughing, the acoustic assessment does provide management measures in regard to other aspects of the sites operation such as noise emanating from the use of the children's toys as described below:):

- Limiting the operating hours to between 6:30am and 6:30pm, Monday to Friday, excluding public holidays.
- Children not being permitted outdoors prior to 7am.
- Limiting outdoor play to 15 children at any given time.
- 2.1m high solid fencing / noise barriers along the south-east and south-west boundaries.
- Treatments to play areas.
- Managing noise from parents/guardians dropping off children, and from windows, doors and external music within the site.
- Managing mechanical services (air conditioning and exhaust systems) from the building.

The full acoustic report is provided in (Attachment 11).

On 4 May 2017. The Shire's Environmental Health Services provided comment on the applicant's Acoustic Assessment, and whilst there were no in principle objections to the plan, additional measures would be required in the event that Council supported the application, as follows:

- Further limit times and activities of the child care premises.
- A letterbox drop to all impacts residences, containing complaints phone number to address noise issues.
- Ensure all neighbouring property owners are advised of construction practices.
- Failure to comply with the noise management plan will void any protection it provides under Regulation 13 of the Environmental Protection (Noise) Regulations 1997. In these instances the noise will be assessed against the requirements of regulation 7 and 8 of the Regulation 13 of the Environmental Protection (Noise) Regulations 1997. However, it should be noting any vocalisation from children such as talking, laughing or crying is not a nuisance under the Environmental Protection (Noise) Regulations 1997 and should be excluded from any noise calculations when assessing compliance.
- Any approval does not limit other measures being required in the event that noise becomes an issues during construction activities.

On 9 May 2017, the applicant provided direct responses to the reasons for the recommended reasons for refusal. This has been included in Attachment 12.

On 5 May 2017, the applicant's planning consultant lodged engineering drawings in relation to the driveway and parking area for the proposed child care premises (Attachment 13).

DETAILS

12. The proposal incorporates the use of the subject site as a child care premises, incorporating the following key elements:
- A maximum of 38 children comprising 30 children between the ages of 7-12 years old and 8 babies up to 18 months old.
 - Operating days/hours between Monday and Friday, 6:30am to 6:30pm, during school terms only (40 weeks of the year). The caring of up to eight (8) babies (nursery) will occur between the hours of 6:30am and 6:30pm, and after school care for up to 30 children between 3:30pm and 6:30pm (with most children being collected by 5:30pm).
 - The site will have a maximum of five (5) staff members at any one time (while operating at full capacity).
 - 11 parking bays to the front of the subject site.
 - The existing building and approximately 770m² of outdoor area to the rear of the site is proposed to be used for the child care centre.

13. In terms of the background of the child care service model proposed, the applicant has provided the following additional information:

"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.

Pachamama is a significant employer in the Kalamunda Shire, 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 Shire of Kalamunda. When at full capacity, this proposal to expand our services will provide further employment opportunities for an additional 8-10 employees resulting in an additional \$300,000 wage opportunities to the local community.

Additionally Pachamama sources most of its food, fuel and trade service requirements from local suppliers supporting the economy by contributing around \$150,000.

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, Mazonod College, St Brigid's, Falls Road Primary, Kalamunda Primary, Pickering Brook Primary School, Lesmurdie Primary, Kalamunda Christian and Lesmurdie Senior High School)."

14. While the application solely relates to a self-contained child care premises on the subject site, it is noted that the applicant operates existing child care premises at the adjoining site at 61 Coolinga Road, and at 36 Marri Crescent, Lesmurdie. Details of these uses are as follows:
- **36 Marri Crescent, Lesmurdie** – Development approval initially granted for a child care centre in December 1987. 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. In June 2003, additions were approved to the child care centre, increasing the maximum number of children from 20 to 30. In July 2003, the Shire 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. The applicant subsequently lodged an application for review/appeal Town Planning Appeal Tribunal (now known as the State Administrative Tribunal) in respect to the condition limiting the number of children to 40. In December 2003, the Tribunal ordered that the appeal be upheld and limited the number of children under care to 47.
 - **61 Coolinga Road, Lesmurdie** – Development approval was granted on 5 December 2013 for 'After School Care'. This approval allows after school care for a maximum of 10 children, on weekdays between 3:30pm and 6:00pm.
15. The applicant has provided a Transport Impact Statement and a Bushfire Management and Evacuation Plan in support of the proposed child care premises. Further discussion regarding these documents is provided in the later sections of this report.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development Act 2005

16. 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 Shire decides to not approve the development application, or impose conditions which are unacceptable to the applicant.

Local Planning Scheme No. 3

17. 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.

18. 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."

19. Under the Zoning Table (Table 1) of the Scheme, the use 'Child Care Premises' is an 'A' use in the Residential zone, meaning that prior to determining the proposal, it is required to be advertised in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

20. The Scheme car parking requirements for the proposal are as follows:

	Scheme Requirement	Proposed
Child Care Premises	1 bay per staff member, plus 1 bay for every 10 children. 38 children: 4 car bays Five (5) staff: 5 car bays Total: 9 car bays	11 car bays - complies

Planning and Development (Local Planning Schemes) Regulations 2015

21. 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, manoeuvring 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.

- Whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved.
- The history of the site where the development is to be located.
- The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.
- Any submissions received on the application.

POLICY CONSIDERATIONS

22. The Shire is increasingly receiving enquiries and applications for child care centres in residential areas. Given that there is limited guidance on the appropriateness of the siting, design, scale and operational conditions of a child care centre, and that child care centres can unduly impact on the amenity of a residential area, a Local Planning Policy is currently being developed at the officer level. This draft policy will be brought to Council shortly for consideration with a view of initiating public advertising.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

23. 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.
24. 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."
25. 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 maintenance of trees. Based on this recommendation, the applicant's Bushfire Consultant assesses the bushfire attack level (BAL) as BAL-29.
26. Under the provisions of SPP 3.7, a vulnerable use should not be supported unless the BMEP is jointly endorsed by both the Shire and the Department of Fire and Emergency Services (DFES). Comments from DFES are summarised below.

COMMUNITY ENGAGEMENT REQUIREMENTS

27. In accordance with clause 64 of the Regulations, and Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals, the amendment was advertised using the following methods:
- a) Letters to property owners within 100m of the subject site;
 - b) A sign located on site; and
 - f) Copies of the application being made available at the Shire's Administration Offices.

28. During advertising, the Shire received 27 submissions, comprising 12 objections, 13 non-objections and two (2) comments on the proposal. Refer to the submission table in (Attachment 5). It should be noted that the majority of non-objections were received from persons located outside the area directly affected by the proposed child care centre premises.

Internal Referrals

29. **Assets Services**

The initial comments provided by the Assets Services during the course of the assessment of the application were as follows:

- The proposed car parking area needs to be accessed via reasonably steep existing crossovers.
- There is a 'U' shaped internal driveway leading onto the two (2) crossovers at both ends.
- Drastic differences in contours within the lot.
- The current gradient of the driveway is approximately 25% (1:4). In this regard, the proposal does not meet the Australian Standard in respect to the driveway gradient which requires a maximum driveway grade of 16% (1 in 6). Driveways steeper than this will be required to be constructed with a sealed pavement suitable for the traction of an average two wheel drive to traverse the driveway in wet weather (refer to Attachment 6).
- Preference would be that the access for the parents parking bays is off Gladys Road due to the topography of the area.

30. On 3 April 2017, the Shire's Asset Services provided analysis on the access to the site, having regard to the additional information submitted by the applicant on 29 March 2017, and the intersections of Gladys Road and Marri Crescent and Coolinga Road. This analysis came to the following key conclusions:

- It is considered that compliance with the Australian Standards may be achieved for the driveway access through detailed survey and design, with associated civil works.
- 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
- 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.

Full advice is provided in (Attachment 9).

31. In relation to the engineering drawings for the driveway and parking areas at the subject site, lodged by the applicant on 5 May 2017, the Shire's Asset Services provided the following comments:

- The crossover and design is acceptable.
- The car parking design is acceptable provided the areas is sealed and line marked to the satisfaction of the Shire.
- Pedestrian access from the car parking area to the child care centre is to be provided to the satisfaction of the Shire.
- Controls to put in place to prevent pedestrian movement from the adjoining child care centre to the subject site.

- Building permits to be submitted for the proposed retaining walls.

32. **Environmental Health Services**

The initial comments provided by the Environmental Health Services during the course of the assessment of the application were as follows:

- The applicant proposes to use the approved kitchen on the adjoining lot for food preparation, consequently there is no requirement to upgrade the existing kitchen on the premises. .
- Based on the wastewater loading proposed and the staggering of the times the children are being cared for, there is no requirement to upgrade the existing effluent disposal system.
- The applicant is required to submit an *Application for Registration of a Food Business*.

33. **Building Services**

- The subject building is required to be upgraded to comply with the Building Code of Australia for a Class 9B 'early childhood building'.
- Access is required to comply with AS1428.1
- A certified Building Application is required.

34. **Environment**

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

External Referrals

35. **Department of Fire and Emergency Services**

- In line with the intent and objectives of SPP 3.7 'vulnerable land uses' require special consideration when located in bushfire prone areas. Achieving the least possible risk from bushfire is critical for all sites, but it is even more important for vulnerable land uses where people are less able to respond in a bushfire emergency. The BMP has not demonstrated that the building is located in BAL-29 or below. The BMP also does not state whether the intention is to increase the building standard of the existing building to comply with the relevant construction standards as per Australian Standard 3959.
- The submitted BMP has not demonstrated that the bushfire protection criteria can be achieved for Elements 1 and 2. Further information is required as per the following:
 - The BAL Contour Map should apply the appropriate methodology as set out in the Guidelines (Appendix 2, page 53-54). The BAL Contour Map supplied is unclear and the BAL ratings cannot be validated.
 - The impact of the forested area along Welshpool Road to the south should be shown in the BAL Contour Map. Table 3 (page 21) should be accompanied by a transect showing the measurement points for hazard separation.

- Photos 6 and 8 do not support the exclusion of this area as low threat. The tree crowns appear to connect with the forested area to the south.
- The separation distance from the dwelling to the forested area to the south is measured as 23 metres in the BMP. DFES require evidence to support this particularly as the forested area appears to be continuous as it connects to other large tree crowns.
- There is a strip of vegetation between lots 55 and 59 which is outside the boundaries of both these lots. This area has been excluded as low threat but it is unclear who manages this land.
- The location of this vulnerable land use represents an extreme bushfire risk. DFES advises to seek a revised BMP for the proposed development application in line with the above to demonstrate how the bushfire risk can be managed.

36. In the event that Council resolves to support the subject application, a revised BMP addressing the above matters should first be provided and endorsed by DFES.

FINANCIAL CONSIDERATIONS

37. In the event that 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.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

38. *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

39. Consideration should be given to the impact that the proposal may have on the amenity within what is an existing residential area. Several submissions raise concerns in regard to the proposal commercialising an existing residential lot and the associated impacts on the amenity of the residential area.
40. 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.

Economic Implications

41. The proposal would provide additional local employment opportunities, and the child care services offered would facilitate working opportunities to parents and carers.

Environmental Implications

42. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.
43. The proposal does not incorporate the excessive or unnecessary removal of vegetation.

RISK MANAGEMENT CONSIDERATIONS

44.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The location and nature of the proposed development will result in undue impacts on the amenity of the area	Likely	Significant	High	The officer's recommendation is to refuse this application. In the event that Council resolves to approve the application, conditions should be included which address potential amenity and traffic impacts.

OFFICER COMMENT

45. It is noted that, since the Development and Asset Services Committee considered this proposal on 7 March 2017, the applicant has submitted substantial and comprehensive additional information in support of the proposal, including the following:
- Preliminary driveway and access concept, and traffic and access analysis;
 - Written responses to deputations;
 - Additional bushfire planning information/justification;
 - Acoustic report;
 - Written responses to the recommended reasons for refusal; and
 - Engineering drawings for proposed access and parking areas.
46. While it is noted that some of the additional information demonstrates that noise and traffic can be mitigated, it is still considered that the application should be refused given the location of the facility does not meet all of the objectives recommended under *Western Australian Planning Commission's Planning Bulletin 72/2009 – Child Care Centres*, and given the ad-hoc expansion of child care facilities in the vicinity is not considered to be in line with the expected or appropriate pattern of development in the area. Accordingly the, recommendation for refusal remains unchanged.

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47. In respect to the scale and intensity of the proposed use, it is relevant to consider that the applicant also operates two existing child care facilities, one at Lot 19 (36) Marri Crescent and the other at Lot 55 (61) Coolinga Road, Lesmurdie. Based on the allowable number of children approved, the existing facilities are permitted to care for up to 57 children. The proposal would increase the total allowable number to 95 children and associated staff. Based on the 38 children expected to be cared for and five (5) staff members, the applicants traffic impact statement estimates that there will be seven (7) vehicle trips in the morning peak hour, and 31 vehicle trips in the afternoon peak hour, which is above what would be reasonably expected for a single lot on an established residential street.
48. 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, above what would be reasonably expected in an established residential area. This is considered to have the potential to unduly impact on the amenity of the residents in the vicinity of the proposal. 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 to the proposal, particularly in regard to noise and traffic.
49. A total of 13 submissions were received in support of the proposal. It should be noted however that the majority of these submissions were received from persons not directly affected by the location of the proposed child care premises.
50. The applicant's Transport Impact Statement (TIS) concludes the following in regard to the proposed child care premises:
- *Assessment of the proposed development indicates that it will not have a significant impact on the existing or future road network. As such, no further mitigating road works are required.*
 - *Vehicles accessing the site will use the existing crossovers onto Coolinga Road. These access ways have adequate visibility and are considered acceptable in terms of location and size.*
 - *Refuse vehicle servicing will be on-street via the existing operation utilising wheelie bins.*
 - *The proposed parking supply for staff and pick-up/ drop-off is consistent with Council's accepted parking requirements. The car park design is still at concept stage and will need to comply with the Shire's Local Planning Scheme and Australian Standard A2890.1.*
 - *The public transport infrastructure and existing site provisions for pedestrian facilities is considered adequate for the development.*
 - *It is concluded that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.*
51. While it is noted that the TIS concludes that there is not anticipated to significant adverse impact on the surrounding road network, as noted above, the proposal extends the existing child care uses beyond Gladys Road, onto Coolinga Road which is a local road that characteristically carries much lower volumes of traffic. Furthermore, the Shire's Asset Services raise concern in respect to the current gradient of the driveway does not meet the Australian design standard and the implications for vehicle access to the development
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and the convenience of parents and carers regularly accessing the site. Whilst works could be undertaken to ensure the driveway gradient met the Australian Standard, the required works would have implications for the internal vehicle access areas and parking due to associated fill, retaining and drainage requirements.

52. Given the above location and amenity considerations, it is recommended that the application for a child care premises at the subject site be refused.

Voting Requirements: Simple Majority

RESOLVED OCM 80/2017

That Council:

1. Refuses the planning application for a proposed Change of Use from Single House to Child Care Premises at Lot 54 (59) Coolinga Road, Lesmurdie, for the following reasons:
 - a) The scale of the proposed child care premises, in addition to the existing child care facilities at Lot 19 (36) Marri Crescent, and Lot 55 (61) Coolinga Road, Lesmurdie, exceeds what could reasonably be expected within the established residential area.
 - b) The location of the proposed child care premises is not considered to meet all of the objectives recommended under *Western Australian Planning Commission's Planning Bulletin 72/2009 – Child Care Centres*.
 - c) The proposal is considered to have an undue impact on the amenity of the area due to increases in noise and traffic.
 - d) The ad-hoc nature in which child care facilities are proposed in the vicinity of the subject site is considered to be inconsistent with the principles of orderly and proper planning.
 - e) Having due regard to the nature of submissions received.

Moved: **Cr Michael Fernie**

Seconded: **Cr Andrew Waddell**

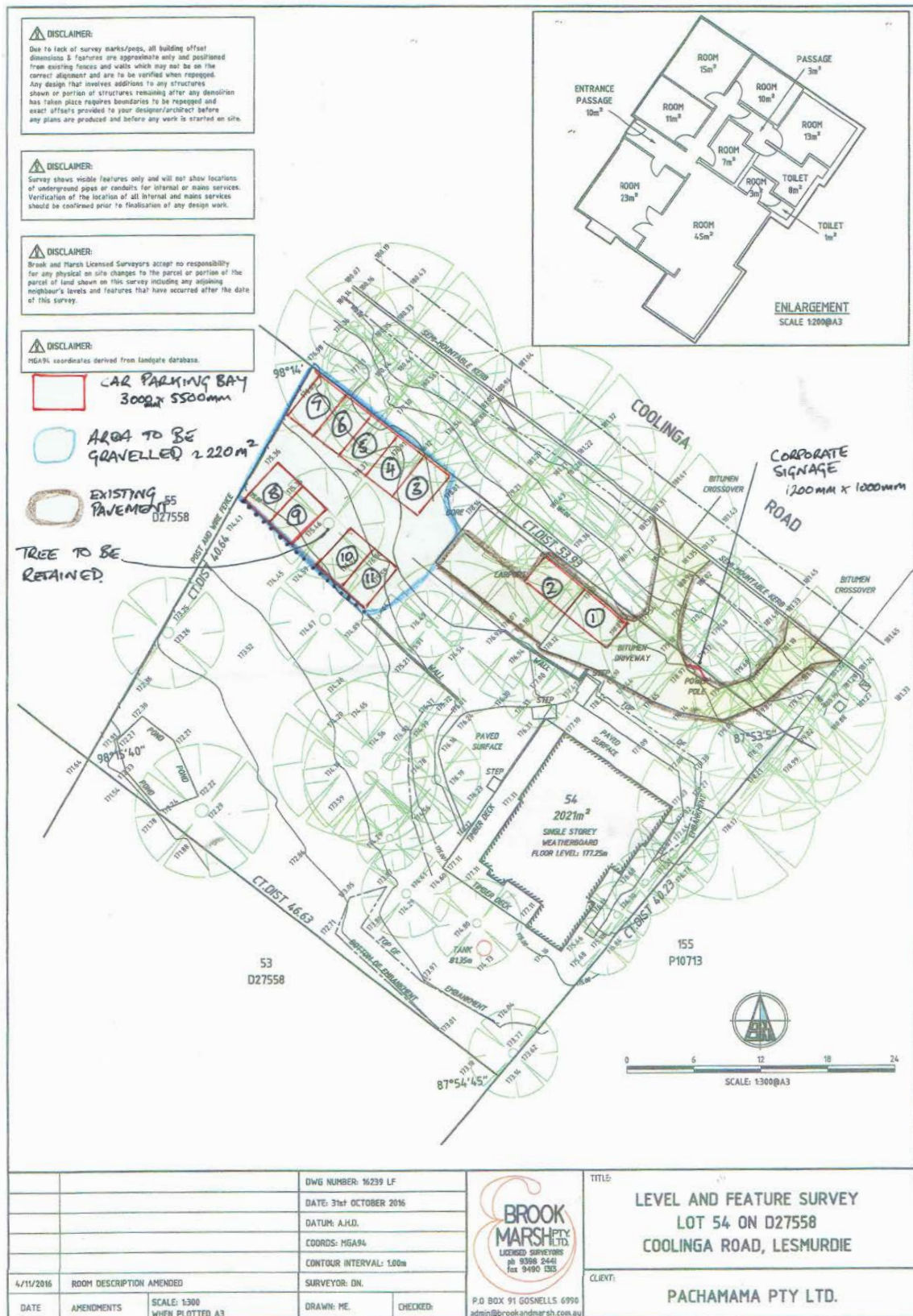
Vote: For
Cr Michael Fernie
Cr Allan Morton
Cr Tracy Destree
Cr Sue Bilich
Cr Andrew Waddell

Against
Cr Brooke O'Donnell
Cr Noreen Townsend
Cr Sara Lohmeyer

CARRIED (5/3)

Attachment 1

Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie Development Plans



Attachment 2

Proposed Change of Use from Single House to
Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie
Applicant's Development Application Report

Pachamama Pty Ltd
trading as Pachamama Early Education and Childcare
and
Pachamama Activity Centre
Proposal to Shire of Kalamunda to obtain permission to use
59 Coolinga Road, Lesmurdie for childcare
(for the purpose of augmenting capacity of existing 'Pachamama Activity Centre'
at 61 Coolinga Road to include 59 Coolinga Road)

Background

Pachamama is the only childcare service provider in Lesmurdie. It manages a Long Daycare (LDC) service and an Out of School Hours Care services (OSHCare) providing continuity of care to siblings and families across both services. Both of these existing services are situated on Gladys Road at the following addresses:

Pachamama Early Education and Childcare (LDC), licensed for 69 children
36 Marri Crescent (corner of Gladys Road)

Pachamama Activity Centre (OSHCare), licensed for 43 children
61 Coolinga Road (corner of Gladys Road)

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 (ACECQA), and the OSHCare service won the inaugural Innovation Award from industry's peak body OSHWA. Pachamama has recently received recognition internationally for the work it is doing in the 'nature way' arena, with 600,000 views of its recent Facebook video.

Pachamama is a significant employer in the Kalamunda Shire, 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 Shire of Kalamunda. When at full capacity, this proposal to expand our services will provide further employment opportunities for an additional 8 – 10 employees resulting in an additional \$300,000 wage opportunities to the local community.

Additionally Pachamama sources most of its food, fuel and trade service requirements from local suppliers supporting the economy by contributing around \$150,000.

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).

Both Pachamama services are operating at full capacity, and the lack of capacity is creating significant childcare pressures on families living and working in the Hills area.

Our solution for the local community is to expand the Activity Centre at 61 Coolinga Road, Lesmurdie into the adjacent property at 59 Coolinga Road. An offer and acceptance for the sale of the property

has been executed, subject to receiving approval from the Shire of Kalamunda to allow the property for special use of childcare.

Based on the Education and Care Services National Law (WA) Act 2012, the size of the existing building (residential house) allows for 38 children. It is our intention to be able to cater for 8 babies in the back of the residence (the current bedroom area), and 30 children aged 7-12 in the front area of the residence for After School Care.) Before School Care will continue to be conducted from 61 Coolinga Road.

Hours of Operation and Peak Hours of Trading

The proposed hours of operation for the nursery room is 6:30am – 6:30pm. The proposed hours for the After School Care service is 3:30-6:30pm.

The peak hours of trading would be from 3:45-5:00pm. Our electronic sign in/out records indicate that 80% of the children depart by 5:30pm. Most parents leave work between 4:00-5:00pm to pick their children up from Pachamama.

Maximum number of Staff at any one time

The maximum number of staff on site at any one time will be determined by the Educator:Child ratios as set out in the Education and Care Services National Law (WA) Act 2012. This would be as follows:

Babies: 1 Educator:4 babies (maximum 2 staff at any one time)

OSHCare: 1 Educator:10 school aged children (maximum 3 staff at any one time)

Total: maximum 5 staff will be on site when operating at full capacity

Parking

The site currently provides parking for 3 vehicles – one of which will be removed and used as a thoroughfare to the northwest corner of the site. The new parking area will provide 9 additional car parking bays, providing a total car parking capacity of 11 vehicles at any one time.

At full occupancy of 8 babies in the Nursery and 30 school-aged children for After School Care, the following parking would be required according to the shire's parking guidelines:

5 staff = (One bay per staff member) = 5 parking bays

38 children = (One bay per 10 customers) = 4 parking bays

Total required car parking bays = 9

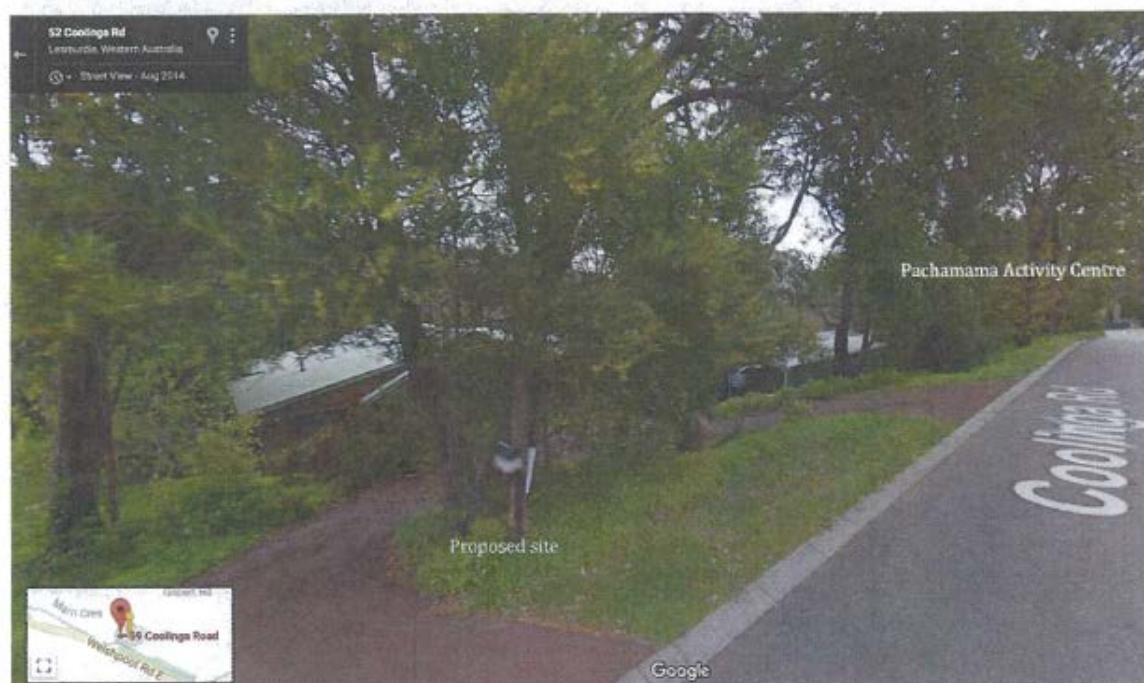
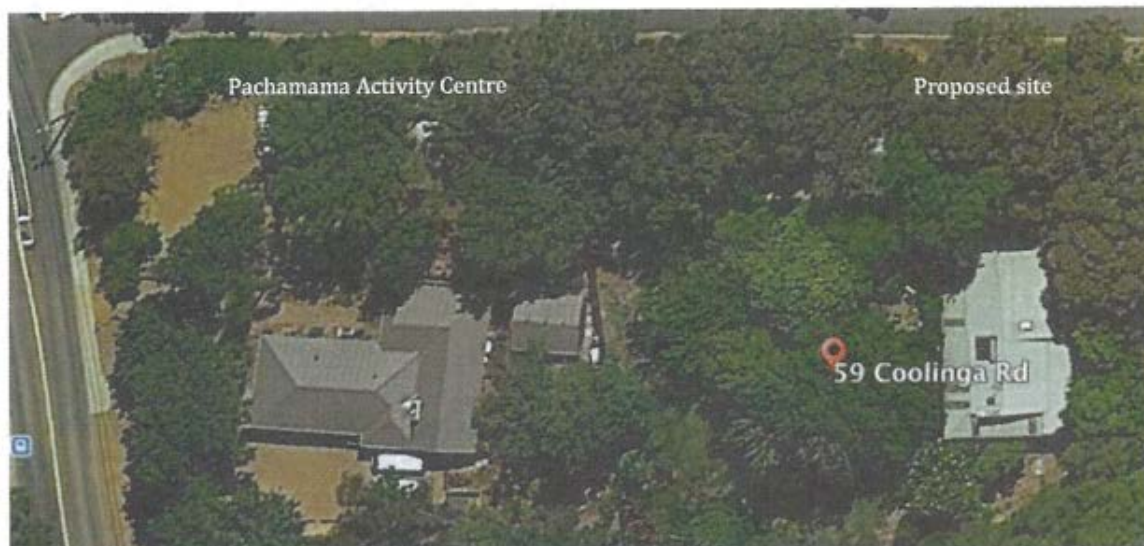
Total car parking bays to be provided = 11

Therefore, Pachamama will have a capacity of 2 parking bays above Shire requirements at 59 Coolinga Road, including a car parking bay for disabled parking.

Landscaping

As stated in the Bushfire Management and Evacuation Plan, the site contains tall deciduous and evergreen trees. The majority of the site is lawn with areas of garden defined by mature deciduous and evergreen trees and established shrubs as indicated in the below photos of the aerial and street views. The plant types include the following: oaks, poplars, Rottne Island pines, figs, lilly pillies, and cycads.

The landscaping will remain unchanged. The entire site, including the street verge, will be extensively pruned with removal of leaf litter and elevated fuels.



Site Features

The features of 59 Coolinga Road, Lesmurdie that make the site ideal to be used as a childcare service are as follows:

- 1) Adjacent to the existing award-winning and highly-rated Pachamama services, with a natural uninterrupted property flow from 61 Coolinga Road;
- 2) Strong positive relationship between Pachamama and adjacent neighbors;
- 3) Significant block size of 2012 m² able to accommodate the required parking, outdoor play area, setbacks and the existing landscaping;
- 4) Easy access flow through an existing circular driveway and crossover;
- 5) Can be annexed to Pachamama's corner block of 61 Coolinga Road (corner Gladys Road);
- 6) Conveniently located to schools, being around 400 metres south of Mazenod College and in close proximity to community facilities and numerous local primary schools (St Brigids, Lesmurdie Primary, Kalamunda Christian, and Falls Road);
- 7) Adjacent to public transport route (Gladys Road) with a bus stop located on the verge in front of Pachamama Activity Centre;
- 8) Interior floor space allowing for 38 children, based on Education and Care Services National Law (WA) Act 2012;
- 9) Use of natural products in the timber construction contributes to a healthy environment for children's play and developmental growth;
- 10) Existing landscaping provides ideal exterior play environment for 'nature way' learning;
- 11) Existing 2 existing car parking bays at 59 Coolinga Road will be supplemented by an additional 9 new car parking bays located in the northwest corner of the property;
- 12) Adjacent property of Pachamama Activity Centre at 61 Coolinga Road has 16 further car parking bays for staff and buses (has only 5 Educators at any one time);
- 13) Adequate toileting facilities with two existing toilet areas;
- 14) The moderately sloping site with mature landscaping will flow into the existing Pachamama Activity Centre;
- 15) No site contamination due to the property being used as a family residence since the original build in the 1950's; and
- 16) No additional development required (except for car park area constructed with gravel);
- 17) No asbestos.

Pachamama believes this property is highly suitable for this proposed use because of the reasons listed above, with minimal impact on neighboring properties.

Attachment 3 - 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

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

Attachment 4 - 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

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

Attachment 5

10.3.3 Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie

Submission Table

	Comment	Staff Comment
1.	<p>Objection:</p> <ul style="list-style-type: none"> a) Traffic congestion and safety, particularly given existing issues at corner of Gladys Road and Welshpool Road. b) Safety of parents and children crossing over Gladys Road to the other centres. c) Insufficient parking bay numbers and arrangement, it will encourage customers to park on the verge. d) The proposal is inconsistent with the residential zoning of the land. e) The proposal is effectively a third child care facility in the immediate area, two of which would be adjoined. f) The type of development should be in an area zoned commercial or mixed use. g) The site is more suited around the Ray Owen Sports Centre. h) Another child care centre will only exacerbate the noise emissions in a quiet residential area. 	<ul style="list-style-type: none"> a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) It is noted that there may be instances where parents/carers will cross Gladys Road between the existing child care premises. Control over this issue is beyond the scope of this application. c) The proposal complies with the minimum parking requirements under the Scheme. d) The objectives of the Residential zone do not provide guidance on the suitability of non-residential land uses. However the Scheme does allow for a child care premises to be considered and approved on Residential zoned land. Equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application. e) Noted. f) Ideally child care premises should be located in close walking distance to commercial facilities. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. g) Refer to response (f) above.

	<p>i) Insufficient consultation was undertaken.</p>	<p>h) In the event that the application is approved, it is considered that a noise impact assessment and management plan should form a condition of approval.</p> <p>i) The Shire initially wrote to nearby and adjacent property owners, however this is subsequently increased to a 100 metre radius around the site given the significant interest from surrounding land owners.</p>
2.	<p>Objection:</p> <p>a) Gladys Road is already subject to traffic congestion daily.</p> <p>b) Concern that excessive traffic, parking and limited vision on Gladys Road will result in danger to children and parents crossing the road.</p> <p>c) Increased noise from the already established child care centres.</p>	<p>a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.</p> <p>b) It is noted that there may be instances where parents/carers will cross Gladys Road between the existing child care premises. Control over this issue is beyond the scope of this application.</p> <p>c) In the event that the application is approved, it is considered that a noise impact assessment and management plan should form a condition of approval.</p>
3.	<p>Objection</p> <p>a) The road conditions on Coolinga Road are a concern for parents picking up children.</p> <p>b) The proposal is not appropriate in a residential area. It is more like a commercial activity centre.</p>	<p>a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.</p> <p>b) Child care premises are a commercial activity, however the Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application.</p>
4.	<p>Objection:</p> <p>a) Traffic congestion and safety, particularly given existing issues at corner of Gladys Road and Welshpool Road.</p> <p>b) Safety of parents and children crossing over Gladys Road to the other centres.</p>	<p>a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.</p>

	<ul style="list-style-type: none"> c) Insufficient parking bay numbers and arrangement, it will encourage customers to park on the verge. d) The proposal is inconsistent with the residential zoning of the land. e) The proposal is effectively a third child care facility in the immediate area, two of which would be adjoined. f) The type of development should be in an area zoned commercial or mixed use. g) The site is more suited around the Ray Owen Sports Centre. h) Another child care centre will only exacerbate the noise emissions in a quiet residential area. i) Insufficient consultation was undertaken. 	<ul style="list-style-type: none"> b) It is noted that there may be instances where parents/carers will cross Gladys Road between the existing child care premises. Control over this issue is beyond the scope of this application. c) The proposal complies with the minimum parking requirements under the Scheme. d) The Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application. e) Noted. f) Ideally child care premises should be located in close walking distance to commercial facilities. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. g) See response (f) above. h) In the event that the application is approved, it is considered that a noise impact assessment and management plan should form a condition of approval. i) The Shire initially wrote to nearby and adjacent property owners, however this is subsequently increased to a 100 metre radius around the site given the significant interest from surrounding land owners.
5.	<p>Objection:</p> <ul style="list-style-type: none"> a) Concern regarding the addition of a child care centre to two existing child care centres. b) The land is zoned residential, not for education. 	<ul style="list-style-type: none"> a) Noted. b) The Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application.

6.	<p>Objection:</p> <ul style="list-style-type: none"> a) Why are additional services required for local families if Pachamama is not at capacity and there are other child care services that also service local schools? There many other education and care services in other areas that all have vacancies. b) The development will encroach into an existing residential area and is more suited to a commercial area. c) The only other service within the shire that had this large number of children is Kids Inn in Forrestfield, which is purpose built and is located within a site that is zoned mixed use. d) There is insufficient access for the number of families all collecting their children within a condensed timeframe. e) There are currently four (4) education and care services that have received an overall exceeding National Quality Standards rating. There are many other local services that also provide quality child care. f) Out of school care should be located on or very near a school site. g) Concern that more people will park on the verges and footpaths around the child care centres and cause safety issues. There has been people crossing Gladys Road to collect/deliver children for the existing child care centres. 	<ul style="list-style-type: none"> a) There is not a requirement for an applicant to prove the need for a child care centre. However if there is a demonstrable impact on the amenity of an area or the level of service enjoyed by the community, then this is a relevant planning consideration. In this instance, based on the information available, the proposal will not until impact on the level of service enjoyed by the community. b) Ideally child care premises should be located in close walking distance to commercial facilities. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. c) Noted. d) In the event that the application is approved, access would be required to be upgraded to comply with relevant Australian Standards for vehicle access. e) The quality of the proposed, or any existing, child care premises is not a valid land use planning consideration. f) Ideally child care premises should be located in close walking distance to other educational establishments. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. g) It is noted that there may be instances where parents/carers will cross Gladys Road between the existing child care premises. Control over this issue is beyond the scope of this application.
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	<ul style="list-style-type: none"> h) Concern regarding impact on property prices and community pride. i) Insufficient consultation was undertaken. j) Pachamama has notified their database of email addresses about their proposal asking people to submit a supporting email to the Shire. We question the fairness of this when there are limited local residents and some people may submit support without any substantiating grounds to do so. k) The argument of 'community need' can apply to any suburb in Perth. 	<ul style="list-style-type: none"> h) This is not a relevant planning consideration. i) The Shire initially wrote to nearby and adjacent property owners, however this is subsequently increased to a 100 metre radius around the site given the significant interest from surrounding land owners. j) Noted, the Shire has received several submissions as a result of additional consultation undertaken by the applicant. Consideration will be given to any valid comments from a land use planning perspective, irrespective of the number of non-objections or objections received. k) Noted.
7.	<p>Objection:</p> <ul style="list-style-type: none"> a) Traffic congestion, particularly given existing issues at corner of Gladys Road and Welshpool Road. b) The proposal is more than the single child care centre. It is adding to the two existing child care centres. c) The 6:30am opening hours will result in excessive noise from children playing and will have a significant impact on the amenity of the area. d) The street verge between Bowtell and Gladys Roads is not maintained and vegetation encroaches the road by half a metre in places, forcing traffic to drive into the centre of the road. It is expected that this situation would worsen if the frontage was expanded to 59 and 61 Coolinga. 	<ul style="list-style-type: none"> a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) Noted. c) The potential amenity impacts have been given due regard in the officer comments section of the report. d) This will need to be managed in the event of the application being approved.

	e) The proposed development is not in keeping with the nature of the housing density in the area.	e) The Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application.
8.	<p>Objection:</p> <p>a) There are issues with the management of the existing child care facilities:</p> <ul style="list-style-type: none"> i. Children are encouraged to yell and scream when on play equipment by supervising staff, ii. An elevated platform was recently erected where fitness and dancing classes are undertaken with loud music and instructors yelling. iii. Bright lights are left on overnight illuminating the signage, which shines into residential homes. <p>b) Traffic congestion and high levels of vehicle movements.</p> <p>c) The proposal is better suited next to an existing school or commercial sector.</p> <p>d) Insufficient parking and concern that there will be increases of people parking on verges and footpaths.</p> <p>e) One of the child care centre vans often pulls up on the road side, interrupting traffic flow, with staff running between child care centres prior to doing school drop offs.</p>	<p>a) The management of existing facilities is not under consideration for the proposed development.</p> <p>b) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.</p> <p>c) Ideally child care premises should be located in close walking distance to commercial facilities. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations.</p> <p>d) The proposal complies with the minimum parking requirements under the Scheme.</p> <p>e) The management of existing facilities is not under consideration for the proposed development. However if vehicles are being unlawfully parked, this is a matter that should be reported to the Shire's Rangers for investigation.</p>

	<p>f) The current proposal is not a true reflection of how they operate given their past history with the existing child care centres.</p> <p>g) Personal health issues means that there is an increased risk of requiring urgent medical care, we cannot live on a street impeded by excessive traffic.</p>	<p>f) The management of existing facilities is not under consideration for the proposed development.</p> <p>g) See response (b) above.</p>
9.	Non-objection	Noted.
10.	<p>Objection:</p> <p>a) Traffic congestion – Gladys Road between 7am – 9pm and 2:30pm – 6pm is already so congested and banked up to Mazenod College.</p> <p>b) Congestion slows down public transport.</p> <p>c) There are two child care facilities already which add to congestion. A third centre would be conducive to peaceful amenity.</p> <p>d) Traffic safety and risk of accidents at the corner of Welshpool Road and Gladys Road.</p> <p>e) Cars parking/standing on Coolinga Road, forcing residents to thread their cars between.</p>	<p>a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.</p> <p>b) Noted.</p> <p>c) The potential amenity impacts have been given due regard in the officer comments section of the report.</p> <p>d) See response (a) above.</p> <p>e) The management of existing facilities is not under consideration for the proposed development. However if vehicles are being unlawfully parked, this is a matter that should be reported to the Shire's Rangers for investigation.</p>
11.	<p>Non-objection</p> <p>a) The proposal will fill a need that is lacking in the hills area (before and after school care). The use is necessary to cater for the growing demands of the hills community.</p>	Noted.

	b) Pachamama is well known to provide high quality childcare.	
12.	Non-objection a) We do not see any more difficulties egressing Coolinga/Brady/Welshpool Road than we do currently. b) The main difficulties are existing schools (Mazenod) and shopping centres (Sanderson Road).	Noted.
13.	Non-objection a) Pachamama is a high quality child care provider. b) Child care is important for working families.	Noted.
14.	Non-objection a) Pachamama provides long day care hours that allows parents to work full time and arrive at work early enough to suit most employees. b) The use will allow children to grow and explore in a safe environment that encourage outdoor nature play which is lacking in many day care and after school care environments.	Noted.
15.	Objection a) Traffic safety and risk of accidents at the corner of Coolinga Road and Gladys Road. b) Concern in regard to the proximity of the use to a natural water stream, particularly in regard to effluent disposal requirements.	a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) If the application is approved, a new effluent disposal system that complies with the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974</i> must be installed. Based on the

	c) Kalamunda Shire should develop or lease underutilised government buildings for these types of community facilities.	wastewater loading proposed, it is recommended that the applicant install an Aerobic Treatment Unit with subsoil irrigation. c) This is outside of the scope of this application.
16.	Objection a) The location of the development in a residential area. b) The proposal is unfair if owners wish to sell their existing homes due to increased child noise and associated loss in property value. c) The existing child care centre has traffic issues with the pickup vehicle parking on the footpath and driving on the wrong side of the road.	a) The Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application. b) Changes to land value is not a valid land use planning consideration. c) The management of existing facilities is not under consideration for the proposed development. However if vehicles are being unlawfully parked, this is a matter that should be reported to the Shire's Rangers for investigation.
17.	Objection a) Existing parking issues and this will remain an issue. b) Staff are parking on the Marri Crescent verge and parents stop vehicles on the road, blocking private driveways. c) The corner of Marri and Gladys Roads is a safety issue.	a) The management of existing facilities is not under consideration for the proposed development. However if vehicles are being unlawfully parked, this is a matter that should be reported to the Shire's Rangers for investigation. b) See response (a) above. c) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.
18.	Non-objection a) What is intended for the easement at the south-west corner of the subject property?	a) According to the Shire's records, there is no easement within the subject lot.

19.	Non-objection a) Pachamama is essential to use as it allows us to work when required. b) Pachamama is a high quality child care provider.	Noted.
20.	Non-objection a) Pachamama is a high quality child care provider. b) The new investment will be much needed for local families, local jobs and educators. c) Pachamama enables me to sustain my full-time employment.	Noted.
21.	Non-objection a) The facility is needed in one central location for working parents.	Noted.
22.	Non-objection a) Pachamama is essential for child care needs for families. b) Offering services in one general location is convenient and practical. c) The additional capacity for child care services facilitates employment prospects for families. d) Pachamama has created aesthetically beautiful surroundings that inspire children to engage in health outdoor nature play.	Noted.

23.	Comment on the Proposal a) Without Pachamama's services, my employment would not be possible. b) Offering various child care services in one general location is convenient and practical. c) Pachamama is a high quality child care provider. d) Pachamama has created aesthetically beautiful surroundings that inspire children to engage in health outdoor nature play.	Noted.
24.	Comment on the Proposal a) Parking is already a major issue surrounding the childcare centre; there are approximately 10 staff cars parked on the verge on any given day. b) The corner of Marri Crescent and Gladys Road is dangerous enough without more cars parked on the verge. c) No objection is raised as long as more parking bays are provided for the child care centre.	a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) See response (a) above. c) The proposal complies with the minimum parking requirements under the Scheme.
25.	Non-objection a) The existing child care centre brings big benefits to the community. b) As a resident who lives closer than anyone to the existing child care centre, I have never at any time been disturbed by noise from there. c) Traffic from Welshpool Road intersection is quite heavy, however traffic from the child care centre is staggered and does not affect me or the intersection. d) Any issues with the owners have been dealt with swiftly and positively.	Noted.

26.	<p>Non-objection</p> <ul style="list-style-type: none"> a) The Western Australian economy is continuing to decline and redundancies increasing across all scale of business. There is a need for adequate day care to ensure that people can meet the limited employment opportunities. b) Additional placement of eight (8) babies would enable more flexibility for all parents and give new parents the opportunity of meaningful employment. c) The location of Pachamama is excellent, allowing for daily commute to the city centre. d) Pachamama is a high quality child care provider. e) The noise generated by the existing child care facility is not excessive. f) The expansion of Pachamama's facilities would be of a great benefit to the local community and should be endorsed by a Shire that is responsive to the majority needs of its inhabitants. 	Noted.
27.	<p>Non-objection</p> <ul style="list-style-type: none"> a) Pachamama provides an essential and valuable community service. b) The location and range of services is excellent. c) I have never noticed excessive noise when visiting, driving past or walking past. 	Noted.
28.	<p>Objection (received after advertising closed)</p> <ul style="list-style-type: none"> a) The property is zoned residential, as is all domestic houses nearby. b) The WAPC guidelines state that child care facilities should be located so as to not affect the amenity of the area. 	Noted.

	<ul style="list-style-type: none">c) Child care centres should be located aware from major intersections, there is a major intersection within 100m of the site.d) Child care should be of a sufficient size and dimension without affecting the amenity of the area; the aggregate of three blocks is approximately 6000sqm, which will affect the amenity of the area.e) Location of these facilities should be appropriate in relation to their surrounding service area. The concentration of three centres is not appropriate.f) The site is not suitable from a traffic safety perspective, considering the health and safety of children attending the site.g) The proposal does not address traffic, parking, access and pedestrian requirements.h) There are a number of other centres around this area with vacancies.i) The proposal, if approved, will be the size of a small primary school.j) The Shire's staff have not supported the proposal.k) The current view of child care centre locations is moving away from locations in suburban areas, to more in work areas like commercial zones.	
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CONFIDENTIAL Attachment 6 - 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

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

Provided under separate Cover

Attachment 7

Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie

Site Photographs





Attachment 8 - 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

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

Attachment 9
Proposed Change of Use from Single House to Child Care Premises –
Lot 54 (59) Coolinga Road, Lesmurdie
Asset Services Traffic and Access Analysis

Date:	3 April 2017
Officer:	[REDACTED]



Memorandum

To: Director Development Services
CC: Manager Asset Delivery
From: Director Asset Services
Subject: Proposed Change of Use from Single House to Child Care
Premises – Lot 54 (59) Coolinga Road, Lesmurdie

Asset Services

Parking

There is an existing 'U' shaped internal driveway leading onto the two (2) crossovers at both ends. The proposed car parking area will need to be accessed and/or egressed via what is considered to be reasonably steep existing crossovers.

The current gradient of the driveway is approximately 1 in 4 (25%). In this regard, the proposal does not meet the Australian Standard AS2890.1 in respect to driveway gradient that requires the approach to the road to be at a maximum of 1 in 20 (5%). Driveways steeper than this maximum grade will be required to be constructed with a sealed pavement suitable for the traction of an average two-wheel drive to traverse the driveway in wet weather. It is considered that compliance with AS2890.1 may be achieved through detailed survey and design, with associated civil works on site.

Crash Data

The Main Roads WA (MRWA) Crash Data indicates that there have been no reported traffic crashes for the period 2011-2015 at the following intersections:

- Gladys Road / Marri Crescent
- Gladys Road / Coolinga Road

The intersection of Welshpool Road / Gladys Road has had four Reported Crashes during the 2011-2015 period, including three property damage crashes and one casualty crash.

There has been no previous traffic studies or Road Safety Audit undertaken in the vicinity of these three intersections.

MRWA Crash Data is proposed to be upgraded in April 2017 and will indicate if there has been an increase in the number of reported crashes during 2016.



Traffic Generation

Shire staff attended the site on 16 March 2017 during the morning and afternoon peaks and observed the vehicle trips generated by the existing child care centres with parking access off Marri Crescent and Gladys Road as summarised below:

<u>Marri Crescent Access</u>		<u>Gladys Road Access</u>	
7:00 – 8:00am	23 vehicle trips	7:00 – 8:00am	9 vehicle trips
8:00 – 9:00am	23 vehicle trips	8:00 – 9:00am	8 vehicle trips
Average:	23 vehicle trips/hour	Average:	8.5 vehicle trips/hour
3:00 – 4:00pm	13 vehicle trips	3:00 – 4:00pm	5 vehicle trips
4:00 – 5:00pm	14 vehicle trips	4:00 – 5:00pm	14 vehicle trips
5:00 – 6:00pm	9 vehicle trips	5:00 – 6:00pm	11 vehicle trips
Average:	12 vehicle trips/hour	Average:	10 vehicle trips/hour

The Traffic Impact Statement Report (TISR) which refers to the RTA Guide to Traffic Generating Developments with a Child Care Centre traffic generation rate for planning purposes being 0.8 trips/child. This equates to an AM peak of 7 vehicle trips and PM peak of 10 vehicles trips.

The site observations based on a single day visitation as outlined above support this trip generation rate accepting that the AM peak hour for the Marri Crescent Access is 23 vehicles per hour.

On this basis it is considered that the proposed development's traffic generation will have minimal impact on the level of service being experienced for the existing intersections.

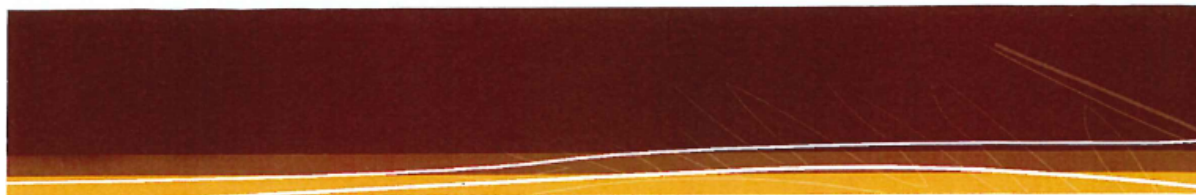
Traffic Investigations

The TISR uses 2015 traffic count information as sourced from the MRWA Metropolitan Traffic Digest and the Shire of Kalamunda.

The Shire undertook traffic counts in Coolinga Road and Gladys Road during the period 9 - 20 March 2017 and these have been incorporated in the following table for comparison with the TISR figures.

Road	Data captured	VPD	Peak hour	Shire captured	VPD	Peak hour
Coolinga Rd	2015	149	18 vph 9-10am	March 2017	305	25 vph 7-8am
Gladys Rd	2015	2855	286 vph 7-8am	March 2017	4180	400 vph 7-8am
Welshpool Rd East	2015	14470	1096 vph 8-9am	March 2017	-	-

NB: vph = vehicles per hour - vpd = vehicles per day



It is also noted that the Shire's 2015 Traffic data for Gladys Road was 3,120 vpd, which is in the same order as the figure included in the TISR.

Gladys Road is classified as a Local Distributor Road in the Functional Road Hierarchy with a capacity to accommodate 6,000 vpd. The current volume of 4,180 vpd is considered appropriate for a road of this classification and the additional traffic estimated to be generated by the proposed Child Care Centre at 59 Coolinga Road is not likely to impact significantly on the traffic carrying capacity of Gladys Road and the level of service at the Welshpool Road East / Gladys Road intersection.

The site observations by Shire staff on 16 March 2017 during the morning and afternoon peak period determined the number of vehicles queuing the approach to the Welshpool Road East / Gladys Road intersection as summarised below:

Morning

- 7:45-8:00, 6-7 vehicles queued
- 8:00-8:15, 10-12 vehicles queued
- 8:15-8:30, 10-12 vehicles including 2 buses
- 8:30-8:45, 18-20 vehicles queued

Afternoon

- 3:15-3:30, 6-8 vehicles queued

The peak period for queuing occurs during the morning (i.e. 8:30-8:45am) with vehicles at this time queued up to Cobradah Close. This included 2 buses which contributed to the queue length. In the afternoon peak, there were between 4-8 vehicles stacking at the intersection, however, they cleared quickly.

It is considered that the volume of traffic likely to be generated from the proposed Child Care Centre on Coolinga Road will have minimal impact on these observed queue lengths, particularly as there are alternatives to Gladys Road for connecting to Coolinga Road.

Dennis Blair
Director Asset Services

Attachment 10

Proposed Change of Use from Single House to Child Care Premises –
Lot 54 (59) Coolinga Road, Lesmurdie
Applicant's Additional Bushfire Planning Information/Justification

Appendix 1 – Feedback on the Bushfire Management Plan

Issue	Assessment	Action	Bushfire Safety Consulting Responses
Element 1: <u>Location</u> Element 2: <u>Siting and Design</u>	The BAL Contour Map should apply the appropriate methodology as set out in the Guidelines (Appendix 2, page 53-54). The BAL Contour Map supplied is unclear and the BAL ratings cannot be validated	Please amend.	Site boundary has been increased to include lots 54 and 55 because this provides more appropriate better context. BAL contour has been updated to include entire site and 100m buffer around site. See Appendix G
	The impact of the forested area along Welshpool Road to the south should be shown in the BAL Contour Map. Table 3 (page 21) should be accompanied by a transect showing the measurements points for hazard separation.	Please amend.	Setback distance has been revisited and re-assessed, measuring tape confirms 22m separation. See figure 17 and 18 in report. The overstorey canopy in this area is a large American Oak tree and a small Pride of Bolivia, both deciduous trees with no fuels or vegetation underneath.
	Photos 6 and 8 do not support the exclusion of this area as low threat. The tree crowns appear to connect with the forested area to the south.	Please clarify and amend.	This property has mown lawn, there is a lawn mower, mown grass and a deciduous tree in figure 7. The Shire of Kalamunda Firebreak and Fuel Load notice requires APZ standards. All surrounding lots are less than 5000m2 so this Bush Fires Act legislative requirement is mandatory. Most surrounding properties are well managed with irrigated gardens. Patches of bush are identified on Appendix C.
	The separation distance from the proposed dwelling to the forested area to the south is measured as 23m in the BMP. DFES require evidence to support this particularly as the forested area appears to be continuous as it connects to other large tree crowns. (Please see image 1 below).	Please clarify and amend.	Setback distance has been revisited and re-assessed, measuring tape confirms 22m separation. See figure 17 and 18 in report. The overstorey canopy in this area is a large American Oak tree and a small Pride of Bolivia, both deciduous trees with no fuels or vegetation underneath. Photo in figure 8 was taken to show this, but its all in shadow so is difficult to see unfortunately. Definitely less than 2 vha.
	There is a strip of vegetation between lots 55 and 59 which is outside the boundaries of both these lots. (Please see image 2 below). This area has been excluded as low threat but it is unclear who manages this land.	Please clarify and amend.	Yes, this drainage reserve is a Public Access Way (PAW) managed by the Shire of Kalamunda as confirmed by them, it has recently been seen work and there is no vegetation at all in the reserve. Figure 9 shows the entire cleared reserve.

Attachment 11 - 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

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

Attachment 12
Proposed Change of Use from Single House to Child Care Premises –
Lot 54 (59) Coolinga Road, Lesmurdie
Applicant's Response to the Recommended Reasons for Refusal

No.	Reasons for Refusal	Response to Reasons
1	<p>The scale of the proposed child care premises, in addition to the existing child care facilities at Lot 19 (36) Marri Crescent, and Lot 55(61) Coolinga Road, Lesmurdie, exceeds what could reasonably be expected within the established residential area.</p>	<p>From a planning perspective, it is considered that the scale of the combined childcare facilities as a result of the proposed expansion to the school-aged facility is highly appropriate for the locality. The larger lot sizes typical of the area provide ample capacity to manage any potential impacts.</p> <p>From a children's health and development perspective, the space afforded to properties within the hills locality is imperative to providing high quality care and education in a natural environment. When performing above the State's regulatory requirement of 7m² per child of outdoor space, the environment the subject site will provide will allow for more stimulating and greater variety of experiences for enhancing the opportunities to increase the children's developmental growth.</p> <p>The number of the children to be accommodated on the subject site is relatively small in relation to the subject site, with a resultant density which is comparatively low when likened to a typical childcare facility in the Perth Metropolitan Region.</p> <p>Lot 54 Coolinga Road (the subject site) has an area of 2,022m². The total site area of the two existing childcare sites to the west of the subject site is 3,554m². The combined total of all three sites is 5,576m². The surrounding residential lots are of correspondingly similar sizes, which range from 3,840m² to 1,870m².</p> <p>As has been demonstrated by the operator of the existing childcare facility, every resident/property owner adjoining the two existing childcare properties have provided letters in support of the extension.</p> <p>Having regard to the additional work undertaken for the proposed extension in addressing noise and traffic, the scale of the development does not exceed what could reasonably be expected and provides planning benefits of co-location and trip sharing.</p>
2	<p>The location of the proposed child care premises is not considered to meet all the objectives recommended under <i>Western Australian Planning Commission's Planning Bulletin</i></p>	<p>Planning Bulletin 72 notes that it is appropriate to locate childcare centres close to educational facilities and be strategically distributed to provide maximum benefit to the community. Whilst the Bulletin provides an</p>

	<p><i>72/2009 - Child Care Centres.</i></p>	<p>aspirational view that centres should also be located close to commercial nodes, the proposed extension to the school aged childcare centre will draw upon the local catchment of all the primary schools in proximity to the subject site. The subject site is strategically located adjacent to the existing childcare centre to ensure that the proposed extension can operate efficiently under the same management arrangement with the existing centre with less trips noting that the majority of local parents within the current facility will also utilise the proposed extension.</p> <p>It is also noted that, unlike other areas within the Perth Metropolitan Region, the pattern of development within Lesmurdie provides for a decentralised form of commercial land use. This is reflective of the land in close proximity to the subject site which contains a service station, a dental practice and a child care centre on separate allotments. To the northern end of Coolinga Road, there is a church, a retirement village and a church-based kindergarten.</p> <p>The position is also strategically located in the context of existing schools and the primary access and egress from Lesmurdie via Gladys Road to Welshpool Road East. The presence of an existing school care childcare centre on the adjoining property will allow for synergies that result from the co-location of facilities and sharing of trips. A high proportion of families have more than one child at the school aged facility making it more convenient to drop off children in a common location thus reducing additional traffic movements. Most of the local residents work and commute outside the local area. The location of the existing centre on Gladys Road, which connects to Welshpool Road East, is strategic and makes it convenient for children to be picked up from distributor roads.</p> <p>Further, the existing school aged childcare centre is currently at capacity which demonstrates that there is a legitimate need for this extended service in this locality for the local community. It is not seeking to draw demand from outside catchments, it is only utilising existing local demand. All school-aged children at this extension will be local residents, as necessitated by their attendance at the local schools.</p>
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3	The proposal is considered to have an undue impact on the amenity of the area due to increases in noise and traffic.	Considerations regarding these matters have been addressed through the provision of an Acoustic Assessment and a Traffic Impact Statement, both of which have been verified by officers as acceptable. There is no objective basis to say there are amenity impacts from noise and traffic.
4	The ad-hoc nature in which child care facilities are proposed in the vicinity of the subject site is considered to be inconsistent with the principle of orderly and proper planning.	<p>The proposal is not ad hoc. It consolidates the existing centre to provide the full range of services for children based on existing local demand.</p> <p>As stated in 2) the reduction in traffic and the convenience of co-location to existing school aged child care facilities results in synergies which allow for the sharing of trips and facilities. The resulting reduction in traffic and time spent on trips can be considered to contribute towards orderly and proper planning.</p> <p>Moreover, the proposal would not result in the ad hoc creation of a node given the much larger size of the subject site and the surrounding properties compared with the corresponding sizes for comparative facilities in the Perth Metropolitan Region. Given the number of children to be accommodated (38), this will result in a lower density of childcare than in the Perth Metropolitan Region. Effectively, this means that childcare would be spread over a wider area, which corresponds to the low population density in the surrounding area.</p> <p>Additionally, as noted in 2) above, it can be seen that the commercial centres throughout Lesmurdie and Kalamunda do not typically reflect traditional commercial nodes found elsewhere within the Perth Metropolitan Area and have emerged as smaller commercial centres either on standalone sites or a small number of sites with fragmented ownership. On balance, this suggests that the scale and pattern of such development provides limited benefit for the co-location of the proposed childcare centre in proximity to such centres when the benefits of the subject site's location on a distributor road in proximity to the local school catchment area are considered. These locational benefits outweigh the aspirational objective to co-locate with other commercial centres. If this extension was forced to locate elsewhere it would not achieve the benefits of co-location that have been demonstrated</p>

		and would result in an inferior planning outcome with no planning benefit.
5	Having due regard to the nature of submissions received.	<p>Importantly, we note that supporting submissions/communications from residents living in close proximity to Pachamama far outweigh the objections. Supporters express not only a lack of negatives, but proactively communicate that Pachamama enhances their perception of local amenity. Objecting submissions were mostly related to perceived noise and traffic/parking concerns. They have been addressed through the investigation and reporting on traffic and acoustic matters, and the parking design.</p> <p>There is no objective basis to recommend refusal of the proposal based on the nature of submissions received considering the overwhelming positive nature of general submissions/communications and the manner in which the concerns have been objectively and duly addressed.</p> <p>Additionally, the communications received from the greater local community show an overwhelming need and requirement for the extension to proceed.</p>

Attachment 13 - 10.3.4 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

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

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

Cr Tracy Destree declared an indirect financial interest in Item 10.3.5 Consideration of Tenders Insurance Broking and Risk Management Services RFT 1706 Contract 0618/0606 as she was a direct manager of the director of the account submission from Marsh in 2011.

**10.3.5 CONFIDENTIAL ITEM – Consideration of Tenders – Insurance
Broking and Risk Management Services RFT1706 Contract
0618/0626**

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

Responsible Officer

Director Corporate & Community Services

Service Area

Corporate Support

File Reference

e-Quote 04-2017

Applicant

N/A

Owner

N/A

Confidential Attachment 1

Tender Evaluation Report – RFT 1706 RFP

Reason for Confidentiality

Contract 0618/0626

Local Government Act 1995

S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

Confidential Attachment 2

Procurement Australia – Assessment Report

Reason for Confidentiality

Local Government Act 1995

S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

Confidential Attachment 3

Tender Request RFT 1706 Contract 0618/0626
and Scope of Works

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

RESOLVED OCM 84/2017

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Marsh Pty Ltd for the delivery of the 2017/18 and 2018/19 Insurance and Risk Services Program (RFT 1706 Contract No 0618/0626) for its tendered price of \$581,876 (minimum) and \$699,040 (maximum) and a broker fee of \$30,000 (excluding GST). A further extension of one year will be at the Shire's discretion.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (9/0)**

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Council Meeting Structure

Voting Requirements: Simple Majority

RESOLVED OCM 81/2017

That Council:

1. Request the Chief Executive Officer prepare a report for consideration by Council at the June Ordinary Council Meeting on advantages, disadvantages, financial implications and administration implications of introducing an alternative meeting structure which incorporates:-
 - A Strategy Briefing Session
 - Open Agenda Briefing Session, and
 - Ordinary Council Meeting.

Moved: **Cr Michael Fernie**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Rationale:

Perth's Cities, Towns and Shire's utilise a vast array of techniques and formats to manage their Briefing sessions, Ordinary Council meetings and public participation within these meetings.

The Shire of Kalamunda has held *Corporate and Community* meetings and *Development and Asset Services (formally Development and Infrastructure)* meetings on separate nights and on the same night over the last 18 months in search of the best balance.

The Shire also holds an Audit and Risk Management Committee meeting quarterly and the Ordinary Council meeting on a monthly basis.

The current meeting structures/schedules have proved to have both advantages and disadvantages, however, neither appear to be fully benefiting both the communities, whilst limiting councillor's opportunities to be briefed on matters relating to meetings, events, operational updates, strategic matters, etc.

In addition the publishing of agenda's prior to meeting dates is minimal allowing limited time for both the community and council to review and seek further information prior to presenting and deliberating in council chambers.

A new format would need to give consideration to presenting Council agenda's as early as possible and also to seek to assist applicants or objectors presenting deputations in advance of an Ordinary Council Meeting.

The purpose of a full review is to investigate both Shire of Kalamunda practices and explore other local government's formats and structures with the view of returning a report to council and implementing changes if required and adopted prior to the local government elections in October 2017.

Staff Comment

The Administration has no issues with the proposal and will provide the requested report for consideration during the June round of meetings.

11.2 Independent Audit – Tender and Procurement Process

Voting Requirements: Simple Majority

RESOLVED OCM 82/2017

That Council:

1. Request that the Chief Executive Officer to commission an external, independent audit of the Shire of Kalamunda's tender and procurement process and its effectiveness in delivering optimal services to the Shire for all tenders over the past three years (2014-2017).
2. Approve the Audit scope of work to be:
 - (a) Assess the Shire's tender evaluation criteria assessment process against relevant standards and current local government sector practices;
 - (b) Review and verify decisions to exclude tender applications;
 - (c) Assess the number and range of variations approved and the extent to which any variations go beyond the scope of work, the level of officers providing approval and the impact to the approved budget;
 - (d) Identify where the level of accountability within the Shire is assigned for the delivery of the contract, approval of any variations and numbers and details of contracts that have not met the initial scope of works and budget.

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Rationale:

There has been a sustained level of complaints regarding the Shire's tender processes and decisions from the community. Further, the level of detail being presented to Council has not met its expectation for informed decision making.

It is important the Shire can demonstrate it is working within local government benchmark standards and the Council is approving expenditure that is appropriate and fiscally responsible. There is limited information being provided to Council on the level expenditure related to variations or the quality of work completed.

A detailed review of past decisions and assessment of current evaluation criteria and processes is appropriate to ensure Council has confidence that its decisions are meeting community expectations.

Staff Comment

The motion is strongly supported by the administration. Following Council approval of the motion, the scope of works will be sent to external auditors as a matter of urgency. The administration will request the engagement be completed by the end of the first week of June 2017 to enable the report to be brought to the Audit and Risk Management Committee meeting in June. The budget for the Independent Audit of the Tender and Procurement Process will be funded from within the Finance Business Unit.

11.3 **Rationalisation of Lesmurdie Library**

Voting Requirements: Simple Majority

That Council:

1. Request that the Chief Executive Officer submit a report to the June 2017 Corporate & Community Services Committee meeting outlining a plan for the rationalisation of the Lesmurdie Library, including:-
 - Community consultation strategy and timeline
 - Improvements to other Shire libraries to cater for current users of the Lesmurdie Library
 - Impacts on staff
 - Financial impacts

Moved: **Cr Dylan O'Connor**

Seconded:

Vote:

As Cr O'Connor was absent the item was not considered.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Recording of Questions Taken on Notice (Cr Destree)

- Q. How is the response of on recording of questions taken on notice recorded in the minutes?
- A. The questions taken on notice are published in the minutes of the meeting to which they are asked. The questions and answers then appear in the agenda of that committee or council meeting in the following months and are recorded in the minutes of that meeting.
- Q. To clarify these will be in the agenda papers but not the minutes?
- A. The CEO advised questions on notice appear in both the agendas and the minutes.

12.2 Attachments to Reports (Cr Bilich)

- Q. If there are not changes to attachments from committee can they not be reproduced for Ordinary Council Meetings? Can the CEO please investigate?

12.3 Compliance with State Records Act (Cr Bilich)

- Q. I would like to know why Simon Di Rosso was specifically named in the question by members of which due notice has been given?
- A. The Presiding member invited Cr Destree to respond. Cr Destree advised she would discuss this at item 13.2.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Parking on Merrivale Road Pickering Brook (Cr Fernie) (Question from OCM 24 April 2017)

Q. What actions are being undertaken to enforce parking restrictions on Merrivale Road?

A. In response to the complaints received Shire's Rangers have been actively involved in educating both the customers and the proprietor of Core Cider.

Variable message boards were used to advertise Merrivale Road's no parking zones. The boards also advertised that penalties may apply for non-compliance. Rangers also spoke directly to members of the public about the no parking zones and the dangers caused by non-compliance.

Discussions were also held between the Shire and the proprietor of Core Cider. The owner indicated they were going to advise patrons they could not park in the no parking signed areas. They also advised an agreement was made where patrons were permitted to park at the neighbouring church.

Subsequent to the education efforts mentioned above, over Saturday 6 May and Sunday 7 May, approximately 17 infringement notices were issued around Core Cider for illegal parking. Further patrols will occur along Merrivale Road.

Permanent yellow no parking lines have been planned for the no parking sections along Merrivale Road with asphalt works occurring this week to enable the line marking to occur thereafter.

13.2 Compliance with State Records Act (Cr Destree)

Q. Given former Councillor Simon Di Rosso openly used a private email account for council business and communications, what has the CEO implemented to ensure the Shire is meeting its record keeping obligations as defined under the State Records Act regarding the use of private email accounts, and can it verify such communications are now a matter of record and are traceable and auditable?

Administration Response

1. The Shire of Kalamunda has the following documentation in place which requires all staff and councillors to be aware of and comply with the requirements of the *State Records Act 2000* (the Act):-
 - (b) Council Policy – INF 15 – Councillor Record Keeping Policy (Copy attached) [Click HERE to go directly to the document](#)
 - (c) Shire of Kalamunda Governance and Policy Framework – Section 10.6 specifies the record keeping requirements.
 - (d) Shire of Kalamunda Codes of Conduct – contains similar statements as those contained in the Governance Framework.

2. There is no legislative provision which specifically prevents the use of a private email account, providing the user of such an account ensures a record as defined by the Act is provided to the local government administration for inclusion in the records system.
3. The use of private emails by council members is a widespread and common practice across all local governments in the State of Western Australia and also occurs in the Shire of Kalamunda.
4. As the Shire of Kalamunda has established an email account within its system for all staff and councillors, any email sent to another Shire email account holder address, whether from a private account or not, will be captured within the official records of the Shire.
5. Whilst the outcomes of point 3 above are intended to provide the Shire with the ability to capture business emails for compliance with the Act, if an email account holder does not comply with any of the requirements in point 1, then there would be the potential that official business records would not be captured as required by the Act. There is some responsibility for an individual email account holder to ensure they comply with the relevant legislative requirements.
6. The requirements for record keeping will continue to be emphasised in all staff and councillor inductions.
7. Mr Di Rosso and all other Council members will be reminded to check if they have any emails that need to be submitted for record keeping purposes.

Cr Destree provided the meeting with further rationale for the question. Cr Destree advised she did not believe the key question about what is being implemented to ensure the Shire is meeting its recordkeeping obligations is being satisfied.

The CEO provided the following response:

At the end of the day the State Records Act is quite clear that the onus is on the person who creates the information to send it the Shire. If councillors don't send their information through it won't be captured, obviously. But councillors have been advised that they do need to forward things on and in most counts I am sure that has happen. Former Councillor Di Rosso has been asked to forward any emails, he has done that and the Shire has looked at this and there are no emails in his email system that have not been sent to the Shire previously they are all things that have been captured and directed through to officers so there is no noncompliance happening in this instance. Just to remind councillor that if you do use your private email accounts, as you are allowed to we have a policy on it legislation does not discount you from using private email accounts, you just need to copy the Shire in when it is to do with council business.

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Motion

RESOLVED OCM 83/2017

That the meeting close to the public to consider a confidential item.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The meeting closed to the public at 8.28pm.

15.2 **10.3.5 CONFIDENTIAL ITEM – Consideration of Tenders – Insurance Broking and Risk Management Services RFT1706 Contract 0618/0626**

Cr Tracy Destree declared an indirect financial interest in Item 10.3.5 Consideration of Tenders Insurance Broking and Risk Management Services RFT 1706 Contract 0618/0606 as she was a direct manager of the director of the account submission from Marsh in 2011.

Voting Requirements: Simple Majority

RESOLVED OCM 84/2017

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Marsh Pty Ltd for the delivery of the 2017/18 and 2018/19 Insurance and Risk Services Program (RFT 1706 Contract No 0618/0626) for its tendered price of \$581,876 (minimum) and \$699,040 (maximum) and a broker fee of \$30,000 (excluding GST). A further extension of one year will be at the Shire's discretion.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (9/0)**

15.3 Motion

RESOLVED OCM 85/2017

That the meeting open to the public after considering a confidential item.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The meeting closed to the public at 8.37pm.

16.0 CLOSURE

16.1 There being no further business, the Presiding Member declared the meeting closed at 8.39pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2017