

Development & Infrastructure Services Committee Meeting

Minutes for Monday 11 April 2016

UNCONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.20pm, and welcomed Councillors, Staff, the Press and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

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

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance & PR
Andrew Fowler-Tutt	Manager Development Services
Meri Comber	Governance Officer

Members of the Public 18

Members of the Press 1

2.2 Apologies

Councillors

Brooke O'Donnell	South West Ward
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2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Questions from Development & Infrastructure Services Meeting 14 March 2016

Nita Parker, Pauls Valley

- Q. With regard to Ordinary Council Meeting Item 10.3.4 Retrospective Application for Chalets, Stables and Rural Pursuits – Lot 2 (664) Pickering Brook Road, Pickering Brook. What legal advice would the Shire take should an accident/injury occur on this property due to these buildings not going through the planning process? Also, since the Shire would have prior knowledge of this, could the injured person then sue the owner or the Shire for not ensuring the environment they were in was safe?
- A. Any advice sought will depend on circumstances. Litigation options and outcomes are unpredictable.

3.2 Questions from Development & Infrastructure Services Meeting 11 April 2016

David Downing, High Wycombe

- Q. How does the Forrestfield / High Wycombe Contribution Scheme a Management Fee could you tell me exactly how this is calculated?
- A. The Director Infrastructure Services noted an hourly rate is endorsed for this and time sheets are kept by staff who are working on these particular items.

4.0 PETITIONS/DEPUTATIONS

- 4.1 A Deputation was received from Caroline Babbage and Mandy Skeates representing the Kalamunda Chamber of Commerce (KCC) regarding Report 28 – High Wycombe Farmers Market, Application for Approval.

A Councillor understood the new market did not fit the definition as given by the Chamber of Commerce to be a Farmers Market, but asked the KCC why they had registered both the names High Wycombe Farmers Market and High Wycombe Community Market to KCC. Caroline Babbage responded that the KCC were not being obstructional but wanted to protect the names of High Wycombe Farmers Market and High Wycombe Community Market in order that those names be used in a way that truly represented their identity.

- 4.2 A Deputation was received from Nathan Stuart and Stacey Climber representing the Rowe Group regarding Report 27. Proposed Motor Vehicle Wash – Lot 40 (39) Railway Road, Kalamunda.

A Councillor asked in what time-frame the amended drawings mentioned in the deputation could be produced by, Nathan Stuart indicated these are expected in approximately one week.

A Councillor noted the deputation cited that the upper deck of the car park was the busiest, and asked if they had evidence to support his. Stacey Climber responded that this information had been given them by Coles Supermarket.

A Councillor asked how point (c) of the recommendation could be addressed. Nathan Stuart indicated that these car washes are in a number of similarly sized shopping centres and offer a service and they feel this is consistent with the objectives of the Scheme.

A Councillor was concerned this would take away from the number of parking bays, Nathan Stuart indicated this would not be the case and no car parking bays would be used for storage and office space.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- 5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 14 March 2016, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Noreen Townsend**

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

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

- 6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)

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

8.1.1 Nil.

8.2 **Disclosure of Interest Affecting Impartiality**

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

8.2.1 Nil.

9.0 **REPORTS TO COUNCIL**

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

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

24. Preparation of Amendment 75 to Local Planning Scheme No. 3 – Forreestfield North Stages 2 and 3

Previous Items	PS 61/2010 PS 28/2011
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/075
Applicant	N/A
Owner	Various owners
Attachment 1	Amendment 75 to Local Planning Scheme No. 3

PURPOSE

1. To consider Amendment 75 to Local Planning Scheme No. 3 (the Scheme) to rezone the Forreestfield North Stages 2 and 3 from Light Industry, Industrial Development and Special Rural to Urban Development.

BACKGROUND

2. **Land Details:**

Land Area:	Approximately 138ha
Local Planning Scheme Zone:	Light Industry, Industrial Development & Special Rural
Metropolitan Region Scheme Zone:	Urban

3. **Locality Plan**



4. The proposed amendment comprises land bounded by Roe Highway to the east, Sultana Road West and Imperial Street to the south, Poison Gully Creek to the north, and Dundas Road to the west.
5. Under the Metropolitan Region Scheme (MRS), all the subject properties are zoned Urban. The Urban zoning under the MRS automatically triggers a requirement for a Local Planning Scheme zone to comply with the MRS zone.
6. Under Local Planning Scheme No. 3 (the Scheme), all properties located within Stage 2 are either zoned light industry or industrial development, while all properties located within Stage 3 are zoned Special Rural. This is now inconsistent with the MRS zone of Urban and should be amended to Urban Development.
7. The Scheme requires a structure plan be prepared for Urban Development zoned land prior to subdivision and development.
8. In August 2014, with the announcement of the Forrestfield Airport Link (FAL), the State Government requested that the Shire explore options for commercial and residential uses around the proposed Forrestfield train station. The State Government also recommended that the Shire undertake district-level structure planning to identify the best land use opportunities for the area.
9. Council endorsed the Forrestfield North District Structure Plan (DSP) at its meeting in October 2015. The DSP is now awaiting State Government approval.

DETAILS

10. The amendment plan is included as (Attachment 1) to this report illustrating all the proposed zoning changes.
11. The proposed amendment also makes the following modifications to the Scheme text:
 - Modification of Schedule 11 Part 2 to refer to the subject land as Urban Development rather than Industrial Development; and
 - Removal of Schedule 11 Part 2 paragraph (ii).
12. The proposed amendment has been prepared in response to the decision of the State Government to progress the FAL, Forrestfield train station and subsequent preparation of the Forrestfield North District Structure Plan. The proposed Urban Development zoning enables the preparation of a local structure plan for the delivery of medium to high density residential development, a new activity centre, and a commercially focussed transit oriented development precinct around the planned Forrestfield train station.

STATUTORY AND LEGAL IMPLICATIONS

13. The scheme amendment will follow the 'basic amendment' statutory process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment must be submitted to the Environmental Protection Authority for its consideration, as well as to the WAPC for approval by the Minister for Planning.

14. Section 126 (3) of the *Planning and Development Act 2005* requires land zoned under the scheme to be consistent with the MRS.

15. The proposed Urban Development zone has the following provisions in the Scheme:

To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.

To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.

POLICY CONSIDERATIONS

16. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

17. Community engagement has already been undertaken for the MRS amendment and District Structure Plan. There will be additional community engagement during the Local Structure Planning process.

18. The Shire considers this amendment a 'basic' amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*. In accordance with the Regulations, the amendment will not be advertised unless directed to do so by the Minister for Planning.

FINANCIAL CONSIDERATIONS

19. Any costs associated with the preparation of the amendment document and public consultation will be met through the Planning and Development Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

Strategy 4.1.1 – Develop, implement and review strategic land-use plans and policies which guide the location and sustainability of industrial, commercial and residential areas within the Shire.

Strategy 4.1.5 – Pursue integrated land use planning so that alternative transport modes are incorporated into the Structure Plan process.

SUSTAINABILITY

Social Implications

21. The planned development of the area for urban land use activity through the preparation of a Structure Plan will enable some landowners to progress with the development of the land independently of others. It is possible that the Structure Plan may have some amenity implications for landowners who wish to remain on their properties in the short term but it does not diminish their right to stay.

Economic Implications

22. The planned urban area will have economic benefits for the landowners and future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development, creation of jobs and demand for housing close to transport.

Environmental Implications

23. Lot 12 Ibis Place has had a Vegetation Conservation Notice placed over a portion of the land. The notice is effective for 10 years, starting on 1 February 2011. There are a number of requirements that will have to be met under the notice and this land will be extensively monitored and managed over this period to enable the regrowth of the original vegetation. Regardless, the land can be zoned Urban Development and protected through appropriate mechanisms.

RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
If the amendment proposal is not supported the WA Planning Commission may direct the Council to progress the amendment.	Unlikely	Minor	Low	Demonstrate that there will be inconsistencies in the planning framework if this amendment is not supported.

OFFICER COMMENT

25. The amendment has been prepared in response to the decision of the State Government to proceed with the FAL. The Forrestfield North District Structure Plan has outlined the strategic planning intent for the area in providing for a range of residential and commercial land uses focussed around a transit oriented development precinct.
26. Considers Amendment No. 75 to Local Planning Scheme No. 3 as a basic amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment will have minimal effect on the scheme or landowners in the scheme area as the land has already been

rezoned to Urban under the MRS. This scheme amendment will ensure consistency between the Scheme, the MRS and the Forrestfield North District Structure Plan.

27. The amendment is part of the ongoing planning required to be undertaken to support the future land use planning around the Forrestfield Train Station.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 24/2016)

That Council:

1. Considers Amendment No. 75 to Local Planning Scheme No. 3 as a basic amendment under Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015. The amendment will have minimal effect on the Scheme or landowners in the Scheme Area as the land has already been rezoned to Urban under the MRS. This Scheme amendment will ensure consistency between the Scheme, the MRS and the Forrestfield North District Structure Plan.
2. Pursuant to Section 75 of the *Planning and Development Act 2005*, prepares Amendment No. 75 to Local Planning Scheme No. 3 as below:
 - a) Modifying Schedule 11 Part 2 to read:

"In respect of the Urban Development Zone;"
 - b) Deleting Schedule 11 Part 2 paragraph (ii); and
 - c) Modifying the Local Planning Scheme Map from Light Industry, Industrial Development and Special Rural to Urban Development as per Attachment 1.
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, forwards the proposed Amendment 75 to Local Planning Scheme No. 3 and supporting documents to:
 - a) The Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. Pursuant to Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once approved by the Environmental Protection Authority, forward Amendment No. 75 to the Western Australian Planning Commission for its consideration.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Dylan O'Connor**

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

Attachment 1

LOCAL PLANNING SCHEME NO. 3

Amendment No. 75



FORM 2A

Planning and Development Act 2005 (as amended)

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 75

RESOLVED that the local government, in pursuance of Part 5 of the *Planning and Development Act 2005* (as amended):

1. Considers Amendment No. 75 to Local Planning Scheme No. 3 as a basic amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment will have minimal effect on the Scheme or landowners in the Scheme Area as the land has already been rezoned to Urban under the MRS. This Scheme amendment will ensure consistency between the Scheme, the MRS and the Forrestfield North District Structure Plan.
2. Pursuant to Section 75 of the *Planning and Development Act 2005*, prepares Amendment No. 75 to Local Planning Scheme No. 3 as below:
 - a) Modifying Schedule 11 Part 2 to read:

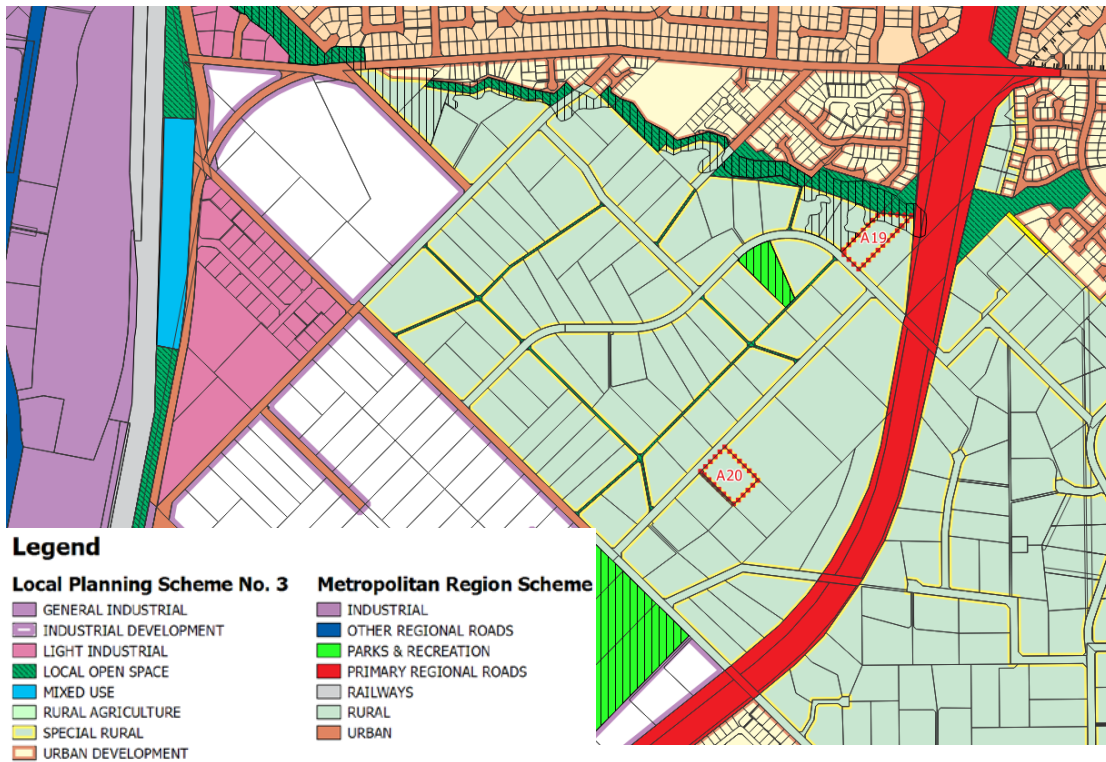
"In respect of the Urban Development Zone;"
 - b) Deleting Schedule 11 Part 2 paragraph (ii); and
 - c) Modifying the Local Planning Scheme Map from Light Industry, Industrial Development and Special Rural to Urban Development as per Attachment 1.
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, forwards the proposed Amendment 75 to Local Planning Scheme No. 3 and supporting documents to:
 - a) The Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. Pursuant to Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once approved by the Environmental Protection Authority, forward Amendment No. 75 to the Western Australian Planning Commission for its consideration.

Dated this day of **2016**

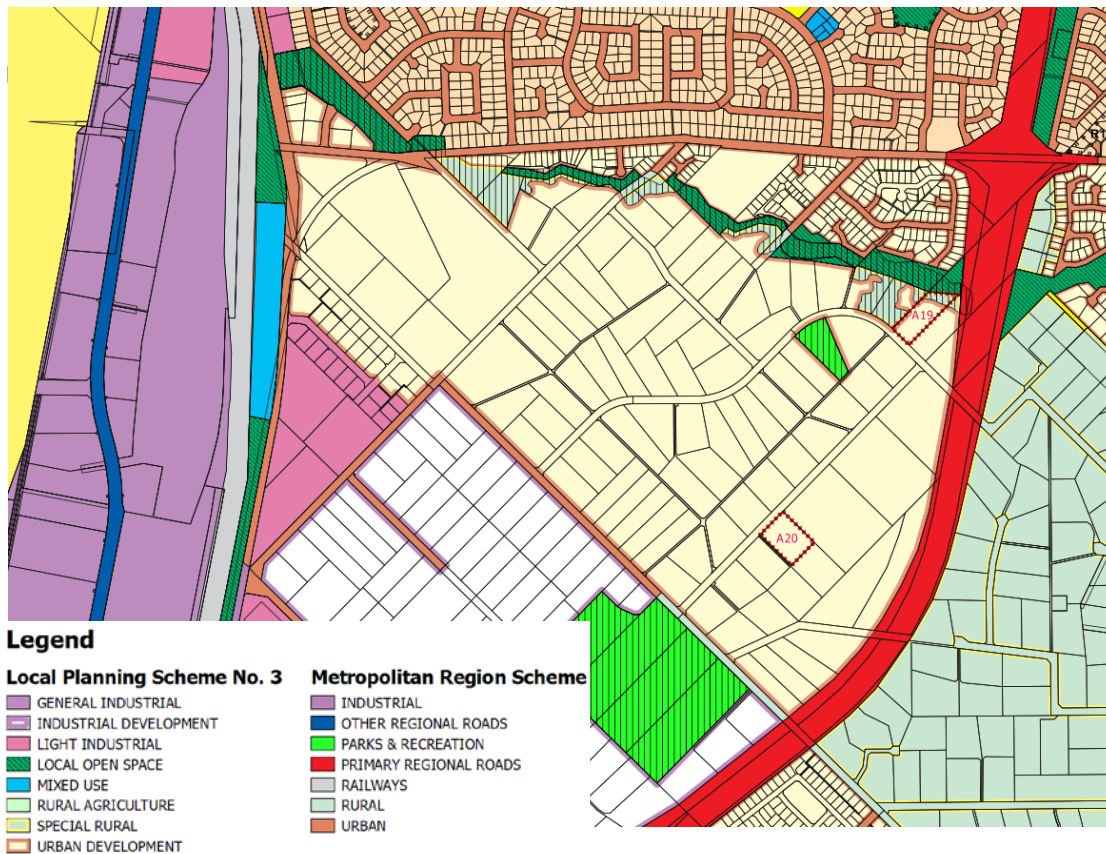
CHIEF EXECUTIVE OFFICER

Attachment 1

Existing Local Planning Scheme 3 Zoning



Proposed Local Planning Scheme 3 Zoning



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

**25. Amendment to Local Planning Scheme No. 3 – Lot 1107 (40)
Masonmill Road, Carmel – Amendment 85 Additional Uses
(Reception Centre, Tavern, Shop, Caretakers Dwelling, Garden
Centre, Recreation – Private, and Tourist Development)**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	TP-LPS-003/085
Applicant	Land Insights
Owner	Holmes Management Group Pty Ltd

Attachment 1	Amendment 85 Document (Form 2A)
Attachment 2	Development Concept Plan

PURPOSE

- To consider the initiation of an amendment to Local Planning Scheme No. 3 (Scheme), to include additional uses for reception centre, tavern, shop, caretakers dwelling, garden centre, recreation – private, and tourist development. Refer to (Attachment 1).

BACKGROUND

2. Land Details:

Land Area:	4ha (40,468.6m ²)
Local Planning Scheme Zone	Rural Conservation Existing Additional Use (A 32) for a 'Tea Room and Craft Shop'
Metropolitan Regional Scheme Zone	Rural and Reserved for Water Catchments

Locality Plan

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4. The subject site has an approximate frontage of 170m and two (2) constructed vehicle access ways to the north and south of the site.
5. The site contains an existing tearoom, craft shop, dwelling, caretakers dwelling and a dam. The site has been used historically for horticultural purposes as a 'rose farm' (garden centre).
6. The surrounding area is predominantly characterised by rural land uses, Water Corporation land, parks and recreation reserve and state forest.

DETAILS

7. The site is currently listed in Schedule 2 of the Scheme (Additional Uses) as follows:

No.	Description of Land	Additional Use	Conditions
A 32	40 Masonmill Road, Carmel Lot 1107	Tearoom and Craft Shop	(a) The activities being limited to a total floor area of 220m ² . (b) The development to be general in accordance with a Development Plan endorsed by Council.

8. The proposed Scheme amendment would effectively remove the abovementioned additional uses from Schedule 2 of the Scheme, and replace it with the following proposed additional uses:
 - Reception centre;
 - Tavern;
 - Shop;
 - Caretakers dwelling;
 - Garden centre;
 - Recreation – Private; and
 - Tourist development.

9. In support of the initial Scheme amendment request, the applicant submits as follows:

"The additional uses will facilitate the development of the site as a key tourism site within the Shire, comprising a restaurant, function centre, gardens and associated activities."

STATUTORY AND LEGAL CONSIDERATIONS

10. **Local Planning Scheme No. 3**
11. The subject lot is currently zoned Rural Conservation under the Scheme, which includes the following objectives under Part 4.2.2 (Rural Zones):
 - *Ensure development is in harmony with the natural environment.*

- *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
- *Conserve and preserve the bushland status of private freehold and Crown land within the zone.*
- *Conserve indigenous flora and fauna to ensure the viability of natural ecosystems.*
- *Encourage the reduction of bush fire hazard.*
- *To retain large lot sizes.*

12. Should Council resolve to initiate the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning. If the proposal proceeds to the Minister's determination, there is no Right of Review (appeal) irrespective of the Minister's decision.
13. In the event that Council does not initiate the amendment, the process ceases and there is no right of review (appeal) to the State Administrative Tribunal.

Planning and Development (Local Planning Schemes) Regulations 2015

14. The *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the *Town Planning Regulations 1967* and associated Model Scheme Text.
15. In relation to the processing of Scheme amendments, the Regulations distinguish 'complex', 'standard' and 'basic' types of amendments with procedural requirements for each to streamline and simplify the amendment process, particularly in relation to advertising and processing timeframes.
16. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment', for the following reasons:
- a) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
 - b) The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area.
 - c) The amendment is not considered to meet the definition of a 'complex' or 'basic' amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
17. It is noted that the proposed Scheme amendment includes the additional use of 'tourist development' which is not currently defined under the Scheme. Furthermore, the existing Scheme definitions for reception centre, tavern, shop, caretakers dwelling and garden centre are inconsistent with the Model Provisions under the Regulations.
18. While updating definitions under a Scheme is ordinarily considered through a Scheme review, the proposed amendment is considered to present an opportunity to bring aforementioned definitions into alignment with the Model

Provisions, as an interim measure. Accordingly, the amendment includes the following textual amendments:

1. Amending Schedule 1 by replacing the existing definitions for Reception Centre, Tavern, Shop, Caretakers Dwelling, and Garden Centre, with the corresponding Model Provision definitions under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Inserting a new definition for Tourist Development in accordance with the Model Provision definition under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

19. The proposed additional uses are defined under the Scheme and Regulations as follows:

Use	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Definition	Local Planning Scheme No. 3 Definition
Reception Centre	Reception centre means premises used for hosted functions on formal or ceremonial occasions.	Reception centre means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.
Tavern	Tavern means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .	Tavern means premises used to sell liquor for consumption on the premises and the subject of a tavern licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> .
Shop	Shop means premises other than a bulky goods showroom, a liquor store – large or liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.	Shop means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet.
Caretakers Dwelling	Caretakers dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.	Caretakers dwelling means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.

Garden Centre	Garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.	Garden centre means any land or building or part thereof used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display, but not manufacture, of pre-fabricated garden buildings.
Recreation – Private	Recreation – private means premises that are – (a) Used for indoor or outdoor leisure, recreation or sport; and (b) Not usually open to the public without charge.	Recreation – private means premises used for indoor and outdoor leisure, recreation and sport which are not usually open to the public without charge.
Tourist Development	Tourist development means a building, or group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide: <ul style="list-style-type: none"> • Short-term accommodation for guests; and • Onsite facilities for the use of guests; and • Facilities for the management of the development. 	Not defined.

20. As discussed above, the definitions prescribed under the Regulations are proposed to be inserted into the Scheme as part of this amendment.

Metropolitan Region Scheme

21. The site is zoned Rural and falls within a Water Catchments Reserve under the Metropolitan Region Scheme.

STRATEGIC PLANNING IMPLICATIONS

Hills Rural Study 2014

22. The Hill Rural Study (HRS) was prepared to identify and address future requirements relating to land use, horticulture/agriculture, and environmental, economic and social issues in the study area.
23. Objectives of the HRS include, among others, protecting agricultural land, rural amenity and the Public Drinking Water Source Areas, while facilitating new revenue opportunities and diversification of land uses, including for tourism based ventures.

POLICY CONSIDERATIONS

Draft State Planning Policy 2.5 – Rural Planning Policy

24. The Western Australian Planning Commission (WAPC) has prepared the Draft Rural Planning Policy which intends to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.

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

25. The intent of State Planning Policy 3.7 (SPP 3.7) is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
26. The requirements under SPP 3.7 apply in addition to the provisions or requirements of the Special Control Area relating to bushfire prone areas under the Scheme.

COMMUNITY ENGAGEMENT REQUIREMENTS

27. The *Planning and Development (Local Planning Schemes) Regulations 2015* establish the procedures relating to amendments to Local Planning Schemes. Should Council initiate the amendment it will be formally advertised with a consultation period of 42 days.

FINANCIAL CONSIDERATIONS

28. Any costs associated with the preparation of the amendment document will be borne by the applicant. Costs associated with public consultation will be met through the Planning and Development Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

29. *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

30. Nil.

Economic Implications

31. The proposed Scheme amendment would ultimately facilitate a variety of land uses, which would provide additional employment opportunities and facilitate additional tourism to the area.

Environmental Implications

32. The proposal is located within a Water Catchment Reserve under the MRS.

RISK MANAGEMENT CONSIDERATIONS

33.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposed amendment may facilitate uses which will impact on the amenity of the area and adjoining properties.	Possible	Minor	Medium	Ensure Council is aware that the amendment does not in itself enable development to occur. The detailed impacts of development and land uses will be further considered at the development application stage.
The loss of additional tourism related opportunities in the area.	Possible	Minor	Medium	Demonstrate the benefit of the proposal for tourism for the local area.

OFFICER COMMENT

34. The applicant submits that each of the proposed uses are intended to complement the existing tea rooms and craft shop at the site to encourage additional tourism to the site. The following future improvements to the land have been indicated by the applicant:

Use	Reason for additional use
Reception Centre	The owner has future plans to build a function centre to host events such as wedding receptions, ceremonies and other private functions from time to time.
Tavern	The owner would like the opportunity to apply for a Restricted Tavern Liquor licence to allow patrons to be served local wines, beers and ciders without the need to order food. A beer garden is planned to complement the Tavern. This use will be subject to liquor licensing.
Shop	A craft shop has been approved on the site as part of a recent application and has been permitted on the site for some time. Its inclusion allows for the continuation of this use. The shop will sell crafts and other tourism-oriented products to patrons of the property.
Caretakers Dwelling	It is the owner's intention to employ an on-site caretaker. The inclusion of this use will allow for the caretaker to live on the site while employed in that role.
Garden Centre	A garden centre has been a significant component of the site for many years. At the present time the garden centre is not operating, however the owners are considering re-establishing this use in future.
Recreation – Private	It is the intention to construct a small amphitheatre on site to complement the function centre on an as-required basis. It is also envisaged that some independent events, such as drama/plays and concerts may also be staged at the amphitheatre.
Tourism Development	The owner has future plans to develop short term accommodation on the site, with accompanying onsite facilities for guests and management of the development.

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35. The proposed amendment will provide the statutory conditions that will allow the Shire to consider a broader variety of uses and development at the site. The current Scheme requirements do not allow development applications to be considered for the additional uses, despite these uses being potentially compatible and beneficial to the emerging tourism industry in the area. If the amendment is approved, a development application would be required prior to the development and operation of any of the additional uses.
36. Specific matters relating to potential impacts the use may have on the amenity of the area, such as the visual impact of development, detailed environmental considerations, parking, traffic safety and access, effluent disposal and specific management and operation of the uses are appropriately considered at the development application stage.
37. In regard to the current objectives of the Rural Conservation zone under the Scheme, the following is noted:
- **Ensure development is in harmony with the natural environment.**
Details regarding the specific nature and intensity of development, and the compatibility of the development with the natural environment will ultimately be considered at the development application stage if the amendment is approved. These matters are considered to be appropriately addressed through the development application process.
 - **Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.**
Whilst it is noted that the site falls within a MRS reserve for Water Catchments, the Bickley Brook Public Drinking Water Source Area has been de-proclaimed, meaning there is no longer rigorous land use restrictions relating to public drinking water supply. Nevertheless, a Water Management Plan will be required to be lodged as part of the amendment process to ensure the amendment adequately addresses water management and environmental considerations.
 - **Conserve and preserve the bushland status of private freehold and Crown land within the zone.**
 - **Conserve indigenous flora and fauna to ensure the viability of natural ecosystems.**
The proposed amendment does not incorporate the removal of vegetation from the land. Large areas of the site have in the past been used for horticultural activities and the site is largely clear of native vegetation. There are a small number of larger trees in the centre of the site, which should be retained as part of any future development.
 - **Encourage the reduction of bush fire hazard.**
The proposal in-itself does not reduce bush fire hazard in the area, however a Bushfire Hazard Assessment and Bushfire Attack Level Contour Map has been submitted to support the amendment request. These documents indicate that the site is the subject to an extreme and moderate Bushfire Hazard Level and BAL-40/FZ, which means that development will only be able to be located in specified areas of the lot. Given the property is surrounded by dense vegetation on adjoining lots, any new development will
-

be required to be predominantly located to the centre of the site, outside of the high risk areas. A Bushfire Management Plan will ultimately be required at the development application stage to demonstrate that key bushfire protection criteria (relating to location, siting/design, vehicle access and water) have been addressed in accordance with relevant requirements.

- **To retain large lot sizes.**

The amendment will not result in any reduction of the existing lot size.

38. A key consideration of the amendment will be to determine the appropriateness of traffic safety and access to the site, particularly from Canning Road. In this respect, the applicant/owner will be required to provide a traffic impact assessment during the amendment process. Where improvements are required to the surrounding road system and access to the site, these improvements will be required to be addressed at the development application stage through a condition of development approval.
39. In summary, the proposed amendment is considered appropriate for the subject site to enable the Shire to consider additional uses which will be complementary to the emerging tourism activity in the area.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 25/2016)

That Council:

1. Considers Amendment No. 85 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
 - The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area.
 - The amendment is not considered to meet the definition of a 'complex' or 'basic' amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 85 to Local Planning Scheme No. 3 (Attachment 1).
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, forwards the proposed Amendment 85 to Local Planning Scheme No. 3 and supporting documents the Environmental Protection Authority for comment.
4. Pursuant to Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once approved by the Environmental Protection Authority, forward Amendment No. 85 to the Western Australian Planning Commission for its consideration.

Moved: **Cr John Giardina**

Seconded: **Cr Tracy Destree**

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

Attachment 1

Amendment to Local Planning Scheme No. 3 – Lot 1107 (40) Masonmill Road, Carmel – Amendment 85 Additional Uses (Reception Centre, Tavern, Shop, Caretakers Dwelling, Garden Centre, Recreation – Private, and Tourist Development)

Amendment 85 Document (Form 2A)

Form 2A Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 85

Resolved that the local government pursuant to section 72 of *the Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Deleting the existing 'A 32' additional uses and conditions from Schedule 2 and inserting the following additional uses and conditions in its place:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A 32	40 Masonmill Road, Carmel Lot 1107	<ul style="list-style-type: none">• Reception Centre• Tavern• Shop• Caretakers Dwelling• Garden Centre• Recreation – Private• Tourist Development	The uses are not permitted unless planning approval is granted by the Local Government ('D').

2. Amending Schedule 1 by replacing the existing definitions for Reception Centre, Tavern, Shop, Caretakers Dwelling, Garden Centre, and Recreation-Private, with the corresponding Model Provision definitions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows:

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

"Tavern" means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*.

"Shop" means premises other than a bulky goods showroom, a liquor store – large or liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

“Caretakers dwelling” means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.

“Garden centre” means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.

“Recreation – private” means premises that are –

- (c) Used for indoor or outdoor leisure, recreation or sport; and
- (d) Not usually open to the public without charge.

3. Inserting a new definition for Tourist Development in accordance with the Model Provision definition under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows:

“Tourist Development” means a building, or group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide:

- (a) Short-term accommodation for guests; and
- (b) Onsite facilities for the use of guests; and
- (c) Facilities for the management of the development.

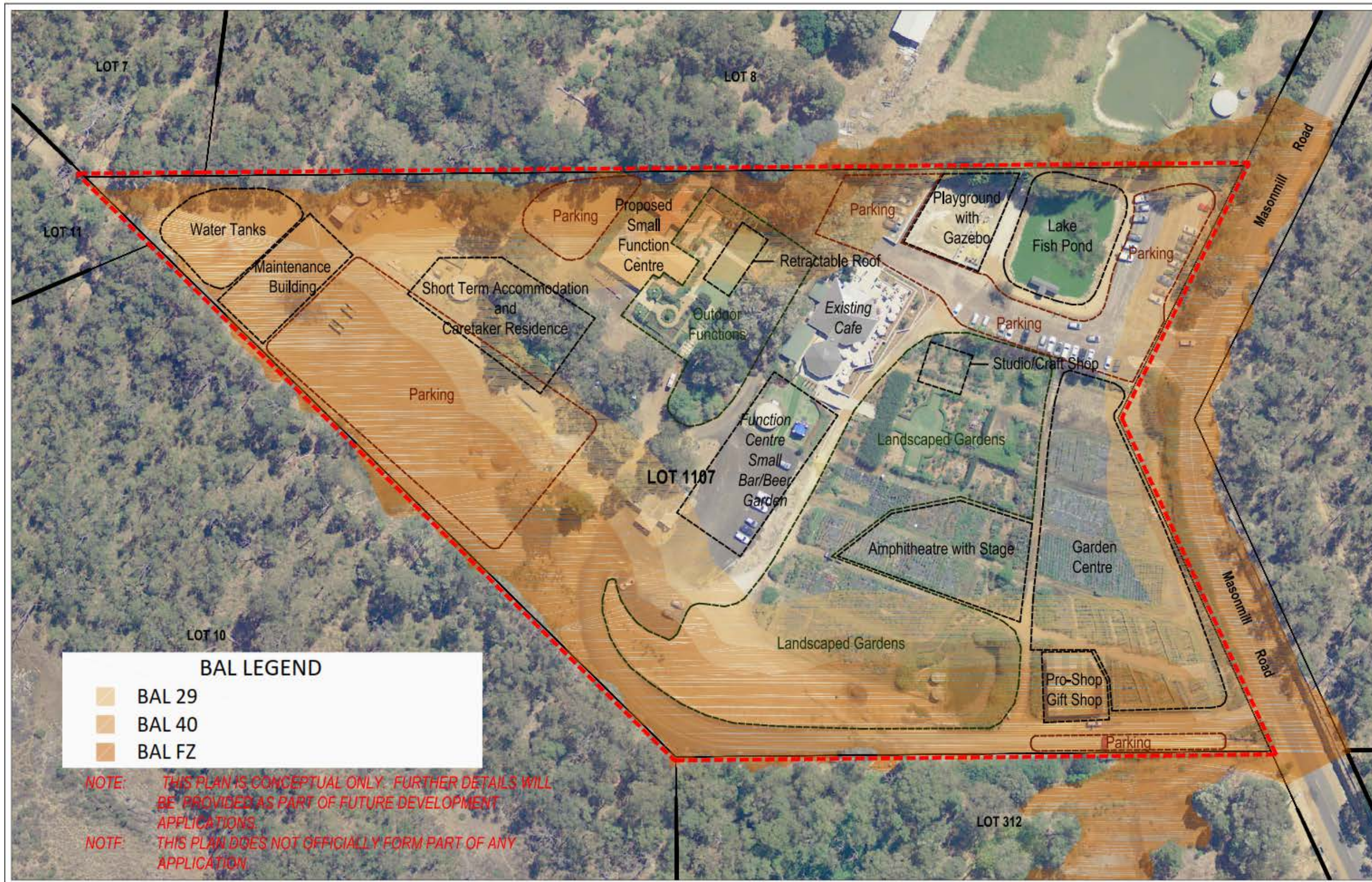
The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons

- a) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
- b) The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area.
- c) The amendment is not considered to meet the definition of a ‘complex’ or ‘basic’ amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Attachment 2

Amendment to Local Planning Scheme No. 3 – Lot 1107 (40) Masonmill Road, Carmel – Amendment 85 Additional Uses (Reception Centre, Tavern, Shop, Caretakers Dwelling, Garden Centre, Recreation - Private and Tourist Development)

Concept Development Plan



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

**26. Proposed Ancillary Dwelling and Outbuilding – Lot 28 (11)
 Bougainvillea Avenue, Forrestfield**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	BG-02/011
Applicant	Carsten Christensen
Owner	Carsten Christensen
Attachment 1	Site Plan
Attachment 2	Floor Plan
Attachment 3	Elevations
Attachment 4	Submission Table

PURPOSE

1. To consider a planning application for a proposed ancillary dwelling and outbuilding at Lot 28 (11) Bougainvillea Avenue, Forrestfield.

BACKGROUND

2. **Land Details:**

Land Area:	700m ²
Metropolitan Regional Scheme Zone:	Urban
Local Planning Scheme Zone:	Residential R20

Locality Plan

- 3.



DETAILS

4. The application proposes the following key elements:
- 3.12m x 9m (28m²) ancillary dwelling located in the south-west (rear) corner of the site; and
 - 4m x 7m (28m²) outbuilding in the south-east (rear) corner of the site.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

5. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives for 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.
6. Under the Scheme, the proposed ancillary dwelling is defined as follows:
“Ancillary accommodation means self contained accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot.”
7. Ancillary dwelling is a ‘P’ (Permitted) use within the Residential zone.
8. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings.
 - The preservation of amenity in the locality.
 - Any local Planning Policy adopted by the local government.
 - Any relevant submissions received on the application.
9. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act (2005)*.

POLICY CONSIDERATIONS

State Planning Policy 3.1 – Residential Design Codes (2015)

10. A key objective of the Residential Design Codes (R-Codes) is to facilitate a variety and diversity of residential development, which offers residents the opportunity for living choices and affordability.

11. Specific development requirements relating to ancillary dwellings and outbuilding are contained within the R-Codes. Assessment of the relevant provisions is provided in the following table:

Site Requirements	Deemed-to-Comply	Proposed
Ancillary Dwelling –		
Minimum lot area:	450m ²	700m ²
Maximum plot ratio:	70m ²	28m ²
Minimum open space:	50% (350m ²)	59% (413m ²)
Parking:	One additional car bay	Area for additional bay available
Setbacks:		
Side (north-east)	1m	2m
Side (south-west)	1m	9m
Rear (south-west)	1m	0.5m (see boundary wall requirements)
Boundary walls:		
Length	Maximum 1/3 (or 9m, whichever is greater) length of each boundary to one boundary only	9m, however existing boundary wall to north-east boundary *
Height	Maximum 3.5m, Average 3.0m	3m 3m
Outbuilding -		
Floor Area:	60m ²	28m ²
Wall Height:	2.4m	2.2m
Roof Pitch Height:	4.2m	2.9m
Setbacks:		
Side (north-east)	1m	12m
Side (south-west)	1m	1m
Rear (south-west)	1m	1m

* Variation to the deemed-to-comply requirements of the R-Codes.

COMMUNITY ENGAGEMENT REQUIREMENTS

12. The proposal was advertised for 14 days by letter to the affected adjoining property owners. During advertising, the Shire received one (1) objection (Attachment 4). The concerns raised as summarised as follows:
- The proposed boundary wall will unduly affect the amenity of the property.
 - The proposal will affect the provision of sunlight and sea breeze and the garden adjacent to the rear fence.
 - The building bulk and visual amenity.
13. It is noted that the application was advertised with a nil setback to the rear boundary. Following the receipt of the abovementioned objection and concerns raised by the Shire's officers, the applicant elected to modify the plans to incorporate an additional 0.5m setback off the rear boundary. Notwithstanding, the wall is still classified as a boundary wall under the R-

Codes, given that it is within 0.6m of the boundary and therefore non-compliant with the deemed to comply requirements of the R Codes.

FINANCIAL CONSIDERATIONS

14. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *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

16. The proposal may result in undue impact on the amenity of the adjoining property to the rear of the subject site.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

RISK MANAGEMENT CONSIDERATIONS

19.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposal may result in undue impacts on the adjoining property to the rear.	Unlikely	Minor-	Low	Ensure the community is aware that the applicant had incorporated an additional 0.5m setback to the rear of the boundary to lessen the impact of the wall and ancillary dwelling.

OFFICER COMMENT

20. The submitted plans indicate a proposed 'pool retreat'. This structure has been assessed as an ancillary dwelling given that the structure contains a kitchen, bathroom and living area, and is therefore considered to be 'self-contained'.

21. The R-Codes allow the construction of a wall up to one (1) side (or rear) boundary only. In this instance, an existing boundary wall (carport and patio

structure) is located along the side (north-east) boundary (the existing dwelling). Therefore, the variation proposed simply relates to the number of boundary walls proposed on the site. The boundary wall to the rear boundary would comply with the boundary wall length and width requirements in its own right, if it was the only boundary wall on the site.

Concerns Raised During Advertising Period

22. In regard to the concerns raised during advertising, the following is noted:

23. Boundary wall visual amenity impacts on the adjoining property:

It is important to note that the variation to the R-Codes does not relate to the size of the boundary wall, rather the fact that a wall is proposed to be located on more than one (1) side boundary (taking into account the existing boundary wall on the dwelling). While the boundary wall will be visible from the adjoining property to the rear, it is not uncommon that development is built to the side or rear boundary for contemporary R20 developments, as this practice makes more effective use of space.

24. The proposed boundary wall is within the size limits (9m wall length and 3m height) which is generally considered appropriate for an R20 zoned lot. The applicant has made an amendment to the plans to incorporate an additional 0.5m setback of the rear boundary to reduce the impact of the wall.

25. In view of the above, the proposed boundary wall is not considered to be unreasonable from a visual amenity perspective.

26. The provision of sunlight and sea breeze and the garden adjacent to the rear fence:

The R-Codes design principles require that direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted. In this respect, the proposed boundary wall will not overshadow any major openings or the primary outdoor living area of the adjoining site.

27. The impact of a proposal on the sea breeze is not a matter which can be easily measured and is not a matter that the Shire can have due regard to when considering the design principles of the R-Codes.

28. The objection also raised concern in respect to the removal of the existing fence, the finish of the wall, and the potential for an air conditioning/hot water unit to be placed on the boundary wall. In respect to the fence, this is ultimately administered under the *Dividing Fences Act 1961* and is a civil matter between the property owners. However, the applicant has indicated that they have no intention to remove the boundary fence.

29. In regard to the finish of the wall and the potential installation of an air conditioning unit or hot water unit, conditions have been included in the officer recommendation which requires the wall to be completed to a professional standard to complement the development on the adjoining lot, and not allowing the installation of infrastructure on the boundary wall.

Carsten Christensen spoke in favour of the application. A Councillor queried the height of the back fence and whether this would be brought to pool safety rules standard; Carsten Christensen indicated it would.

A Councillor asked what the use of the shed on the rear of the property line was, Carsten Christensen indicated this was for the storage of motor bikes and tools.

Phil Dunstan spoke against the recommendation. There were no Councillor questions.

A Councillor asked for clarification from staff as to whether there has been backfilling to the fence and if so, could a condition for a retaining wall be added to the recommendation. The Director Development Services indicated he would have staff inspect the property prior to the Ordinary Council Meeting and advise Council of the outcome.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 26/2016)

That Council:

1. Approves the application for an ancillary dwelling and outbuilding at Lot 28 (11) Bougainvillea Avenue, Forrestfield, subject to the following 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) The development shall be connected to reticulated sewer.
 - c) The approved boundary wall adjacent to the south-east boundary shall be finished to a professional standard to complement development on the adjoining lot, to the satisfaction of the Shire of Kalamunda.
 - d) No facilities or utilities shall be attached to the approved boundary wall adjacent to the south-east boundary.
 - e) Storm water shall be contained on-site.

Moved: **Cr John Giardina**

Seconded: **Cr Andrew Waddell**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Noreen Townsend
	Cr John Giardina	
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Andrew Waddell	
	Cr Dylan O'Connor	
	Cr Sara Lohmeyer	
	Cr Tracy Destree	
	Cr Sue Bilich	
	Cr Simon Di Rosso	
	CARRIED (10/1)	

Attachment 2

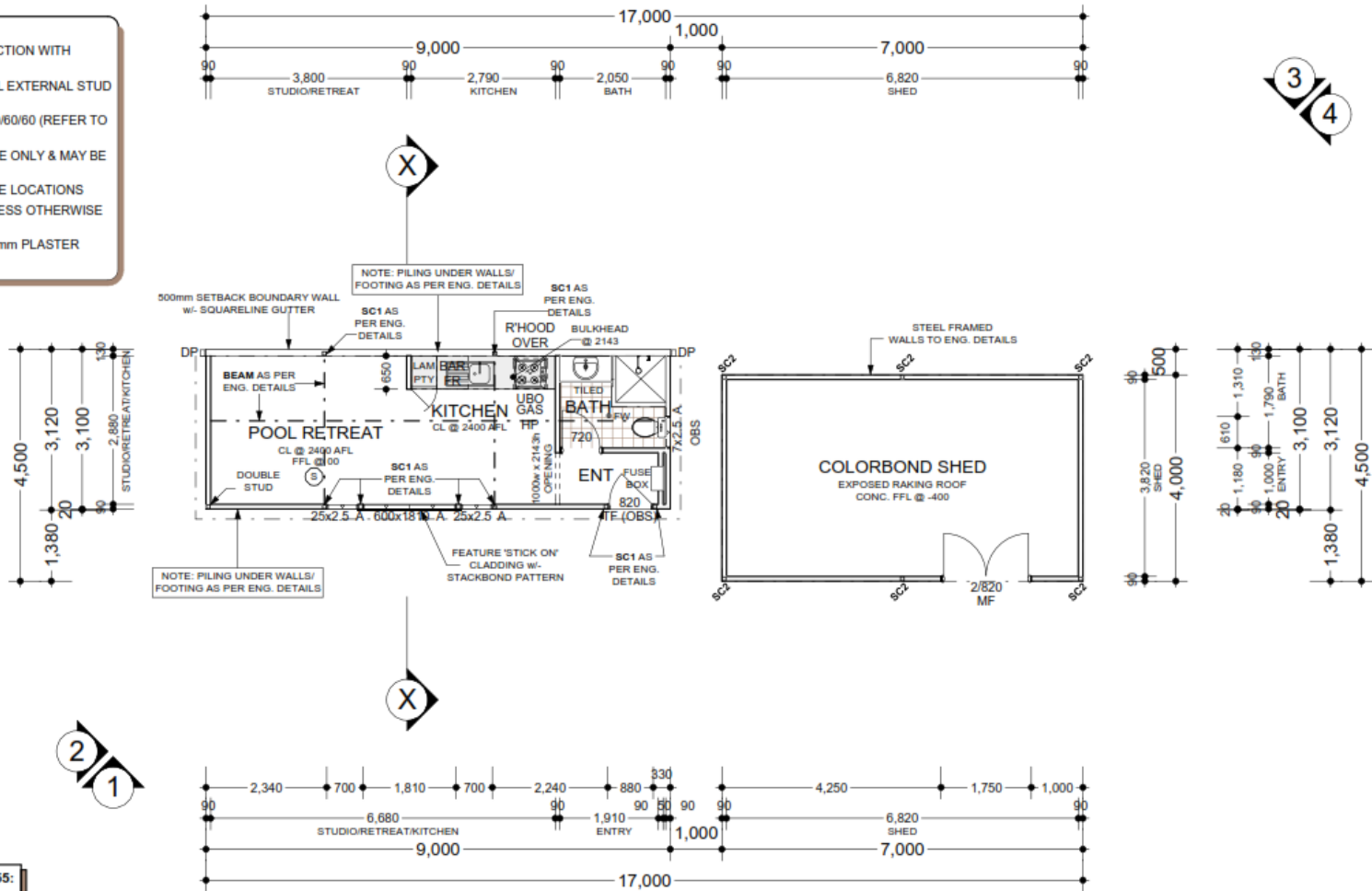
Proposed Ancillary Dwelling and Outbuilding – Lot 28 (11) Bougainvillea Avenue, Forrestfield Floor Plans

NOTE:

- ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS
- PROVIDE R2.5 BATTS INSULATION TO ALL EXTERNAL STUD WALLS
- BOUNDARY WALL TO HAVE AN FRL OF 60/60/60 (REFER TO DETAIL)
- LOCATION OF DOWN PIPES IS INDICATIVE ONLY & MAY BE CHANGED AT BUILDERS DISCRETION
- REFER TO ENGINEERS DETAILS FOR PILE LOCATIONS
- 90mm METAL STUDS THROUGHOUT UNLESS OTHERWISE NOTED
- DIMENSIONS ARE NOT INCLUSIVE OF 10mm PLASTER BOARD FINISH

ROOF AREA(S) ON FLAT:

10° 00' PITCHED ROOF = 33.84m²
SHED
 10° 00' PITCHED ROOF = 28.00m²
TOTAL AREA **61.84m²**



Ⓢ DENOTES HARD-WIRED SMOKE DETECTOR

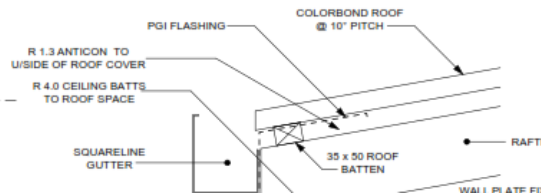
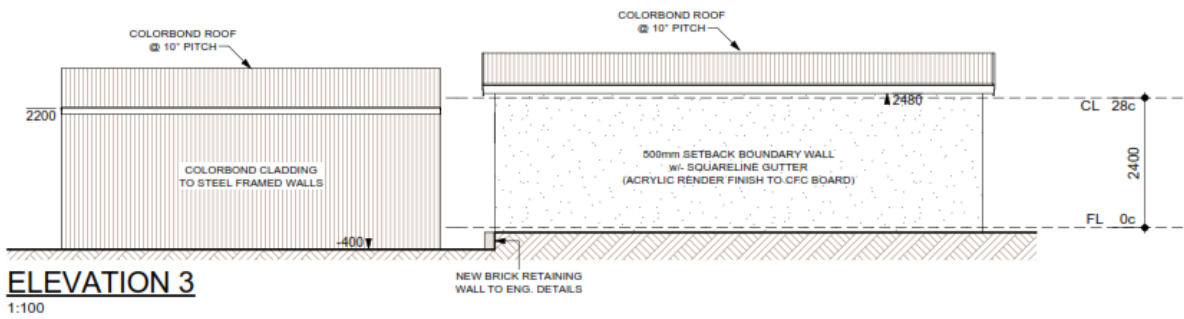
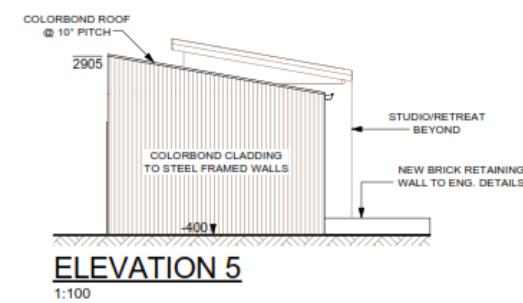
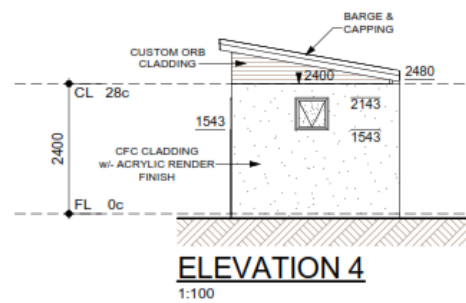
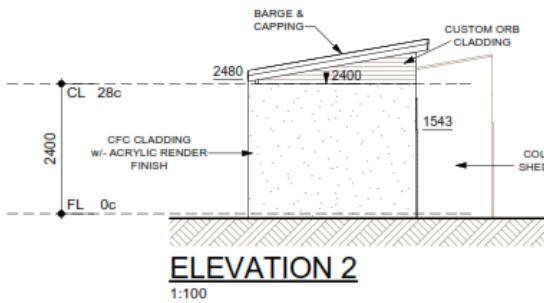
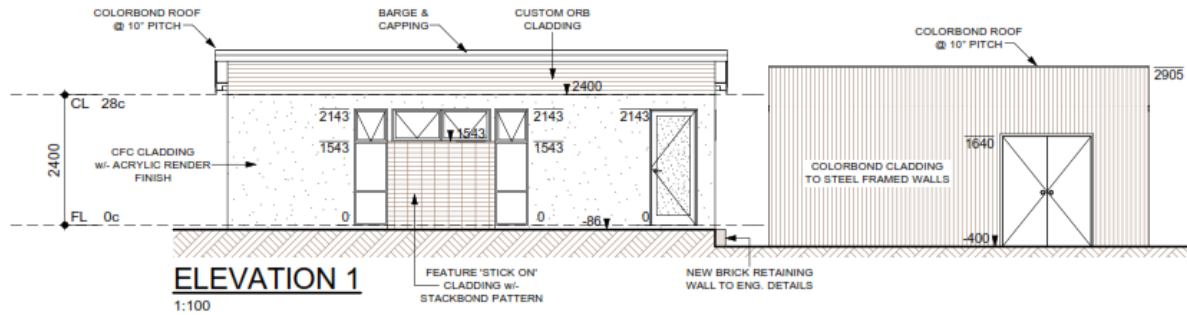
WIND CLASSIFICATION AS PER A.S. 4055: T.B.A. - when engineers site inspection report is available.

STUDIO PLAN

1-100

Attachment 3

Proposed Ancillary Dwelling and Outbuilding – Lot 28 (11) Bougainvillea Avenue, Forrestfield Elevations



Attachment 4

Proposed Ancillary Dwelling and Outbuilding – Lot 28 (11) Bougainvillea Avenue, Forrestfield

Submission Table

Details		Comment	Staff Comment
1.	Philip and Pauline Dunstan 61 Akebia Way FORRESTFIELD WA 6058	<p>Objection</p> <p>a) The studio/retreat will be used for accommodation.</p> <p>b) The value of our home will be effected by this development.</p> <p>c) The development will 'block us out'.</p> <p>d) We will lose the cooling sea breeze in our backyard.</p> <p>e) The garden will suffer if the winter sunlight is not allowed in.</p> <p>f) Radiant heat will reflect off the boundary wall in the morning, making us hotter.</p> <p>g) The R-Codes require the wall to be setback.</p> <p>h) Concern regarding the height of the structure.</p> <p>i) Who owns the boundary wall, can our plants grow up it?</p>	<p>a) Noted. This structure has been assessed as an ancillary dwelling.</p> <p>b) This is not considered to be relevant land use planning consideration.</p> <p>c) Refer to the Officer Comment section of the report.</p> <p>d) The impact of a proposal on the sea breeze is not a matter which can be easily measured and is not a matter that the Shire can have due regard to when considering the design principles of the R-Codes.</p> <p>e) Noted.</p> <p>f) Noted.</p> <p>g) A boundary wall is able to be considered on a side or rear boundary.</p> <p>h) Refer to the Officer Comment section of the report.</p> <p>i) The boundary wall will be located wholly on the adjoining property. You would need to seek approval from the adjoining property owner to grow plants up the wall.</p>

		<p>j) Do we get a choice in colour, will it reflect?</p> <p>k) Concern regarding the placement of air conditioning unit and hot water system on the wall.</p> <p>l) The proposal will impact on the use and enjoyment of the property.</p>	<p>j) The applicant has indicated a willingness to finish the wall to complement the adjoining property. This has been recommended as a condition of approval under the officer's recommendation.</p> <p>k) This has been addressed by a condition of approval under the officer's recommendation.</p> <p>l) It is noted that the boundary wall will be visible, however the wall is not considered to significantly impact on the use and enjoyment of the land.</p>
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Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

27. Proposed Motor Vehicle Wash – Lot 40 (39) Railway Road, Kalamunda

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	RL-01/039
Applicant	Rowe Group
Owner	Federation Centres

Attachment 1	Site Plan
Attachment 2	Floor Plan
Attachment 3	Elevations and Signage

PURPOSE

- To consider a planning application for a proposed motor vehicle wash in the Kalamunda Central Shop car park at Lot 40 (39) Railway Road, Kalamunda.

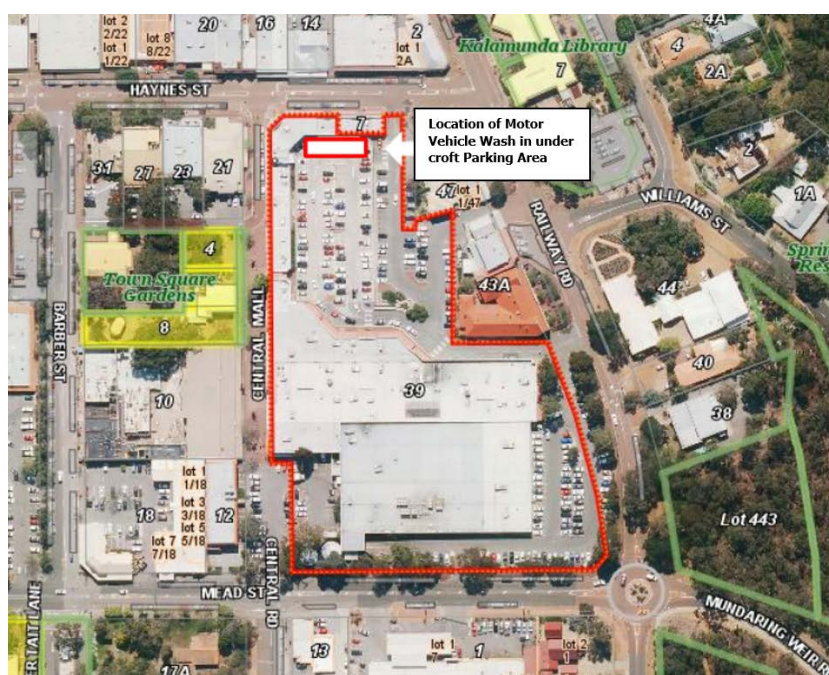
BACKGROUND

2. Land Details:

Land Area:	20,345m ²
Metropolitan Regional Scheme Zone:	Urban
Local Planning Scheme Zone:	District Centre

Locality Plan

3.



DETAILS

4. The application proposes the use of eight (8) car parking bays on the north side of the ground level undercroft car park (see below image) for a car wash (Attachment 1-3), as follows:
- One (1) wash bay, two (2) vacuum bays and two (2) detailing bays.
 - A new effluent pump pit for waste water, replacing an existing stormwater pit.
 - A control panel and pay station along the north side of the car bays.
 - Removal of two (2) existing lights and installation of 15 ceiling lights.
 - Associated signage as follows:
 - Two (2) suspended signs from the ceiling of the undercroft parking area; and
 - Four (4) vertical signs painted to the columns of the undercroft parking area.
 - Maximum of four (4) employees; and
 - Hours of operation as follows:
 - Monday to Saturday, 8am – 5pm.
 - Sunday 10:30am – 5pm.



5. The applicant submits the following in respect to the day to day operation of the motor vehicle wash:

"The proposal is a customer car wash. Customers will park their cars in the existing car park and walk to the attendant at the pay station to instruct them of what sort of wash they want and where they parked their car. The customer would then go shopping and the car would be washed. After washing the vehicle staff will park the car in the existing car park. When the customer returns, they will be informed where their vehicle is parked.

It should be noted that the proposed customer car wash is a use which is ancillary to an activity centre and provides a service to customers who would already be visiting the centre."

6. Regarding the location of the motor vehicle wash, the north-east corner applicant considers this to be the preferred location due to the following:
- The north-east corner is further from access points to the shops, which implies that there is less pedestrians walking past the facility.

- One way traffic flow system within the car park means only single vehicles will be passing washing areas, not two vehicles passing each other in opposite directions.
- The facility is visible to drivers as they approach it along the north bound leg of the circulating lane within the car park.
- Proposed location of the lowest point of the car park and has adequate drainage thus preventing any likelihood of runoff across the car park.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

7. Clause 4.2.3 (Objectives of the Zones – District Centre) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives for the District Centre zone are as follows:
 - To promote, facilitate and strengthen the District Centres as the major foci of activity, particularly for shopping, business, professional, civic, cultural, entertainment facilities and related employment opportunities.
 - Provide for medical and other health related services.
 - Allow for the establishment of uses which would co-exist with the District Centre's activities whilst recognising a limited level of residential activities in the District Centre.
 - Achieve safety and efficiency in traffic and pedestrian circulation.
 - Ensure that the scale, size, design and location of buildings are compatible with the existing development in the District Centre.
8. Under the Scheme, the proposed motor vehicle wash is defined as follows:
"Motor vehicle wash means premises where the primary use is the washing of motor vehicles."
9. Motor vehicle wash is a 'D' (discretionary) use within the District Centre zone, which means that the use is not permitted unless the Council has granted planning approval.
10. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
 - The compatibility of the development within its settings.
 - The likely effect of the scale and appearance of the proposal.
 - Whether the proposed means of access and egress from the property are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.
 - The amount of traffic generated by a 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 access for pedestrians and cyclists.
 - Whether adequate provision has been made for access by disabled persons.

11. The subject site falls within the Kalamunda Town Centre Design Control Area which aims to control and enhance development outcomes in the Kalamunda Town Centre. In this respect, development is subject to the Kalamunda Town Centre Planning and Urban Design Guidelines (2011) (see below under Policy Considerations).

POLICY CONSIDERATIONS

Kalamunda Town Centre Planning and Urban Design Guidelines (2011)

12. The Kalamunda Town Centre Planning and Urban Design Guidelines (Kalamunda Design Guidelines) incorporates design principles relating to land use in the context of place-making and urban design.
13. In respect to the proposed motor vehicle wash, the following principles are relevant:
- Places shall be designed to encourage accessibility and local permeability through integration with neighbouring developments.
 - Advertising signs should generally be attached to buildings in appropriate locations and be visually subservient to the building to which they are attached.
14. In respect to car parking areas, the Kalamunda Design Guidelines seeks to ensure safe and convenient pedestrian movement and traffic circulation through and within parking areas.

P-DEV 42 – Signage on Private Property

15. The Local Planning Policy P-DEV 42 – Signage of Private Property (Signage Policy) aims to ensure that the display of advertisements on private property within the Shire does not adversely impact on the amenity of surrounding land while provision appropriate exposure for businesses, activities or services.
16. Assessment of the proposed signage is provided in the following table:

Sign	Relevant Policy Requirements	Proposed
Verandah Signs	Minimum headway: 2.75m of 2.4m with the Shire's approval	2.5m *
	Maximum length: 2.4m	6.8m *
	Maximum depth: 0.5m	0.6m *
Horizontal Signs	Minimum headway: 2.75m	2.5m *
	Maximum depth: 0.6m	0.6m
	Maximum projection from wall: 0.6m	0m (on pay station)

Vertical Signs	Minimum headway: 2.75m	0.5m *
	Maximum projection from wall: 1m	0m (from columns)
	Height at least twice width	Complies
	Not within 4m of another vertical sign	4.75m from nearest vertical sign

* Variation to Signage Policy

COMMUNITY ENGAGEMENT REQUIREMENTS

17. Given the car wash was is contained wholly within the Kalamunda Central shops car park, the application is not considered to unduly impact on the amenity of adjoining properties. Accordingly advertising was not undertaken.

FINANCIAL CONSIDERATIONS

18. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *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

20. The proposal could result in impacts on the safety and convenience of users of the Kalamunda Central shopping centre.

Economic Implications

21. The proposal could facilitate additional employment opportunities in the Kalamunda Town Centre.

Environmental Implications

22. The waste water produced by washing vehicles is required to comply with the *Environmental Protection (Unauthorised Discharges) Regulations 2004*.

RISK MANAGEMENT CONSIDERATIONS

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposal may result in unauthorised discharge of waste water in to the public storm water system.	Possible	Major	High	Ensure mechanical wash-down drains to a sewer via a sediment trap and oil separator.
The proposal may result in an unsafe and inconvenient environment for users of the car park.	Likely	Major	High	Ensure the location of the car wash is appropriate to facilitate safe and convenient pedestrian movement and traffic flow.

OFFICER COMMENT

24. In respect to parking, the Shire's officers have counted 403 car bays located on the subject site. Based on current net lettable area of the shopping centre, 395 car bays are required. Therefore an eight (8) car bay surplus exists for the site based on current Scheme standards.
25. There are no formal car parking standards for a motor vehicle wash use under the Scheme. Therefore the car parking standards are at the discretion of the Shire. Notwithstanding the use would provide a service to customers who would already be visiting the shopping centre, and vehicles would be parked in the wash, vacuum and detailing bays, it is considered that additional parking would be necessary for the use associated with the numbers of people operating the facility. In this regard, four (4) additional parking bays would be required for employees of the motor vehicle wash, which would result in a shortfall of four (4) bays.
26. In regard to signage, whilst variations are proposed in respect to the minimum headway of all signs, and size of the verandah signs, the signage is considered to be high quality and would only be directly visible from the undercroft parking area of the shopping centre. Furthermore, the signage is not considered to unduly impact pedestrian and driver safety.
27. A traffic engineering technical note was prepared by the applicant in relation to vehicle/pedestrian movements and safety. A summary of the technical note's conclusions is as follows.

Traffic Movements:

- The aisle width behind the car wash bays is 7.5m which is well in excess of the minimum 5.8m required in accordance with the Australian Standards.

There is sufficient space for vehicles to move safely past in the car wash facility.

- Traffic flow is restricted to one direction at the start of the car wash facility, however changes to bi-directional flow at the end of the facility to accommodate incoming traffic.
- Vehicle movements in and out of the car park will be relatively low as it is not a very large car park.
- Vehicles speeds will be very low in the vicinity of the car wash facility due to its location on a 90 degree turn, which will provide further safety to people within the car wash facility.
- It should be noted that these types of car wash facilities have been established in numerous shopping centre car parks and patrons are becoming familiar with their presence.

Pedestrian Movements:

- Given the distance from the car wash to the shopping centre, there will be low levels of pedestrian movement around the facility.
- The number of people using the staircase in the corner of the car park is limited given it simply facilitates access between the lower and the higher parking areas, and access to Hans Café.
- The current trolley bay within the proposed car wash area will need to be relocated.

28. As a safety precaution the technical note recommends the following:
- A 1m wide yellow safety strip marked on the pavement behind the motor vehicle wash facility. This area would be used by motor vehicle wash employees. The intent behind this is to create a clear delineation between the aisle and car wash and to encourage vehicles further from the facility with a view of creating a safer environment around the car wash.
 - The two (2) car parking bays to the south of the staircase in the north-west corner of the car park be marked as “reverse parking only” to ensure that vehicles do not encroach on the motor vehicle wash when reversing from these bays.
29. Regarding the appropriateness of the proposed use, a motor vehicle wash is generally considered to co-exist appropriately within a town centre and a shopping centre. However, having regard to matters under Clause 10.2 of the Scheme and the Kalamunda Design Guidelines, the specific location and environment in which the proposed motor vehicle wash would operate is considered to be highly constrained, particularly in respect to the very tight manoeuvring areas and a one way system adjacent to the car wash area, limited space available and low levels of natural lighting for hand car washing.
30. Despite the applicant's traffic engineering technical note recommendations, the location of the facility is considered to have potential safety and convenience impacts for patrons and the people washing cars. This is also potentially exacerbated by the fact that infrastructure is placed at north-side of the parking bays which will mean cars, and people washing cars, may encroach into the access way.
31. In addition, the day to day operation of the motor vehicle wash involves customers first parking a vehicle, then walking to the wash station to pay for

the car wash, then an employee of the car wash would move the customer's vehicle from the initial parking location, to the wash, vacuum and detailing bays in sequence. Once the vehicle has been washed, vacuumed and detailed, an employee must then move the vehicle back to another parking bay to make way for a new vehicle. This would potentially involve high levels of vehicle movement and pedestrian activity in a relatively constrained environment, as discussed above, which is considered to result in an undue risk to the safety and convenience of users of the shopping centre car park.

32. While the applicant proposes precautionary measures to reduce the risk on pedestrian and vehicle safety, the very location of the facility is not considered appropriate for the reasons outlined above.

A procedural motion was put to move to the next business item to enable the applicants to obtain new drawings for Council as mentioned in the deputation from the Rowe Group. This was withdrawn momentarily to allow a Councillor question. The Councillor queried point c) of the Officer Recommendation. Director Development Services responded this was included as the configuration initially proposed would cause conflict in an already busy carpark. The procedural motion to move to the next item of business was then put.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 27/2016)

That Council:

1. Refuses the planning application for a motor vehicle wash at Lot 40 (39) Railway Road, Kalamunda, for the following reasons:
 - a) The proposed motor vehicle wash is considered to have a detrimental impact on the traffic flow, safety and convenience of users of the shopping centre.
 - b) The proposal is not considered to comply with Clause 3.1 (Access, Traffic and Movement – Location and Design of Car Parking) of the Kalamunda Town Centre Planning and Urban Design Guidelines (2011), given that the proposal is considered to result in unsafe and inconvenient pedestrian movement and traffic circulation.
 - c) The proposal is considered to be inconsistent with the orderly and proper planning of the locality.

Moved:

Seconded:

Vote:

Voting Requirements: Simple Majority

MOTION - PROCEDURAL

1. That the meeting proceed to the next item of business.

Moved: **Cr Andrew Waddell**

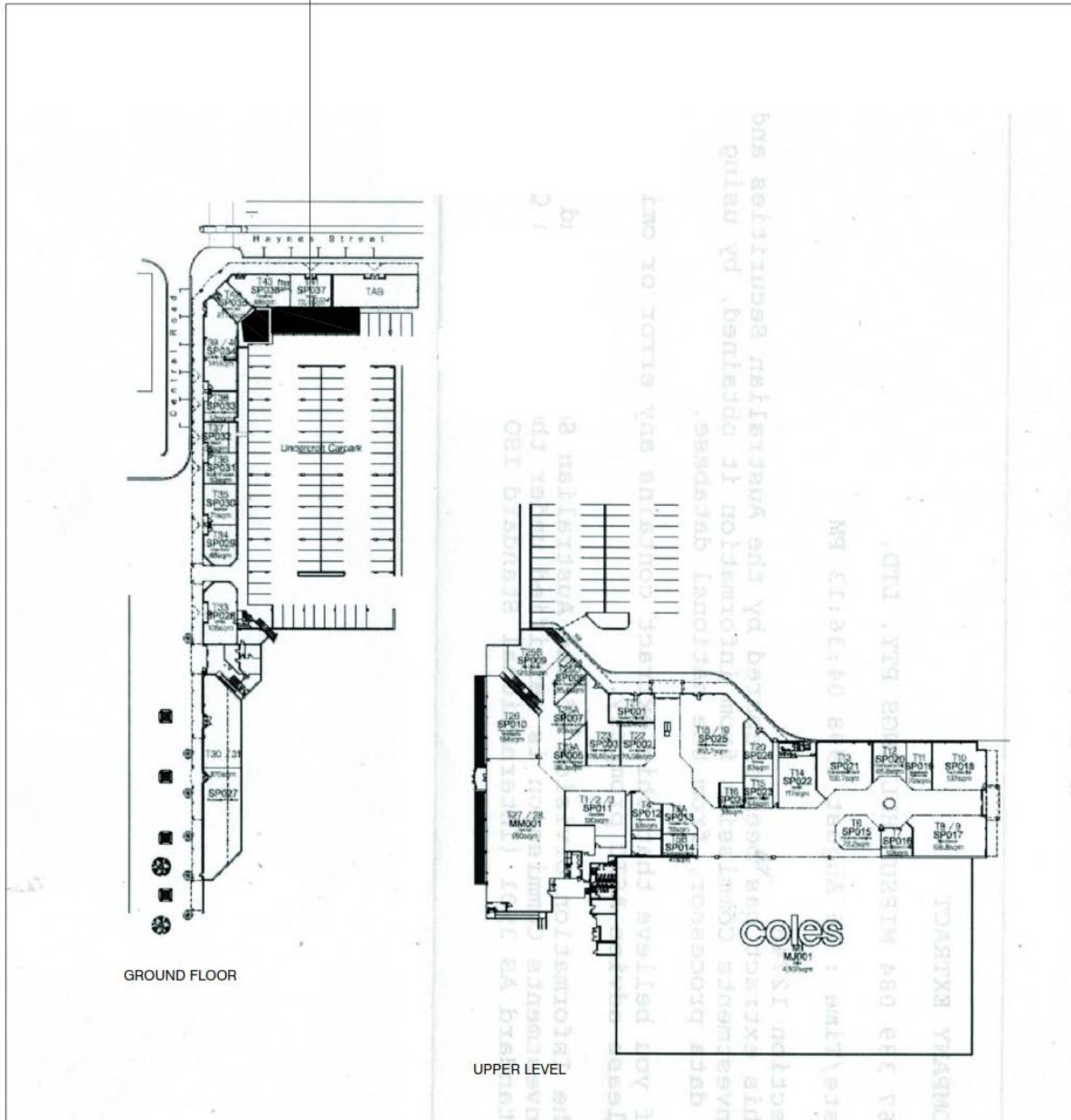
Seconded: **Cr Noreen Townsend**

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

Attachment 1

Proposed Motor Vehicle Wash – Lot 40 (39) Railway Road, Kalamunda Site Plan

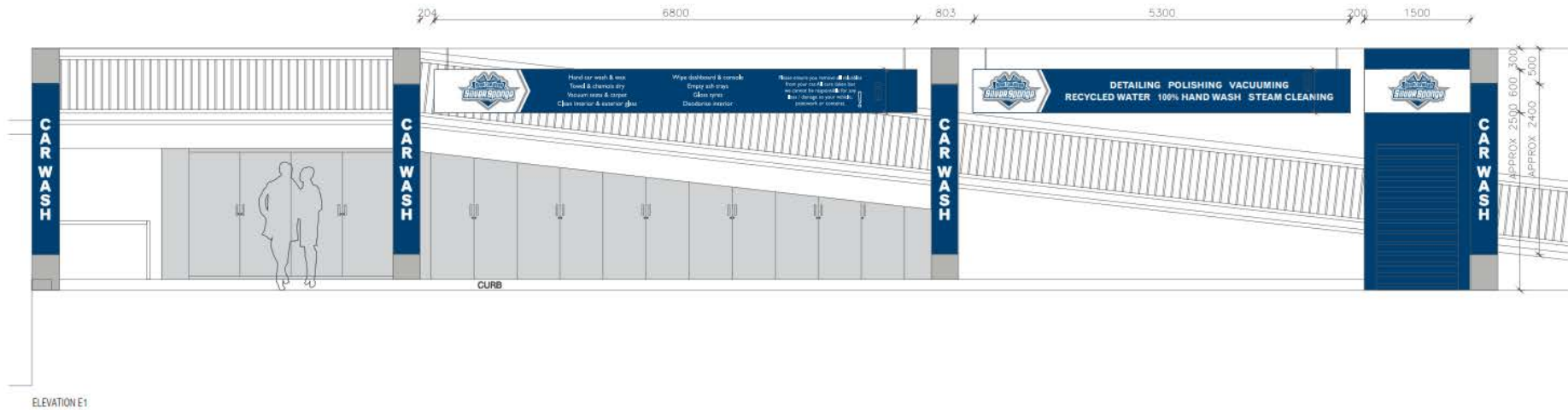
SILVER SPONGE HAND CARWASH KALAMUNDA
UNDERCROFT CARPARK KALAMUNDA SHOPPING
CENTRE
39 RAILWAY RD KALAMUNDA WA 6076



SILVER SPONGE HAND CARWASH KALAMUNDA
SITEPLAN
NOT TO SCALE

Attachment 3

Proposed Motor Vehicle Wash – Lot 40 (39) Railway Road, Kalamunda Elevations and Signage



LOGO



COLOURS



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

28. High Wycombe Farmers Markets – Application for approval

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Health Services
File Reference	
Applicant	Heidi Hunt
Owner	

Attachment 1	High Wycombe Farmers Market Business Plan
Attachment 2	Layout Plan
Attachment 3	Request for Fee Waiver
Attachment 4	Parking Plan
Attachment 5	Risk Management Plan

PURPOSE

1. To consider an application to operate a weekly market at the Cyril Rd Hall in High Wycombe.

BACKGROUND

2. An event application has been received to operate a weekly market at the Cyril Road Community Hall.

DETAILS

3. The aim of the market is to provide a market for local residents and to attract the public to the area to stimulate the local economy.
4. The market will primarily be limited to the sale of arts, crafts and food, in addition to providing entertainment for children.
5. The proposal states that the market hours will operate every Sunday between the hours of 7.00am and 1:00pm.
6. Proposed benefits to stall holders and community, community and environmental impacts, and objectives and goals of the markets are detailed in the business plan (Attachment 1). The stall layout is detailed in the layout plan (Attachments 2).

STATUTORY AND LEGAL CONSIDERATIONS

7. *Food Act 2008*
Health (Public Building) Regulations 1992
Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008 requires Council approval for a Traders Permit.
The Market will require formal planning approval as a market is considered a land use under the Local Planning Scheme. This is will be dealt with under the usual planning process.

POLICY CONSIDERATIONS

8. Trading in Public Places – General Principles Policy number HLTH12

COMMUNITY ENGAGEMENT REQUIREMENTS

9. There is no requirement for formal community engagement by the Shire.

FINANCIAL CONSIDERATIONS

10. The hourly hire rate for the hall at the Cyril Rd Community Hall as specified in the current schedule of fees and charges is \$22.00/hour (including GST). Based on 6 hours this equates to \$132 per market day. The total cost per annum will be \$6,500. Hire costs are required to be paid prior to confirmation of the individual bookings.
11. The annual licence for a weekly market, as specified in the 2015/2016 schedule of fees and charges is \$6,670. The proposed fee for 2016/2017 is \$6,803. A pro rata license fee based on the number of market days remaining in this financial year would be required to be paid upon commencement of the market. The renewal fee for the 2016/2017 financial year would be dealt with under the routine health licensing renewal process.
12. The Applicant has requested the annual market licence fee be waived (Attachment 3).

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing: Strategic Community Plan to 2023*
OBJECTIVE 1.8 – Support local community groups to grow, prosper and shape the future of Kalamunda.
Strategy 1.8.3 Proactively investigate opportunities that facilitate the establishment and/or growth of local community groups.

SUSTAINABILITY

Social Implications

14. Provision of a service which assists in enhancing the character and vitality of the local community.

Economic Implications

15. Provision of a platform which may encourage small business development.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Market food stalls not run in accordance with Food Safety requirements	Possible	Major	High	<ul style="list-style-type: none"> • Markets food stall approvals required from Shire Health Services. • Trading in public places approval required • Routine inspections by Shire Health officers.

OFFICER COMMENT

18. The existing Kalamunda Village Markets and the Kalamunda Farmers Markets are well established, successful, well patronised and generally operate without complaint, aside from parking issues, and have grown beyond expectations.
19. The Applicant has submitted a Parking Plan (Attachment 4) to address concerns about parking. The plan has been assessed and can be monitored during events by Ranger Services.
20. The High Wycombe Farmer's market would be similar in operation to the Kalamunda Village Markets, however operating every Sunday.
21. The Applicant has submitted a brief risk management plan (Attachment 5). A more comprehensive risk assessment would be required prior to permanent approval of the Market.
22. The Applicant will book the Cyril Rd Community Hall on each Sunday between 7:00am and 1:00pm.
23. This market has the possibility of providing a regular community event that will help enhance the character and vitality of an area that currently has unrealised community potential.
24. The Applicant has consulted with the local community and stall holders at the established Markets. Comments have been positive and indicated there was a need for markets in the area.
25. It is recommended that the application be approved for a trial period of six months from commencement of market subject to the following conditions being met.
 - a. Market layout in accordance with the provided plan (Attachment 2).
 - b. All food stalls will need to comply with the requirements of the *Food Act 2008* and the Australian New Zealand Food Standards Code and will require application and approval by the Shire Health Service.
 - c. That a planning application is lodged and approved prior to commencement.

-
- d. That following each market day the facility and surrounding area is returned to its pre-event condition.
 - e. That a revised risk management plan is submitted prior to the end of the trial period which is specifically tailored to the operation of the High Wycombe Farmers Market.
 - f. That indemnity insurance of \$20 million to indemnify Council against any claim arising in respect of public liability is maintained by the Applicant for the duration of the permit.
 - g. That the Applicant make a permanent facility booking for the trial period.
 - h. That a noise notification letter for surrounding residents must be delivered to those residents at least 7 days prior to the event and include the nature and times of the event and a contact telephone number that will be manned at all times during the event. A copy of the letter must be provided for our records.
 - i. Payment of the annual market licence fee (or pro rata) at the commencement of the markets until 30 June 2016 and the ongoing relevant fee as approved by the Council from year to year.
26. The applicant has requested that the market license fee be waived for the first 12 months to allow the market to establish. This is above the amount that the CEO is authorised to waive, therefore Council will need to approve this.
27. Prior to the completion of the trial period the applicant may apply to Council seeking permanent approval for the market.

Heidi Hunt spoke in favour of the recommendation. A Councillor asked to what extent community consultation was carried out and in particular with neighbouring properties. Heidi Hunt responded this had been sought through www.nabo.com.au. Director Development Services indicated there was no requirement to consult with the householders in the vicinity of the proposed market.

A Councillor asked if this approval is for just the market or the market and its name, Director Development Services indicated this is simply approval for a market.

A Councillor asked Heidi Hunt if she would be happy to name the markets simply High Wycombe Market, thus avoiding any confusion or conflict. Heidi Hunt responded, although she feels she has a legal right to describe the markets as community markets she would, for a harmonious outcome, just call them High Wycombe Markets.

Following discussion a Councillor moved the motion with a change to simply say Market – rather than Farmers Market. A Councillor requested the word 'manned' be changed to 'staffed', this was agreed by the mover. A seconder was found and the vote taken.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 28/2014)

That Council:

1. Resolves to approve the ~~High Wycombe Farmers Market~~ **Market** for a trial period of six months from commencement of the market subject to the following conditions being met:
 - a. Market layout in accordance with the provided plan (Attachment 2).
 - b. All food stalls to comply with the requirements of the *Food Act 2008* and the Australian New Zealand Food Standards Code and will require application and approval by Shire of Kalamunda Health Service.
 - c. That a planning application is lodged and approved prior to commencement.
 - d. That following each market day the facility and surrounding area is returned to pre-event condition.
 - e. That a revised risk management plan be submitted prior to the end of the trial period specifically tailored to the operation of the **Market** ~~High Wycombe Farmers Market~~.
 - f. That indemnity insurance of \$20 million, to indemnify Council against any claim arising in respect of public liability, is maintained by the Applicant for the duration of the permit.
 - g. Make a permanent facility booking for the trial period.
 - h. That a noise notification letter be delivered to surrounding residents at least seven days prior to the event and include the nature and times of the event and a contact telephone number that will be ~~manned~~ **staffed** at all times during the event. A copy of the letter must be provided to the Shire of Kalamunda.
 - i. Payment of the annual market licence fee (or pro rata) at the commencement of the markets until 30 June 2016 and the ongoing relevant fee as approved by the Council from year to year.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Dylan O'Connor**

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

Attachment 1

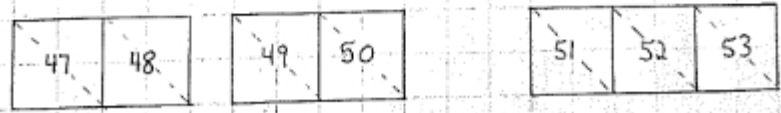
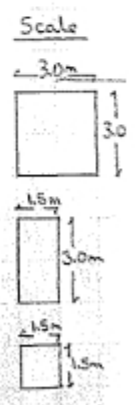
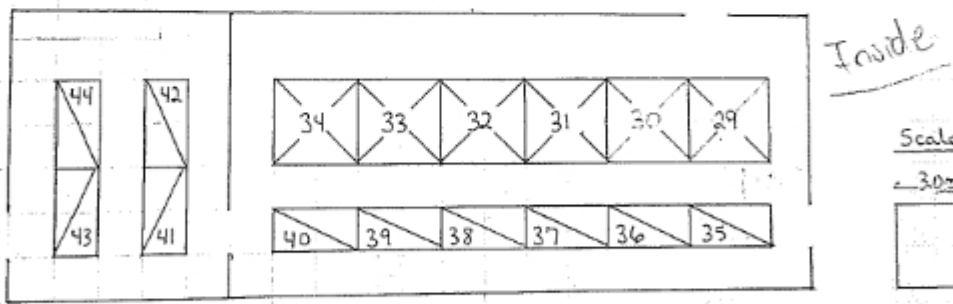
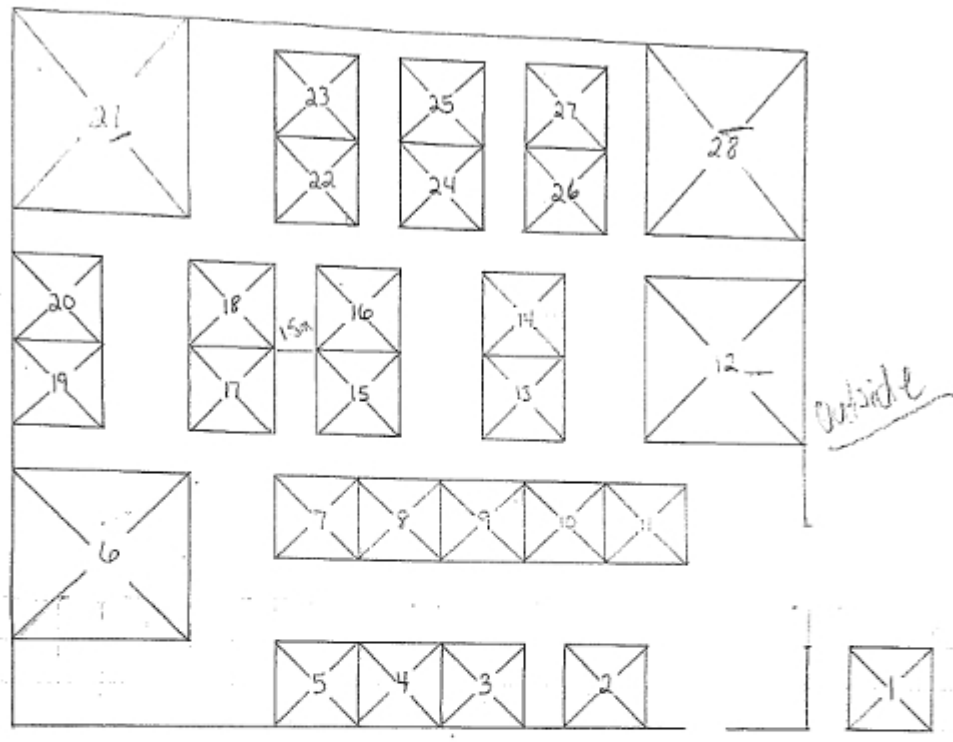
High Wycombe Farmers Market – Business Plan

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

Attachment 2



Residential Block



		Stall Type
1	Coastal Coffee	
2	Nathan Morton MLA	Food Van
3	Singapore Satay	General
4	Cranberry Catering	Hot Food
5	Open	Hot Food
6	Pink Orchid Thai	
7	NOA Audino (Fruit and Veg)	Food Truck
8	NOA Audino (Fruit and Veg)	Produce
9	Mountain Park on Avon	Produce
10	Bread Expert	Produce
11	Bread Expert	Produce
12	Toastie Queen	Produce
13	Open	Food Truck
14	Open	
15	Open	
16	Open	
17	Open	
18	Open	
19	Professionals – Nick Mitchell	General
20	Home Plants	General
21	Perth Party Animals	General – Animals
22	Tupperware	General
23	Jamberry	General
24	Open	
25	Open	
26	Open	
27	Open	
28	Sunny Jim's Wood Fired Pizza	Food Truck
29	Shonas Kitchen	Hot Food
30	Supafresh	Produce
31	Wonder Wicks Candles	General
32	Arbonne	General
33	Body Shop at Home	General
34	Lorriane Lea	General
35	Your Inspiration at Home	General
36	ENJO	General
37	Crafterlove	General
38	Cards by Chris	General
39	Strong Bodeez	General
40	Anytime Fitness	General
41	Little Wooden Toybox	General
42	Lavender Lady	General
43	Scentsy	General
44	Swap Shop	
45	Open	
46	Open	
47	Open	
48	Open	
49	Open	
50	Open	
51	Open	
52	Open	
53	Open	

Attachment 3



High Wycombe Farmers Market

16 March 2016

CEO, Rhonda Hardy
Shire of Kalamunda
2 Railway Road
Kalamunda, WA

Dear CEO Hardy,

I am writing this letter to request the Council waive the standard Market Fee for the first year of the High Wycombe Market. Without taking too much time I would like to give a little background about the Market. I honestly never even considered starting a new Community Market but I saw such a need for one after just one visit to the Kalamunda Market. While that Market is thriving, there were many people I spoke with really wanting, some needing, to sell their fresh goods to a new market located far enough away from the Kalamunda Market to make sense. Many people wanted the ability to access such a market closer to home in High Wycombe too. I felt compelled to see if I could help put together something that would be great for the community. With a bunch of help from the Shire I believe that is being done. The High Wycombe Market will be a bit different than other markets in that it is designed as a community meeting place as well. There will be a sponsored toy lending library on site. The community will be able to speak to Representative Nathan Morton MLA at his booth. I am speaking with the Red Cross about a regular blood drive, or at least an information stall. I truly am working hard trying to build something great for years to come.

Before this project I was semi-retired and living on such an income. To get this started I have incurred a bunch of little costs that are really adding up. Adding that along with the regular fees I have contracted to pay the Shire for the rent of Cyril Road Hall every Sunday and this first year is a bit too much. I would ask for some relief this first year knowing I will be paying full fees for many years to come. I understand the Council would like a financial justification for considering such a waiver. That would be twofold:

First, I have contracted with Cyril Road Hall to rent out the hall every Sunday for the rest of 2016. It is my intention to do so for many years to come as well. Built in to the fee I am paying the Shire for that is the cost of services the Market would use, presumably with at least a little profit. In addition to the fee I am paying for that to the Shire will be an extra \$150-\$250 a week for garbage services. That could be \$3000 EXTRA for rubbish services each year that I pay the Shire. I am trying to contact the Boy Scout Troup up the road that collects cans so that they can utilize that resource fully, but that may affect what I pay the Shire extra for rubbish services. Regardless, these fees should cover any extra costs the Shire may encounter on behalf of the new Market.

Second, if all of my fire, safety, health plans are accepted the Market will bring 53 more taxpayers to the Shire of Kalamunda. Along with that it will gain extra fees for licenses, registrations and the like from those 53 people. I am building a website for the Shire to access all of the stallholder information from their desk to make the process as easy as possible. The public will have access to



High Wycombe Farmers Market

local produce, veg, breads and other staples of a healthy diet. All of us should gain something from the Market for years to come.

If I had thousands extra right now I would gladly pay the Shire this fee. I don't.

Please consider waiving it just this one time so that I can pay it for many years to come.

My contact information is:

2 Jabiru Court
High Wycombe, WA 6507
0428 058 866
info@highwycombefarmersmarket.com

Please let me know if I can provide, or do, anything else.

Best Regards,

Heidi Hunt

Attachment 4

4



High Wycombe Farmers Market

Parking Plan

HIGH WYCOMBE FARMERS MARKET

HIGH WYCOMBE FARMERS MARKET PARKING PLAN 2016

1. Introduction

This Parking Plan is designed to recognise and limit any potential issues regarding parking at the High Wycombe Farmers Market.

2. Context

The High Wycombe Farmers Market needs to consider patron parking, disabled parking, food truck parking, Emergency parking, and vendor parking. All of these are addressed on the sitemap.

3. Roles and Responsibilities

It will be the responsibility of the High Wycombe Farmers Market to ensure safe parking management to all of the market. This will be accomplished with planning, signage and staff.

4. Communication

High Wycombe Farmers Market will use signage, statements on advertising, flyers and door knock, staff and any other means required by the Shire to communicate parking to all effected parties.

5. Available Parking Spots

- Handicapped (6+): 1 Library; 3 South Lot School/Kiandria Way; 2 Newburn Road side of School; room for more with additional signage on Cyril Road side of the Hall directly in front
- Emergency Vehicles: Cyril Road side of Hall directly in front
- Vendors: Rangeview Park
- Taxis: strip on Markham Road side of Hall
- Buses: no change expected re: limited Sunday service
- General Parking (estimated 200+):
 - Western Ave; 30 curbside
 - Library; 7 stalls
 - Progress Reserve; unknown stalls
 - Peter Annus Park; unknown stalls
 - Rangeview Park; 30?/unknown stalls
 - High Wycombe Primary; currently supports 450 enrolled students M-F
 - 24 curbside Newburn Road
 - 15 Kiandria Way
 - 5 Pass Road

- Unknown on Western Ave
- If more is needed, possible gold coin donation opportunity available

I Heidi Hunt, owner, being the activity sponsor approve this Parking Plan.

Heidi Hunt, Owner
High Wycombe Farmers Market

Attachment 5

High Wycombe Farmers Market – Risk Management Plan

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

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

29. Immunisation within the Shire of Kalamunda Report

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Health Services
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Immunisation Report

PURPOSE

1. To consider a report on immunisation rates and services, and incidence of vaccine preventable disease, within the Shire of Kalamunda.

BACKGROUND

2. The *Community Health and Wellbeing Plan 2013-2016* highlighted a need to investigate immunisation levels within the Shire.
3. Immunisation is one of the most effective measures to improve the health of a community and is effective in reducing morbidity and mortality rates.
4. Since the 1990s the Shire has not been a direct provider of immunisation services, however other local authorities continue to deliver this service, and it is perceived by the community to be an area of health for which the Shire holds responsibility.

DETAILS

5. Vaccine Preventable diseases include illnesses such as diphtheria, tetanus, whooping cough, hepatitis B, measles, mumps and rubella. Symptoms and outcomes vary in severity, but can result in absence from work or school, hospitalisation or permanent disability and death.
6. A minimum level of immunisation is required to provide protection for the whole community. This level is generally set at 90%, but can be up to 95% for highly contagious diseases such as measles.
7. Some areas and demographics within the Shire are falling well below the required levels. The vaccination rate for 5 year old children in the postcode 6076 is 82.8%. This is within the 20 poorest performing localities in the country. The report outlines other demographic and geographic trends for immunisation rates within the Shire.
8. The coverage afforded by immunisation as a child can decrease with time. Adults, especially those in at-risk groups, should obtain booster vaccinations to maintain immunity levels, and to take advantage of newly developed or publicly funded vaccines. At risk adult groups, including the elderly, pregnant women, Aboriginal and Torres Strait Islander people and refugees and immigrants.

-
9. Vaccine preventable diseases occur frequently in the Shire. The rate of incidence is 1.42 times higher than the State rate.
 10. Incidence of vaccine preventable disease can be reduced with appropriate educational activities, promotion of available vaccinations and development of partnerships with appropriate stakeholders.
 11. The report identifies priority actions to allow the Shire to act to reduce the rate of vaccine preventable disease and to promote a positive vaccination message to residents.

STATUTORY AND LEGAL CONSIDERATIONS

12. The Public Health Bill, when enacted, will require local governments to deliver a broader scope of public health activities, in line with identified risks in their areas.

POLICY CONSIDERATIONS

13. There are no Shire policies currently relating to immunisation.

COMMUNITY ENGAGEMENT REQUIREMENTS

14. A number of the recommendations within the report will require engagement with the community. All community engagement will be undertaken in accordance with the Community Engagement Strategy.

FINANCIAL CONSIDERATIONS

15. Any costs resulting from implementation of the report recommendations will be subject to approval through the budget process.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.7 To create healthy environments and lifestyles for the community.
Strategy 1.7.1 Develop, Implement and Review a Local Community Health and Wellbeing Plan
OBJECTIVE 1.10 To support families with young children

SUSTAINABILITY

Social Implications

17. Vaccination is a life-long process with the National Immunisation Program Schedule recommending vaccines from birth and early years through to adolescence, adulthood and seniors. Reducing vaccine preventable diseases in the community results in reduced morbidity and mortality for all ages.

Economic Implications

18. There are no economic implications.

Environmental Implications

19. There are no environmental implications.

RISK MANAGEMENT CONSIDERATIONS

20.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Outbreak of vaccine preventable disease	Possible	Major	Extreme	medical treatment required - Implement the Report recommendations
Individual death as result of vaccine preventable disease	Unlikely	Extreme	High	Death or permanent disability - Implement the Report recommendations

OFFICER COMMENT

21. The Shire of Kalamunda has some of the lowest vaccine rates within the nation and is susceptible to outbreaks of vaccine preventable diseases which have the potential to be fatal, particularly in vulnerable persons.
22. Immunisation is a safe and effective method to reduce disease transmission however there are unknown factors have resulted in a level of failure to complete recommended immunisation schedules. Further investigation is required to understand these factors and to develop locally relevant programs to improve immunisation rates. The Shire is well positioned to address this issue on a local level.

A Councillor moved to defer this item because she had discovered some of the data used was being revisited and the data quoted for postcode 6076 may be inaccurate and therefore suggested the item be deferred.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 29/2016)

That Council:

1. Endorse the recommendations of the attached Immunisation Report:
 - a. Disseminate the report to relevant stakeholders as listed in 6.1 and 6.2;
 - b. Explore partnerships with new stakeholders as per 6.2;

- c. Advocate for more transparent data reporting concerning immunisation rates and conscientious objectors via professional networks such as the Metropolitan Environmental Health Managers Group (MEHMG), Environmental Health Australia (EHA) and the Immunisation Alliance of Western Australia (AIWA);
- d. Investigate opportunities to hold an immunisation promoting puppet show once this resource has been completed by the IAWA;
- e. Seek opportunities to locally promote the free shingles vaccine to persons between 70-79 years of age prior to 1 November 2016;
- f. Seek opportunities to locally promote the pertussis vaccine (as newly introduced to the NIPS) to pregnant women in their third trimester;
- g. Seek opportunities to raise adolescent HPV vaccination rates to or above the state average;
- h. Investigate further if the low levels of vaccination in the 1 year old age group in Wattle Grove is linked to language or cultural barriers within the local immigrant population;
- i. Survey parents to identify if current low levels of vaccination in the 5 year old age group are a result of complacency or vaccine hesitancy.
- j. Investigate the recruitment of a Health Promotion Officer within Health Services to address existing Health Plan actions in addition to the initiatives considered within this report.
- k.

Moved:

Seconded:

Vote:

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL

That Council:

1. This item to be deferred to the May 2016 Development & Infrastructure Meeting.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Sue Bilich**

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

Attachment 1

Immunisation Report

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

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Nil.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Cr Tracy Destree – Heritage Listing of Trees (February D&I 2016)

Q1. Please could I be advised what the process is for heritage listing the trees in this Shire and some advice as to what process could be applied to protect trees of some significance?

A1. Director Development Services indicated there were currently no guidelines, they could be considered through the municipal heritage inventory.

Q2. Could this be explored further as I feel there are some which should be listed?

A2. Cr Noreen Townsend indicated that the Community Sustainability Advisory Committee had been working on a register.

(Staff Response March D&I 2016)

Furthermore officers have provided a reply; Councillor Destree has requested that the response in this Agenda be deferred until April pending further investigation by her.

Staff Response – April D&I 2016

Significant Tree

The recent changes to the Planning Regulations Deemed Provisions, has changed the definition of heritage considered under the Local Planning Scheme to deal with areas of "Built Heritage" only. Previously the Shire could have considered trees as part of the heritage under this provision.

Significant Tree Registers are present at a number of local governments in the Perth Metropolitan Area. The impact of the Registers are varied with respect to their effectiveness and administration. Three main models exist:

1. Nominated Trees – A member of the public may nominate a tree they believe is significant. The tree is assessed by administration and the owner of the property is engaged. If endorsed, the tree becomes listed as significant, with clauses in the Local Planning Scheme to protect the scheme.
2. Owner Nominated Trees – Like the above scenario, except that only the owners of the property on which the tree is located can nominate the trees.

3. Automatically Protected Trees – Where indigenous trees, meeting a certain trunk dimension are protected automatically under the scheme.

Alternative to this, is having no added protection, however the existing scheme provisions related to clearing as well as the matters considered by the Shire in assessing applications in Clauses 10.2 (l) & (n).

All three have their positives and negatives.

Type	Nominated Trees	Owner Nominated Trees	Automatically Protected Trees
Types of Trees	Any tree	Any tree on the owners property	Any indigenous tree
Issues	Removal would require planning approval. Pruning would also potentially require planning approval and assessment against AS 4373 – Pruning of Amenity Trees	Removal would require planning approval. Pruning would also potentially require planning approval and assessment against AS 4373 – Pruning of Amenity Trees	Removal would require planning approval.
Protection of Trees	All listed trees would require consideration prior to removal.	All listed trees would require consideration prior to removal.	Only indigenous trees can be protected.
Nominations by	Any member of the public	Owner only	Automatically nominated
Administration implications	Likely large initial interest in applications. Need for specialised advice, when required, to support development applications	Likely some initial interest in applications. Need for specialised advice, when required, to support development applications	Automatically nominated, however on site measurement required as assessment of development applications.

The Shire has noted potential improvements to the Local Planning Scheme with relation to strengthening the clearing provisions in the scheme and removing ambiguity about whether there are need for greater protection for indigenous trees.

It is anticipated the issue of tree retention will become an issue raised through the dual density amendment. It would be recommended that consideration be given to including clauses about the retention of trees in the provisions for the higher density. This would allow additional requirements for the preservation of trees to be enforced without a separate register.

13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

13.1 Nil.

14.0 TABLED DOCUMENTS

14.1 • Kalamunda Environmental Advisory Committee.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

16.1 There being no further business the Presiding Member declared the meeting closed at 7.19pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2016



M I N U T E S

KALAMUNDA ENVIRONMENTAL ADVISORY COMMITTEE
KALAMUNDA SHIRE ADMINISTRATION CENTRE
31 MARCH 2016

1.0 OPENING OF MEETING

Sam Assaad opened the meeting at 6.02pm and welcomed all in attendance.

2.0 ELECTION OF THE PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

Kevin Goss was nominated to be the Presiding Member. As there were no further nominations, Kevin Goss was elected unopposed.

Mark Schilling was nominated to be Deputy Presiding Member of the Committee. As there were no other nominations, Mark Schilling was elected unopposed.

3.0 ATTENDANCE AND APOLOGIES

Attendance

Committee Members

Kevin Goss – Presiding Member
Mark Schilling - Deputy Presiding Member
Joy McGilvray - Community Representative
Mike Burbridge - Community Representative
Cr Noreen Townsend
Cr Sara Lohmeyer
Cr Brooke O'Donnell
Sam Assaad – Manager Infrastructure Operations
Tamara Wilkes-Jones – Acting Coordinator Parks and Environment Services

Observers

Cameron Blackburn – Deputy Community Representative
Mark Simpson - Deputy Community Representative
Peter Forrest - Deputy Community Representative

Staff Members

Darrell Forrest – Manager Governance & Public Relations
Dawn Saunders - Secretary

Apologies

Rupert Duckworth - Deputy Community Representative

4.0 DISCLOSURE OF INTERESTS

4.1 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 5.7 of the *Local Government Act 1995*)

4.2 Nil.

4.3 Disclosure of Interest Affecting Impartiality

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

4.4 Nil

5.0 INTRODUCTION OF MEMBERS

5.1 Each member introduced themselves and spoke about their experiences and qualifications.

6.0 PROCEDURES AND PROTOCOLS

6.1 Darrell Forrest, Manager Governance & PR attended the meeting and advised members of the procedures and protocols of meetings. Darrell Forrest also discussed the roles of the committee members and Standing Orders. If members would like a copy of the Standing Orders book, please contact the secretary. The Committee will run for a period of two years.

6.2 The Committee is made up of four Community Representatives, four Deputy Community Representatives, three Elected Members and Shire Staff.

6.3 Deputy Community Representatives are observers and do not have the right to vote. They can only participate if the Chair agrees to suspend the Standing Orders for the Meeting.

Kevin Goss proposed to suspend the Standing Orders for this meeting.

Moved: Kevin Goss

Seconded: Cr Noreen Townsend

Vote: CARRIED 9/0

6.4 It was agreed that one rotation of a meeting was needed before a structure for the Committee is decided upon.

7.0 URGENT BUSINESS WITH THE APPROVAL OF THE PRESIDING MEMBER

7.1 Background information of the existing projects that the previous committee, Community Sustainability Advisory Committee (CSAC), was working on are required.

7.2 It was agreed that each Deputy Community Representative will team up with a Community Representative to be able to represent a member in the case of absence.

Action: Each Deputy to team up with Community Representative, so they can attend when unavailable.

7.3 The agenda is to be distributed one week prior to the meeting. If members would like to add items to the Agenda, please liaise with the Presiding Member and inform the secretary one week prior to the Agenda being distributed.

7.4 Committee members have decided to share email addresses so that they can correspond and discuss topics between meetings.

Action: Tamara Wilkes-Jones to send out details to the committee

8.0 TOPICS OF INTEREST

8.1 The Committee was provided with a list of topics that they were asked to prioritise for discussion and actioning at future meetings.

8.2 Topics of interest were as follows -

- Tree coverage across the Shire
- Green Growth Plan
- Bushland maintenance (planting and revegetation)
- Commemorative Tree Planting and maintenance
- Dieback concerns
- Footpaths for recreational use
- Lack of vegetation and tree's in Wattle Grove (encouraging preservation and promotion required)
- Forrestfield North future development site
- Policies and procedures for sub-divisions to protect the environment.
Council to put forward a motion for policies to be developed.
- Tree Conservation Policy
- Cycle paths
- Amenities in parks and open spaces and more open space
- Protection of Fauna and Flora
- Community, volunteer friends groups and citizen science
- Carbon reduction

8.3 Chair and Deputy Chair to discuss with Tamara Wilkes-Jones and Sam Assaad where the Shire is based at the moment with regards to the above topics.

Action: Tamara to arrange a time to meet

9.0 FUTURE MEETINGS

9.1 The dates of future meetings will be changing to coincide with the Development & Infrastructure Services Meeting, held on the second Monday of each month.

Action: Tamara Wilkes-Jones to advise the new meeting dates.

9.2 **Action:** Sam Assaad and Tamara Wilkes-Jones to organise a Workshop to plan what the Committee will be focusing on over the next two years.

10.0 CLOSURE

Meeting was closed by the Presiding Member at 7.45pm.

I confirm these Minutes to be a true and accuracy record of the proceedings of this meeting.

Signed: Presiding Member

Dated this Day of2016