

Development & Asset Services Committee Meeting

Minutes for Monday 4 September 2017



**city of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.40pm, and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

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

Members of Staff

Rhonda Hardy	Chief Executive Officer
Natalie Martin Goode	Director Development Services
Dennis Blair	Director Asset Services
Simon Di Rosso	General Counsel & Executive Advisor, Governance & Legal
Peter Varelis	Manager Strategic Planning
Chris Lodge	Acting Manager Approval Services
Carrie Parsons	Manager Customer & Public Relations
Donna McPherson	Executive Research Officer to Chief Executive Officer

Members of the Public 7

Members of the Press 0

2.2 Apologies

Members of Staff

Gary Ticehurst	Director Corporate & Community Services
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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 Mr David Kelly, 17 Ashby Close, Forrestfield

Q1. Can an explanation, and clarification, be provided as to why advice has been given that the tender review is using a sample of tenders called and not reviewing all tenders during the period 2014 to 2017?

A1. The CEO advised that whilst the resolution did mention the review of all tenders during this period to do all tenders would have cost the council an inordinate amount of money. It was discussed with the Mayor and decided a sample would be chosen to review. The use of a sample group is normal practice when undertaking an audit.

Q2. Should the resolution of council have been rescinded and another resolution of council passed?

A2. The CEO indicated council would not have been supportive of the cost of auditing all tenders during the last two year period.

Q3. Is the sample portion know? Do we know if the Nadine Crescent/Ashby Close Tender is in the sample?

A3. The sample is known. The report is in draft and will be presented to Council through the Audit and Risk Committee in September.

3.2 Mr Peter Forrest, 36 Panoramic Terrace, Kalamunda

Q. In relation to Agenda Item 71 Proposed Amendment No. 96 to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones – Public Advertising - can clarification on the permitted use "Shop" be provided in relation to changes of permitted uses without works?

A. The question is taken on notice.

3.3 Mr Darrell Downing, 3 Quenda Close, High Wycombe

Q. Why are the Department of Transport Share Path Design Technical Guidelines, referred to in Report Item 62, not adhered to on Milner Road, Berkshire Road (at gateway project), Maida Vale Road, Kalamunda Road and other roads within the City of Kalamunda?

A. The question is taken on notice.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Asset Services Committee Meeting held on 7 August 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Tracy Destree**

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 **D&A 62 Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan: Modifications Report – Considerations of Submissions and Modifications CONFIDENTIAL ATTACHMENT 4 (List of Submitters and Map) *Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"***

7.2 **D&A 63 Local Planning Scheme No. 3: Amendment 91 – Lot 50 Sultana Road West, High Wycombe – Special Use Zone – Final Adoption CONFIDENTIAL ATTACHMENT 5 (List and Map of Submitters) *Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"***

7.3 **D&A 64 Local Planning Scheme: Amendment 88 - Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan – Final Adoption CONFIDENTIAL ATTACHMENT 5 (List and Map of Submitters) *Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"***

7.4 **D&A 65 Proposed Bed and Breakfast – Lot 3 (12) Carramar Drive, Kalamunda CONFIDENTIAL ATTACHMENT 5 (Confidential Submitters Map) *Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."***

7.5 **D&A 66 Proposed Carport – Lot 403 (3) Lookout Road, Kalamunda CONFIDENTIAL ATTACHMENT 6 (Confidential Submitters Map) *Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."***

- 7.6 **D&A 68 Proposed Alterations and Three (3) Storey Additions to Single House – Lot 73 (55) Gooseberry Hill Road, Gooseberry Hill**
CONFIDENTIAL ATTACHMENT 5 (Confidential Submitters Map)
Reason for confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"
- 7.7 **D&A 69 Proposed Patio - Lot 1 (97) Hale Road, Forrestfield WA 6058**
CONFIDENTIAL ATTACHMENT 4 (Confidential Submitters Map)
Reason for confidentiality: Local Government Act 1995 S5.23(2)(b)-"the personal affairs of any person;"
- 7.8 **D&A 73 CONFIDENTIAL ITEM – Consideration of Tenders for the Provision of Greenwaste Processing Services (RFT 1705)** *Reason for Confidentiality Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

8.1.1 Nil.

8.2 Disclosure of Interest Affecting Impartiality

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

8.2.1 Nil.

9.0 REPORTS TO COUNCIL

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

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

62. Forreestfield/High Wycombe Industrial Area Stage 1 Structure Plan: Modifications Report – Considerations of Submissions and Modifications

Previous Items	SCM02/2012 – April 2012 OCM30/2017 – March 2017
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-STU-028
Applicant	City of Kalamunda
Owner	Various
Attachment 1	Forreestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report
Attachment 2	Summary of Submissions and Responses
Attachment 3	Summary of Modifications
Confidential Attachment 4	List of Submitters and Map
<i><u>Reason for Confidentiality:</u> Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"</i>	

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to note the submissions received during the advertising of the Forreestfield / High Wycombe Industrial Area Stage 1 Local Structure Plan: Modifications Report (the Structure Plan) and consider proposed modifications in light of the submissions received.
2. The Structure Plan modifications that were advertised are detailed in Attachment 1 and are broadly summarised as follows:
 - Modifications to minimum lot size for some properties.
 - Modifications to subdivision and development requirements.
 - Structure Plan Map modification (including changes to the road network).
 - Movement Network Plan modifications (including changes to road upgrades).
3. In response to the 20 submissions received, the City has considered a series of further modifications to the Structure Plan. The most noteworthy modifications relate to:
 - The removal of entry statements from the Structure Plan and DCP.
 - The removal of the pavement widening on Berkshire Road.
4. It is recommended that Council request the Western Australian Planning Commission (WAPC) approve the Structure Plan with modifications as outlined in Attachment 3.

BACKGROUND

5. Land Details:

Land Area:	Approx. 69ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban



6. The Forrestdale / High Wycombe Industrial Area Stage 1 is located within the City of Kalamunda (the City) and is generally bound by Sultana Road West to the north, Roe Highway to the east, Berkshire Road to the south and Dundas Road to the west.
7. The Structure Plan was prepared in 2012 to facilitate industrial subdivision and development within the area.
8. Since final adoption of the Structure Plan in 2013, subdivision and development has occurred in the area with a number of new developments recently being completed.
9. In 2016, landowners in the area expressed concern to the City that the take-up of development had been slower than anticipated and pointed to the operation of the Structure Plan and Development Contribution Plan (DCP) as the primary constraints to development.
10. In response, Taylor Burrell Barnett (TBB) were engaged by the City to undertake a review of the existing Structure Plan and DCP. The review (refer Appendix 3 of Attachment 1) identified a series of modifications that the City adopted for the purposes of public advertising.

11. The Structure Plan was adopted by Council for the purposes of public advertising and was advertised between 12 April – 29 May 2017. A total of 20 submissions were received. A summary of all submissions received and responses to submissions is provided in Attachment 2.
12. The Structure Plan modifications that were advertised are detailed in Part One and Two of the Structure Plan in Attachment 1 and are broadly summarised as follows:
 - Modifications to minimum lot size for some properties.
 - Modifications to subdivision and development requirements.
 - Structure Plan Map modification (including changes to the road network).
 - Movement Network Plan modifications (including changes to road upgrades).
13. The Structure Plan identifies the preferred land use arrangements and associated lot sizes, future road layout, traffic management measures and DCP items recommended as part of the TBB review. The modified design elements are summarised below.
14. **Subdivision and Development Requirements**
The Structure Plan shall allow a minimum lot size of 2000m² for Lots 3, 4, 5, 6 Ashby Close, Lots 50, 51, 52 Sultana Road West and Lot 547 Berkshire Road. All other lots will adhere to the Structure Plan 2012 provisions with a 1ha minimum lot size.
15. The owner of Lot 547 Berkshire Road requested to be provided with the flexibility for subdivision to 2000m² as a trade-off for the whole of Road 1 reservation being located within Lot 547.
16. Market analysis undertaken as part of the TBB review indicates that there is no advantage in reducing or removing the minimum lot size for industrial lots within the precinct generally, as the demand is highest for lots that exceed 2ha. However, the TBB review does indicate that Lots 50-52 Sultana Road West and Lots 5-6 Ashby Close may benefit from a reduced lot size to assist in facilitating subdivision and providing an alternative industrial product to the market. Furthermore, the analysis indicated that there may be an opportunity to provide composite uses for some properties.
17. Not all landowners were agreeable to the composite uses but the owner of Lot 50 Sultana Road West indicated a desire to accommodate this land use. Lots 3 and 4 have been provided with the opportunity for subdivision at the request of the landowners.
18. The composite use proposed on Lot 50 Sultana Road West would allow residential development to front onto Sultana Road West to provide a more appropriate interface with adjacent residential land uses on the northern side of Sultana Road West as part of Stages 2 and 3 of the Forrestfield North District Structure Plan (the DSP). Light industrial composite uses and vehicle access will be orientated towards Road 2A and the industrial area in Stage 1.

19. Land use permissibility for the composite use will be administered through a separate Local Planning Scheme No.3 (LPS3) amendment to include Lot 50 Sultana Road West within a Special Use Zone. Subdivision and development requirements will be administered through the Structure Plan. Amendment 91 which deals with this land use change is detailed under separate cover on this agenda.

20. **Movement Network Modifications**

The TBB review also investigated the sufficiency and feasibility of the proposed local road network given the changes in land use and traffic demands as a result of the approval of the DSP.

21. Two categories of movement network recommendations are outlined in the TBB review. Category 1 are infrastructure recommendations required to support the industrial land uses within Stage 1. Category 2 are infrastructure recommendations required to support the development of the broader DSP and are not the responsibility of the Stage 1 area to fund. Category 2 works will be considered as part of a future DCP for the broader Forrestfield North area and focused on the development Precincts 1, 2 and 3 of the DSP.
22. Category 1 recommendations outlined in Section 7.2 of the TBB review (Appendix 3 of Attachment 1) have been utilised as a basis for informing modifications outlined in the Structure Plan. A brief summary of the modifications is outlined below.

23.

Road	Summary of Modification
Berkshire Road	<ul style="list-style-type: none">Modified to accommodate Restricted Access Vehicle 7 movements.Remove recommended upgrades on the Movement Network Plan that have already been undertaken on Berkshire Road by Main Roads WA.
Milner Road	<ul style="list-style-type: none">Modified to accommodate Restricted Access Vehicle 7 movements up to Nardine Close intersection.
Berkshire Road / Milner Road / Intersection	<ul style="list-style-type: none">Modified from a cul-de-sac to a full movement intersection.Due to the revised planning framework and land uses for Forrestfield North industrial traffic will no longer require priority access to Dundas Road and the primary access demands will be into the industrial estate via Milner Road.Modified to accommodate Restricted Access Vehicle 7 movements and a revised planning framework for Forrestfield North.
Dundas Road	<ul style="list-style-type: none">Remove all recommended upgrades to Dundas Road.Traffic analysis undertaken by the City's consultant engineers indicates that there are no required upgrades to Dundas Road to support traffic generated by Stage 1. Widening will be required as part of the development of the broader Forrestfield North area. Upgrades required for the broader area will be considered

	as part of the progression of the planning for Forrestfield North.
Ashby Close	<ul style="list-style-type: none"> Modified to accommodate Restricted Access Vehicle 7 movements.
Nardine Close	<ul style="list-style-type: none"> Modified to accommodate Restricted Access Vehicle 7 movements.
Road 1 Relocation	<ul style="list-style-type: none"> Modified to accommodate Restricted Access Vehicle 7 movements and relocated to reflect a revised intersection treatment at Berkshire / Milner / Dundas Road intersection. Road 1 is no longer required in its originally proposed location, where it was to serve as a replacement access to Berkshire Road due to the loss of the Milner Road connection. As the Milner Road connection will be reinstated Road 1 positioning will be better placed further south east, adjacent to the eastern boundary of Lot 547. Road 1 will provide a safe and efficient alternative to Milner Road for access to Nardine Close (given that Ashby Close will only have left in left out access at its intersection with Berkshire Road). The need for Road 1 will grow as the land uses around the train station develop and traffic volumes along Milner Road increase. If Road 1 is not constructed heavy vehicles will still be able to access Nardine Close existing via Ashby Close, however this would not be as safe and efficient as if Road 1 had been constructed.
Road 2A	<ul style="list-style-type: none"> Road 2B to be removed and Road 2A modified to extend and form a cul-de-sac at Lot 50 with existing battle-axe legs from Sultana Road West forming emergency access to Sultana Road West. Road 2A is to be constructed as a cul-de-sac to separate industrial traffic from the residential traffic that will utilise Sultana Road West. Industrial traffic is to be internalised within the movement network and separated from the future Forrestfield North area. Modified to accommodate Restricted Access Vehicle 4 movements. Road reservation width change from 15m to 18m has already been provided in-principle support by the Department of Planning.

DETAILS

24. The TBB review investigated three key areas relating to the Structure Plan, these were as follows:

- Land use permissibility and lot sizes.
- The proposed local road network.
- The DCP.

25. In undertaking the review, TBB facilitated a number of landowner consultation sessions and undertook research and analysis of the area in conjunction with traffic engineers and real estate professionals. The outcome of the review and consultation resulted in a series of recommended Structure Plan modifications which have been incorporated into the Structure Plan Modifications Report (Attachment 1).
26. The Structure Plan identifies the preferred land use arrangements and associated lot sizes, future road layout, traffic management measures and DCP items recommended as part of the TBB review.
27. Concurrently with the advertising of the Structure Plan, the City also advertised Scheme Amendments 88 and 91. Scheme Amendment 88 related to modifications associated with the relevant DCP for the area while Scheme Amendment 91 related to the permissibility of land uses on Lot 50 Sultana Road West. The proposals of both of these amendments are reflected in modifications to the Structure Plan.
28. Infrastructure items that are identified in DCPs are generally informed through the Structure Planning process and as such some of the submissions received on the Structure Plan also relate to Scheme Amendment 88 and vice versa. Where there is relevance between the two planning items, this has been noted in the City's response to the submission. The following infrastructure items related to both proposals:
- Berkshire Road
 - Road 1
 - Road 2A
 - Entrance Statements
29. **Further Modifications Proposed**
In response to the submissions received, the City has considered a series of further modifications to the Structure Plan. The most noteworthy modifications are summarised below; all other minor or administrative modifications are summarised in Attachment 3.
30. *Removal of entry statements from the Structure Plan and DCP*
Preliminary investigations by the City with Main Roads WA indicates that entry statements cannot be constructed on Berkshire Road near the entry of the estate due to the area being identified as "Primary Regional Road" under the Metropolitan Region Scheme. Alternative locations do not constitute an "entry" and would not provide the desired effect. On this basis, entry statements are to be removed from the Structure Plan through this amendment and corresponding DCP through Scheme Amendment 88. This will remove approx. \$20,000 from the cost of the DCP.

31. *Removal of the pavement widening on Berkshire Road*
Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for the road to function as RAV7 and on this basis has been removed. This requirement will be removed from the DCP through Amendment 88 and the corresponding DCP Report accordingly. This will remove approx. \$365,000 from the cost of the DCP.
32. The inclusion of the pavement widening on Berkshire Road was originally included on the basis that it would improve the functionality of the road. The proposed widening is considered to be desirable but not necessary for Berkshire Road to function as a RAV 7 route.

STATUTORY AND LEGAL CONSIDERATIONS

33. **Local Planning Scheme No.3**
The subject site is zoned 'Industrial Development'. Objectives of the Industrial Development zone are as follows:
- To provide for orderly and proper planning through the preparation and adoption of a Structure Plan establishing the overall design principles for the area.
 - To permit the development of the land for industrial purposes and for commercial and other uses normally associated with industrial development.
34. **Planning and Development (Local Planning Schemes) Regulations 2015**
Pursuant to Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the City is required to take the following actions:
- 1) determine the level of information required to be provided with the structure plan amendment;
 - 2) assess the structure plan against appropriate planning principles;
 - 3) advertise the structure plan;
 - 4) consider submissions received during advertising; and
 - 5) prepare a report and recommendation on the proposed structure plan amendment, and provide it to the Western Australian Planning Commission (WAPC) for a decision.
35. Pursuant to Schedule 2, Part 4 of the Regulations, after considering the structure plan amendment and report, the WAPC may:
- 1) approve the structure plan; or
 - 2) require the City or the applicant to -
 - a) modify the plan in the manner specified by the WAPC; and
 - b) resubmit the modified plan to the WAPC for approval; or
 - 3) Refuse to approve the structure plan.

POLICY CONSIDERATIONS

36. The Structure Plan has been prepared in accordance with the requirements of the WAPC's Structure Plan Framework.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

37. The Structure Plan and Structure Plan Modification Report was prepared by the City with input from the City's various internal service teams.
38. The City's Assets Delivery team has been working closely with planning staff to ensure the efficient and timely delivery of infrastructure associated with the LSP generally.

External Referrals

39. Extensive landowner consultation has occurred as part of the TBB review and preparation of the Structure Plan modifications report. Many of the outcomes of this consultation have formed the basis of the recommended modifications and are documented in Appendix 2 of the Structure Plan Modifications Report.
40. The Structure Plan was advertised between 12 April – 29 May 2017 and a total of 20 submissions were received. A summary of all submissions received and responses to submissions is provided in Attachment 2.
41. Submissions were received on the following key infrastructure considerations:
- Removal of the pavement widening on Berkshire Road.
 - Removal of entry statements from the LSP and DCP.
 - Some objections and support regarding proposed Road 1.
 - Some objections and support regarding the proposed extension to Road 2A to Lot 50 Sultana Road West.
42. Submissions on other minor infrastructure or administrative changes are summarised and responded to in Attachment 2.
43. *Berkshire Road Pavement / Entry Statements*
The removal of the pavement widening on Berkshire Road and entry statements is discussed in Points 30 – 32 of this report.
44. *Proposed Road 1*
Road 1 is proposed to remain to provide safe and efficient circulation of heavy vehicles within the LSP area. Ashby Close will only have left in left out access at its intersection with Berkshire Road. Road 1 is planned to have full movement access from Berkshire Road. Road 1 is therefore provided to allow all vehicles, including RAV7, access to Ashby Close and the eastern sections of Nardine Close from Roe Hwy without unnecessary excess travel, saving up to 1km. Road 1 also provides an alternative access in the event of congestion along Milner Road and its intersection with Berkshire Road. Road 1 therefore provides significant benefits to the area and on this basis is proposed to be retained.

45. *Extension of Road 2A*
The proposed design of Road 2A ending in a cul-de-sac ensures an equitable outcome, with all properties within the LSP area achieving at minimum RAV 4 access. The Road 2A cul-de-sac also ensures the separation of residential traffic from the industrial area heavy vehicle traffic. While it is acknowledged that the urbanisation of Forrestfield North will increase traffic in the area generally it is also of equal benefit to the industrial area to avoid the residential traffic utilising designated RAV access routes. On this basis it is proposed to be retain the design of Road 2A as advertised.

FINANCIAL CONSIDERATIONS

46. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services annual budget.
47. The Structure Plan review report prepared by TBB cost approx. \$77,000 and was covered through the City's annual budget.
48. The Structure Plan modifications document was prepared internally by the City and took approx. 100 hours of staff time. The staff time for this work was covered through the City's annual budget.
49. Infrastructure items associated with the Structure Plan will be met through the adopted and operational Development Contribution Plan.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

50. *Kalamunda Advancing: Strategic Community Plan 2017 - 2027*

OBJECTIVE 3.1 - To plan for sustainable population growth

Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.
51. Stage 1 was originally identified under the Kewdale Hazelmere Integrated Master Plan (2006) as future development areas given the key strategic location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and key road freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway.
52. The Structure Plan site is identified for industrial development in the City's Local Planning Strategy (2010).

SUSTAINABILITY

Social Implications

53. Existing rural residential land uses in the area will continue to transition out as the area develops for transport and logistics orientated industrial uses.
54. A key consideration for the planning for Forrestfield North will be to ensure an appropriate interface with the Stage 1 industrial area.

Economic Implications

55. The planned industrial area will have economic benefits for 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 City in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.

Environmental Implications

56. Lots 223, 497, 498 and 499 Sultana Road West, Forrestfield are identified as Bush Forever area and are set aside as Parks and Recreation. A portion of road reservation abuts the Bush Forever area and during the construction phase, due consideration will have to be given to ensure impacts to this area are minimised.

RISK MANAGEMENT CONSIDERATIONS

- 57.
- | | | |
|--|--------------------|---------------|
| Risk: Modifications are not acceptable to landowners. | | |
| Likelihood: | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/ Strategy | | |
| Landowners have been well consulted throughout preparation of the modifications and submissions have been given due regard. | | |
| Risk: Modifications to the Structure Plan are not approved. | | |
| Likelihood: | Consequence | Rating |
| Possible | Significant | High |
| Action/ Strategy | | |
| Ensure that detailed explanation is given for the justification and implications of the proposed structure plan modifications. | | |

OFFICER COMMENT

58. The Structure Plan Modifications Report has been prepared in accordance with Local Planning Scheme No.3 (LPS3) objectives of the Industrial Development zone and the Structure Plan Framework of the WAPC.
59. The TBB review and subsequent Structure Plan Modifications Report was initiated in response to the necessity to revise the original Structure Plan 2012. The process has sought to address landowner / development constraints and provide a more efficient movement network conducive to the needs of the transport and logistics industry.

60. The recommended modifications have also taken into consideration the evolution of planning in the locality including a revised land use framework for Forrestfield North and the planning outcomes envisaged by the DSP. While it is recognised not every recommendation put forward by submitters has been included as a modification, the City has sought to strike a balance between the infrastructure needs to facilitate development and the interests of landowners, future occupiers and the broader community.
61. This Structure Plan, Amendment 88 and Amendment 91 should all be progressed simultaneously to enable consistency between the Local Structure Plan, the DCP and LPS3.
62. Staff have worked with landowners over a lengthy development and review process. This includes significant financial and staff resources spent on changes at the landowner's request. It is noted that 9 landowners have provided responses out of approx. 50, which indicates a significant percentage of landowners have raised no concern.
63. In light of the above, it is recommended that Council request the WAPC to approve the Structure Plan with modifications.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 62/2017)

That Council:

1. Pursuant to Clause 19, Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the Summary of Submissions and endorses the City of Kalamunda responses contained within Attachment 2.
2. Pursuant to Clause 20, Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends that the Western Australian Planning Commission approves the Local Structure Plan: Modifications Report for the Forrestfield / High Wycombe Industrial Area Stage 1 with modifications as detailed in Attachment 3.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

Attachment 1

Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan: Modifications Report – Considerations of Submissions and Modifications

Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report

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

Attachment 2

Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan: Modifications Report – Considerations of Submissions and Modifications

Summary of Submissions and Responses

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

Attachment 3

Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan: Modifications Report – Considerations of Submissions and Modifications

Summary of Modifications

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

Confidential Attachment 4

Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan: Modifications Report – Considerations of Submissions and Modifications

List of Submitters

Reason for Confidentiality:

Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"

This attachment has been circulated to all Councillors under separate cover

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

63. Local Planning Scheme No. 3: Amendment 91 – Lot 50 Sultana Road West, High Wycombe – Special Use Zone – Final Adoption

Previous Items	OCM30/2017 – Adopted for Advertising
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	SL-08/170
Applicant	City of Kalamunda
Owner	Elizabeth Catherine Pettit
Attachment 1	Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report
Attachment 2	Advertised Amendment 91 Document
Attachment 3	Final Amendment 91 Document
Attachment 4	Summary of Submissions and Responses
Confidential Attachment 5	List and Map of Submitters
<i>Reason for Confidentiality:</i>	
<i>Local Government Act 1995</i>	
<i>S5.23 (2) (b) – "the personal affairs of any person;"</i>	

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the submissions received on the advertising of proposed Local Planning Scheme No. 3 (LPS3) Amendment 91 (Amendment 91).
2. A total of twenty (20) submissions were received during the advertising period, several of which related to the local structure plan amendment rather than Amendment 91. A summary of all submissions received and responses to submissions is provided in Attachment 4.
3. It is recommended that Council support Amendment 91 without modification and forward its decision to the Western Australian Planning Commission (WAPC).

BACKGROUND

4.

Land Details:

Land Area:	1.089ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban



5. The Forrestfield / High Wycombe Industrial Area Stage 1 is located within the City of Kalamunda (the City) and is generally bound by Sultana Road West to the north, Roe Highway to the east, Berkshire Road to the south and Dundas Road to the west.
6. The Forrestfield / High Wycombe Industrial Area Stage 1 Local Structure Plan (the Structure Plan) was prepared in 2012 to facilitate industrial subdivision and development within the area. Lot 50 is located in the north eastern corner of the Structure Plan.
7. In 2016, landowners in the area expressed concern to the City that the take-up of development had been slower than anticipated and pointed to the operation of the Structure Plan and Development Contribution Plan (DCP) as the primary constraints to development.
8. In response, Taylor Burrell Barnett (TBB) were engaged by the City to undertake a review of the existing Structure Plan and DCP (Attachment 1). As part of the review, TBB investigated provisions in the Structure Plan relating to land use permissibility and lot sizes.
9. In undertaking the review, TBB facilitated a number of landowner consultation sessions and undertook research and analysis of the area in conjunction with traffic engineers and real estate professionals. The outcome of the review and consultation resulted in a series of recommended Structure Plan modifications. This included a recommendation to investigate composite residential and light industry uses for some properties. Not all landowners were agreeable to the composite uses being identified on their property but the owner of Lot 50 indicated a desire to accommodate this land use.

10. At the March 2017 OCM, Council adopted Amendment 91 for the purposes of public advertising.

DETAILS

11. Market analysis undertaken as part of the TBB review indicated that there is no advantage in reducing or removing the minimum lot size for industrial lots within the precinct generally, as the demand is highest for lots that exceed 2ha. However, the TBB review does indicate that Lots 50-52 Sultana Road West and Lots 5-6 Ashby Close may benefit from a reduced lot size to assist in facilitating subdivision and providing an alternative industrial product to the market. Furthermore, the analysis indicated that there may be an opportunity to provide composite residential / light industry uses for some properties, including Lot 50.
12. The composite use proposed on Lot 50 would allow residential development to front onto Sultana Road West to provide a more appropriate interface with adjacent residential land uses on the northern side of Sultana Road West as part of Stages 2 and 3 of the Forrestfield North District Structure Plan (the DSP). Light industry uses and commercial vehicle access will be oriented towards Road 2A and interface with the industrial area in Stage 1.
13. Land use permissibility for Lot 50 will be administered through the Special Use Zone proposed as part of this LPS3 amendment. Subdivision and development requirements will be administered through provisions of the Structure Plan.
14. To ensure the appropriate administration of light industry land uses on Lot 50, it is proposed, as part of the Special Use Zone requirements, all Permitted ("P") uses listed under the Light Industry Zone in Table One of LPS3 become Discretionary ("D") uses. This will ensure that all proposed light industry land uses on Lot 50 are subject to planning assessment and due consideration can be given to the proposed development. Furthermore, it is proposed that Motor Vehicle Wrecking and Fast Food Outlet are classified as uses not permitted in the Special Use Zone due to their incompatibility with the residential component of the composite use.
15. Single House in the Special Use Zone is proposed to be listed as a "P" use and Home Occupation as a "D" use. The proposed permissibility of the residential component is consistent with the Residential Zone of LPS3 and other approved composite areas in the metropolitan region.

STATUTORY AND LEGAL CONSIDERATIONS

16. The Amendment has followed the 'standard amendment' statutory process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* because the Amendment proposes to amend a DCP. The Amendment must be submitted to the WAPC for approval by the Minister for Planning.

POLICY CONSIDERATIONS

17. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. Amendment 91 was prepared by the City in response to the TBB review and Structure Plan Modifications Report. The TBB review was prepared with input from the City's various internal service teams. No specific comments have been received.

External Referrals

19. The *Planning and Development (Local Planning Schemes) Regulations 2015* required notification to the State Government prior to public advertising of the Amendment. The City provided notice of the Amendment and advertised the documentation as follows:
- a) submitted two copies of the Amendment to the Western Australian Planning Commission for review; and
 - b) prior to advertising, forwarded the Amendment to the Office of the Environmental Protection Authority (OEPA) for consideration.
20. The OEPA were satisfied that the Amendment was suitable to be advertised and the City prepared a notice giving details of:
- a) the purpose of the Amendment;
 - b) where the Amendment may be inspected; and
 - c) to whom and during what period submissions in respect of the Amendment may be made.
21. Once the notice was prepared, the City advertised the Amendment for 47 days from 12 April to 29 May 2017 as follows:
- a) published a notice in a newspaper circulating in the scheme area;
 - b) Displayed a copy of the notice in the offices of the local government for the period for making submissions;
 - c) gave a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;
 - d) published a copy of the notice and the amendment on the website of the local government; and
 - e) advertised the amendment as directed by the Commission and in any other way the local government considered appropriate.
22. 20 submissions were received during the advertising period. A summary of all submissions received and responses to submissions is provided in Attachment 4.
23. No objections were received from landowners specifically relating to the proposed change in land use. The modifications to the Structure Plan and Amendment 91 were advertised concurrently and some objections were received on Amendment 91 relating to matters associated with the Structure Plan. The modifications to the Structure Plan are detailed under separate cover and are included in this agenda.

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24. Submissions were received from 11 government agencies with submissions from the Department of Health (DoH) and Department of Fire and Emergency Services (DFES) recommending modifications or an objection to Amendment 91.
25. *Department of Health*
The DoH requested that Amendment 91 acknowledge and incorporate appropriate separation distances in accordance with the EPA Environmental Assessment Guideline (EAG) 3 'Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses.
26. The DoH also requested that the City utilise this opportunity to consider incorporation of additional sound proofing/insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.
27. Suitable modifications will be incorporated in the Structure Plan to address these matters as similar submissions were received on the advertising of the Structure Plan modifications. It is not considered appropriate to deal with this matter as part of Amendment 91. The nature of industrial uses in Stage 1 have relatively low amenity impacts and it is accepted that these impacts can be managed at development phase.
28. *Department of Fire and Emergency Services*
The DFES advised that the proposed Scheme Amendment is within an area designated as bushfire prone and as such should not be supported until such time that the bushfire risk and hazard reduction measures are established and understood. The DFES recommended that the Amendment be deferred to allow the proponent to address the policy requirements of SPP 3.7 and the Guidelines.
29. Suitable modifications will be incorporated in the Structure Plan to address these matters. It is not considered appropriate to deal with this matter as part of Amendment 91. Provisions will be included within the LSP that require properties surrounding or in proximity of the Bush Forever site to have a Bushfire Attack Level assessment prepared as a condition of subdivision or development.

FINANCIAL CONSIDERATIONS

30. Costs associated with the preparation of the document and public consultation/advertising were met through the Development Services annual budget.
31. Infrastructure items associated with the development of the area are funded through the DCP.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

32. *Kalamunda Advancing: Strategic Community Plan 2017 - 2027*

OBJECTIVE 3.1 - To plan for sustainable population growth

Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

33. Existing rural residential land uses in the area will continue to transition out as the area develops for transport and logistics orientated industrial uses. A key consideration for the planning for Forrestfield North will be to ensure an appropriate interface with the Stage 1 industrial area. The proposed composite use for Lot 50 will assist with providing an appropriate interface.

Economic Implications

34. The planned development of the area has economic benefits for 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 City in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.

Environmental Implications

35. Lots 223, 497, 498 and 499 Sultana Road West, Forrestfield are identified as Bush Forever area and are set aside as Parks and Recreation. A portion of road reservation abuts the Bush Forever area and during the construction phase, due consideration will have to be given to ensure impacts to this area are minimised.

RISK MANAGEMENT CONSIDERATIONS

- 36.
- | | | |
|---|--------------------|---------------|
| Risk: Amendment 91 is not acceptable to landowners. | | |
| Likelihood: | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/ Strategy | | |
| Landowners have been well consulted throughout preparation of the Amendment and Council is required to have due regard to any submissions received. | | |
| Risk: Amendment 91 is not approved. | | |
| Likelihood: | Consequence | Rating |
| Possible | Significant | High |
| Action/ Strategy | | |

Ensure that detailed explanation is given for the justification and implications of the proposed structure plan modifications.		
Risk: DFES recommended Amendment 91 is deferred.		
Likelihood:	Consequence	Rating
Possible	Moderate	Medium
Action/ Strategy		
Suitable provisions will be included within the LSP that require properties surrounding or in proximity of the Bush Forever site to have a Bushfire Attack Level assessment prepared as a condition of subdivision or development. This requirement will address DFES concerns.		

OFFICER COMMENT

37. Proposed Amendment 91 has been prepared in response to the recommendations outlined in the TBB review and extensive consultation with landowners in the area.
38. Not all landowners were agreeable to the composite uses recommended by the TBB review being identified on their property but the owner of Lot 50 indicated a desire to accommodate this land use.
39. Amendment 91 is required to implement the landowner's desire to facilitate composite uses on the land and facilitate the subdivision and development outcomes envisaged by modifications to the Structure Plan. Suitable subdivision and development requirements have been outlined in modifications to the Structure Plan (Attachment 1) to facilitate the composite uses. These requirements have been based on other successful composite uses in the metropolitan region. Initiation of Amendment 91 at the same time as the modifications to the Structure Plan will allow these matters to be considered concurrently by all stakeholders.
40. The proposed Special Use Zone is the most appropriate method for applying specific land use permissibility to an individual property. Given the limited take up of the composite use from landowners, it is not considered appropriate to introduce a new zone into LPS3 to facilitate this land use.
41. The concurrent modification to the Structure Plan (under separate cover included in this agenda) assumes Amendment 91 is supported by the Council and the WAPC.
42. Staff have worked with landowners over a lengthy development and review process. This includes significant financial and staff resources spent on changes at the landowner's request. A significant percentage of landowners have raised no concern to the proposed amendment.
43. In light of the above, it is recommended that Council support Amendment 91 without modification.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 63/2017)

That Council:

1. Pursuant to Part 5 Regulation 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports Amendment 91 to Local Planning Scheme No.3 without modification.
2. Pursuant to Part 5 Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* forwards to the Western Australian Planning Commission the Summary of Submission and Responses and all required Amendment documentation.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

Attachment 1

Local Planning Scheme No. 3: Amendment 91 – Lot 50 Sultana Road West, High Wycombe –
Special Use Zone – Final Adoption

**Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications
Report**

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

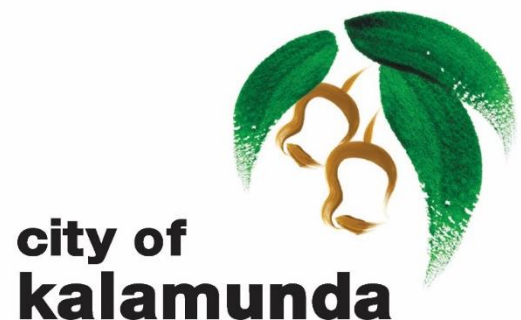
Attachment 2

Adoption of Local Planning Scheme No. 3 Amendment 91

Proposed Scheme Amendment

LOCAL PLANNING SCHEME NO. 3

Amendment No. 91



FORM 2A

Planning and Development Act 2005 (as amended)

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 91

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

1. Inserting the following new Special Use Zone in Schedule 4 – SPECIAL USE ZONES:

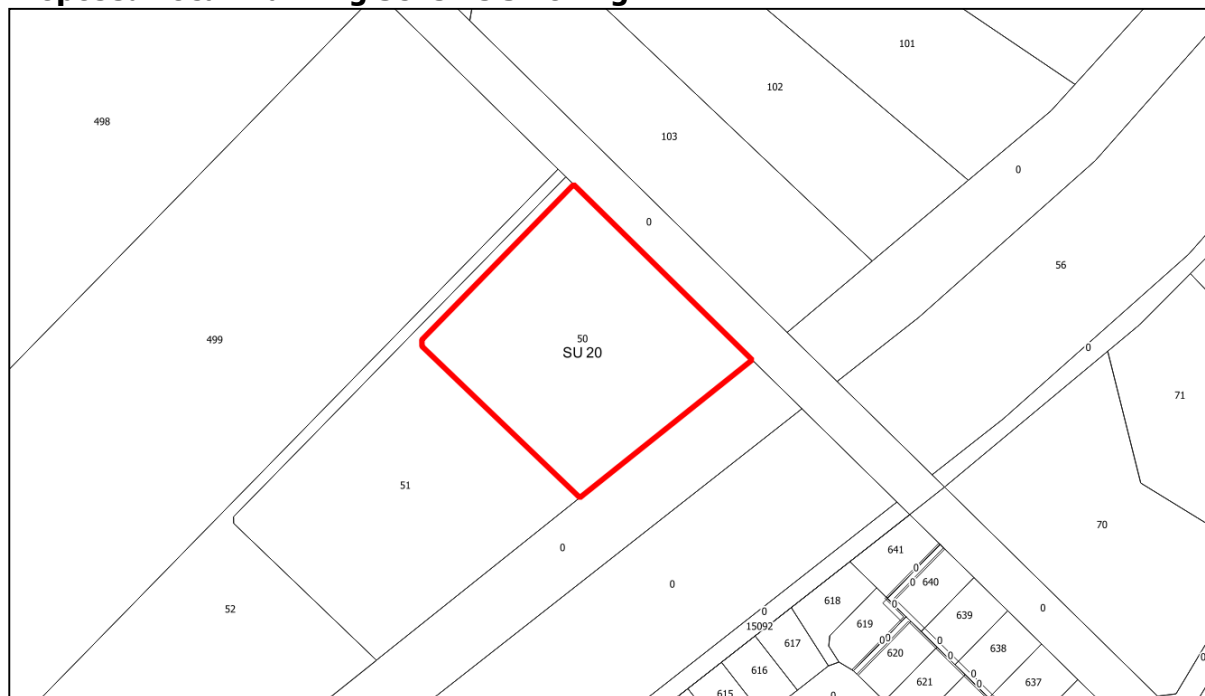
No.	Description of Land	Special Use	Conditions
SU 20.	Lot 50 Sultana Road West, High Wycombe	Those use classes listed under Light Industry Zone in Table One - Zoning Table, except the use classes of Motor Vehicle Wrecking and Fast Food Outlet which are uses not permitted. Single House – (P) Home Occupation – (D)	Those use classes listed under Light Industry in Table One - Zoning Table, their permissibility being in accordance with the symbols cross referenced in Table One except that all "P" uses become "D" uses. Subdivision and development requirements are subject to the Forrestfield / High Wycombe Industrial Area Stage 1 – Local Structure Plan (as amended).

2. Modifying the Local Planning Scheme Map from Industrial Development to Special Use (SU) 20 as per Attachment 1.

Dated this day of **2017**

CHIEF EXECUTIVE OFFICER

Existing Local Planning Scheme 3 Zoning



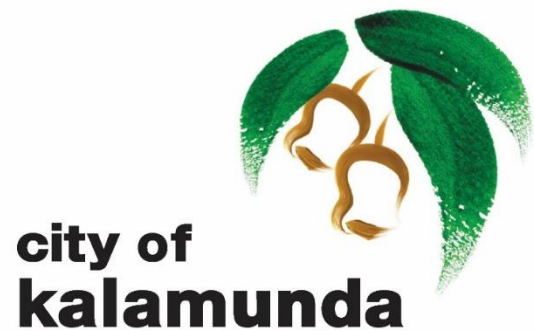
Attachment 3

Adoption of Local Planning Scheme No. 3 Amendment 91

Final Scheme Amendment

LOCAL PLANNING SCHEME NO. 3

Amendment No. 91



Planning and Development Act 2005 (as amended)

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

CITY OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 91

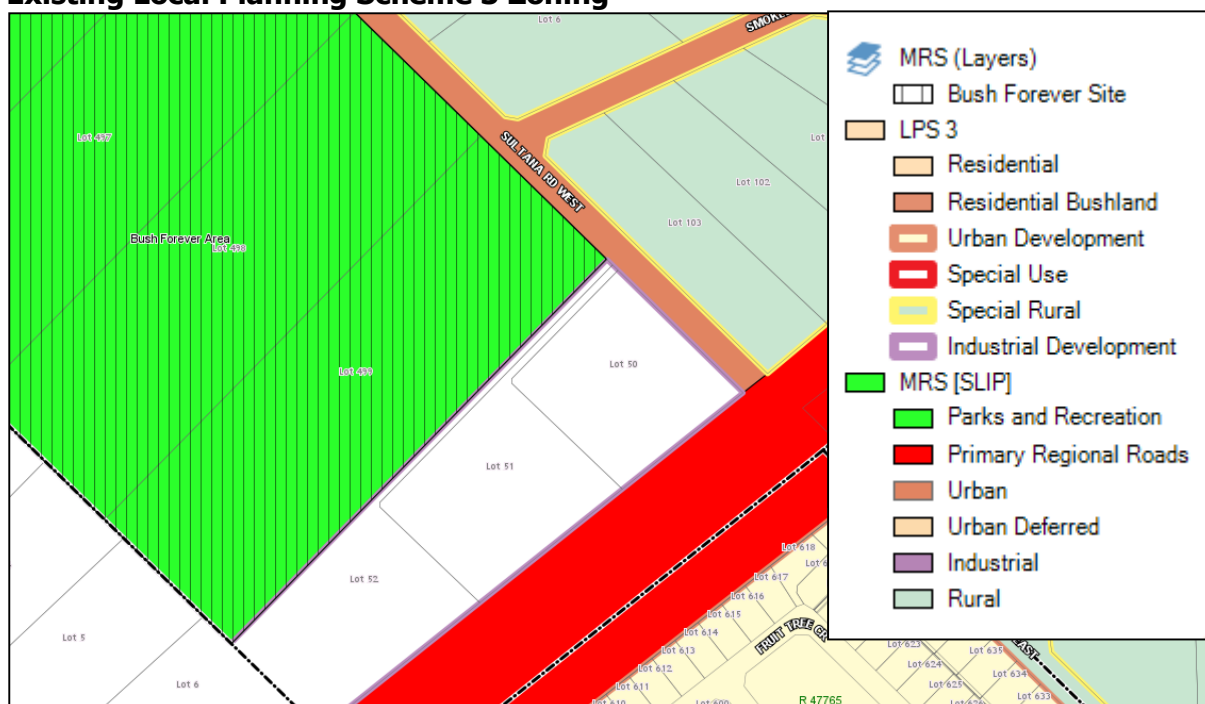
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1. Inserting the following new Special Use Zone in Schedule 4 – SPECIAL USE ZONES:

No.	Description of Land	Special Use	Conditions
SU 20.	Lot 50 Sultana Road West, High Wycombe	Those use classes listed under Light Industry Zone in Table One - Zoning Table, except the use classes of Motor Vehicle Wrecking and Fast Food Outlet which are uses not permitted. Single House – (P) Home Occupation – (D)	Those use classes listed under Light Industry in Table One - Zoning Table, their permissibility being in accordance with the symbols cross referenced in Table One except that all "P" uses become "D" uses. Subdivision and development requirements are subject to the Forrestfield / High Wycombe Industrial Area Stage 1 – Local Structure Plan (as amended).

2. Modifying the Local Planning Scheme Map from Industrial Development to Special Use (SU) 20 as per Attachment 1.

Existing Local Planning Scheme 3 Zoning



An aerial photograph of a residential neighborhood with a white map overlay. A specific lot is highlighted with a thick red border and labeled '50 SU 20'. The map shows various lot numbers, including 498, 499, 51, 52, 101, 102, 103, 56, 71, 70, 641, 640, 618, 619, 620, 639, 638, 637, 621, 617, 616, 15092, and 0. A road runs diagonally through the center of the map, and another road runs horizontally across the bottom. The map is oriented with North at the top.

Attachment 4

Adoption of Local Planning Scheme No. 3 Amendment 91

Summary of Submissions

Submission No./Company/State Agency	Submission Summary	Response
1	Objection 1. Some of the changes are nothing to do with industrial area and more to do with rail station. 2. Wording of amendment is poor and not clear as to what costing will be.	No modifications proposed. 1. The modifications are proposed as a result of the review of the Local Structure Plan (LSP) and DCP for the area. The proposed changes to infrastructure are necessary to facilitate the industrial development proposed for Stage 1. 2. Cost estimates are detailed in the corresponding DCP Report which is reviewed by the City annually.
2	1. No Comments on Amendment 91. Comments provided for Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications (LSP).	1. Noted.
3	1. No Comments on Amendment 91. Comments provided for LSP.	1. Noted.
4	1. No Comments on Amendment 91. Comments provided for LSP.	1. Noted.
5	No Objection 1. No objection for Lot 50 to become Special Use Zone. 2. Further detailed comments and objections provided relate to the LSP.	1. Noted. 2. Noted.
6	No Objection 1. Approve request by land owner to change zoning from light industry to composite with access from Sultana road west.	1. Noted.

Submission No./Company/State Agency	Submission Summary	Response
7	Objection 1. Strongly oppose Amendment 91 in its present form. Object because of allowing road access to the rear of Lot 50 Sultana Road West (Lot 50) via Road 2A. 2. Further detailed comments and objections provided relate to the LSP.	1. Noted. 2. Noted.
Milner Road Property Trust/A182321	1. No Comments on Amendment 91. Comments provided for LSP.	1. Noted.
Town Planning Innovations/A212986	1. No Comments on Amendment 91. Comments provided for LSP.	1. Noted.
Department of Education	No Objection 1. No objection to the amendment.	1. Noted.
State Heritage Office	No Objection 1. No objection to the amendment.	1. Noted.
Department of Aboriginal Affairs	No Objection 1. No approvals from DAA required. Comment 2. For any proposed future works DAA suggests that the City refer to the State's Aboriginal Heritage Due Diligence Guidelines.	1. Noted. 2. Noted.
Department of Mines and Petroleum	No Objection 1. Proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	1. Noted.
Environmental Protection Authority	No Objection 1. No requirement to assess.	1. Noted.
Water Corporation	Comment 1. The subject land is currently serviced with water off the water main that runs along Sultana Road. Depending on the nature and scale of the proposed land uses and the water demands, the proponent may be required to upgrade the water service to	1. Noted. 2. Noted.

Submission No./Company/State Agency	Submission Summary	Response
	<p>the site. This will be determined at the building licence stage. Reticulated sewerage is currently not available to the site. The construction of sewerage through the area will need to be undertaken by the developers of the industrial area, as per the Corporation's wastewater conveyance planning for the area. This planning is reflected in the LSP report. The future sewers will follow the local roads as indicated in the LSP. In the event that sewerage is required for this site ahead of the development of the rest of the industrial area, then the landowner will be responsible for securing a suitable route for the sewer via neighbouring landholdings and constructing the sewer.</p> <p>No Objection</p> <p>2. No objection or concerns with proposed changes.</p>	
Department of Water	<p>No Objection</p> <p>1. No comments to provide.</p>	1. Noted.
Main Roads	<p>Comment</p> <p>1. No vehicle access will be permitted from Lot 50 to Roe Highway.</p> <p>No Objection</p> <p>2. No objection to proposed rezoning of Lot 50 from Industrial Development to Special Use.</p>	<p>1. Noted.</p> <p>2. Noted.</p>
Department of Transport	1. No Comments on Amendment 91. Comments provided for LSP.	1. Noted.
Department of Health	<p>Comment</p> <p>1. All developments are required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy – Perth Metropolitan Region. The proponents should be advised that approval is required for any on-site waste water treatment process (by DOH or local government)</p>	<p>1. Noted.</p> <p>2. Noted, Part Two (Implementation) section of the LSP will be modified to include a section on EPA's Environmental Assessment Guideline (EAG) 3 'Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses. It is not</p>

Submission No./Company/State Agency	Submission Summary	Response
	<p>with such proposals being in accordance with DOH publications.</p> <p>2. The Amendment is to acknowledge and incorporate appropriate separation distances in accordance with the EPA Environmental Assessment Guideline (EAG) 3 'Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses.</p> <p>3. The City should use this opportunity to minimise potential negative impacts of the mixed density development such as noise, odour, light and other activities. To minimise impacts the City could consider incorporation of additional sound proofing/insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.</p>	<p>considered appropriate to deal with this matter as part of Amendment 91. The nature of industrial uses in Stage 1 have relatively low amenity impacts and it is accepted that these impacts can be managed at development phase.</p> <p>3. Noted, these requirements can be considered at development application stage.</p>
<p>Department of Fire and Emergency Services</p> <p>(Submission Late – Dated 03 July 2017. Advertising closed 29 May 2017.)</p>	<p>Comment</p> <p>1. The site is designated as bushfire prone. It is noted that a significant area is designated as Bush Forever which presents additional challenges to ensuring development achieves adequate hazard separation.</p> <p>2. The provisions of SPP 3.7 and the Guidelines apply and require a BHL assessment to be undertaken. An assessment against the bushfire protection criteria, contained within the Guidelines, will also be required. This information can be provided in the form of a Bushfire Management Plan</p> <p>Objection</p> <p>3. The proposed Scheme Amendment is within an area designated as bushfire prone and as such should not be supported until such time that the</p>	<p>1. Noted.</p> <p>2. Noted, the LSP development requirements will be amended to ensure, properties surrounding or in proximity of the Bush Forever site that are identified as Bushfire Prone under the City's LPS3, a Bushfire Attack Level assessment to be prepared as a condition of subdivision or development.</p> <p>3. Noted, it is not considered necessary to defer the amendment as provisions will be included within the LSP that require properties surrounding or in proximity of the Bush Forever site to have a Bushfire Attack Level assessment prepared as a condition of subdivision or development.</p>

Submission No./Company/State Agency	Submission Summary	Response
	bushfire risk and hazard reduction measures are established and understood. It is recommended that the Amendment be deferred to allow the proponent to address the policy requirements of SPP 3.7 and the Guidelines.	

Confidential Attachment 5

Adoption of Local Planning Scheme No. 3 Amendment 91

List of Submitters

Reason for Confidentiality:

Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"

This attachment has been circulated to all Councillors under separate cover

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

64. Local Planning Scheme: Amendment 88 - Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan – Final Adoption

Previous Items	OCM199/2016 – Adopted for Advertising
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-STU-028
Applicant	City of Kalamunda
Owner	Various
Attachment 1	Proposed Scheme Amendment (Advertised)
Attachment 2	Proposed Scheme Amendment (Modified)
Attachment 3	Summary of Submissions and Responses
Attachment 4	Summary of Modifications
Confidential Attachment 5	List and Map of Submitters
<i>Reason for Confidentiality:</i> <i>Local Government Act 1995</i> <i>S5.23 (2) (b) – "the personal affairs of any person;"</i>	

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to note the submissions received during the advertising of proposed Local Planning Scheme No. 3 (LPS3) Amendment 88 and consider proposed modifications in light of the submissions received.
2. The advertised changes related to:
 - Land valuation methodology.
 - Clarify upgrades to the road network for Berkshire Road, Milner Road and the future Nardine Close / Berkshire Road connector road.
 - Modify the calculation contribution methodology to collect contributions on a net lot area basis as opposed to gross lot area.
3. In response to the 16 submissions received on the Structure Plan modifications and Amendment 88, the City has considered a series of modifications to Amendment 88 which are summarised as follows:
 - Removal of the pavement widening on Berkshire Road
 - Modifications to the phrasing of Berkshire / Milner Dundas Road Intersection
 - Removal of Upgrades to Dundas Road
 - Removal of entry statements from the LSP and DCP
4. It is recommended that Council support Amendment 88 with modifications and forward its decision to the Western Australian Planning Commission (WAPC).

5. Land Details:

Land Area:	Approx. 69ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban



6. The Forrestfield/High Wycombe Industrial Area Development Contribution Plan (DCP) applies to the properties identified on the Locality Plan.
7. The DCP was Gazetted into LPS3 on 14 May 2013. Schedule 12 of LPS3 details the framework of the DCP including which infrastructure items are included, the area affected, and the method of calculating the contribution rate. The DCP Report sits outside of LPS3 and contains the detailed scope, cost estimates and operational calculations relating to the infrastructure identified in Schedule 12 of LPS3.
8. Currently, approximately 30% of the area has been developed for industrial purposes, with the remaining properties either vacant or being used for residential purposes.
9. In March 2016, the City engaged Taylor Burrell Barnett (TBB) to investigate the different influences on the DCP that have emerged as the area has developed. TBB conducted a workshop with landowners, engaged a traffic engineer and a real estate professional to identify factors that may require modifications to the DCP. Additionally, the City undertook a comprehensive review of the operational components of the DCP.

10. In June 2016, the City engaged Woodsome Management to review the costs and financial structure of the DCP with a focus on the administration and day-to-day workings of the arrangement.
11. At the November 2016 OCM, Council adopted Amendment 88 for the purposes of public advertising.
12. The City's comprehensive review of the DCP and work undertaken by TBB/ Woodsome resulted in a number of recommendations, some of which have informed this Amendment, and some which have informed modifications to the Forrestfield / High Wycombe Industrial Area Stage 1 - Local Structure Plan (the LSP). At the February 2017 OCM, Council adopted modifications to the LSP for public advertising.

DETAILS

13. The advertised version of Amendment 88 (Attachment 1) proposed to modify the following aspects of Schedule 12 to ensure the DCP Report operates in accordance with requirements of LPS3:
 - Land valuation methodology.
 - Clarify upgrades to the road network for Berkshire Road, Milner Road and the future Nardine Close / Berkshire Road connector road.
 - Modify the calculation contribution methodology to collect contributions on a net lot area basis as opposed to gross lot area.
14. Infrastructure items that are included in DCPs are generally identified through the Structure Planning process and, as such, some of the submissions received on the Structure Plan also relate to Amendment 88.
15. **Further Modifications Proposed**

In response to the submissions received on the Structure Plan modifications and Amendment 88, the City has considered a series of modifications to Amendment 88. The recommended modifications are outlined in Attachment 4 and are summarised below.
16. *Removal of the pavement widening on Berkshire Road*

Pavement widening is not required for Berkshire Road to be designated for Restricted Access Vehicles Category 7 (RAV7). While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route, it is not technically required for the road to function as RAV7 and on this basis has been removed. This requirement will be removed from the DCP Report in the upcoming review and it is recommended that the wording of Schedule 12 (a) be modified to only reflect upgrades to utility services and the proposed shared path.
17. *Modifications to the phrasing of Berkshire / Milner Dundas Road Intersection*

The wording of Schedule 12 (b) has been modified to reference the Berkshire / Milner / Dundas Road intersection as simply the Berkshire / Milner Road intersection as no upgrades are required to Dundas Road.

18. *Removal of Upgrades to Dundas Road*
Due to the revised road layout and reinstatement of the intersection at Milner/Berkshire Road there is no longer a requirement to upgrade Dundas Road. Dundas road upgrades have been removed from Schedule 12 (d).
19. *Removal of entry statements from the LSP and DCP*
Preliminary investigations by the City with Main Roads WA indicates that entry statements cannot be constructed on Berkshire Road near the entry of the estate. Alternative locations do not constitute an "entry" and would not provide the desired effect. This requirement will be removed from the DCP Report in the upcoming review. Entry statements are to be removed from the DCP by amending the wording of Schedule 12 (k).

STATUTORY AND LEGAL CONSIDERATIONS

20. The Amendment has followed the 'complex amendment' statutory process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* because the Amendment proposes to amend a DCP. Following a Council decision, the Amendment must be submitted to the WAPC for consideration by the Minister for Planning.

POLICY CONSIDERATIONS

21. The DCP was prepared in accordance with State Planning Policy 3.6 – Development Contributions for Infrastructure.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. The Structure Plan which informed Amendment 88 was prepared by the City with input from the City's various internal service teams.
23. The City's Assets Delivery team have been working closely with planning staff to ensure the efficient and timely delivery of infrastructure associated with Amendment 88 and the LSP generally.

External Referrals

24. Landowner consultation has occurred as part of the TBB review and preparation of the Structure Plan Modifications Report. Many of the consultation outcomes have formed the basis of Amendment 88.
25. The *Planning and Development (Local Planning Schemes) Regulations 2015* required notification to State Government prior to public advertising of the Amendment.
26. The City provided notice of the Amendment, received confirmation and advertised the documentation as follows:
 - a) submitted two copies of the Amendment to the Western Australian Planning Commission for review; and

- b) prior to advertising, forwarded the Amendment to the Office of the Environmental Protection Authority (OEPA) for consideration.
27. The WAPC and OEPA were satisfied that the Amendment was suitable to be advertised and the City prepared a notice giving details of:
- a) the purpose of the Amendment;
 - b) where the Amendment may be inspected; and
 - c) to whom and during what period submissions in respect of the Amendment may be made.
28. Once the notice was prepared, the City advertised the Amendment for 62 days from 14 February to 17 April 2017 as follows:
- a) published a notice in a newspaper circulating in the scheme area;
 - b) displayed a copy of the notice in the offices of the local government for the period for making submissions;
 - c) gave a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;
 - d) published a copy of the notice and the amendment on the website of the local government; and
 - e) advertised the amendment as directed by the Commission and in any other way the local government considered appropriate.
29. 16 submissions were received during the advertising period. A summary of all submissions received and responses to submissions is provided in Attachment 3.
30. Submissions were received on the following key infrastructure considerations:
- Removal of the pavement widening on Berkshire Road
 - Modifications to the phrasing of Berkshire / Milner Dundas Road Intersection
 - Removal of Upgrades to Dundas Road
 - Removal of entry statements from the LSP and DCP
31. Detailed discussion on these elements is provided in Parts 16 – 20 of this report.

FINANCIAL CONSIDERATIONS

32. Costs associated with the preparation of the document and public consultation/advertising were met through the Development Services annual budget.
33. Infrastructure items associated with the development of the area are funded through the DCP.
34. The operation of the DCP presents a major administrative responsibility for the City. While the DCP is self-funded, the City has an implicit obligation to efficiently and effectively manage the revenues and works.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

35. *Kalamunda Advancing: Strategic Community Plan 2017 - 2027*

OBJECTIVE 3.1 - To plan for sustainable population growth

Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

36. The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single landowner will be able to be satisfied.

Economic Implications

37. The implementation of DCPs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, a DCP does not offer any direct economic benefits to an area. DCPs can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

Environmental Implications

38. The proposed DCP infrastructure is identified in areas where vegetation is predominantly cleared. A portion of road reservation abuts a Bush Forever Reserve and during the construction phase of DCP infrastructure, due consideration will have to be given to ensure impacts to this area are minimised.

RISK MANAGEMENT CONSIDERATIONS

- 39.
- | | | |
|--|--------------------|---------------|
| Risk: The scheme is non-compliant with the Development Contribution Plan Report | | |
| Likelihood: | Consequence | Rating |
| Rare | Significant | Medium |
| Action/ Strategy | | |
| Ensure Council is aware that the Amendment will enable the DCP to operate in a financially sustainable manner and in accordance with LPS3. | | |
| Risk: WAPC do not approve the Amendment | | |
| Likelihood: | Consequence | Rating |
| Rare | Significant | Medium |
| Action/ Strategy | | |
| Clearly detail reasons for the Amendment to the WAPC. | | |

Risk: Modifications are not acceptable to landowners.		
Likelihood:	Consequence	Rating
Possible	Moderate	Medium
Action/ Strategy		
Landowners have been well consulted throughout preparation of the modifications and submissions have been given due regard.		

OFFICER COMMENT

40. Through implementation of the DCP there have been a number of interpretations that are inconsistent with Schedule 12 and Clause 6.5 of LPS 3.
41. Upon review, it has become apparent that the City needs to undertake the Amendment to ensure the DCP Report operates in an orderly manner and in accordance with LPS3.
42. The Amendment will formalise aspects of the DCP which have been operating outside of the parameters provided by LSP3 for an extended period of time.
43. Staff have worked with landowners over a lengthy development and review process. This includes significant financial and staff resources spent on changes at the landowner's request. A significant percentage of landowners have raised no concern to the proposed amendment.
44. In light of the above, it is recommended that Council request the WAPC to approve Amendment 88 with modifications.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 64/2017)

That Council:

1. Pursuant to Part 5 Regulation 41(3)(b) of the *Planning and Development Act (Local Planning Schemes) Regulations 2015* supports Amendment 88 to Local Planning Scheme No.3 with modifications as contained in Attachment 2.
2. Pursuant to Part 5 Regulation 44 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015*, forwards the Summary of Submission and Responses and all required Amendment documentation to the Western Australian Planning Commission.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

Attachment 1
Adoption of Local Planning Scheme No. 3 Amendment 88
Proposed Scheme Amendment (Advertised)



LOCAL PLANNING SCHEME NO. 3 Amendment No. 88

PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 88

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

1. Amending paragraph 2 of clause 6.5.12.2 to read:

"Valuation methodology will be defined for each particular arrangement by the applicable Development Contribution Plan Report."

2. Removing Schedule 13;

3. Amending Schedule 12 (a) to read:

"(a) Any required modifications to the north-eastern half of Berkshire Road between Dundas Road and Roe Highway;"

4. Amending Schedule 12 (b) to read:

"(b) Any required modifications to Milner Road, including the Milner Road, Berkshire Road and Dundas Road intersection and Milner Road and Nardine Close intersection;"

5. Amending Schedule 12 (g) to read:

"(g) Land required for the section of road linking Ashby Close to Nardine Close and the construction of the new section of road linking Nardine Close with Berkshire Road;"

6. Amending Schedule 12 'Method for Calculating Contributions' to read:

"

$$\text{Contribution rate} = \frac{\text{Cost of infrastructure items} + \text{cost of administrative items (\$)}}{\text{Net lot area of DCA (m}^2\text{)}}$$

Net lot area = Contribution Area - (Area of Road Reserve + Developed Area)
Cost of infrastructure items = remaining infrastructure costs – funds held as money"

The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

The Amendment proposes to amend a development contribution plan.

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the Shire of Kalamunda at the Ordinary Meeting of the Council held on the 28 November 2016 and the Common Seal of the Shire of Kalamunda was hereunto affixed by the authority of a resolution of the Council in the presence of:



MAYOR / SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....
DELEGATED UNDER S.16 OF
THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

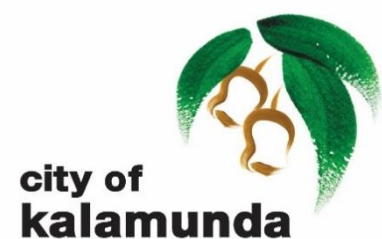
Attachment 2

Adoption of Local Planning Scheme No. 3 Amendment 88

Proposed Scheme Amendment (Modified)

LOCAL PLANNING SCHEME NO. 3

Amendment No. 88



PLANNING AND DEVELOPMENT ACT 2005 (as amended)

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

CITY OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 88

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

1. Amending paragraph 2 of clause 6.5.12.2 to read:

"Valuation methodology will be defined for each particular arrangement by the applicable Development Contribution Plan Report."

2. Removing Schedule 13;

3. Amending Schedule 12 (a) to read:

"(a) Utility modifications and shared path upgrades on Berkshire Road between Dundas Road and Roe Highway;"

4. Amending Schedule 12 (b) to read:

"(b) Any required modifications to Milner Road, including the Milner Road and Berkshire Road intersection and Milner Road and Nardine Close intersection;"

5. Removing Schedule 12 (d);

6. Amending Schedule 12 (g) to read:

"(g) Land required for the section of road linking Ashby Close to Nardine Close and the construction of the new section of road linking Nardine Close with Berkshire Road;"

7. Modifying Schedule 12 (k) to read:

"Landscaping of verges including maintenance;"

8. Renumbering remaining provisions of Schedule 12;

9. Amending Schedule 12 'Method for Calculating Contributions' to read:

"

$$\text{Contribution rate} = \frac{\text{Cost of infrastructure items} + \text{cost of administrative items (\$)}}{\text{Net lot area of DCA (m}^2\text{)}}$$

$$\text{Net lot area} = \text{Contribution Area} - (\text{Area of Road Reserve} + \text{Developed Area})$$

$$\text{Cost of infrastructure items} = \text{remaining infrastructure costs} - \text{funds held as money}"$$

The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

1. The Amendment proposes to amend a development contribution plan.

Attachment 3

Adoption of Local Planning Scheme No. 3 Amendment 88

Summary of Submissions and Responses

Submitter No.	Submission Summary	Response
1	Objection <ol style="list-style-type: none"> 1. Oppose to Dev Contribution Scheme paying for the upgrade to Berkshire Road given it is currently at road train specifications. 2. Oppose a road linking Nardine to Berkshire, an extra cost for very little benefit. 	<p>Modifications proposed.</p> <ol style="list-style-type: none"> 1. Modification proposed. The existing pavement width on Berkshire Road is between 8 – 9m and currently accommodates RAV7 with height restrictions due to overhead power lines crossing the road in various locations. Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for the road to continue to function as RAV7 and on this basis has been recommended to be removed. This requirement will be removed from the DCP Report in the upcoming review. To provide unrestricted access it is recommended that the overhead power lines crossing the road be raised to remove the height restriction. This work along with the proposed shared path upgrades are to be included in revised wording of Schedule 12 (a) as part of the Modified Scheme Amendment 88. 2. Road 1 is to be included to provide safe and efficient circulation of heavy vehicles within the LSP area. Ashby Close will only have left in left out access at its intersection with Berkshire Road. Road 1 is planned to have full movement access from Berkshire Road. Road 1 is therefore provided to allow all vehicles, including Category 7 Restricted Access Vehicles (RAV7), access to Ashby Close and the eastern sections of Nardine Close from Roe Hwy without unnecessary excess travel, saving up to 1km. Road 1 also provides an alternative access in the event of congestion along Milner Road and its intersection with Berkshire Road. Road 1 therefore provides significant benefits. No modification proposed.
2	Objection <ol style="list-style-type: none"> 1. Object to Points 2, 3, 4 and 5. 	<p>Modifications proposed.</p> <ol style="list-style-type: none"> 1. Point 2 references the manner in which land is valued for the purposes of calculations under the Development Contribution Plan which details the static feasibility valuation model. The static feasibility valuation model is a more complex method for determining land value that takes into consideration the infrastructure and development costs of individual parcels. Advice the City has been provided by consultants indicates that in the context of the nature of highly fragmented land ownership, this is not the most effective or

		<p>efficient way of determining net land value. Point 2 of the advertised Amendment will allow the City to define the valuation methodology for DCPs through the applicable DCP Report. No modification is proposed.</p> <p>Point 3, modification proposed. The existing pavement width on Berkshire Road is between 8 – 9m and currently accommodates RAV7 with height restrictions due to overhead power lines crossing the road in various locations. Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for the road to continue to function as RAV7 and on this basis has been recommended to be removed. This requirement will be removed from the DCP Report in the upcoming review. To provide unrestricted access it is recommended that the overhead power lines crossing the road be raised to remove the height restriction. This work along with the proposed shared path upgrades are to be included in revised wording of Schedule 12 (a) as part of the Modified Scheme Amendment 88.</p> <p>Point 4 of the advertised Amendment reflects a revised road network that now includes an intersection at Berkshire / Milner / Dundas Road in lieu of a cul-de-sac. Modify Point 4 to read 'Amending Schedule 12 (b) to read: "(b) Any required modifications to Milner Road, including the Milner Road and Berkshire Road intersection and Milner Road and Nardine Close intersection;"</p> <p>Point 5 of the advertised Amendment details the construction of the link road between Berkshire Road and Milner Road (Road 1). Road 1 is to be included to provide safe and efficient circulation of heavy vehicles within the LSP area. Ashby Close will only have left in left out access at its intersection with Berkshire Road. Road 1 is planned to have full movement access from Berkshire Road. Road 1 is therefore provided to allow all vehicles, including Category 7 Restricted Access Vehicles (RAV7), access to Ashby Close and the eastern sections of Nardine Close from Roe Hwy without unnecessary excess travel, saving up to 1km. Road 1 also provides an alternative access in the event of congestion along Milner Road and its intersection with Berkshire Road. Road 1 therefore provides significant benefits.</p>
3	<p>Comment</p> <p>1. When a LPS and subsequent DCS is entered into, it is supposedly the responsibility of the developers or in</p>	<p>Modifications proposed.</p> <p>1. Noted.</p>

	<p>this case the Landowners and is for the benefit of the landowners, with a further flowthrough for the Shire, in the form of increased rates, and the community with an increase of job opportunities, when it is an industrial development. The landowners should have input into how the scheme is operated and the extent of the development and infrastructure that they must pay for. When the DCS is put into place and administered by the City it is incumbent on them to ensure the principles of “need and nexus” are adhered to. If it isn’t needed for our development then the unnecessary costs should not be put upon the scheme when the development benefits the wider community.</p> <p>Objection</p> <p>2. Inclusion of Berkshire Rd in LPS. This road has been declared by the City’s own consultants as not needing any work for the purposes required by Stage 1. To insist that we pay for the upgrading of this road is against the principles of “need and nexus”.</p> <p>3. Inclusion of adding entrance statements along Berkshire road is an unnecessary cost for landowners. There are at least two other industrial developments that have access via Berkshire Rd and there haven’t been any entrance statements for those.</p>	<p>2. Modification proposed. The existing pavement width on Berkshire Road is between 8 – 9m and currently accommodates RAV7 with height restrictions due to overhead power lines crossing the road in various locations. Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for the road to continue to function as RAV7 and on this basis has been recommended to be removed. This requirement will be removed from the DCP Report in the upcoming review. To provide unrestricted access it is recommended that the overhead power lines crossing the road be raised to remove the height restriction. This work along with the proposed shared path upgrades are to be included in revised wording of Schedule 12 (a) as part of the Modified Scheme Amendment 88.</p> <p>3. Modification proposed, it is recommended that the entry statements are removed from the DCP.</p> <p>4. Modification proposed, Dundas Road upgrades will be removed from the DCP and corresponding DCP Report. Reference to the intersection will be changed from Berkshire Road, Milner Road and Dundas Road intersection to Berkshire Road and Milner Road intersection.</p> <p>5. Road 1 is to be included to provide safe and efficient circulation of heavy vehicles within the LSP area. Ashby Close will only have left in left out access at its intersection with Berkshire Road. Road 1 is planned to have full movement access from Berkshire Road. Road 1 is therefore provided to allow all vehicles, including Category 7 Restricted Access Vehicles (RAV7), access to Ashby Close and the eastern sections of Nardine Close from Roe Hwy without unnecessary excess travel, saving up to 1km. Road 1 also provides an alternative access in the event of congestion along Milner Road and its intersection with Berkshire Road. Road 1 therefore provides significant benefits.</p>
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	<p>Why has this been put on us when they haven't been required previously? All these businesses manage to continue to operate without elaborate signage.</p> <p>4. Inclusion of the Dundas Road intersection is not relevant to our Stage 1 area, especially when the road is earmarked for closure by the PTA as part of the Airport link rail development. This must also be removed. "Need and nexus,"</p> <p>5. The inclusion of a new road, Road 1, is a huge cost put upon the land owners for no benefit. Initially it was introduced because Milner Rd was going to be closed at Berkshire Rd. Understandably, in that situation it may have been considered by some as necessary, however now that Milner Rd is to remain open there is no further need to construct this extra road. The cost of purchasing the land required for this new road and building the total of Road 1 from scratch would far outweigh the cost involved with the other option. Need and Nexus.</p>	
4	<p>Objection</p> <p>1. Point 3. As stated in City Consultant reports attached to (a) <u>Industrial Stage 1 LPS 2012</u>, (b) <u>Forrestfield North DSP 2015</u> and (c) <u>TBB DCS Amendment 2016</u>, "Berkshire Rd is an</p>	<p>Modifications proposed.</p> <p>1. Modification proposed. The existing pavement width on Berkshire Road is between 8 – 9m and currently accommodates RAV7 with height restrictions due to overhead power lines crossing the road in various locations. Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for</p>

	<p>integrator A district connector and will absorb a large percentage of traffic generated from the subject site” (Industrial Stage 1). “No upgrades will be required as part of this project.” Refer TABEC Civil Engineering Consultants Infrastructure Servicing Report April 2010.</p> <p>Therefore, there is no reason for any modification to Berkshire Rd and Schedule 12(a) should be deleted entirely.</p> <p>Berkshire Rd already has a 9 metres wide pavement and currently has a Main Roads WA classification of “unconditional RAV 7 route” between Dundas Rd and Roe Highway.</p> <p>If Schedule 12(a) is not removed entirely, then the wording should be changed to “any required modifications to the north eastern side of Berkshire Rd necessary for the needs of Industrial Stage 1 between Milner Rd and Ashby Close”.</p> <p>2. Point 4. Remove words “Dundas Rd”.</p> <p>3. Schedule 12(d). Delete, as Dundas Rd is to be closed as part of the Forrestfield Airport Link Development and will therefore have no through traffic nor will any Dundas Rd traffic be generated by Industrial Stage 1.</p>	<p>the road to continue to function as RAV7 and on this basis has been recommended to be removed. This requirement will be removed from the DCP Report in the upcoming review. To provide unrestricted access it is recommended that the overhead power lines crossing the road be raised to remove the height restriction. This work along with the proposed shared path upgrades are to be included in revised wording of Schedule 12 (a) as part of the Modified Scheme Amendment 88.</p> <p>2. Modification proposed, Point 4 will be modified to remove the reference to Dundas Road and the intersection will be referred as the Milner / Berkshire Road intersection.</p> <p>3. Modification proposed, Dundas Road upgrades will be removed from the DCP.</p> <p>4. No modification proposed. The description defines the extent of infrastructure upgrades which includes a dual use path.</p> <p>5. Modification proposed, it is recommended that the entry statements is removed from the DCP. Landscaping of verges will remain in the DCP as this element also includes the provision of street trees that will remain part of the respective road infrastructure costs.</p> <p>6. The matter of the Bush Forever fencing has been discussed with the Department of Planning and the following was advised:</p> <p><i>“...expectation that the DCP repay the cost of the fencing. The fencing was installed in response to both existing unauthorised access of the land by members of the public for activities such as motorbike riding, but also in anticipation of the additional pressures placed on the land by the future development of surrounding land.”</i></p> <p>7. Road 1 is to be included to provide safe and efficient circulation of heavy vehicles within the LSP area. Ashby Close will only have left in left out access at its intersection with Berkshire Road. Road 1 is planned to have full movement access from Berkshire Road. Road 1 is therefore provided to allow all vehicles, including Category 7 Restricted Access Vehicles (RAV7), access to Ashby Close and the eastern sections of Nardine Close from Roe Hwy without unnecessary excess travel, saving up to 1km. Road 1 also provides an alternative access in the event of congestion along Milner Road and its intersection with Berkshire Road. Road 1 therefore provides significant benefits.</p>
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	<p>4. Schedule 12(f). Delete “the cycling lane will form part of”.</p> <p>5. Schedule 12(k). Delete, as an entry statement is irrelevant in these circumstances as Berkshire Rd services several industrial areas as well as Stage 1 and landscaping of verges is the responsibility of the individual landowners as part of their DA.</p> <p>6. Schedule 12(l) Delete, as fencing around the Bush Forever site should be treated as a normal dividing fence between adjoining landowners and is the obligation of Bush Forever on street frontages, the same as for any other landowner.</p> <p>7. Road 1. Delete. Although there is no reference on Schedule 12, Road 1 still appears on the Stage 1 LSP map. This road is of no benefit or use and is a great cost burden to Stage 1 landowners.</p> <p>No Objection</p> <p>8. Point 1 and 6.</p> <p>9. Point 2. Because the existing formula would be impossible for anyone to decipher and calculate.</p>	<p>8. Noted.</p> <p>9. Noted.</p> <p>10. Noted, no modification proposed as not all land has been purchased. The DCP will be removed from the Local Planning Scheme through a Scheme Amendment once it has been finalised.</p>
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	10. Point 5. But could be deleted as all relevant land has now been purchased.	
5	<p>Objection</p> <ol style="list-style-type: none"> Point 3. The requirement to upgrade Berkshire Road to a four lane road is a result of the Governments request to accommodate the building of a Train Station resulting in increased traffic movement requirements. Landowners in Stage 1 should not be responsible for any unspecified or unjustified costs in relation the stated section of Berkshire road as proposed in Amendment No 88. Point 4. Milner road envisaged upgrades are due to same reasons as above. They are not being undertaken for the requirement of industrial purpose for Stage 1. Point 5. This road is no longer required with the widening of Milner road to four lanes, which now provides the directional flow previously provided by Road 1 nor can it in any way now be justified upon Stage 1. <p>No Objection</p> <ol style="list-style-type: none"> Point 1, 2 and 6. 	<p>No modifications proposed.</p> <ol style="list-style-type: none"> The proposed modifications to Schedule 12 and the corresponding DCP Report does not detail the requirement to upgrade Berkshire Road to a four lane road. Milner Road upgrades are limited in their extent and are to facilitate the development of Stage 1. Road 1 is to be included to provide safe and efficient circulation of heavy vehicles within the LSP area. Ashby Close will only have left in left out access at its intersection with Berkshire Road. Road 1 is planned to have full movement access from Berkshire Road. Road 1 is therefore provided to allow all vehicles, including Category 7 Restricted Access Vehicles (RAV7), access to Ashby Close and the eastern sections of Nardine Close from Roe Hwy without unnecessary excess travel, saving up to 1km. Road 1 also provides an alternative access in the event of congestion along Milner Road and its intersection with Berkshire Road. Road 1 therefore provides significant benefits. Noted.

6	<p>Comment</p> <ol style="list-style-type: none"> 1. Land owners are not the proponents of this amendment, as it is designed to accommodate the requirements of the Forrestfield Train Station proposed well after the formation of Stage One. <p>Objection</p> <ol style="list-style-type: none"> 2. This proposed amendment has been initiated by the Local Government and not the land owners. 3. The land owners have not been fully informed of the considerable consequences of this amendment. Up till now discussions with staff have confirmed there was to be no change to Berkshire road upgrade. This was confirmed in the D & I committee meeting agenda on the 14th November 2016. Subsequently the change was included in the OCM on the 28th November 2016 in a file note prepared by the same officer who indicated no change. 4. The original Structure Plan was prepared and adopted by council in 2012 clearly defining the infrastructure requirements supported by a DCP. 5. Subsequently a change to the executive and with the State Government requesting the change of Stage 2 & 3 from Industrial to high density residential zoning has 	<p>Modifications proposed.</p> <ol style="list-style-type: none"> 1. The modifications are proposed as a result of the review of the Local Structure Plan (LSP) and DCP for the area. The proposed development upgrades are necessary to facilitate the industrial development proposed for Stage 1. 2. Noted. The City initiated the Amendment in response to a review of the LSP and DCP at the request of landowners. 3. Modification proposed. The existing pavement width on Berkshire Road is between 8 – 9m and currently accommodates RAV7 with height restrictions due to overhead power lines crossing the road in various locations. Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for the road to continue to function as RAV7 and on this basis has been recommended to be removed. This requirement will be removed from the DCP Report in the upcoming review. To provide unrestricted access it is recommended that the overhead power lines crossing the road be raised to remove the height restriction. This work along with the proposed shared path upgrades are to be included in revised wording of Schedule 12 (a) as part of the Modified Scheme Amendment 88. 4. Noted. 5. Noted. 6. The proposed modifications to Schedule 12 and the corresponding DCP Report does not detail the requirement to upgrade Berkshire Road to a four lane road. 7. Modification proposed, Point 4 will be modified to remove the reference to Dundas Road and the intersection will be referred as the Milner / Berkshire Road intersection. 8. Road 1 is to be included to provide safe and efficient circulation of heavy vehicles within the LSP area. Ashby Close will only have left in left out access at its intersection with Berkshire Road. Road 1 is planned to have full movement access from Berkshire Road. Road 1 is therefore provided to allow all vehicles, including Category 7 Restricted Access Vehicles (RAV7), access to Ashby Close and the eastern sections of Nardine Close from Roe
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	<p>impacted on the progress of the Stage One development.</p> <p>6. Point 3. The requirement to upgrade Berkshire road to a four lane road is a result of the Governments request to the SOK to accommodate the building of a Train Station resulting in increased traffic movement requirements. The road requirements under the 2012 Structure Plan adequately accommodate the needs of Stage One. Consultants engaged and paid for by the DCP to conduct reviews of the development have indicated future upgrades are not the responsibility of Stage One. As per the recommendation of the D & I Committee this change should be removed from the Amendment 88.</p> <p>7. Point 4. Object – Reasons has stated above.</p> <p>8. Point 5. This road is no longer required with the widening of Milner road to four lanes, which now provides the directional flow previously provided by Road 1. To move this road with only left hand access and egress from Berkshire road at the nominated position, would only create traffic hazards with its proximity to Walters drive and the regular movement of heavy articulated</p>	<p>Hwy without unnecessary excess travel, saving up to 1km. Road 1 also provides an alternative access in the event of congestion along Milner Road and its intersection with Berkshire Road. Road 1 therefore provides significant benefits. Milner Road is not proposed to be upgraded to four lanes as part of the Stage 1 development.</p> <p>9. Noted.</p> <p>10. Noted.</p> <p>11. Noted.</p>
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	<p>vehicles from every business facing Berkshire road.</p> <p>No Objection</p> <p>9. Point 1. No Objection - This matter was raised with the administrator during road reserve negotiations but was refuted by SOK. Valuations were based on real estate agency valuations for overall area.</p> <p>10. Point 2.</p> <p>11. Point 6. Calculation the same methodology as adopted in original and current Structure Plan 2012, until illegally changed in 2013/14.</p>	
7	<p>Objection</p> <p>1. Object to Points 3, 4 and 5.</p>	<p>No modifications proposed.</p> <ol style="list-style-type: none"> Point 3 of Amendment 88 details that upgrades are to occur on Berkshire Road on the north-eastern side of the road reservation. Point 4 of Amendment 88 reflects a revised road network that now includes an intersection at Berkshire / Milner / Dundas Road in lieu of a cul-de-sac. Point 5 of Amendment 88 details the construction of the link road between Berkshire Road and Milner Road (Road 1).
8	<p>Objection</p> <p>1. On the basis of the wording being ambiguous and unclear. I would like detailed clarification to what these changes may mean for the landowners of Forrestfield Light Industrial Area - Stage 1.</p>	<p>No modifications proposed.</p> <ol style="list-style-type: none"> Landowner has been contacted and a meeting scheduled.

9	Objection 1. Object to the wording of the amendment 88 to the LPS No3 for Forrestfield/High Wycombe Industrial area DCP. 2. Have concerns especially with changes of schedule 12a, i.e. changing the 50% cost contribution of Berkshire Rd to scheme, to covering all costs.	No modifications proposed. 1. Noted. 2. Amendment 88 details that upgrades are to occur on Berkshire Road on the north-eastern side of the road reservation.
10	Objection 1. Not happy with the wording of the amendment and the implications of that wording.	No modifications proposed. 1. Noted.
11	Objection 1. None of the changes are nothing to do with industrial area and more to do with rail station. 2. Wording in amendment is poor and not clear as to what costing will be. 3. Never has there been mention of Berkshire road upgrades and reason why stage 1 should wear these costs.	No modifications proposed. 3. The modifications are proposed as a result of the review of the Local Structure Plan (LSP) and DCP for the area. The proposed development upgrades are necessary to facilitate the industrial development proposed for Stage 1. 4. Cost estimates are detailed in the corresponding DCP Report which is reviewed by the City annually. 5. Berkshire Road has always been included in Schedule 12.
12	Comment 1. Little or no consultation done with primary stakeholders Objection 2. Object to wording of amendment due to open wording and use of discretion of council.	No modifications proposed. 1. Consultation sessions with landowners regarding Amendment 88 occurred in November and December 2016, invitations were sent to all landowners in the area via post. 2. Noted. 3. Modification proposed. The existing pavement width on Berkshire Road is between 8 – 9m and currently accommodates RAV7 with height restrictions due to overhead power lines

	3. Object to paying for upgrade of Berkshire road as this has little to do with light industrial and more to do with train station.	crossing the road in various locations. Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for the road to continue to function as RAV7 and on this basis has been recommended to be removed. This requirement will be removed from the DCP Report in the upcoming review. To provide unrestricted access it is recommended that the overhead power lines crossing the road be raised to remove the height restriction. This work along with the proposed shared path upgrades are to be included in revised wording of Schedule 12 (a) as part of the Modified Scheme Amendment 88.
13	Objection 1. Object wordings in the proposed Amendment no. 88.	No modifications proposed. 1. Noted.
14	Comment 1. "Amending Schedule 12 (a) to read: "(a) Any required modifications to the north-eastern half of Berkshire Road between Dundas Road and Roe Highway;" In regards to the above, I would just like to request that the wording be clarified and documented to this Amendment states that 50% of the contributions relating to the widening of Berkshire Road. I am just concerned that it is clearly documented for all areas and parties for us all to move forward.	No modifications proposed. 1. The wording in the Amendment is in response to clarification requests from some landowners. In effect the north-eastern half is the same as 50%.
15	Objection 1. Point 3. The requirement to upgrade and make modifications to the north-eastern half of Berkshire Road between Dundas and Roe Highway has come about due to the construction of the Forrestfield Link Station which will result in substantial traffic movements and forms no part	Modifications proposed. 1. Modification proposed. The existing pavement width on Berkshire Road is between 8 – 9m and currently accommodates RAV7 with height restrictions due to overhead power lines crossing the road in various locations. Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for the road to continue to function as RAV7 and on this basis has been recommended to be removed. This requirement will be removed from the DCP Report in the upcoming review.

	<p>of the original Stage 1 Industrial Plan. Therefore, this amendment is unjustified to this Planning Scheme</p> <p>2. Point 4. Object for same reasons as above.</p> <p>3. Point 5. The requirement for land for the section of road linking Ashby Close to Nardine Close and the construction of the new section of road linking Nardine Close with Berkshire Road should not be required as the now widening of Milner Road will provide the required directional flow. The potential increase in traffic incidents with only left hand access and egress from Berkshire Road has clearly not been considered thoroughly by the City of Kalamunda.</p> <p>No Objection</p> <p>4. Points 1, 2 and 6.</p>	<p>To provide unrestricted access it is recommended that the overhead power lines crossing the road be raised to remove the height restriction. This work along with the proposed shared path upgrades are to be included in revised wording of Schedule 12 (a) as part of the Modified Scheme Amendment 88.</p> <p>2. Noted.</p> <p>3. Road 1 is to be included to provide safe and efficient circulation of heavy vehicles within the LSP area. Ashby Close will only have left in left out access at its intersection with Berkshire Road. Road 1 is planned to have full movement access from Berkshire Road. Road 1 is therefore provided to allow all vehicles, including Category 7 Restricted Access Vehicles (RAV7), access to Ashby Close and the eastern sections of Nardine Close from Roe Hwy without unnecessary excess travel, saving up to 1km. Road 1 also provides an alternative access in the event of congestion along Milner Road and its intersection with Berkshire Road. Road 1 therefore provides significant benefits.</p>
16	<p>Objection</p> <p>1. Object to Points 3, 4 and 5.</p>	<p>No modifications proposed.</p> <p>1. Point 3 of Amendment 88 details that upgrades are to occur on Berkshire Road on the north-eastern side of the road reservation.</p> <p>Point 4 of Amendment 88 reflects a revised road network that now includes an intersection at Berkshire / Milner / Dundas Road in lieu of a cul-de-sac.</p> <p>Point 5 of Amendment 88 details the construction of the link road between Berkshire Road and Milner Road (Road 1).</p>

Attachment 4

Adoption of Local Planning Scheme No. 3 Amendment 88

Summary of Modification

Modification	Nature of Modification	Modification Justification
1. Modifying Point 3 to read: "Amending Schedule 12 (a) to read: "(a) Utility modifications and shared path upgrades on Berkshire Road between Dundas Road and Roe Highway;"	Infrastructure	Pavement widening is not required for Berkshire Road to be designated for RAV7 vehicles. While a widening of the pavement would improve the operation of Berkshire Road as a RAV7 route it is not technically required for the road to function as RAV7 and on this basis the road upgrades have been removed. The requirement for utility relocations and shared path upgrades have been retained.
2. Modifying Point 4 to read: "Amending Schedule 12 (b) to read: "(b) Any required modifications to Milner Road, including the Milner Road and Berkshire Road intersection and Milner Road and Nardine Close intersection;"	Administrative	There are no modifications proposed to the Dundas Road portion of the intersection and as such this road should not be referenced in the intersection upgrade.
3. Adding Point 5 above the current Point 5 and renumber remaining: "Removing Schedule 12 (d);"	Infrastructure	The cul-de-sac on Berkshire Road has been removed and accesses reinstated on Milner and Berkshire Road, as such there is no requirement to upgrade the Berkshire and Dundas Road intersection.
4. Adding Point 7 to read: "Modifying Schedule 12 (k) to read: "Landscaping of verges including maintenance;"	Infrastructure	Preliminary investigations by the City with Main Roads WA indicates that entry statements cannot be constructed on Berkshire Road near the entry of the estate due to its proximity to Roe Highway. Alternative locations do not constitute an "entry" and would not provide the desired effect. On this basis, entry statements are to be removed from the DCP.
5. Add Point 8 to read: "Renumbering remaining provisions of Schedule 12;"	Administrative	Administrative renumbering to align with modifications.

Confidential Attachment 5

Adoption of Local Planning Scheme No. 3 Amendment 88

List of Submitters and Map

Reason for Confidentiality:

Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"

This attachment has been circulated to all Councillors under separate cover

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

The applicant addressed the meeting in support of the recommendation and provided clarification on several matters raised by Councillors.

65. Proposed Bed and Breakfast – Lot 3 (12) Carramar Drive, Kalamunda

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CR-10/012
Applicant	Nancy and Michael Wratten
Owner	Nancy and Michael Wratten

Attachment 1	Applicant Submission
Attachment 2	Site Plan
Attachment 3	Floor Plan
Attachment 4	Submitters Table
Attachment 5	Confidential Submitters Map

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a development application for a proposed change of use (bed and breakfast) at Lot 3 (12) Carramar Drive, Kalamunda.
2. As part of the application a maximum of two (2) patrons would attend the bed and breakfast at any one time, all with prior appointment confirmation.
3. The application was advertised in accordance with the City's P-DEV 45 (Public Notification of Planning Proposals). Over the course of the advertising a total of three (3) non-objections and two (2) objections to the proposal were received.
4. It is recommended to approve the application for the Bed and Breakfast, subject to appropriate conditions.

BACKGROUND

5. Land Details:

Land Area:	2000m ²
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban

Locality Plan

6.



DETAILS

7. The applicant is seeking approval to operate the bed and breakfast within the existing residential dwelling on the subject property with a maximum number of two (2) patrons at any one time attending the property. Patrons will make appointments prior to attending the bed and breakfast, and all parking associated with the bed and breakfast is to be contained on the subject site. Refer Attachments 1, 2 and 3.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

8. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No.9 (the Scheme) states that the objectives of the Residential zone are as follows:
- *To provide primarily for single residential development whilst allowing for a range of 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.*
9. Under the Scheme a bed and breakfast is defined as follows:
- "bed and breakfast means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a commercial basis and includes the provision of breakfast, but does not include a lodging house"***

10. Under the Scheme, 'Bed and Breakfast' is a 'D' (Discretionary) land use within the Residential zone, which means that the use is not permitted unless the City has exercised its discretion by granting development approval.

Planning and Development (Local Planning Schemes) Regulations 2015

11. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires that Council give due regard to a number of matters, including:
- a) the compatibility of the development within its settings;
 - b) amenity of the locality;
 - c) the amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety; and
 - d) any relevant submissions received on the application.

POLICY CONSIDERATIONS

12. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. The proposal was referred to the City's Environmental Health department for assessment. Upon completion of the referral it was determined that the applicant would need to submit an application for registration of a food business prior to commencement of operation. Environmental Health raised no objection to the proposal.

External Referrals

14. The proposal was advertised for a period of 14 days in accordance with the City's Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals). As part of this advertising, letters were sent to surrounding neighbours inviting comment. During the advertising period a total of three (3) non-objections and two (2) objections with comments were received. Refer Attachments 4 and 5.
15. The following key concerns were raised as part of the objection:
- a) a bed and breakfast would further commercialise the residential area and detract from the residential nature of the zone; and
 - b) the bed and breakfast would bring undesirable people to the area which may endanger the safety of children.
 - c) The location of the bed and breakfast will impact upon adjoining neighbour privacy.
16. A response to the concerns raised is provided in the officer comment section of this report.

FINANCIAL CONSIDERATIONS

17. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

18. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.4: To be recognised as a preferred tourism destination.

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

SUSTAINABILITY

Social Implications

19. An increase in the number of persons visiting the site may have an impact upon the amenity of the surrounding properties.

Economic Implications

20. Approving the operation of a bed and breakfast in Kalamunda would allow the owner of the property to work from home. Additionally, patrons of the bed and breakfast will be able to undertake tourist activities while they stay in Kalamunda, which will increase activity at local tourism destinations and commercial areas.

Environmental Implications

21. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 22.
- | | | |
|---|--------------------|---------------|
| Risk: The amenity of the area is unduly affected. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/ Strategy | | |
| Ensure that conditions are imposed stipulating maximum number of patrons to attend the site at any one time and that all parking is to be contained on site. | | |
| Risk: Loss of tourism based opportunities if the bed and breakfast is not approved. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/ Strategy | | |
| Ensure that amenity related issues are considered appropriately in any approval to ensure that the use does not have any adverse impact on the amenity of the area. | | |

OFFICER COMMENT

23. It is considered that a bed and breakfast incorporating only one bedroom of the dwelling is a relatively small scale benign commercial use that can operate from within an existing residential dwelling. As such the potential for significant adverse impacts upon the surrounding amenity of the area is considered to be minor.

24. In response to the objections raised the following is considered:

Commercialisation of the Residential Zone

While the proposal may be viewed as commercial, a bed and breakfast typically operates at a very small scale and in this case will cater for no more than two guests at any one time. Importantly, a bed and breakfast use can be considered and approved in a residential area.

Potential for Impacts on the Safety of Local Children

While the concerns of the objector regarding children's safety are understood, any approval to operate a bed and breakfast in the area does not then necessarily lead to a significantly increased risk for undesirable people to enter the area or suggest there is an increased chance this land use will attract such people. It is considered that should approval be granted to operate the bed and breakfast the surrounding area will become neither more, nor less, prone to attracting undesirable people into the Kalamunda locality. Moreover, it is considered that the owner of the bed and breakfast will be able to exercise appropriate judgement when taking bookings for the bed and breakfast. As part of this, the operator of the bed and breakfast would be within their rights to refuse a booking or terminate the housing of customers that they perceive as inappropriate.

Impact of the Bed and Breakfast Upon the Privacy of Surrounding Properties

It is noted following review of the supplied plans and the aerial imagery of the site that the windows of the portion of the residence that is proposed to be used as the bed and breakfast do not directly overlook adjoining properties in a way that conflicts with the setback and visual privacy requirements of the Residential Design Codes. If the rooms in question were to be used for general residence purposes they would be fully compliant with the deemed to comply provisions of the Codes in relation to privacy.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 65/2017)

That Council:

1. Approves the application for a Change of Use (Bed and Breakfast) at Lot 3 (12) Carramar Drive, Kalamunda subject to the following conditions:
 - a) A maximum number of two (2) patrons to attend the site at any one time.
 - b) All parking is to be contained on the subject property.

Moved: **Cr John Giardina**

Seconded: **Cr Noreen Townsend**

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

Attachment 1

**Proposed Bed and Breakfast - Lot 3 (12) Carramar Drive, Kalamunda
Applicant Submission**

Nancy Wratten
12 Carramar Drive,
Kalamunda, 6076.
Ph: 0413530455

Kalamunda Shire Council

Re: Bed and Breakfast Application.

To Whom It May Concern,

Please accept this letter as confirmation of the number of guests expected to stay at any one time would be 2. These guests would only be by prior appointment.

Nancy Wratten the owner/operator resides at the same address as the proposed bed and breakfast.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Wratten', is written over a horizontal line.

Nancy Wratten

Proposed Bed and Breakfast - Lot 3 (12) Carramar Drive, Kalamunda
Site Plan



Floor Plan



Attachment 4

Proposed Bed and Breakfast – Lot 3 (12) Carramar Drive, Kalamunda

Submission Table

Response	Submitter Number	Officer Comment
Objection – With Comments	1, 5	Key Comments Below
Non-Objection	2, 3, 4	Noted.
Non-Objection – With Comment regarding existing fire risk of cul-de-sac road network generally.	4	Noted.
The residential area is becoming commercialised	1	It is considered that a bed and breakfast is a minor venture that employs only the residents of the property and will not have far reaching or detrimental effects on the surrounding properties.
There is a chance that the safety of children within the area will become compromised through undesirable types attending the bed and breakfast	1, 5	It is considered that the owner of the bed and breakfast will be able to exercise appropriate judgement when taking bookings for the bed and breakfast. As part of this the operator of the bed and breakfast would be within their rights to refuse to house or terminate the housing of customers that they perceive as inappropriate.
The bed and breakfast will impact upon the privacy of adjoining properties	5	It is noted that the windows of the portion of the residence that is proposed to be used as the bed and breakfast do not directly overlook adjoining properties in a way that conflicts with the setback and visual privacy requirements of the Residential Design Codes. If the rooms in question were to be used for general residence purposes they would be fully compliant with the deemed to comply provisions of the Codes in relation to privacy.
If approved the precedent will allow every home owner to apply and expect approval for a bed and breakfast.	1	Under the Scheme, 'Bed and Breakfast' is a 'D' (Discretionary) land use within the Residential zone, which means that the use is not permitted unless the City has exercised its discretion by granting development approval. It is considered that a bed and breakfast is a relatively small scale benign commercial use that can operate from within an existing residential dwelling. As such the potential for impacts upon the surrounding amenity of the area is considered to be minor.

Confidential Attachment 5

Proposed Bed and Breakfast – Lot 3 (12) Carramar Drive, Kalamunda

Submitters Map

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

This attachment has been circulated to all Councillors under separate cover

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

66. Proposed Carport – Lot 403 (3) Lookout Road, Kalamunda

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	LK-01/003
Applicant	Patio Professionals WA
Owner	William and Josephine Morison

Attachment 1	Site Plan
Attachment 2	Elevation Plan
Attachment 3	Submitters Table
Attachment 4	Photographs of Streetscape
Attachment 5	Justifications from Applicant
Attachment 6	Confidential Submitters Map

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a development application for a proposed carport at Lot 403 (3) Lookout Road, Kalamunda.
2. The applicant is seeking a 2.2m front boundary setback for the proposed carport, in lieu of 12m as required under the deemed-to-comply provisions of the Residential Design Codes (the R Codes) for a residential R5 coded zone.
3. The owner was contacted and requested to consider other options on their property, however they were unwilling to entertain other locations.
4. The proposal was advertised to the surrounding neighbours in accordance with the requirements of P-DEV 45 (Public Notification of Planning Proposals). During the submission period a total of one (1) non-objection was received.
5. Officer recommendation is to refuse the application as it is not compliant with the provisions of the deemed-to-comply provisions of the R Codes and not consistent with orderly and proper planning.

BACKGROUND

6. Land Details:

Land Area:	1921m ²
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban



DETAILS

7. The applicant is seeking approval to construct a carport (6.4m x 5.7m) at lot 403 (3) Lookout Road, Kalamunda with a proposed 2.2m front boundary setback, in lieu of 12m as required under the deemed-to-comply provisions of the R Codes for a residential R5 coded zone.
8. The intended materials of the carport are steel beams and pylons with a Colourbond roof.
9. The application was assessed in accordance with the requirements of the R Codes, and the following information regarding the application was noted:

Aspect of Proposal	Deemed-to-Comply requirement	Proposed by Applicant	Design Principle Assessment
Primary Street Setback	12m (6m with averaging)	2.2m	-9.8m -3.8m
Side Setback	1m	4.2m	Nil
Wall Height	6m	2.4m	Nil
Pitch Height	9m	3.15m	Nil

10. Clause 5.1.2 C2.1 (iii) of the R Codes stipulates that a 50% variation can be made to the primary street setback (noted in the above table) on the provision that correct averaging and open space is provided within certain setback distances of the property. Following assessment of the application it was determined that the proposal does not comply with the averaging requirements of the R Codes.
11. Should an aspect of a proposal not meet the deemed to comply requirements of the R Codes, an assessment of the proposal is made against the 'Design Principles' of the R Codes. The following table details the principles of the R Codes the proposal was assessed against:

Design Principle	Consideration Against Proposal
<p><i>5.1.2 – "Buildings set back from street boundaries an appropriate distance to ensure they:</i></p> <ul style="list-style-type: none"> <i>• Contribute to, and are consistent with, an established streetscape;</i> <i>• Provide adequate privacy and open space for dwellings;</i> <i>• Accommodate site planning requirements such as parking, landscape and utilities; and</i> <i>• Allow safety clearances for easements for essential service corridors"</i> 	<p>Following a site visit to the property it is considered that the majority of the existing streetscape is open, with all other structures in the area complying with setback requirements or being set back further than the minimum requirement. The proposed carport would be the first in the street to be located significantly forward of the established street setbacks, and as such is considered to not be compliant with the existing streetscape. Photographs of the existing streetscape can be seen as part of Attachment 4.</p>
<p><i>5.2.1 - "The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa."</i></p>	<p>It is considered that the proposal does not comply with this design principle as the carport would detract from the amenity of the existing streetscape, and given the proposed materials is not considered to 'blend' with the existing dwelling on site.</p>

12. Following assessment of the proposal the applicant was contacted and advised that the proposal was non-compliant with the front boundary street setback and the construction materials were considered not to be in keeping with the current design of the existing dwelling. Revised site plans that considered alternative locations and materials for the carport were accordingly requested.
13. City officers met with the applicant on site and made a number of suggestions regarding alternate locations and materials for the carport. These included the following:
- replacing the Colourbond roof with a tiled roof in keeping with the current style of the dwelling;
 - relocating the entire structure to the rear of the property, where it was noted that there would be ample room to construct the carport; and

- c) reducing the size of the carport so that the primary street setback would be increased while still allowing enough room to park a single vehicle parallel to the street.
- 14. At the time of meeting on site and in response to the above suggestions the owner submitted as follows:
 - a) the appearance of a Colourbond structure would be more visually pleasing;
 - b) the structure could not be relocated to the rear of the property due to tight turning conditions; and
 - c) they would give consideration to reducing the size of the carport.
- 15. The applicant supplied additional documentation to the City stating that a reduction in the size of the carport could not be considered and that the Colourbond as a material is in keeping with the local area. This justification is included in Attachment 5.
- 16. The owner has also submitted that they intend to upgrade the façade of their house in the future, which may potentially alleviate the visual impact of the carport.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

- 17. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No.9 (the Scheme) states that the objectives of the Residential zone are to:
 - a) provide primarily for single residential development whilst allowing for a range of densities in order to encourage a wide choice of housing types within the Shire;
 - b) give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment;
 - c) 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); and
 - d) encourage the retention of remnant vegetation.

Planning and Development (Local Planning Schemes) Regulations 2015

- 18. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires that Council give due regard to a number of matters, including:
 - a) the compatibility of the development within its settings;
 - b) amenity of the locality;
 - c) the amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety; and
 - d) any relevant submissions received on the application.

POLICY CONSIDERATIONS

19. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. It was determined that no internal departments considered it necessary to make any comment on the proposal.

External Referrals

21. The proposal was advertised for a period of 14 days in accordance with the City's Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals).
22. As part of this advertising, letters were sent to surrounding neighbours inviting comment. During the advertising period a total of one (1) non-objection was received.

FINANCIAL CONSIDERATIONS

23. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 3.1: To plan for sustainable population growth.
- Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

25. The construction of the carport in its proposed location may cause other residents in the street to feel that the visual amenity of the street has been compromised.
26. Alternatively the construction of the carport may set a precedent for other residents to make application for similar structures located in the front setback area.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

29.	Risk: The carport may have a negative impact upon the visual amenity of the street and set an undesirable precedent.		
	Likelihood	Consequence	Rating
	Likely	Moderate	High
	Action/ Strategy Ensure that Council is aware that the location of the carport is not compliant with the requirements of the relevant legislation and that approving its placement may set an undesirable precedent that may facilitate other landowners in the area seeking similar developments located forward of the established street setback.		

OFFICER COMMENT

30. The applicant is seeking a significant variation for the carport's front setback of 2.2m in lieu of 12m to the deemed-to-comply requirements of the R Codes. Therefore, the application is assessed against the Design Principles of the R Codes. As indicated in the 'Details' section of this report, the proposal is not considered to meet the design principles for the following reasons:
- a) the carport would detract from the amenity of the existing streetscape, and is not considered to 'blend' with the existing dwelling on site;
 - b) the majority of the existing streetscape is open, with other structures in the area complying with setback requirements or being set back further than the minimum requirement; and
 - c) the proposed carport would be the first in the street to be located in this way, and as such is considered to not be compliant with the existing streetscape.
31. The applicant was invited on a number of occasions (as described above) to amend their plans to achieve a compliant outcome.
32. A review of a previous building approval for the site (Application No. 90910657) indicates that the approved setback of the existing garage is 9m from the primary street, with the frontage of the residence approved at 11.5m. It is considered that due to these setbacks, the primary streetscape has already been encroached upon for this site.
33. Should Council resolve to approve the carport, the carport will become a part of the 'established streetscape' as identified under Clause 5.1.2 of the R Codes. Because of this, future applications in this particular street could argue precedent in support of a similar setback variation.

34. Setback requirements for an R5 coded area are designed to establish an open aesthetic streetscape, which is achieved by ensuring compliance with, or allowing minor variations to, the primary street setback requirements.
35. The applicant has provided some photos of similar perceived non-compliant car port. It is unclear however where this property is located, and what, if any, is the nature of the noncompliance. It is noted that the example given is different to the proposal before Council insofar as the carport is located to the side and in line with the existing dwelling.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 66/2017)

That Council:

1. Refuse the application for a Carport at Lot 403 (3) Lookout Road, Kalamunda as submitted, for the following reasons:
 - a) The proposed primary street setback of 2.2m is not compliant with the deemed-to-comply requirements or design principles of Clause 5.2.1 C1.2 (Setbacks of Garages and Carports) of State Planning Policy 3.1 - Residential Design Codes.
 - b) The carport would have a detrimental effect on the visual amenity of the existing streetscape.
 - c) The carport design and location as submitted, is not consistent with orderly and proper planning.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Noreen Townsend**

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

CARRIED (10/1)

Attachment 1

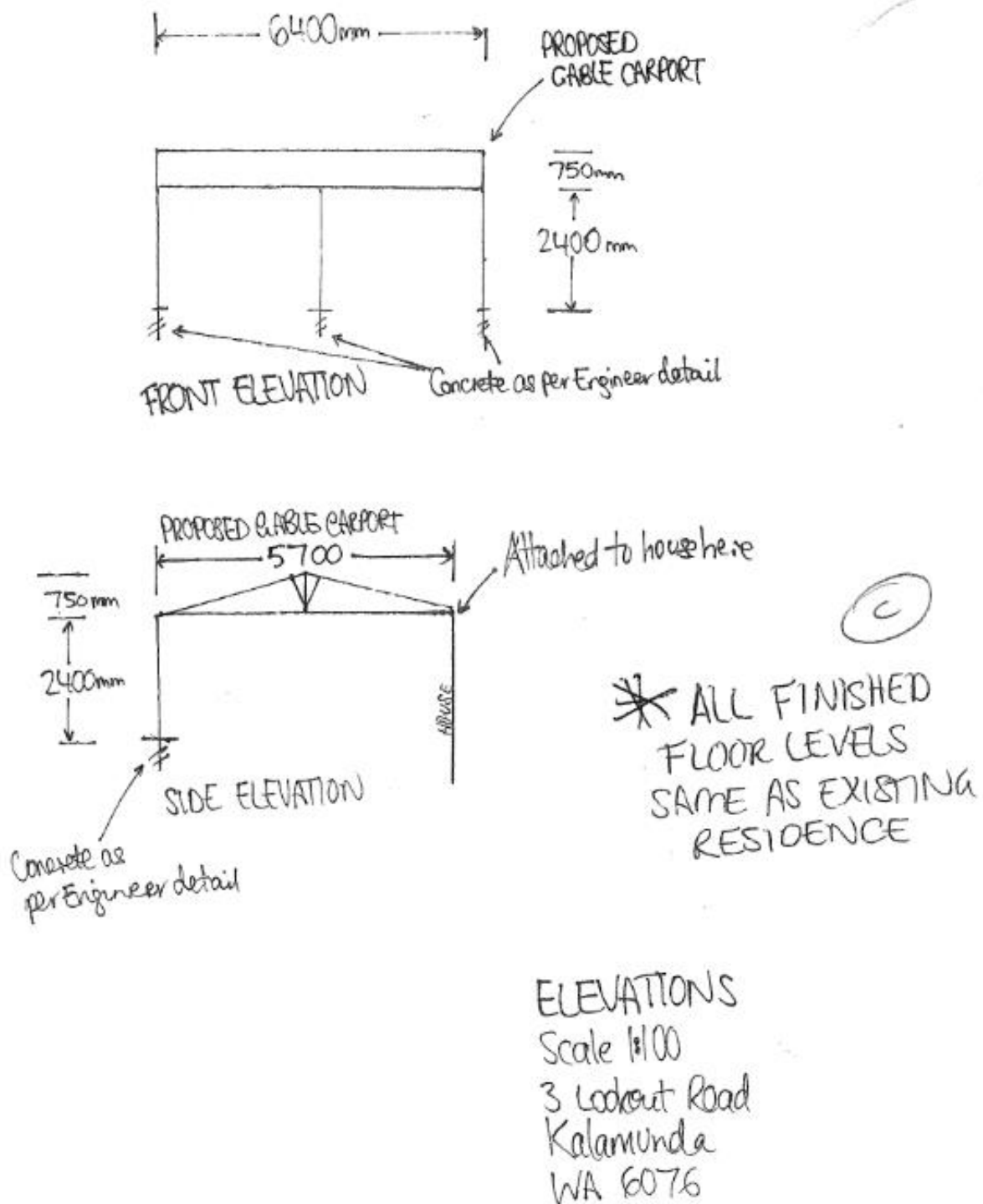
Proposed Carport - Lot 403 (3) Lookout Road, Kalamunda Site Plan



Attachment 2

Proposed Carport - Lot 403 (3) Lookout Road, Kalamunda

Elevation Plan



Attachment 3

Proposed Carport – Lot 403 (3) Lookout Road, Kalamunda

Submission Table

Response	Submitter Number	Officer Comment
No objection	1	Noted

Attachment 4

Proposed Carport – Lot 403 (3) Lookout Road, Kalamunda

Photographs of Streetscape



View of the front of the subject property



View West along Lookout Road from Ozone Terrace



View West along Lookout Road. Subject Site Right of Image



View West along Lookout Road



View West along Lookout Road



View West along Lookout Road



View West along Lookout Road



View West along Lookout Road



View West along Lookout Road



View West along Lookout Road



View West along Lookout Road



View West along Lookout Road

Attachment 5

Proposed Carport - Lot 403 (3) Lookout Road, Kalamunda

Justifications From Applicant

3 Lookout Road
Kalamunda
6076

attn of Mr Luke Harris
re: carport at 3 Lookout Road
ref: OCS-133116 & LK-01/003

19/6/17

Dear Mr Harris,

Thanks for visiting us on Thursday last (15/6/17) with your colleague and explaining the latest ruling on set-back in this area. Prior to this I had been led to believe from various sources, including shire planners and our designated builder, Mr James Marotta of Patio Professionals WA, that there would be plenty of room to build the planned structure. With this in mind Mr Marotta and I measured the site and ascertained where the vertical support posts of the car port would be needed and then marked their position with temporary posts.

Do I now need to accept your correction as per local planning regulations that the only possible solution would be to move the posts into the centre of the proposed site and thus reduce the size of the carport ? (see plan)

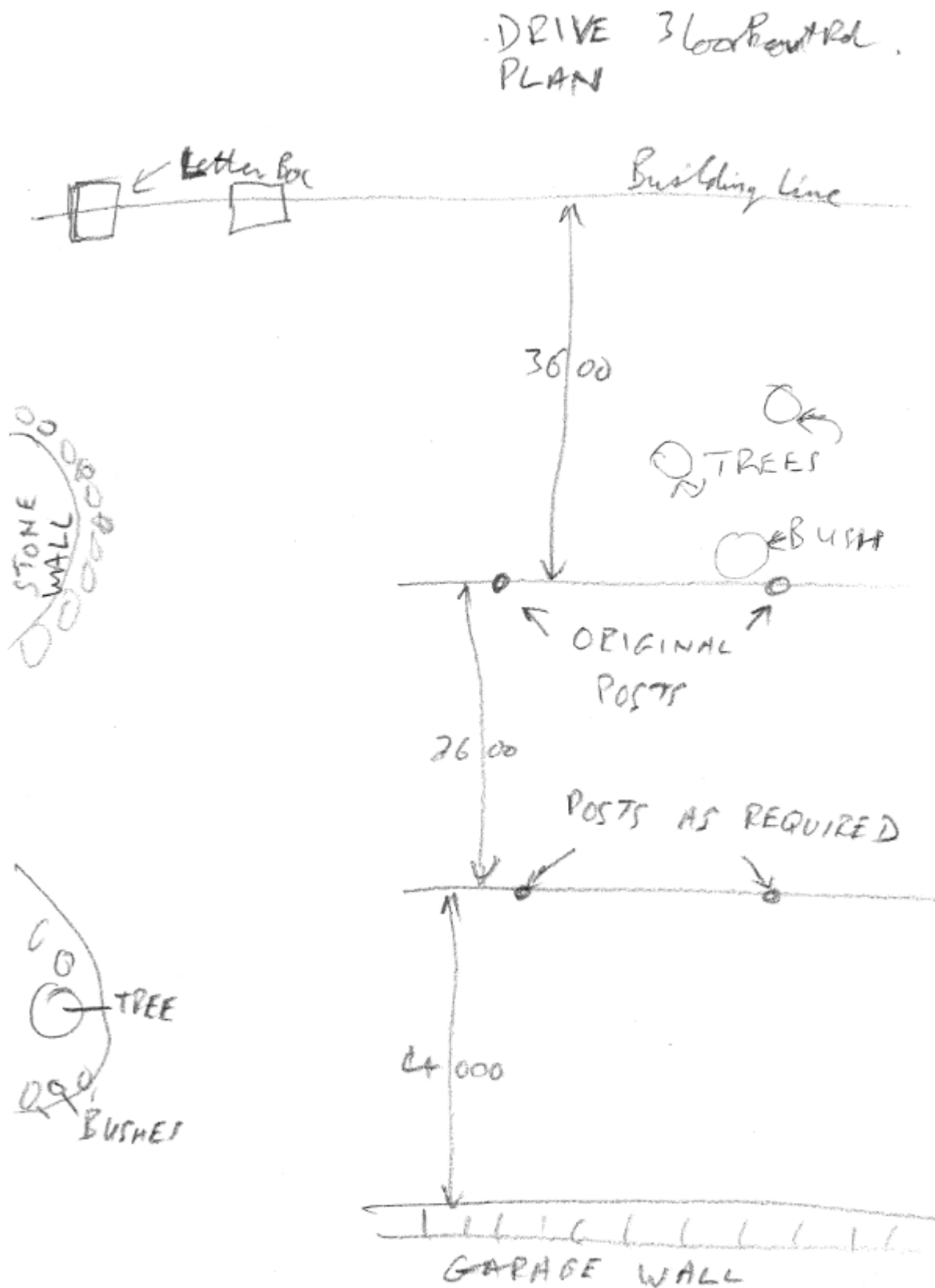
Disappointingly, the resiting of these posts would create a very difficult access to the site while reversing our wide bodied camper with a view to negotiating a restricted access due to the surrounding anatomy of the drive and a collision with a supporting post could be disastrous. With this worrying problem in mind I would appeal to the planning department for a special exemption from the setback rules and to justify any variation with a view to safety as previously mentioned and taking this application to a council meeting if required.

Design and Colour.

The appearance of the car port, in my view, is important to fit in with the area and offer a pleasing aspect both to the road scape and to the immediate surroundings, so with this in view I have over the last few months made a visual survey of car ports in the town and concluded that one shown in the photos seem to "fit the bill ". This elegant, light and pleasing structure, with its well balanced rhomboidal and triangular truss design is a mere few hundred metres from our house and its fresh cream colour would completely compliment the repainting of the old dull green colour on the woodwork of our house, as seen in the photo.

I look forward to your reply,
yours sincerely, Dr WB Morison.









Confidential Attachment 6

Proposed Carport – Lot 403 (3) Lookout Road, Kalamunda

Submitters Map

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

This attachment has been circulated to all Councillors under separate cover

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

67. Adoption of Local Planning Scheme No.3 Amendment 94 for Advertising – Lot 112 (280) Holmes Road, Forrestfield – Special Use Zone

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	HL-10/280 & TP-LPS-003/094
Applicant	Rowe Group
Owner	St John Monastery
Attachment 1	Site Plan
Attachment 2	Applicants Report
Attachment 3	Proposed Amendment
Attachment 4	Site Photos

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the adoption of amendment 94 to Local Planning Scheme No. 3 (the Scheme) for the purpose of public advertising.
2. Amendment 94 proposes to rezone Lot 112 (280) Holmes Road, Forrestfield from Special Rural to Special Use (Place of Worship). The site is currently developed with a number of structures related to a place of worship for the Greek Orthodox Church and Monastery.

Under the current Scheme, the land uses taking place on site (place of worship) are considered to be 'non-conforming' uses. Should the church cease to operate for a period of six (6) months or greater the use will not be allowed to continue.
3. In order to clarify and rationalise the current and future operation of the place of worship on site the applicant has lodged the proposed Scheme Amendment.
4. As part of the Scheme Amendment it is proposed that a new definition of 'Residential Building' be introduced to the Scheme with the intent to capture the existing and future monks/pilgrims accommodation.
5. It is recommended to initiate Scheme Amendment 94 as a standard amendment for the purposes of public advertising.

BACKGROUND

6.	Land Area	4.049 Hectares
	Local Planning Scheme Zone	Special Rural
	Metropolitan Region Scheme Zone	Rural



7. The site incorporates building improvements which have occurred over the last 40 years; there are currently seven (7) structures located on the site. Five (5) of the structures in the north-east area of the site relate to the existing Greek Orthodox Church services, with the remaining two (2) structures located to the south-west of the site used for church accommodation and maintenance of the site. Refer Attachment 1 (site plan).
8. The City is currently in the process of assessing an application for an additional church and library building for the site. The application is currently on hold pending provision of a finalised Bushfire Management Plan and Evacuation Plan. A site plan for this application is included as Attachment 1.
9. The majority of the approvals granted on the site occurred prior to the gazettal of the City's Scheme (Gazetted in March 2007). Under the provisions of the current Scheme the 'Place of Worship' land use on a Special Rural zoned land is classified as an 'X' (Not Permitted) land use, meaning that the land use is not permitted on that zoning of land. However, given the land use was lawfully operating on site prior to the gazettal of the current Scheme, it is deemed to be a 'non-conforming land use'.
10. The applicant was made aware of this in November 2016 when they lodged a development application for a new chapel and library. The Scheme allows Council to exercise its discretion by approving the extension of a non-conforming land use, however the owner of the site expressed a desire to apply for an amendment to the scheme to 'legitimise' the current land use with the expectation that this will facilitate the assessment process of future development applications.

11. There is a risk that if the church was to cease operation for more than six (6) months, all non-conforming use rights would be lost. This could potentially have implications on the retention of the church as a heritage site (the site is identified as place 85 of the City's Municipal Heritage Inventory) as well as cause a loss of community involvement in the City.

DETAILS

12. The proposed amendment incorporates the rezoning of the land from 'Special Rural' to 'Special Use' (Place of Worship) which is included in Attachment 2. The applicant proposed scheme amendment includes provisions being inserted into Schedule 4 of the Scheme with the following additional site specific development conditions:

No.	Description of Land	Special Use	Conditions
SU 20	Lot 112 (280) Holmes Road, Forrestfield	Place of Worship	<p>a) Land use permissibility shall be in accordance with the provisions of the 'Special Rural' zone.</p> <p>b) Within this zone the following uses are not permitted unless approval is granted by Council ('A')</p> <ul style="list-style-type: none"> - Ancillary Dwelling; - Caretaker's Dwelling; - Community Purpose; - ; - Residential Building - Place of Worship; and - Reception Centre

13. The introduction of the 'Residential Building' land use definition will ensure that the existing monks/pilgrims accommodation is captured by the proposed amendment. For the purpose of the amendment, the definition of 'Residential Building' has been taken directly from the definition included i in the Residential Design Codes as shown below:

"a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *Temporarily by two or more persons; or*
- *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school."*

14. Following assessment by the City it was determined that due to the potential constraints on the land caused by the existing creek lines and vegetation, as well as the possibility for noise management requirements related to services on site, a Local Development Plan (LDP) would be required as a condition of the amendment to outline future development locations on site.
15. In addition to this a Traffic Impact Assessment (TIA) would also be required to be provided in the future.

16. The applicant has agreed through discussion to have the LDP provided as part of the Scheme Amendment process and will provide the TIA when the development application for the Reception Centre is lodged.
17. A final agreed version of the proposed Amendment is provided in Attachment 3.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

18. Clause 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme as well as justification for the type of amendment proposed (basic, standard or complex).
19. Under the Regulations the proposal is considered to be a standard amendment for the following reasons:
 - The proposal is considered to have minimal impact on land in the scheme area that is not subject of the amendment; and
 - It is considered that the amendment would not have any significant environmental, social, economic or governance impacts on land within the surrounding area.
20. Following adoption, the amendment must be referred to the Environmental Protection Authority (EPA) for their comments before being advertised in accordance with the requirements of the Regulations.

Local Planning Scheme No. 3

21. Under the provisions of the Scheme a place of worship is defined as follows:

"Place of Worship – means premises used for religious activities such as a church, chapel, mosque, synagogue and temple".
22. 'Place of Worship' is an 'X' (Not Permitted) use within the Special Rural zone. Given that the church was being used in accordance with a lawful approval under a previous version of the Scheme it is considered to be a non-conforming land use, which means:

"non-conforming use means a use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme which deals with a matter specified in Schedule 7 clause 6 or 7;"
23. Under the proposed Scheme Amendment 'Place of Worship' would be the primary use of the site. It is noted that there are other uses on the site including monk's accommodation, caretaker's residence, and a hall.

POLICY CONSIDERATIONS

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

24. The subject site is located within a Bushfire Prone Area. Under the provisions of State Planning Policy 3.7 (SPP3.7) the land use place of worship is classified as a 'vulnerable land use', meaning a land use where persons may be less able to respond in a bushfire emergency. Because of this the applicant is required to submit a Bushfire Management Plan (BMP) and Emergency Evacuation Plan (EEP) for the approval of the City and the Department of Fire and Emergency Services (DFES).
25. The applicant has provided a Bushfire Attack Level (BAL) assessment with a rating of BAL 29 and a BMP and EEP to support the current application for the new chapel and library. For development and habitation purposes such a rating is considered acceptable.

Draft Local Planning Policy PDEV-55 – Places of Worship

26. It is noted that the nature of places of worship are evolving to include multi-use facilities such as community purposes, educational establishments and child care facilities. The intensification of places of worship raises legitimate planning issues in respect to potential amenity impacts arising. The policy will provide development controls and assist in the assessment and determination of places of worship.
27. This policy is currently being drafted and will be presented to Council in late 2017.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

28. The proposal was referred to all internal departments for their assessment and comment. Following the referral period, the following comments were received:

Environmental Health noted that a number of existing easements are located on site and future development would need to give due regard to them.

Asset Services raised no concerns as the proposal does not incorporate any changes to civil infrastructure or landscaping at this time.

Environmental Services indicated that a flora and fauna study be should be undertaken as part of a future development application associated with the future planned reception centre use.

External Referrals

29. Should Council resolve to adopt the proposed amendment for advertising it will be submitted to the EPA for their comment and then advertised in accordance with the requirements of the Regulations and Local Planning Policy P-DEV 45 (As amended) as a standard amendment, as follows:

- Publishing a notice in the local newspaper;
- Providing a copy of the proposal to each public authority likely to be affected;
- Publishing a notice of the proposed amendment on the City's website and Facebook page;
- Ensuring that a copy of the amendment is available for public inspection and the City's administration building; and
- Advertising the proposal in any additional ways that the Western Australian Planning Commission (WAPC) deems suitable.

The advertising period will be for a total of 42 days from the date of publication of the notice in the local newspaper.

FINANCIAL CONSIDERATIONS

30. In accordance with the *Planning and Development Regulations 2009*, all costs associated with the amendment are to be borne by the applicant. The applicant will also be periodically billed for the hours undertaken by the City in the assessment of the proposal.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

31. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

32. The existing church already provides religious services for the surrounding community. By formalising the land use the monastery will be 'legitimised' through the proposed amendment and may allow for an increase in the types of services on the site. This in turn would benefit the residents of the City who wish to attend the site for worship.
33. The existing church is located in a Special Rural area that is considered to be primarily for rural pursuits and living. The church has been offering services for its community for many years with no resulting complaints arising from the use in the area. However, any potential impacts upon the amenity of the surrounding landowners should be managed through conditions of the current development application for new chapel and library and future land uses as proposed under the amendment.

Economic Implications

34. Nil.

Environmental Implications

35. Regard will need to be given to the clearing of vegetation or any potential impacts on the existing creek lines and easements affecting the site. Any future development on the site would be required to comply with development standards pertaining to setbacks to the creek line and retention of vegetation where appropriate.

RISK MANAGEMENT CONSIDERATIONS

36.	Risk: Land Use is not formalised through special use provisions.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Ensure that Council is aware that legitimising the land use will provide more certainty to both the City, the church, and the land owners, and it will assist with future development proposals and planning considerations for the site.		
	Risk: Adopting the Special Use zoning may cause intensification of the site, which may result in undue amenity and environmental impacts.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Ensure that as part of the amendment process the overall concept and coordination of appropriate land uses are determined, and that any future applications for development are assessed by the City through the development application process.		
	Risk: If the use ceased to operate for more than 6 months, non-conforming use rights would be lost.		
	Likelihood	Consequence	Rating
	Unlikely	Major	High
	Action/ Strategy		
	The adoption of the amendment would ensure the longevity of the use.		

OFFICER COMMENT

37. After approximately 40 years of operation on the site the owners of the church have expressed a desire to apply for the Special Use (Place of Worship) zone to remove any uncertainties associated with the existing 'non-conforming' land uses, in the hope that it will facilitate future proposed development on the site. This will provide greater clarity for the owner and the surrounding landowners in respect to future development occurring on the site.
38. Advertising the proposed amendment will provide the community and broader stakeholders an opportunity to provide comment to the proposal which can be considered by Council prior to the adoption of the amendment.

39. Inserting the land use definition of 'Residential Building' will assist in granting 'certainty' to the land use of the monks/pilgrims accommodation on the site. Further consideration will be given to the land use permissibility of a 'Residential Building' under Table 1 of the Scheme as part of a future amendment to the Scheme.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 67/2017)

That Council:

1. Considers Amendment 94 to Local Planning Scheme No.3 as a standard amendment under Clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Pursuant to Section 75 of the *Planning and Development Act 2005* adopts Amendment 94 to Local Planning Scheme No. 3 as Attachment 3.
3. Forwards the proposed Amendment 94 to Local Planning Scheme No. 3 and supporting documents to the Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005* advertise Amendment 94 to Local Planning Scheme No. 3 for public comment for a period of 42 days in line with Clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Geoff Stallard**

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

Adoption of Local Planning Scheme No.3 Amendment 94 for Advertising – Lot 112 (280) Holmes Road, Forrestfield – Special Use Zone



Attachment 2

Adoption of Local Planning Scheme No.3 Amendment 94 for Advertising – Lot 112 (280)
Holmes Road, Forrestfield – Special Use Zone

Applicant Report

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

Attachment 3

Adoption of Local Planning Scheme No.3 Amendment 94 for Advertising – Lot 112 (280)
Holmes Road, Forrestfield – Special Use
Proposed Amendment Document

Form 2A

Planning and Development Act 2005 (As Amended)
Resolution Deciding to Amend a Local Planning Scheme
City of Kalamunda
Local Planning Scheme No. 3
Amendment No. 94

Resolved that Council, in pursuance of Section 75 of the *Planning and Development Act 2005* (as amended), amend the above Local Planning Scheme by:

1. Rezoning Lot 112 (280) Holmes Road, Forrestfield from 'Special Rural' to 'Special Use';
2. Amending Schedule 4 of the Scheme to include the following additional conditions relating to the 'Special Use (SU 20)' zone;

No.	Description of Land	Special Use	Conditions
SU 20.	Lot 112 (280) Holmes Road, Forrestfield	Place of Worship	<ul style="list-style-type: none">a) Land use permissibility shall be in accordance with the provisions of the 'Special Rural' zone.b) Within this zone the following uses are not permitted unless approval is granted by the Council ('A')<ul style="list-style-type: none">- Ancillary Dwelling;- Caretakers Dwelling;- Community Purpose;-- Residential Building;- Place of Worship; and- Reception Centrec) A Local Development Plan (LDP) is to be submitted to the City detailing all future development on site.d) At such a time that the development application for the 'Reception Centre' is lodged a Traffic Impact Assessment (TIA) is to be provided as supporting documentation.

3. Inserting a new definition for Residential Building under the 'Land use terms used in the Scheme', in accordance with the definition provided under *State Planning Policy 3.1 – Residential Design Codes*, as follows:

"a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *Temporarily by two or more persons; or*
- *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school."*

- a) 4. The amendment is standard under the provisions of the *Planning and Development Act (Local Planning Schemes) Regulations 2015* for the following reasons: The amendment is consistent with the objectives of the Scheme identified for the Special Rural zone;
- b) An amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment;
- c) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- d) Any other amendment that is not a complex or basic amendment.

5. Amending the Scheme Maps accordingly.

Attachment 4

Adoption of Local Planning Scheme No.3 Amendment 94 for Advertising – Lot 112 (280)
Holmes Road, Forrestfield – Special Use

Site Photos



View from Holmes Road into the site



Existing Caretakers Dwelling



Existing Church



Existing Church and Hall



Existing Residential Building



Outbuildings



Hall



Store/Ablutions

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

Taya Gallacher, representing the applicant, provided clarification and spoke in favour of the recommendation.

68. Proposed Alterations and Three (3) Storey Additions to Single House – Lot 73 (55) Gooseberry Hill Road, Gooseberry Hill

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	GS-01/055 & DA17/0198
Applicant	Broughton Hemsley Planning
Owner	Wayne Gallacher
Attachment 1	Development Plans
Attachment 2	Applicant's Justification Report
Attachment 3	Site Photographs
Attachment 4	Submission Table
Attachment 5	Confidential Submitters Map

Reason for confidentiality:
Local Government Act 1995
S5.23 (2) (b) – "the personal affairs of any person;"

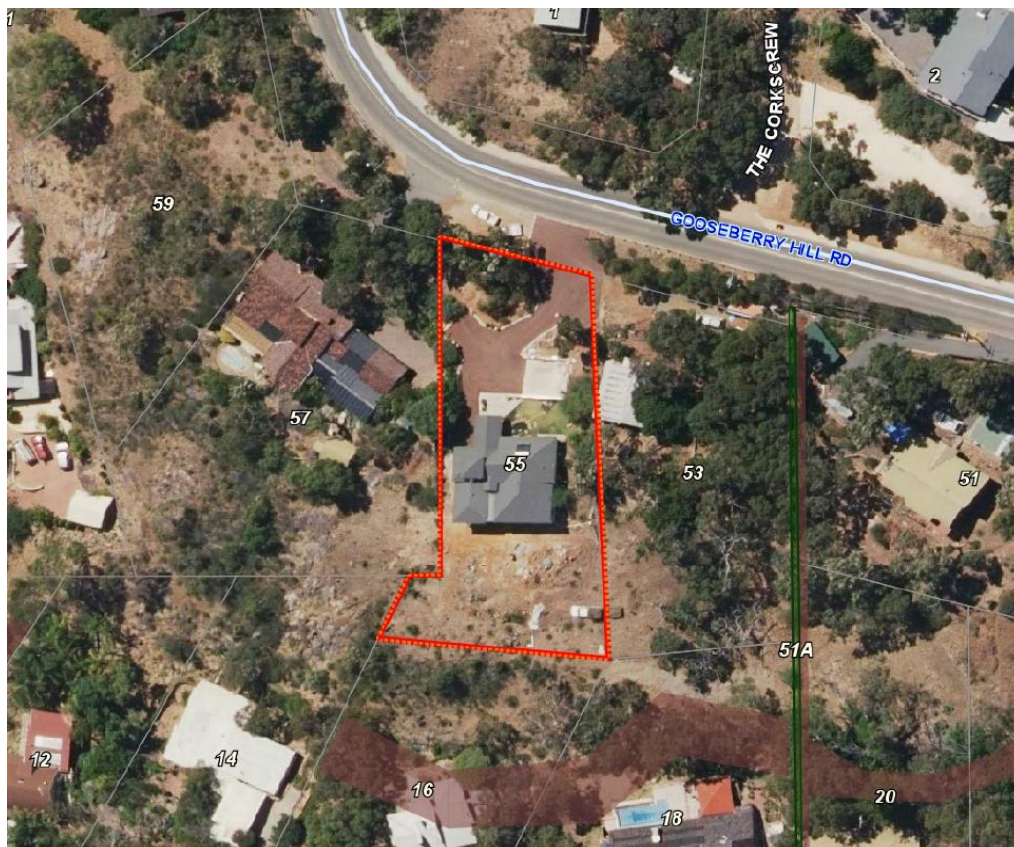
EXECUTIVE SUMMARY

1. The purpose of this report is to consider a planning application that incorporates alterations and three (3) storey additions to the rear (south) of an existing single storey, split level dwelling.
2. The proposed development is compliant with the deemed-to-comply requirements of the R-Codes with exception to setbacks, wall height, roof pitch height and privacy.
3. During advertising of the proposal, the City received three (3) objections raising concern with regard to:
 - The height of the building and its impact on the amenity of the area.
 - That the building has allegedly been under construction for more than five (5) years.
 - Privacy impacts.
 - Overshadowing impacts.
4. It is recommended that the application be approved subject to appropriate conditions.

BACKGROUND

5. Land Details:

Land Area:	2,012m ²
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban



6. The front section of the subject site is relatively regular and rectangular in shape. It has a frontage of approximately 27m, a depth of approximately 67m, and widens towards the rear, with an approximate width of 40m. The site contains a single dwelling and areas of mature vegetation.
7. The subject site slopes from north to south, falling approximately 13m from the front boundary to the rear boundary.
8. The site adjoins existing residential development on its eastern, western and southern boundary, comprising of low density dwellings with an R5 density and approximate land area of 2,000m².

DETAILS

9. The existing dwelling at the site is single storey with a split level. The proposal incorporates alterations and three (3) storey additions to the rear (south) of the existing dwelling, as follows:
 - Ground floor – theatre, bathroom, laundry and alfresco.
 - First floor – lounge, gym and balcony.
 - Second floor – master bedroom, ensuite and balcony.

(Refer to Attachment 1).

10. The applicant submits the following justification for the proposal (in part):

"The proposal is for a relatively modest extension to the existing dwelling. The extension seeks to capitalise upon the elevated site, projecting the entry level floor further into the valley. The extended dwelling as viewed from the street will maintain the appearance of a single storey design.

...

A review of approved dwellings in the surrounding precinct demonstrates an established character of three storey dwellings which has guided the proposed design."

The full justification is provided in (Attachment 2).

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

11. Part 5.2 of the City's Local Planning Scheme No. 3 (Scheme) requires residential development to conform to the provisions of the Residential Design Codes (R-Codes).
12. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.
13. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No.3 (the Scheme) states that the objectives of the Residential zone are to:
- a) provide primarily for single residential development whilst allowing for a range of densities in order to encourage a wide choice of housing types within the Shire;
 - b) give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment;
 - c) 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); and
 - d) encourage the retention of remnant vegetation.

POLICY CONSIDERATIONS

State Planning Policy 3.1 - Residential Design Codes

14. Should an aspect of a proposal be determined to be non-compliant with the deemed to comply provisions of the R-Codes, an assessment of the proposal is made against the 'Design Principles' of the R-Codes, in particular Part 5.1.3, 5.1.6 and 5.4.1

15. The proposal does not meet the following deemed-to-comply requirements of the R Codes:

Aspect of Proposal	Deemed to Comply	Proposed by applicant	Design Principle Assessment
Setbacks - Side (west):	First floor: 5m Second floor: 7m Third floor : 5m	4.1	-900mm -2.9m -900mm
Visual Privacy - Side (West):	Balconies: 7.5m	4.1	3.4m
Wall Height:	6m	10.2m (south-east corner of addition)	-4.2m
Pitched Roof Height:	9m	11.59m	-2.59m

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. The proposal was referred to the City's Environmental Health team who provided the following advice:
- The existing effluent disposal system is adequate for the proposal.
 - A condition should be included requiring a structural engineer's certification to confirm that structures and building footings will not impact the integrity of the existing effluent disposal system.

An advice note is recommended regarding the above two comments rather than conditions as they are not directly relevant to the planning application and are covered under separate legislation to the planning scheme and R Codes.

External Referrals

17. The application was advertised to surrounding land owners for a period of 14 days. During the advertising period, the City received three (3) submissions, all in objection to the proposal, refer (Attachments 4 and 5).
18. The concerns raises during advertising are summarised as follows:
- The height of the building and its impact on the amenity of the area.
 - That the building has allegedly been under construction for more than five (5) years.
 - Privacy impacts.
 - Overshadowing impacts.
19. The concerns raised are addressed in the officer section of the report and Attachment 4.

FINANCIAL CONSIDERATIONS

20. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE – 3.1 To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

22. Consideration should be given to whether the bulk and scale of the proposal will unduly impact on the amenity of adjoining land owners. This is discussed further in the Officer Comment section of the report.

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 25.
- | | | |
|--|--------------------|---------------|
| Risk: The bulk and scale of the proposal will unduly impact on the amenity of adjoining land owners. | | |
| Likelihood: | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/ Strategy | | |
| Ensure that the proposal is appropriately assessed against the design principles of the R-Codes and if the proposal is deemed acceptable, appropriate conditions are included. | | |

OFFICER COMMENT

26. The proposed development is compliant with the deemed-to-comply requirements of the R-Codes with exception to setbacks, wall height, roof pitch height and privacy.

27. **Setbacks**

Under Part 5.1.3 (Lot Boundary Setback) of the R-Codes, development is required to demonstrate compliance with the following design principles:

"P3.1 Buildings set back from lot boundaries so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of the overlooking and resultant loss of privacy on adjoining properties."*

28. The proposal does not meet the deemed to comply setback requirement under the R Codes for the western side boundary. However, it should be noted that no objection was received from the affected neighbouring landowner regarding the proposal. Given the area of non-compliance predominantly relates to a part of the building that is towards the rear (south) of the subject site, which is not directly adjacent to the buildings or areas of outdoor living area on adjoining sites to the east or west, it is not considered that the building bulk will unduly impact on the affected adjoining properties.

29. **Building Height**

Under Part 5.1.6 (Building Height) of the R-Codes, development is required to demonstrate compliance with the following design principles:

"P6 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- *Adequate access to direct sun into buildings and appurtenant open spaces;*
- *Adequate daylight to major openings into habitable rooms and*
- *Access to views of significance."*

30. In regard to the above design principles, the following is noted:

- The proposal is fully compliant with the overshadowing requirements of the R-Codes and will not impact on the provision of daylight to major openings of neighbouring dwellings; and
- The proposed development would not prevent access to views of significance.

31. It is noted that the impact of building bulk is accentuated by the sloping topography of the site, particularly from the perspective of residential properties to the south of the site, which are lower in the valley. It is however noted that the proposed building addition is approximately 15.5m from the rear boundary, and that the dwellings and outdoor living areas to the south are a further 25m from the rear boundary, creating a separation distance of approximately 40.5m.

32. The proposed south facing wall and roof is designed using a mixture of materials and textures, such as open balconies, rammed earth, weatherboard, and rendered wall and gable roof design, which together are considered to articulate or 'break up' the wall and reduce the perceived impact of building bulk.

-
33. It is noted that three (3) storey buildings are not uncommon in the Gooseberry Hill area given the desire to take advantage of views of the Swan Coastal Plain and the Central Business District. In the applicant's justification report (Attachment 2), six (6) examples of three (3) storey dwellings have been identified within approximately 300m of the subject site.
34. It is considered that landscaping would significantly reduce the impact of the building on properties to the south, given the level differences between properties. In this regard, a condition is recommended to require landscaping on the southern portion of the subject site to the satisfaction of the City of Kalamunda.
35. Having regard to the aforementioned separation distances from the proposal to surrounding dwellings, the design of the building and the existing examples of three (3) storey dwellings in the area, it is considered that the proposal adequately addresses the design principles of the R-Codes and is supported accordingly.
36. **Visual Privacy**
- Under Part 5.4.1 (Visual Privacy) of the R-Codes, development is required to demonstrate compliance with the following design principles:
- "P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:*
- *Building layout and location;*
 - *Design of major openings;*
 - *Landscape screening of outdoor active habitable spaces; and/or*
 - *Location of screening devices.*
- P1.2 Maximum visual privacy to side and rear boundaries through measures such as:*
- *Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
 - *Building to the boundary where appropriate;*
 - *Setting back the first floor from the side boundary;*
 - *Providing higher or opaque and fixed windows; and/or*
 - *Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters)."*
37. The proposal's non-compliance with the R Codes in respect to privacy from the balcony on the second and third floors affects only one property adjoining the western boundary of the subject site. This variation is not considered to impact on sensitive areas (i.e. Habitable or outdoor living spaces) of the adjoining property to the west. It is also noted that no objection was raised from the affected adjoining property owner regarding the proposal. Accordingly, the proposal is considered to address the design principles of the R-Codes and is supported.
38. Given the above, the proposal is considered to address the design principles of the R-Codes. Approval is recommended subject to appropriate conditions.
-

Cr Destree sought clarification in relation to consultation with neighbours. The Director Development Services advised when letters are sent to neighbours they list discretion and ask for comment on the specific discretion. Cr Destree sought further clarification on this matter.

Cr Stallard sought clarification on a design matter. The Director Development Services provided explanation on this matter.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 68/2017)

That Council:

1. Approves the application for alterations and three (3) storey additions to the existing single house at Lot 73 (55) Gooseberry Hill Road, Gooseberry Hill, subject to the following planning 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) Prior to the lodgement of a building permit application, a detailed landscaping and reticulation plan shall be submitted to and approved by the City of Kalamunda. For the purposes of this condition, additional landscaping is required at the rear of the subject site to screen the development from dwellings to the south of the site.
 - c) Landscaping shall be completed in accordance with the approved detailed landscape plan prior to occupation of the additions and thereafter maintained to the satisfaction of the City of Kalamunda.

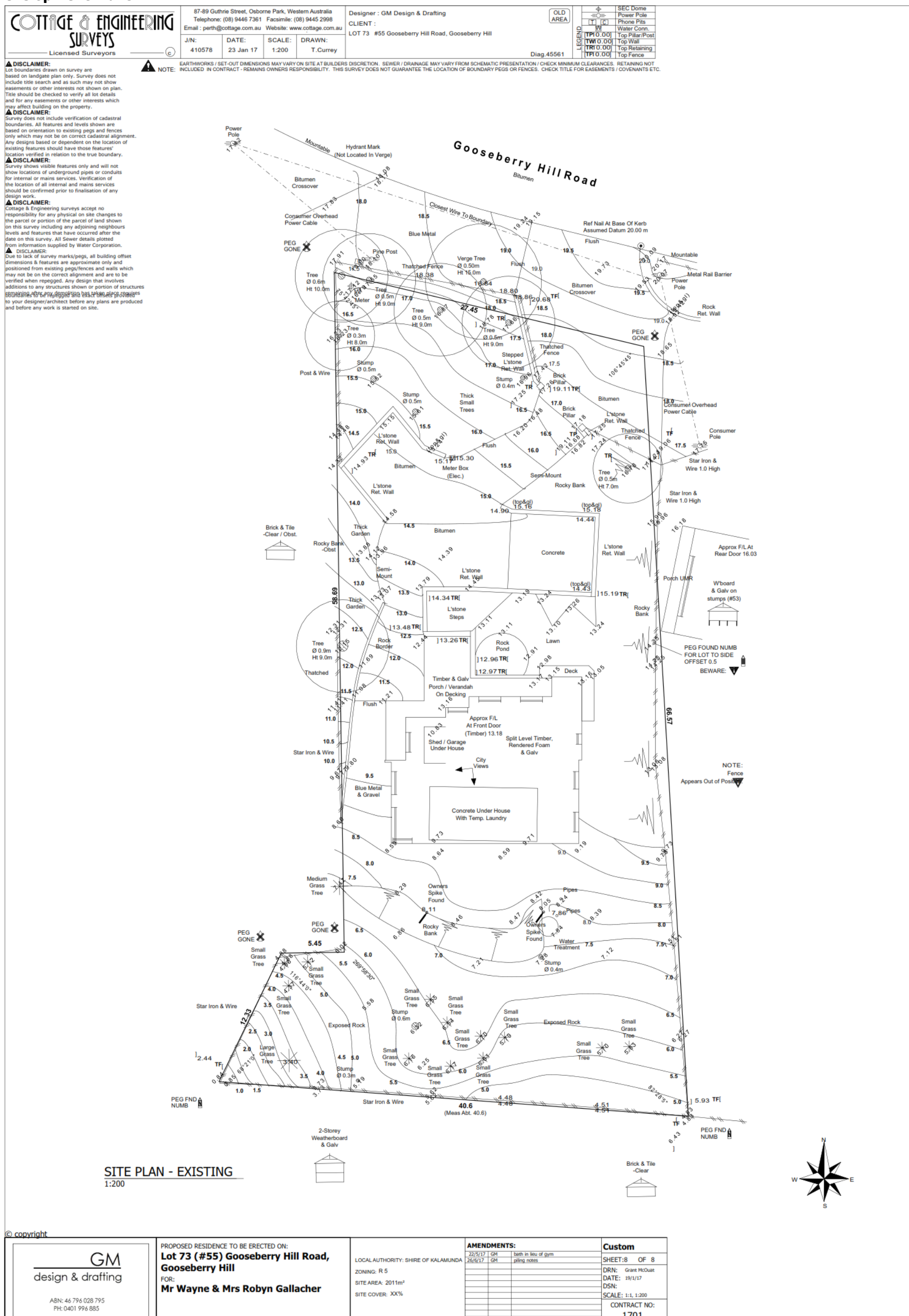
Moved: **Cr John Giardina**

Seconded: **Cr Sara Lohmeyer**

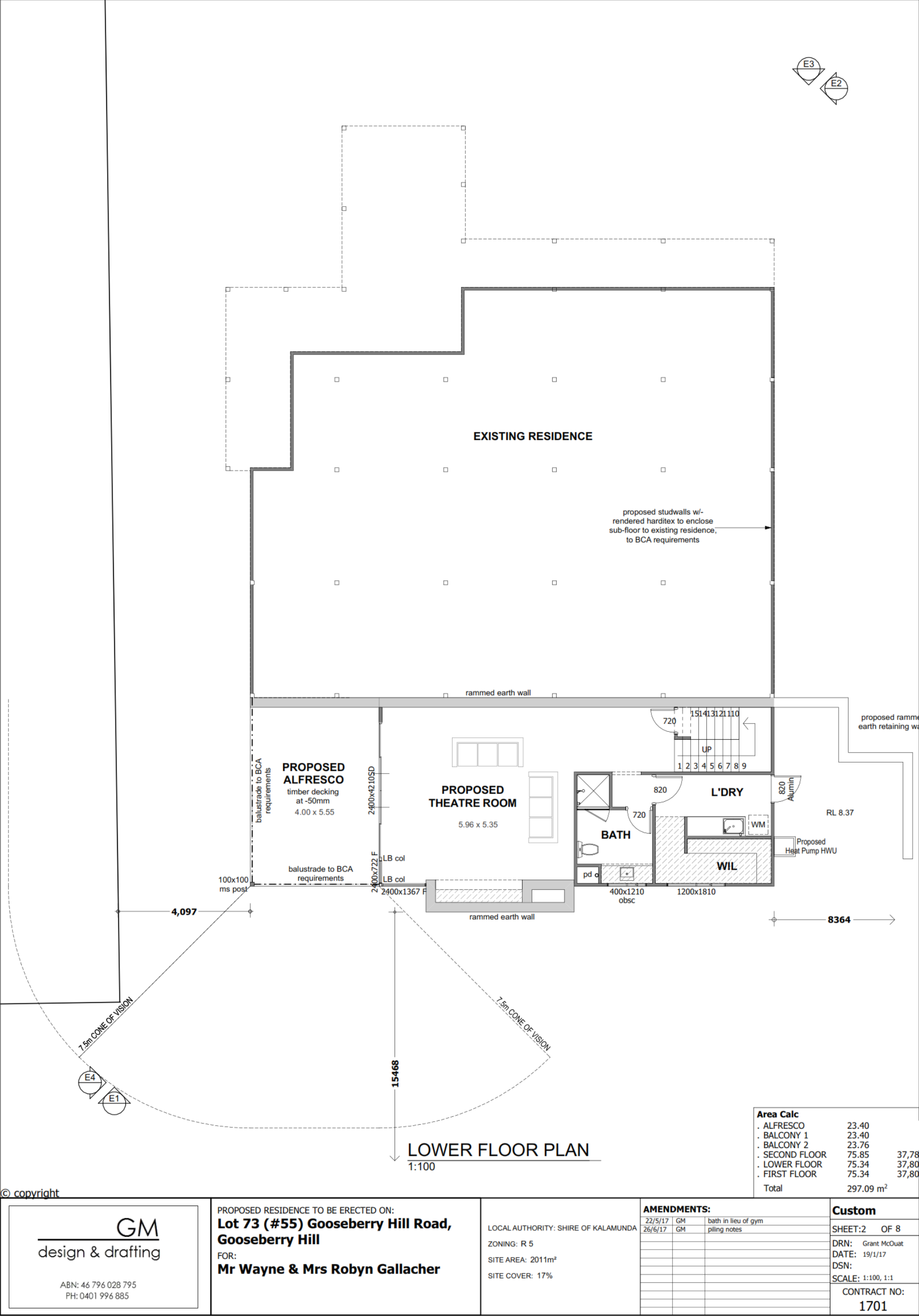
Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Tracy Destree
	Cr Sara Lohmeyer	
	Cr John Giardina	
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Noreen Townsend	
	Cr Andrew Waddell	
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Sue Bilich	

CARRIED (10/1)

Proposed Alterations and Three (3) Storey Additions to Single House – Lot 73 (55) Gooseberry Hill Road, Gooseberry Hill



City of Kalamunda



GM
design & drafting

ABN: 46 796 028 795
PH: 0401 996 885

PROPOSED RESIDENCE TO BE ERRECTED ON:
**Lot 73 (#55) Gooseberry Hill Road,
Gooseberry Hill**
FOR:
Mr Wayne & Mrs Robyn Gallacher

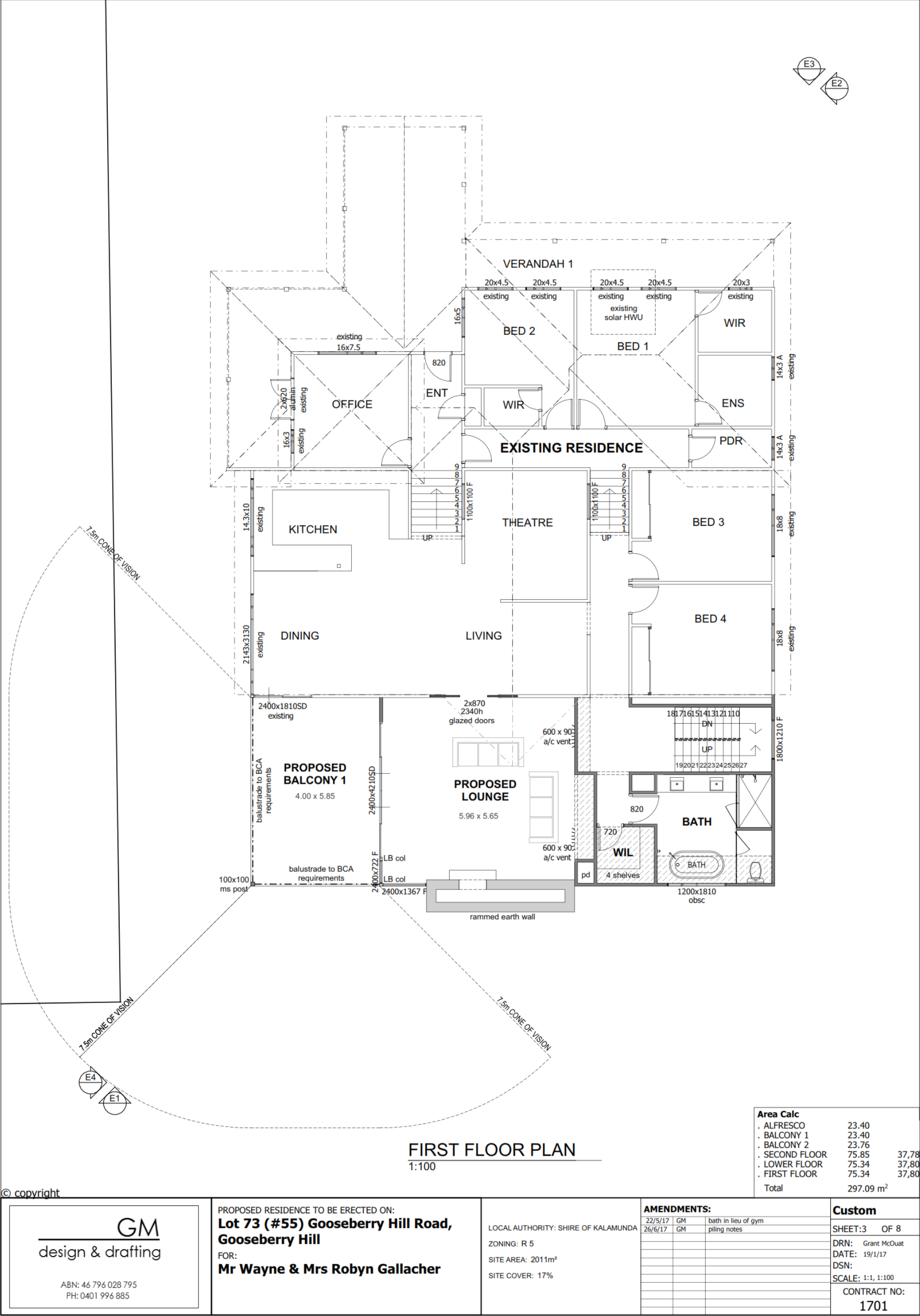
LOCAL AUTHORITY: SHIRE OF KALAMUNDA
ZONING: R 5
SITE AREA: 2011m²
SITE COVER: 17%

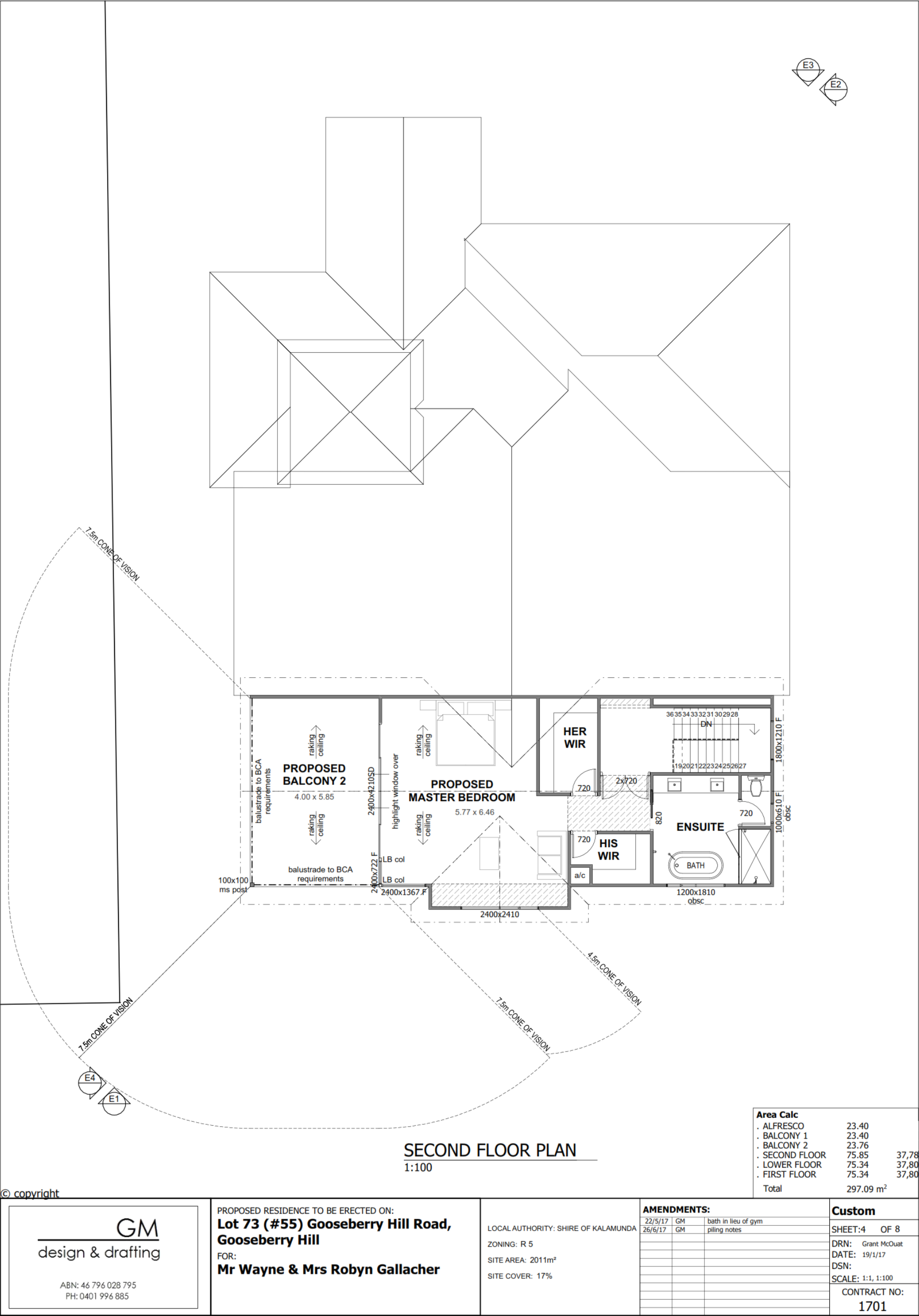
AMENDMENTS:

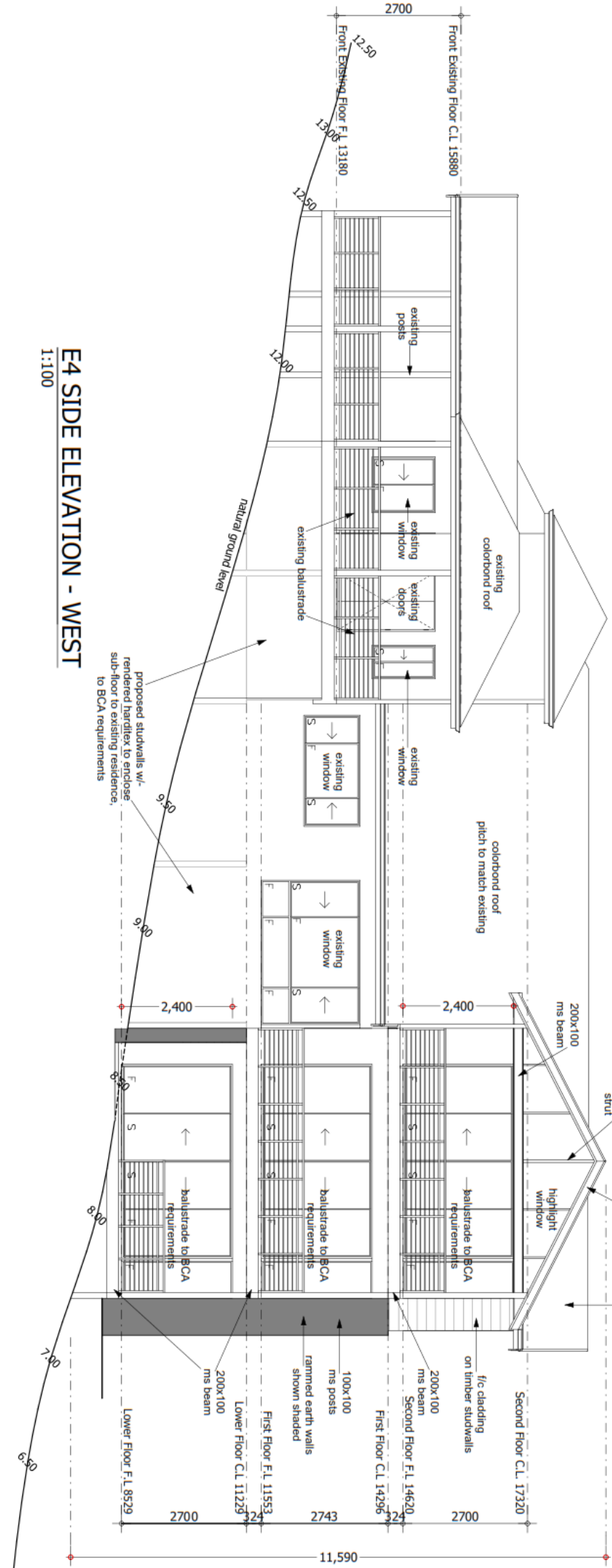
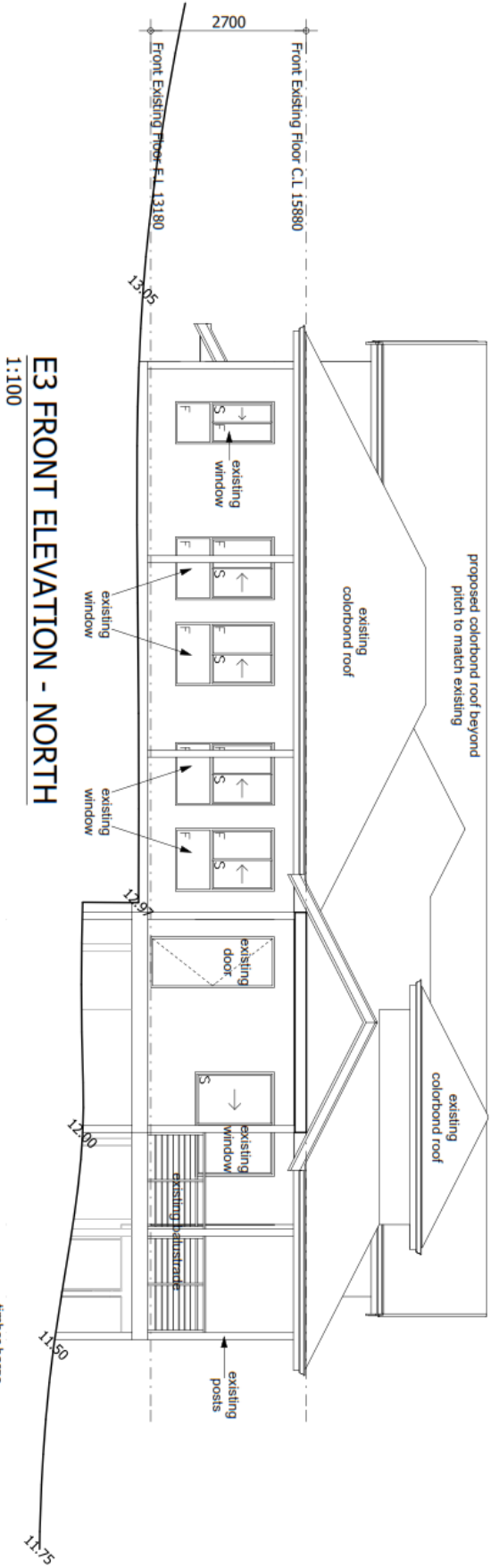
22/5/17	GM	bath in lieu of gym
26/6/17	GM	piling notes

Custom

SHEET:2 OF 8
DRN: Grant McQuat
DATE: 19/1/17
DSN:
SCALE: 1:100, 1:1
CONTRACT NO:
1701







© copyright

design & drafting

GM

ABN: 46 796 028 795
PH: 0401 996 885

PROPOSED RESIDENCE TO BE ERRECTED ON:
**Lot 73 (#55) Gooseberry Hill Road,
Gooseberry Hill**
FOR:
Mr Wayne & Mrs Robyn Gallacher

SALES CONSULTANT:
LOCAL AUTHORITY:
ZONING: XX
SITE AREA: XXm²
SITE COVER: XX%

AMENDMENTS:

22/5/17	GM	both in lieu of gym
28/6/17	GM	planning notes

Custom

SHEET: 5 OF 8

DRN: Grant McQuat

DATE: 19/1/17

DSN:

SCALE: 1:100

CONTRACT NO:
1701

City of Kalamunda



Attachment 2

Proposed Alterations and Three (3) Storey Additions to Single House – Lot 73 (55) Gooseberry Hill Road, Gooseberry Hill

Applicant's Justification Report

Attention: Planning Department
Shire of Kalamunda
PO Box 42
Kalamunda WA
6926



**Broughton Hemsley
Planning**

ABN 67 61 495 9885
168 Stirling Highway
Nedlands WA 6009
info@bhplanning.com.au

Tuesday, 16 May 2017

Justification of Variations | No. 55 (Lot 73) Gooseberry Hill Road, Gooseberry Hill

Dear Sir/Madam

The purpose of this letter is to accompany a Development Application for an addition to an existing dwelling. The letter is to justify several variations to deemed-to-comply (DTC) planning provisions of the applicable local planning framework for a development application on No. 55 (Lot 73) Gooseberry Hill Road, Gooseberry Hill, henceforth known as the 'subject site.'

BACKGROUND

1. The lot is zoned R5.
2. The lot is generally of a rectangular shape with the exception of the south-western corner. It is approximately 28 m wide with a site area of 2,011 m².
3. The subject site has a significant topographical variation of 16.5 m, falls away from the street.
4. The lot is bushfire prone. A BAL Assessment has been prepared as part of this application, it designates a BAL 29.





THE PROPOSAL

The proposal is for a relatively modest extension to the existing dwelling. The extension seeks to capitalise upon the elevated site, projecting the entry level floor further into the valley. The extended dwelling as viewed from the street will maintain the appearance of a single storey design. The figure below shades in the, the proposed portion of the house as viewed from the streetside elevation.

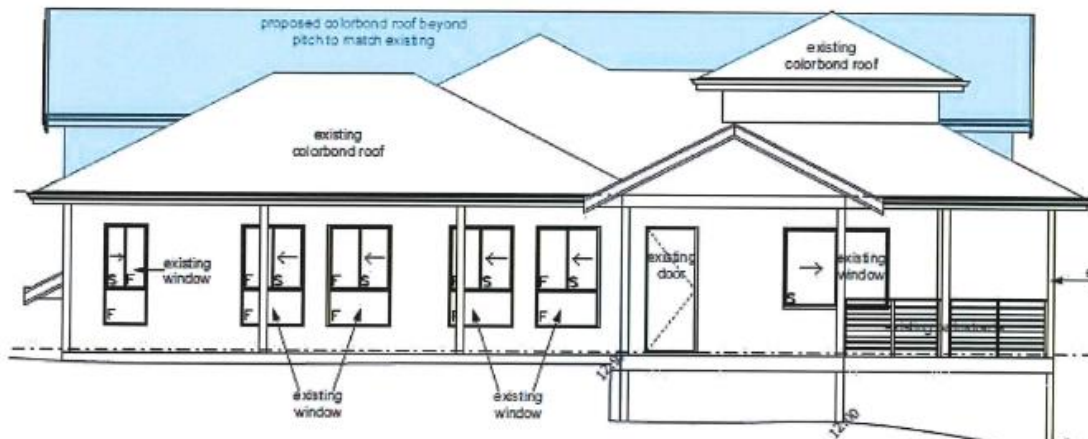


Figure 2 Portion of extension coloured shaded in blue – front elevation



Figure 3 Existing dwelling as viewed from the driveway





VARIATIONS & JUSTIFICATION

R-CODES CLAUSE 5.1.3 C3.1 BOUNDARY WALLS

Variation/Design Principle	Justification
----------------------------	---------------

The setback to proposed 'balcony 2' wall should be 4.6 m from the boundary. The plans show a setback of approximately 4 m.

The wall below balcony 2 is 13.9 m long and is required to be setback at 4.3 m in lieu of the 4 m provided.

P3.1 Buildings set back from lot boundaries so as to:

- reduce impacts of building bulk on adjoining properties; The bulk and scale presented to the western adjoining landowner is less than that of a blank solid wall in the same position and dimensions. The opening to the balconies creates a negative space which is of less bulk compared to the balcony being enclosed. This is further enhanced by the articulated roofline.

The external building materials selected include accents of rammed earth finishes and timber panelling. The variety of these natural and complimenting materials provides articulation to the façade in a deliberate effort to improve the visual amenity of the proposal as viewed from the potentially impacted property to the west.

The location of the variation is in a position where there is little to no potential for impact to the western adjoining dwelling. The adjoining property does not orientate itself in this direction, and the overlooked area appears to be unused.

The elevation as visible to the neighbour provides significant articulation as demonstrated by the figure below. This articulation reduces bulk and scale.

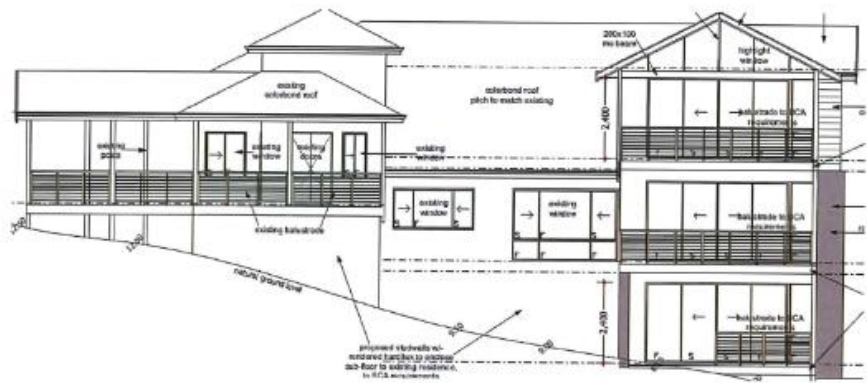


Figure 5 Western elevation of the proposal



Figure 6 Site plan of the proposal overlaid on an aerial photograph (adapted from Intramaps)

- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
The west facing wall is unable to impact either adjoining dwellings' access to natural light as per the definition of the R-Codes. Figure 6 illustrates the limited extent of the overshadowing.
The separating distances between dwellings is significant and has no potential to impact ventilation.
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Overlooking exists, but is limited to a non-sensitive area to avoid a subsequent loss in privacy. This is justified further in this correspondence.



R-CODES CLAUSE 5.1.6 BUILDING HEIGHT

Design Principle	Justification
------------------	---------------

The external wall height exceeds 6 m, it is 9.92 m at its highest point.

The top of pitched room is 11.43m in lieu of 9m

P6 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- **adequate access to** direct sun into buildings and appurtenant open spaces; An overshadowing plan has been prepared which demonstrates on a very minor amount of overshadowing to the dwelling to the south.
- **adequate daylight** to major openings into habitable rooms; and The proposed extension does not demonstrate an ability to impact daylight into either the adjoining dwelling or itself.
- **access to views of** significance. The proposal may have some potential to reduce the eastern adjoining dwellings ability to maintain unaffected 'views of significance.' The extended dwelling may enter the periphery of the dwelling on lot 72, but it will not obscure the views. The eastern adjoining dwelling is situated in an unfortunate position as it straddles its western boundary in a unique fashion compared to surrounding properties.



Figure 7 View from adjoining dwelling

The figure above is demonstrative of the higher FFL of the adjoining dwelling relative to the proposal. We estimate that the FFL difference is approximately 4 m. This FFL difference is further enhanced by the existing dwelling being located further towards the road.

Figure 7 further illustrates a projected field of view from the adjoining dwelling. Presuming there are no trees obstructing the view, it remains that the any impact on the outlook caused by the proposal will be minimal and will remain in keeping with the established character of the location.



Precedence

A review of approved dwellings in the surrounding precinct demonstrates an established character of three storey dwellings which has guided the proposed design. A selection of those properties which contribute to the character are pictured below.

26 Dale Drive Gooseberry Hill



23 Dale Drive Gooseberry Hill





24 Sundew Road
Gooseberry Hill



18 Sundew Road
Gooseberry Hill



5 Hobbs Road Gooseberry
Hill



8 No. 55 (Lot 73) Gooseberry Hill Road, Gooseberry Hill | 16 May 2017



40 Gooseberry Hill Road
Gooseberry Hill



R-CODES CLAUSE 5.4.1 OVERLOOKING

Design Principle	Justification
------------------	---------------

Both west facing balconies overlook the western adjoining neighbour.

The kitchen and living room immediately behind also result in overlooking over generally the same area as the balconies, however, to a lesser extent.

P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- **building layout and location;** The proposal is physically offset from the adjoining property which orientated itself in a south westerly direction.
- **design of major openings;** The major openings are not floor to ceiling in the kitchen which are closest to the boundary. The non-floor to ceiling windows encourages a localised outlook which is parallel to the ground. The balcony is fitted with a partly solid balustrade which again, encourages views which are parallel to the ground.
- **landscape screening of outdoor active habitable spaces; and/or** Both sites provide significant opportunity for screening through vegetation.

P1.2 Maximum visual privacy to side and rear boundaries through measures such as:

- **offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;** The entire dwelling is proposed to be heavily offset from the western adjoining property.
- **building to the boundary where appropriate;** On boundary walls are not permitted in this location.
- **screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).** As the windows are west facing, internal blinds will be fitted which will provide an opportunity for privacy to be achieved, should it be required by the occupants.



SUMMARY

The proposal has been carefully drafted by the designer to ensure that the character of the precinct is reflected in the design and to ensure the amenity of the surrounding properties is not only maintained, but improved through a high-quality design. The proposal has created a functional and high-quality internal design to meet the requirements of the current and any future owners.

Should clarification on any aspects of the proposal be required please do not hesitate to contact the undersigned to discuss those matters further.

Kind regards

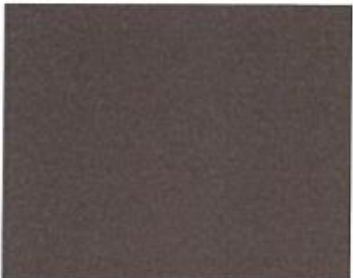
Alex Hemsley

Director | Principal Planner

0415 337 100

Schedule of Materials & Finishes - 55 (Lot 73) Gooseberry Hill Road,
Gooseberry Hill - 15/05/2017

Roof - Woodland Grey/Slate Grey



Colorbond® Woodland Grey® C23

Windows - Woodland Grey/Slate Grey



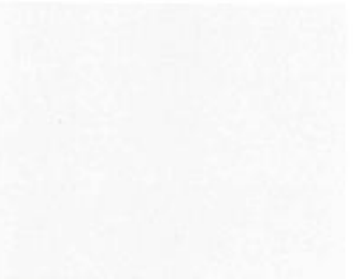
Colorbond® Woodland Grey® C23

Masterwall - China White



China White SH2H1

Timber cladding - China White



China White SH2H1

Rammed Earth - Natural Clay



Attachment 3

Proposed Alterations and Three (3) Storey Additions to Single House – Lot 73 (55) Gooseberry Hill Road, Gooseberry Hill

Site Photographs

Photo 1: Front of existing dwelling from Gooseberry Hill Road (north):



Photo 2: Panorama of rear of site looking over the valley (south-west)



Photo 3: View north from front of 16 Dale Drive, subject site in distance



Photo 4: View from the south of the site in the lower valley looking north



Attachment 4

Proposed Alterations and Three (3) Storey Additions to Single House – Lot 73 (55) Gooseberry Hill Road, Gooseberry Hill

Submission Table

Nature of Submission	Submitter Number	Applicant's Justification	Officer Comment
Objection <ul style="list-style-type: none"> The height of the building does not take into account the natural topography and does not fit into the local environment. 	1	<p>The form and scale of the design is reflective of other dwellings in the locality. The height proposed reduces the building footprint of an alternative design and serves to increase setbacks to adjoining dwellings.</p> <p>As viewed from the street, the proposal will remain unaltered and will appear as a single storey dwelling.</p> <p>The design involves very limited modification of the existing topography.</p>	Refer to the officer comments section of the report regarding building height.
Objection <ul style="list-style-type: none"> The building has been under way for more than 5 years and has not been completed in accordance with the original approval. 	1, 2	<p>The existing dwelling has been constructed will relevant approvals being sought, we understand that the development of the existing approval is 'substantially' commenced and therefore remains valid. We do not believe the existing structure is in breach of any approvals. We do not believe this to be a relevant consideration as per CI 67 of the Planning and Development Regulations 2015.</p>	The City's Building Services has advised that buildings should generally be completed within two (2) years. For the proposed additions, a new building permit would be required, and would supersede the previous building permit for the site.
Objection <ul style="list-style-type: none"> The mass and scale of the building is unsympathetic with its context and does not take into consideration the impact on surrounding residential properties. 	2	<p>The dwelling is offset substantially from all adjoining dwellings. Furthermore, the surrounding existing dwellings do not orientate towards the portion of the proposal subject to this approval. The proposal uses rammed earth as an external building material to ensure the dwelling is reflective of its context. The proposal does not cause overshadowing.</p>	Refer to the officer comments section of the report regarding setbacks and building height.

Objection <ul style="list-style-type: none">The proposal does not promote and encourage “good design principles” as required by the Residential Design Codes.	2, 3	The proposal sets an improved benchmark for the standard of built form of three storey dwellings in the area in comparison to the existing standard. This is achieved through a variety of location sympathetic external building materials.	Refer to the officer comments section of the report regarding setbacks and building height.
Objection <ul style="list-style-type: none">The development will unduly impact on privacy.The development may block the winter sun as it rises in the morning, especially for dwellings on lower ground in the valley.	3	<p>The proposal overlooks a 44 m2 area of the corner of eastern adjoining property which is 2,880 m2 in size, being 1.5% of that site. The area is affected by an exposed granite outcrop and has a decline of 26.7%.</p> <p>An overshadowing diagram has been prepared showing 58m2 of the southern block being overshadowed which is 2,053m2 in size being 2.8% of that site. The area overshadowed is extremely steep and appears unused.</p>	Refer to the officer comments section of the report regarding visual privacy and overshadowing.

Confidential Attachment 5

Proposed Alterations and Three (3) Storey Additions to Single House – Lot 73 (55) Gooseberry Hill Road, Gooseberry Hill

Submitters Map

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

This attachment has been circulated to all Councillors under separate cover

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

69. Proposed Patio - Lot 1 (97) Hale Road, Forrestfield WA 6058

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	HL-01/097 & DA17/0255
Applicant	Eric Jong
Owner	Tiam Foh Lim & Kim Hong Choo
Attachment 1	Street View Image of Subject Site
Attachment 2	Development plans
Attachment 3	Submission Table
Attachment 4	Confidential Submitters Map

Reason for confidentiality:
Local Government Act 1995
S5.23(2)(b)- "the personal
affairs of any person;"

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a proposed patio with a reduced north-east side nil setback in lieu of 1.5m at Lot 1 (97) Hale Road, Forrestfield.
2. At the conclusion of advertising of the proposal, one (1) objection was received in regard to access to natural light, stormwater disposal, and reduction in property value.
3. It is recommended that the proposed patio be approved subject to appropriate conditions.

BACKGROUND

4. Land Details:

Land Area:	971 m ²
Local Planning Scheme Zone:	Residential R25
Metropolitan Regional Scheme Zone:	Urban

5. The subject property contains an existing single (two-storey) residential dwelling. The site is located adjacent to Hale road in close proximity to the Forrestfield District Centre in a suburban residential area. The lot dimensions are approximately 20m wide and 48m in length with an outdoor living area located to the rear of the dwelling. The majority of the front setback is paved or has existing concrete with some mature trees and a visually permeable access gate where the patio is proposed to be located.

Locality Plan

6.



DETAILS

7. The applicant is seeking to construct a patio 2.7m wide and 11.6m long (31.32m²) with a 2.4m external wall height and 2.9m pitched roof height. It is proposed to have a reduced side setback to the north-east lot boundary of nil in lieu of the deemed-to-comply requirement of 1.5m (boundary posts with a nil setback, with a roofline setback of 500mm). Refer Attachments 1 and 2 (street view images and development plans).
8. After being notified of the objection the applicant advised that due to the narrow width of the patio a reduction to comply with the 1.5m setback would reduce the useability of the proposed structure. The applicant also intends to use the front section of the patio as shelter for a car. It is agreed gutters and soak wells will be installed to retain stormwater onsite.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

9. Part 5.2.2 of the City's Local Planning Scheme No. 3 (the Scheme) states:
- 5.2.2 Unless otherwise provided for in the scheme the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provision of those Codes.*
10. Part 5.5 of the Scheme *Variations to Site Development Standards and Requirements* states:
- 5.5.1 Except for development in respect of which the Residential Design Codes apply and development in a Bushfire Prone Area, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the scheme, the local government*

may, despite the non-compliance, approve the application unconditionally or subject to such condition as the local government sees fit.

11. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No.3 (the Scheme) states that the objectives of the Residential zone are to:
- a) provide primarily for single residential development whilst allowing for a range of densities in order to encourage a wide choice of housing types within the Shire;
 - b) give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment;
 - c) 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); and
 - d) encourage the retention of remnant vegetation.
12. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.
13. **Planning and Development (Local Planning Schemes) Regulations 2015**
In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires that Council give due regard to a number of matters, including:
- a) the compatibility of the development within its settings;
 - b) amenity of the locality;
 - c) the amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety; and
 - d) any relevant submissions received on the application.

POLICY CONSIDERATIONS

State Planning Policy 3.1 - Residential Design Codes

14. The application was assessed in accordance with the requirements of the Residential Design Codes (the R-Codes), and the following information regarding the application was noted:

Aspect of Proposal	Deemed-to-comply requirement	Proposed by applicant	Design Principle Assessment
Boundary setback (side)	1.5m	Nil setback (500mm setback to roofline)	-1.5m

15. Should an aspect of a proposal be determined to be non-compliant with the provisions of the R-Codes an assessment of the proposal is made against the 'Design Principles' of the R-Codes, in particular Part 5.1.3. The following table details the principles of the R-Codes the proposal was assessed against:

Design Principle	Consideration Against Proposal
<p>Part 5.1.3 Lot boundary setback</p> <p>P3.1 Building to be set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate sun and ventilation to the building and open spaces on the site and adjoining properties, and; • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties 	<p>Privacy – no change to existing ground levels is proposed therefore the proposal meets the privacy requirements of the R Codes.</p> <p>Building bulk – the proposed patio is unenclosed with the roof line position 500mm from the side boundary, therefore the proposal does not appear to significantly contribute to building bulk as viewed either from the street or the adjoining property.</p> <p>Adequate sun and ventilation – the proposed patio will not cast shade over the adjoining property as measured by the R Codes.</p> <p>Amenity impact – is somewhat subjective. The proposed patio may have a visual impact though remains compliant to overshadowing, ventilation and privacy considerations. On this basis it is not considered that the patio will have a significant adverse impact.</p> <p>Positively contributes to the streetscape – as the prevailing streetscape is highly urbanised and situated along a particularly busy road the impact of the proposed patio behind the building setback is deemed to be reasonably minor.</p>
<p>P3.2 Buildings built up to boundaries (other than the street boundary) where this;</p> <ul style="list-style-type: none"> • Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • Does not compromise the design principle contained in clause 5.1.3 P3.1; • Does not have any adverse impact on the amenity of the adjoining property; • Ensured direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and 	<p>Privacy – the proposed patio is directly accessible from a habitable room, the proposed patio is intended to be used jointly as a carport and can be accessed from the rear of the dwelling or from the dwelling entrance. There is no major opening to access the patio from the north-east side of the dwelling.</p> <p>Building Bulk – the proposed patio is compliant with height requirements as per the R Codes and all sides are to remain unenclosed. Furthermore the proposed roof pitch is relatively low (0.4m) therefore the bulk of the proposed patio is deemed to be relatively unobtrusive.</p> <p>Adequate sun and ventilation – Optimises northern aspect – orientation of proposed patio is north-south and immediately adjacent to the existing</p>

<ul style="list-style-type: none"> Positively contributes to the prevailing development context and streetscape. 	<p>outdoor living area. As the patio is unenclosed, ventilation is maintained at all times. .</p> <p>Amenity Impact – Given the neighbouring property maintains a large outdoor living area to the rear of the property with an existing patio to the rear of the dwelling, and that the proposed patio will adjoin a non-habitable carport the impact is deemed to not significantly affect the amenity of the adjoining property owner.</p> <p>Positively contributes to the prevailing streetscape – the proposed patio is located behind the building setback line, adheres to average wall heights, has a minor roof pitch and all sides are to remain unenclosed. Currently the owner parks multiple vehicles on the paving within the front setback. By building the proposed patio, vehicles can be parked under cover and behind the building setback improving the amenity of the prevailing streetscape.</p>
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16. Part 5.4.2 C2.1 of the R-Codes states that notwithstanding the lot boundary setbacks in clause 5.1.3, development shall be so designed that its shadow cast at midday 21 June shall not exceed 25% of the site area of the adjoining property at and should not cast a shadow over north-facing outdoor living areas, habitable rooms or major openings.
17. Although it is noted that the neighbouring property may be affected by afternoon overshadowing, the proposed patio meets the deemed to comply requirements of the R-Codes. Furthermore the proposed patio overshadows an existing carport which is non-habitable, no northern major openings will be affected, and adequate outdoor living area is located to the rear of the neighbouring dwelling.
18. It is noted the neighbouring property also contains a carport structure of a similar size, materials and bulk built up to the boundary, which is enclosed from the direction of the primary street with a garage door.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Building Services - Advice from Building Services confirmed fire separation should not be an issue as the roofline is separated by 500mm from the lot boundary.

External Referrals

20. The proposal was advertised to affected neighbour for comment.
- At the conclusion of the advertising period one (1) objection from the adjoining neighbour was received (refer Attachment 3). Comments include:
- Access to natural light in the living area and kitchen which is already limited by the two-storey dwelling at 97 Hale.
 - Access to lighting in the zone of the garage.
 - Stormwater runoff into the garage.
 - Possible reduction in the value of the property.

FINANCIAL CONSIDERATIONS

21. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 3.1: To plan for sustainable population growth.
- Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

23. The reduced setbacks could result in undue impacts on the amenity of the adjoining land owner. However for the reasons stated in the report however it is considered that the proposed patio is not likely to have a significant impact on the amenity of the adjoining property.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

26.	Risk: The patio is approved and the adjoining neighbour is subject to reduced access to natural light, ventilation, and increased storm water runoff.		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Demonstrate the proposal's compliance with the R-Codes in respect to natural light and ventilation and ensure appropriate compliance with condition to manage and maintain storm water runoff with installation of gutters and soak wells.		

OFFICER COMMENT

27. As indicated in the R-Codes, matters pertaining to light infiltration, adequate ventilation, and stormwater runoff are valid planning considerations.
28. Light infiltration into the living area and kitchen of the adjoining property is unlikely to be affected by the proposed patio as it will overshadow only the roof of the existing carport/garage. Taking into consideration the existing carport is not a habitable room and the length of shadow from the existing 2 – storey house will be longer than that cast by the proposed 2.4m high patio, overshadowing on the neighbouring property is considered unlikely
29. The proposed patio compiles to the deemed to comply requirements of Part 5.4.2 Solar Access for Adjoining Sites of the R-Codes as no shadow will be cast over the adjoining site at midday. It is noted the neighbouring property may be affected by partial overshadowing in the late afternoon. In this regard, in the late afternoon the shadow cast by the proposed patio would equate to to 3.5% of the adjoining site, which does not exceed 25% as per the deemed to comply requirement of Part 5.4.2 of the R-Codes.
30. In respect to stormwater disposal, gutters and appropriate drainage will need to be installed as a building requirement and stormwater is required to be retained on site as a standard condition of planning approval.
31. Reduction in the value of the property is not a relevant land use planning consideration.
32. Noting the above, it is considered unlikely the structure will affect the amenity of the adjoining property as solar access is compliant, stormwater can be adequately managed and sufficient ventilation is maintained by the proposed unenclosed external walls.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 69/2017)

That Council:

1. Approves the planning application for a patio at Lot 1 (97) Hale Road, Forrestfield subject to the following conditions and advice notes:
 1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 2. Stormwater shall be disposed of on-site, to the satisfaction of the City of Kalamunda.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Noreen Townsend**

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

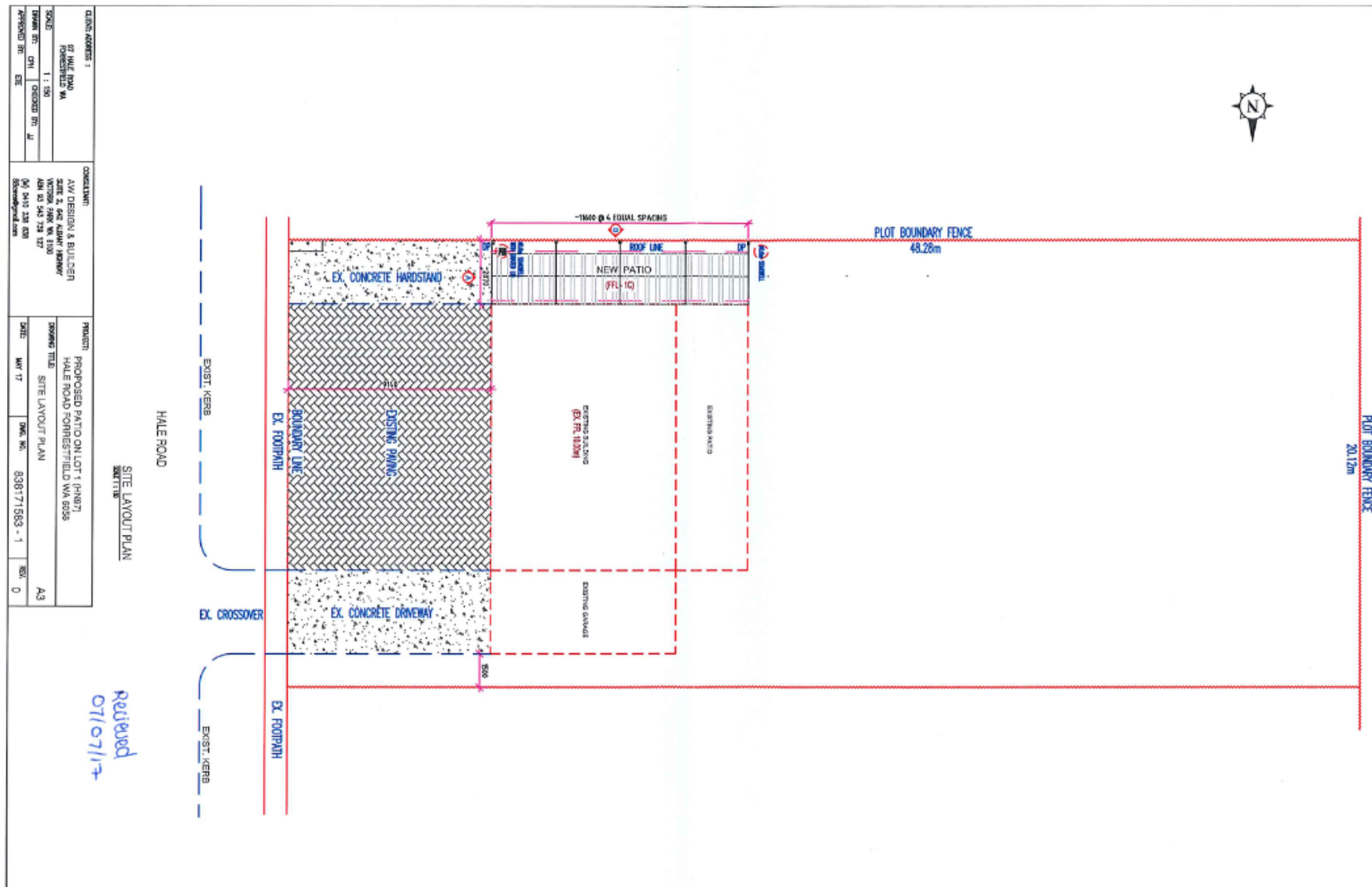
Attachment 1

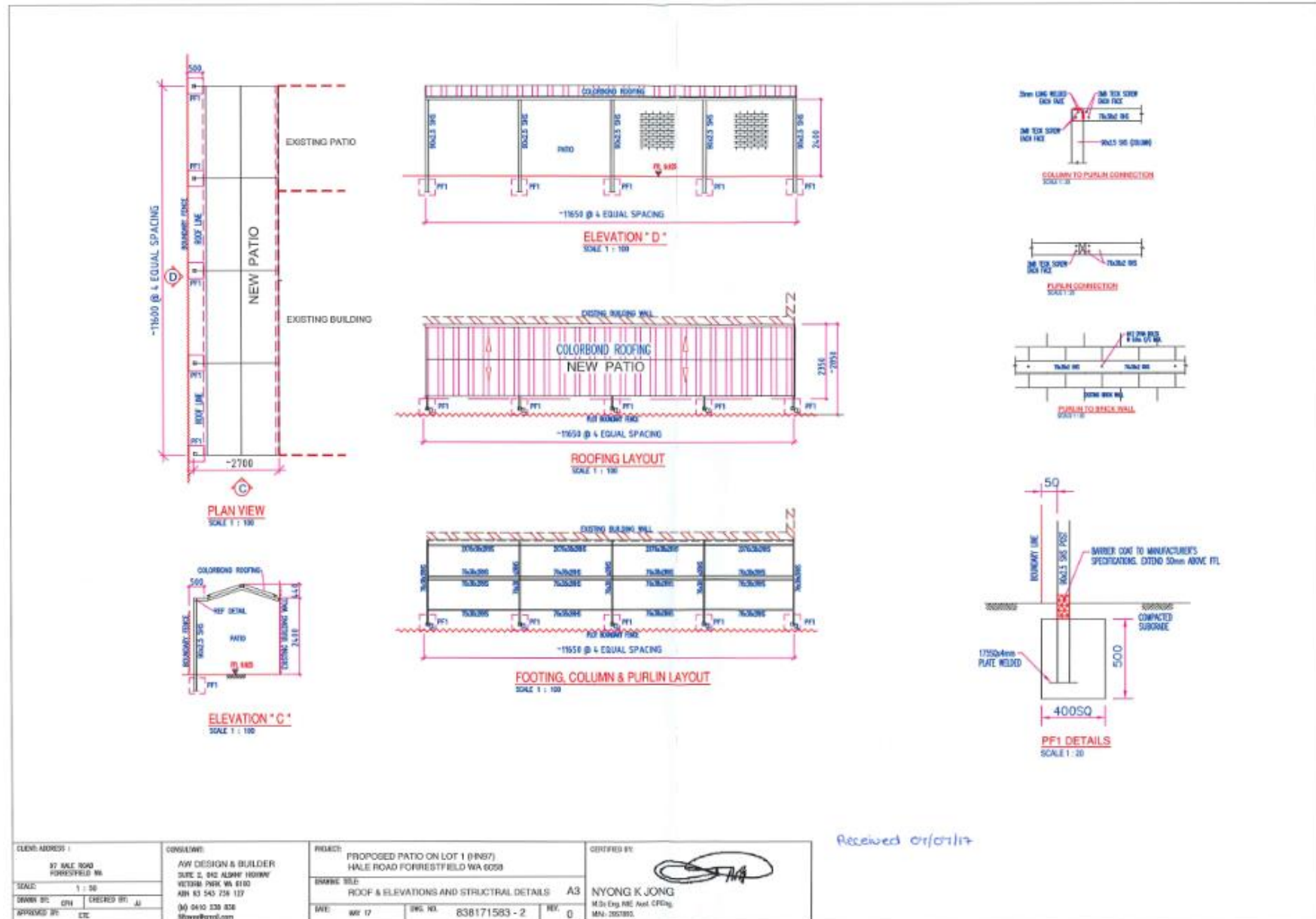
Proposed Patio Lot 1 (97) Hale Road, Forrestfield

Street View Image of Subject Site



Proposed Patio - Lot 1 (97) Hale Road, Forrestdfield Development Plans





Attachment 3

Proposed Patio – Lot 1 (97) Hale Road, Forrestfield

Submitters Table

Response	Submitter Number	Officer comments
Objection – the proposed carport and patio will be too close to the two central windows of the main living area.	1	It is determined that the proposed patio will not overshadow any north facing windows.
Objection – will prevent the passage of light into the living area and kitchen which is already limited by the main building.	1	Windows subject to potential overshadowing on the western aspect are subject to shadowing from the existing carport structure.
Objection – The proposed side setback will cause a lighting problem in the garage.	1	It is considered the proposed patio is deemed to comply with the Residential Design Codes and will not overshadow the adjoining property as measured by the R Codes.
Objection – stormwater runoff into the garage	1	Noted and addressed. It is agreed gutters and soakwells will be installed to the satisfaction of the City of Kalamunda.
Objection – will reduce the value of the property.	1	Land value is not a land use planning consideration in this context.

Confidential Attachment 4

Proposed Patio – Lot 1 (97) Hale Road, Forrestfield

Submitters Map

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

This attachment has been circulated to all Councillors under separate cover

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

70. Consent to advertise Draft Local Planning Policy P-DEV 57 – Street Fencing, Walls and Gates Policy

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-16
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Draft Local Planning Policy P-DEV 57 Street Fencing, Walls and Gates Policy

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the adoption of Local Planning Policy P-DEV 57 Street Fencing, Walls and Gates (Policy) for the purpose of public advertising.
2. The Policy has been prepared for the purposes of providing guidance for the community in regards to height, materials, location and aesthetic treatments for street fencing, walls and gates.
3. It is recommended the Policy be adopted for the purpose of public advertising.

BACKGROUND

4. Street fencing, walls and gates contribute significantly to the character of an area. This Policy aims to clarify the circumstances when a fence or wall variation can be considered for greater consistency in development applications resulting in higher quality built form throughout the City.
5. The City periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear, defensible position. The City is presently reviewing all of its existing policies as well as developing new policies where appropriate.
6. On 27 June 2016, the City adopted *Fencing Local Law 2016*, which was published in the Government Gazette on 2 September 2016. The City's *Fencing Local Law 2016* sets provisions for 'sufficient' dividing fences (as defined in the local law), for fencing throughout the City in residential, rural, commercial and industrial zones.
7. The City also has a Fencing Information Sheet that provides further information to the community about fencing standards, however, the City does not presently have a Local Planning Policy that provides for direction in terms of fencing within the front setback area of properties, or fencing along the boundary between private and public land.

8. The Policy has been prepared in accordance with Part 7.3.2 of State Planning Policy 3.1 – Residential Design Codes (R-Codes) and amends the deemed-to-comply provisions of clauses 5.2.4 and 6.2.2 - 'Street Walls and Fences', to include caps on height limits, design solutions, and criteria in addition to the Design Principles to determine where a variation may be applied. This policy also provides supplementary information regarding performance objectives for fencing above retaining, and performance objectives for clause 5.3.8 'Retaining Walls'.
9. At the August 2017 OCM, Council resolved to defer the Policy to the next Development and Asset Services Committee Meeting.

DETAILS

10. This policy provides additional guidance and clarification where the R-Codes are silent on matters such as where additional heights may be justified, fencing above retaining, rural, industrial and commercial fencing, treatments for retaining walls above 500mm, provides a table of recommended materials, clarifies assessment criteria for unauthorised fences, walls and gates for development applications, and provides remediation options for non-compliant street fences. Importantly, where proposals are compliant with the provisions of the Policy, development approval is not required.
11. The intent of the policy is to provide development controls and advice to applicants who are applying for a variation for street fencing, walls or gates. The policy includes the following:
 - **Part 5 - Residential zoned land**, includes Table 1 which outlines 'acceptable criteria' detailing heights and minimum visual permeability for street fencing, boundary fencing between two private properties, hedging, fencing between private and public properties, barrier fencing, and fencing to maintain sightlines.
 - **Part 5 - Table 1 Heights of Sufficient Fences and Screening in Residential zoned areas**, outlines the types of fences/walls and gates with the acceptable development criteria for each type with the exception of Residential R2 – R5 zoned areas.
 - **Part 5 - Table 2 Acceptable Materials in Residential zoned areas**, outlines minimum standards for materials for street fencing and retaining within the front setback with the exception of Residential R2 – R5 zoned areas.
 - **Part 6 - Retaining Walls and Fill**, outlines criteria for where retaining walls are proposed to be over 500mm in height. Includes Fig 1 and Fig 2 to visually demonstrate the performance outcomes.
 - **Part 7 - R2 to R10 and Rural zoned land**, includes requirements for street fencing to comply with Schedule 3 of the Fencing Local Law.
 - **Part 8 - Commercial, District Centre, Activity Centre, Service Station, Private Club and Institutions, and Mixed Use zoned land**, and specifies assessment in accordance with Schedule 2 of the Fencing Local Law.
 - **Part 9 - Industrial and Industrial Development zoned land**, outlines heights, gates, materials, preferred colours, and references Schedule 2 of the Fencing Local Law.
 - **Part 10 - Unauthorised fence, wall and gate applications** outlines the assessment process and modification/remediation options.
 - **Part 11 - Maintenance and Appearance** outlines the minimum maintenance standards for existing fencing, walls and gates.

- **Part 12 - Matters to be considered** should be referenced when assessing applications which apply for variations to the policy criteria.
- **Part 13 - Variations to the policy** outlines the circumstances where variations to the policy will be considered justified.
- **Appendix 1 – List of Primary or District Distributor Roads within the City** shows list of primary or district distributor roads where a height variation for a front fence may be justified.
- **Appendix 2 - Indicative Diagram of Fencing** is a visual diagram of fencing to show where different types of fences are located in the context of a typical suburban block.
- **Appendix 3 – Examples of Street Fencing** is a photographic visual guide to show how the policy applies in situ and the impact on the streetscape in residential, rural, commercial and industrial zoned land in the City.

12. The Policy will replace the existing Fencing Information Sheet.

STATUTORY AND LEGAL CONSIDERATIONS

13. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations).). Unlike City policies, planning policies require formal adoption by Council.
14. Local Planning Policies are to be given due regard in accordance with Schedule 2, Part 2, Clause 3 (5) of the *Planning and Development (Local Planning Scheme) Regulations 2015*. A Local Planning Policy does not bind the City in its application of discretion and should be read in conjunction with the adopted Local Planning Scheme.
15. If the City resolves to adopt the Policy, the City must, unless the WAPC otherwise agrees, advertise the Policy in accordance with Schedule 2, Clause 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, which provides that a period for making submissions must not be less than 21 days. As stated in 'Community Engagement Requirements' below, the Policy will be advertised for 28 days.
16. Clause 7.3.1 of the R-Codes provides that local planning policies, local development plans, local structure plans and activity centre plans may contain provisions that:
- a) amend or replace certain deemed-to comply provisions set out in Part 5 and/or Part 6 of the R-Code, including those for street walls and fences;

POLICY CONSIDERATIONS

17. The proposed Policy will follow the adopted Council templates with some small modifications for structure, legibility and clarity.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. The proposed Policy was circulated to the City's Assets, Health, Building, and Environmental departments for comments and consideration. No objections to the proposed policies were received from the internal departments, and minor changes requested were integrated into the draft policy.
19. The City's General Counsel has also considered the proposed Policy.

External Referrals

20. The proposed Policy will be advertised for public comment in accordance with Local Planning Policy P-DEV 45- Public Notifications for a period of 28 days.
21. In accordance with P-DEV 45, the City is also required to:
- a) publish a notice of the proposed Policy in a local newspaper circulating in the Scheme area for two consecutive weeks; and
 - b) advertise the proposed Policy on the City's website and Facebook page.

FINANCIAL CONSIDERATIONS

22. Costs of advertising will be met through the Approval Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

OBJECTIVE 3.4: To be recognised as a preferred tourism destination.

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

SUSTAINABILITY

Social Implications

24. The proposed Policy will provide:
- a) consistency to the City's consideration of applications for front fences, walls and gates in residential, rural, commercial and industrial zoned land (and any variations);
 - b) clarity and transparency to the community;

- c) improved design outcomes; and
- d) reduced application response timeframes.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

27.	Risk: The proposed Policy is not adopted and planning applications are received for fences inconsistent with the character and streetscape appeal of the area.		
	Likelihood:	Consequence	Rating
	Likely	Moderate	High
	Action/ Strategy		
	Adopt Policy to guide decision making when assessing an application for street fencing to ensure development contributes to the streetscape, and vehicle, cyclist and resident safety is maintained.		
	Risk: The Policy may not achieve its stated objectives		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Ensure the community and developers are fully conversant with the proposed policy and how the provisions will contribute positively to the streetscape of the locality.		

OFFICER COMMENT

28. Applications for variations in Residential zoned lots are subject to the Design Principles of the R-Codes while rural, commercial and industrial applications default to the *Fencing Local Law 2016*.
29. There is however some uncertainty about appropriate materials and design objectives for fences above retaining walls, and circumstances where an increased fence height was deemed justified and to what extent.
30. The proposed Policy aims to clarify materials, design criteria, heights and objectives for street fences, walls and gates on all zoned land throughout the City to supplement the provisions of the R-Codes and *Fencing Local Law 2016*.
31. All proposals for fencing other than street fencing as indicated in Appendix 2, will be subject to the provisions of the Fencing Local Law.
32. The Policy requirements are supported with diagrams and real world examples to replace the information sheet] and clarify technical aspects. This will aid residents in understanding the design objectives of the Policy, definitions and location of different fences, and how the technical provisions work in situ to enhance the streetscape.

33. In response to questions raised by the Elected Members at the Development Asset Services Committee Meeting held on 7 August 2017, some formatting and text changes have been made changes to the Policy in respect to Part 5 Residential zoned land and Part 7 R2 – R10 and Rural zoned land. The changes will provide greater clarity in respect to street fencing requirements for residential zoned areas.
34. If Council would like more time to consider the proposed Policy, the item could be deferred to a later Development and Asset Services Committee meeting to allow for a briefing with Council on the policy.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 70/2017)

That Council:

1. Pursuant to clause 3(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and 2.4.1. of the Local Planning Scheme No. 3, endorses Draft Local Planning Policy – P-DEV 57 Street Fencing, Walls and Gates for the purpose of advertising for a period of 28 days.

Moved: **Cr Tracy Destree**

Seconded: Cr Dylan O'Connor (withdrawn)

Vote:

Cr Destree sought clarification on authorities within the Policy. The Director Development Services provided clarification. Cr Destree identified suggested clarifications within the Policy.

Cr Destree foreshadowed an amendment to the Officer Recommendation which recommended changes be made to the draft policy prior to advertising. Following governance advice Cr O'Connor withdrew his support for the Officer Recommendation. Cr Waddell proposed a procedural motion to adjourn consideration of this item to the Ordinary Council Meeting. The procedural motion received a seconder and was put to the vote.

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 70/2017)

That consideration of Draft Local Planning Policy – P-DEV 57 Street Fencing, Walls and Gates be adjourned to the Ordinary Council Meeting

Moved: **Cr Andrew Waddell**

Seconded: **Cr Sara Lohmeyer**

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

Attachment 1

Consent to advertise Draft Local Planning Policy P-DEV 57 – Street Fencing, Walls and Gates Policy

Proposed Draft Local Planning Policy P-DEV 57 Street Fencing, Walls and Gates Policy

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

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

71. Proposed Amendment No. 96 to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones – Public Advertising

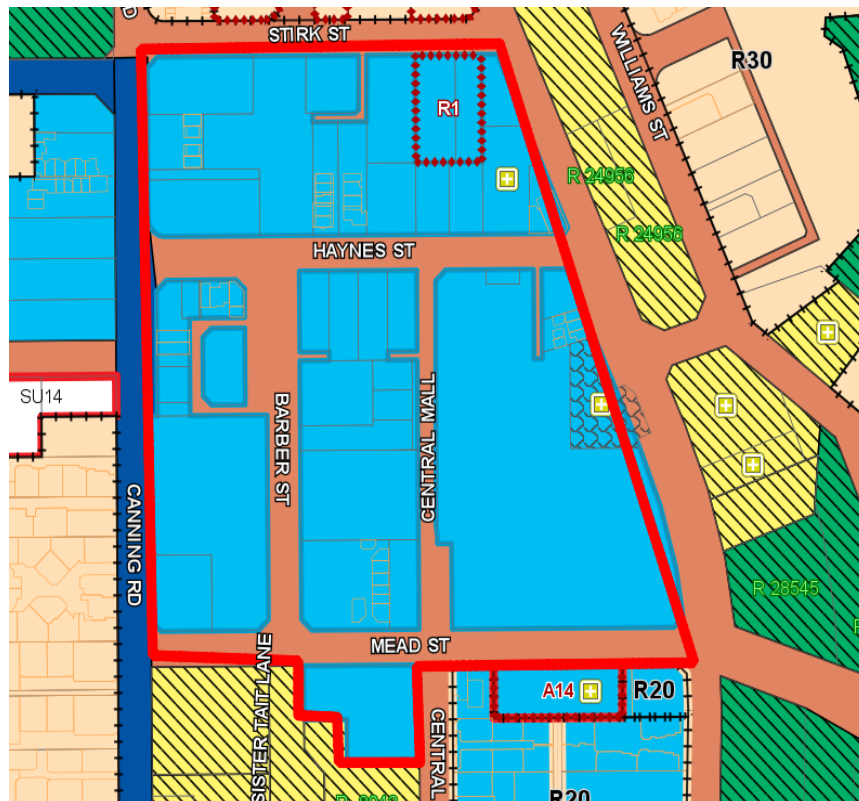
Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PG-LPS-003/096
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Amendment Document
Attachment 2	Proposed Changes to Table 1 of the Scheme
Attachment 3	Commercial zoned land located within the City of Kalamunda

EXECUTIVE SUMMARY

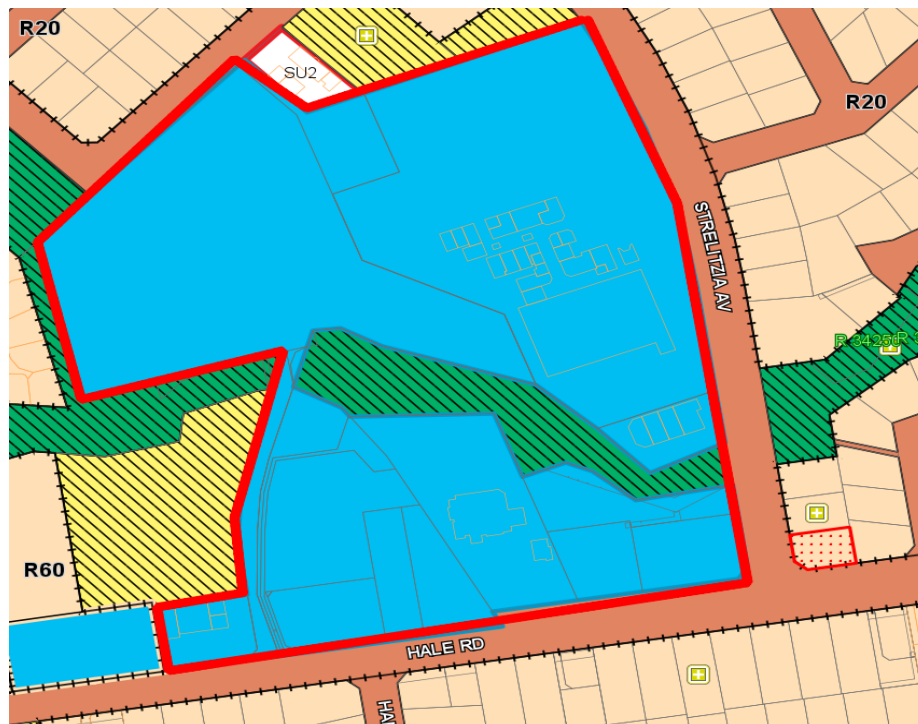
1. The purpose of this report is to consider the adoption for public advertising Amendment No. 96 to Local Planning Scheme No. 3 (Scheme) to modify use permissibility in Table 1 (Zoning Table) of the Scheme in relation to the District Centre and Commercial zones.
2. The City commenced an investigation into the use permissibility in the District Centre and Commercial zones following recommendations coming out of the 2017 Strategic Service Delivery Review. During this investigation it was considered that there is merit in modifying some use class permissibility to bring the City's Scheme in line with contemporary planning objectives and community expectations, and to assist where appropriate in expediting the planning process.
3. The intent behind a majority of changes is to restrict undesirable land uses from operating within the District Centre and Commercial zones. However, it is proposed that a new 'Small Bar' use class be introduced and be classified as 'P' (Permitted) within the District Centre and Commercial zones. On this basis it is recommended that Amendment 96 be adopted for the purpose of public advertising.

BACKGROUND

4. Kalamunda District Centre



5. Forrestfield District Centre



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6. As indicated above, the City has two (2) District Centres (Forrestfield and Kalamunda) zoned for that purpose. In addition the City has a number of smaller areas of commercial zoned land scattered within each of the localities in the Scheme area, refer (Attachment 3). All of these retail centres are important activity nodes for the community, providing for a range of shopping, business, professional, civic and cultural, and entertainment based services.
 7. One of the recommendations of Council's Strategic Service Delivery Review in 2017 was to investigate exemptions in Kalamunda and Forrestfield District Centres with a view of facilitating desirable land uses. This was intended to apply to the Shop, Office, Small Bar, Restaurant and Consulting Room land uses. During this investigation, it was noted that all of these uses are already 'P' (Permitted) land uses, however it was considered that there is merit in reviewing the remainder of uses in these zones to ensure that the City's Scheme is in line with contemporary planning objectives and community expectations and to assist where appropriate in expediting the planning process.
 8. In August 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* introduced deemed provisions that exempted development from requiring planning approval that is classified as 'P' (permitted) and:
 - i) the development has no works component; or
 - ii) development approval is not required for the works component of the development.

This means that where a site changes use, and the new use is classified as 'P' (Permitted), and no works are proposed, it will not require planning approval unless there are external modifications to the building. In a District Centre and Commercial zoned environment, it is important to facilitate the types of uses that are desirable, however this should be balanced with an appropriate level of development control.

9. This amendment proposes to reclassify the permissibility of some uses to ensure that a development application is required prior to the commencement of the use, and that appropriate development standards and processes are applied through the development application process.
10. At the August 2017 Ordinary Council Meeting, Council resolved to adjourn debate on the amendment to the next Development and Asset Services Committee Meeting.

DETAILS

11. Attachment 2 contains a full table that outlines the nature of proposed changes to Table 1 (Zoning Table) of the Scheme including rationale behind each of the proposed changes. In summary however, the following table highlights the changes to use permissibility proposed:

	District Centre		Commercial		Residential	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Aged Residential Care	D	A	D	A		
Amusement Parlour	P	D	P	D		
Ancillary Dwelling	D	X	D	X		
Art Gallery	P	D	P	D		
Betting Agency	P	D	P	D		
Bulky Goods Showroom	P	D	P	D		
Caretakers Dwelling	P	D	P	D		
Car Park	P	D	P	D		
Child Care Premises	P	D	P	D		
Cinema/Theatre	P	D	P	D		
Civic Use	D	P	D	P		
Club Premises	P	D	P	D		
Community Purpose	P	D	P	D		
Family Day Care	P	D	P	D		
Fast Food Outlet	P	D	P	D		
Garden Centre	P	D	P	D		
Health/Fitness Centre	P	D	P	D		
Home Business	P	D	P	D		
Home Occupation	P	D	P	D	P	D
Home Office	Nil.	P	Nil.	P		
Home Store	P	D	P	D		
Hospital	D	A	D	A		
Hotel	D	A	D	A		
Industry – Service	D	X	D	X		
Motor Vehicle, Boat or Caravan Sales	P	X	P	D		
Motor Vehicle Repairs	P	X	P	X		
Place of Worship	D	A	D	A		
Reception Centre	P	A	P	A		

Service Station	P	A	P	A		
Single Bedroom Dwelling	D	X	D	X		
Single House	D	X	D	X		
Small Bar	Nil.	P	Nil.	P		
Tavern	D	A	D	A		
Trade Display	D	X	D	X		
Veterinary Centre	P	D	P	D		
Warehouse/Storage	D	X	D	X		

12. Table 1 has been rearranged to reflect the proposed modifications to the Scheme text consistent with the table proposed through Amendment 83 (initiated by Council on 24 April 2017) to the Scheme, which will bring the Scheme into alignment with the model and deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Differences between the current Scheme Table 1 as shown in the table in Point 8 of the report above and the proposed table include:

- Addition of the following use classes:
 - Bulky Goods Showroom
 - Home Office
- Replace 'Restaurant' with 'Restaurant/Café';
- Replace 'Rural Pursuit' with 'Rural Pursuit/Hobby Farm';
- Reordering of some of the uses into alphabetical order;
- Delete the Showroom use class;
- Delete the Stable use class; and
- Combine the Warehouse and Storage use classes – 'Warehouse/Storage'.

13. In addition to the above, this amendment also seeks to

1. Correct an error in Table 1 relating to the Home Occupation use in a Residential Zone, by changing it from a 'P' (permitted) use to a 'D' (Discretionary) use. This is consistent with the approach taken by other local governments and will ensure that an appropriate level of development control is applied to home occupation proposals. The City will also investigate the preparation of a local planning policy for home occupations to provide a transparent and consistent decision making framework for these types of proposals.
2. Introduce the 'Small Bar' use class into Table 1 and the definition of a Small Bar into the Land Use Definitions Schedule of the Scheme, as follows:

"Means premises the subject of a small bar licence granted under the Liquor Control Act 1988".

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

14. 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.

-
15. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment', for the following reasons:
- The amendment is consistent with the objectives identified in the Scheme for the District Centre zone;
 - The amendment is consistent with the City's Local Planning Strategy;
 - The amendment is consistent with the Metropolitan Region Scheme;
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - The amendment is not considered a complex or basic amendment.
16. Should Council resolve to adopt 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.

City of Kalamunda Local Planning Scheme No. 3

17. The role of Part 4.3 (Zoning Table) of the Scheme is to outline the permissibility of uses in a particular zone and should closely align with the overall objectives of each zone. This is achieved by designating each listed use class in one of the following categories:
- P (Permitted) – Means that the use is permitted by the Scheme.
 - D (Discretionary) – Means that the use is not permitted unless the Council has granted planning approval.
 - A (Advertise) – Means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 9.4 (Advertise) (now Clause 64, Part 8, Schedule 2 of the Regulations).
18. The key objective of this amendment is to review and where appropriate change use permissibility within the District Centre and Commercial zones, which would require modifications to the Zoning Table under the Scheme.
19. The District Centre zone includes the following objectives under Part 4.2.3 (Commercial Zones) of the Scheme:
- 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.
20. The Commercial zone includes the following objectives under Part 4.2.3 (Commercial Zones) of the Scheme:
- To service the needs of a localised area in providing for local shopping facilities, business, professional, civic, cultural, medical and other health related services.
 - To ensure that development is designed to be compatible with nearby uses and zones particularly residential zones.

POLICY CONSIDERATIONS

Kalamunda Town Centre Planning and Urban Design Guidelines

21. The Kalamunda Town Centre Planning and Urban Design Guidelines provide guidance on the design of new buildings and spaces within the Kalamunda town centre, to achieve an enhanced urban environment, improve the experience for pedestrians and to reinforce and build upon Kalamunda's established character.
22. Importantly, the purpose and intent of the proposed amendment is to designate appropriate land use for the District Centre and Commercial zones, and does not modify the design and development criteria prescribed in the Kalamunda Town Centre Design Guidelines.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. Preliminary advice has been sought from Strategic Planning in respect to the proposed amendment given the implications for the future proposed Activity Centre Plans. They raised no objections to the proposed amendment. As part of the advertising process, the proposed amendment will be circulated to all internal departments.

External Referrals

24. Should Council decide to endorse the proposed amendment for advertising, the amendment will be referred to the Environmental Protection Authority for environmental review. Following this environmental review, the application will be advertised for 42 days under the Regulations and the City's P-DEV 45 – Public Notification of Planning Proposals, as follows:
 - Notice in the local newspaper circulating the Scheme area;
 - Display a copy of the amendment at the City's Administration Offices;
 - Give notice to public authorities; and
 - Notice on the City's website and Facebook page.

FINANCIAL CONSIDERATIONS

25. Costs associated with the progressing this amendment will be met by the Approval Services Budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE – 3.1 To plan for sustainable population growth.

Strategy 3.1.1: Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

OBJECTIVE – 3.3 To develop and enhance the City's economy.

- Strategy 3.3.1: Facilitate and support the success and growth of industry and businesses.
- Strategy 3.3.2 Attract new investment opportunities and businesses with a focus on innovation.
- OBJECTIVE – 3.4 To be recognised as a preferred tourism destination.
- Strategy 3.4.1 Facilitate, support and promote, activities and places to visit.
- Strategy 3.4.2 Advocate and facilitate diversification options for the rural properties to flourish.

SUSTAINABILITY

Social Implications

27. The City's urban centre and commercial areas are considered to be central to perceived community character and identification, as well as functioning as important gathering places for social, community and cultural purposes. It is therefore important to coordinate appropriate land uses and development standards in a way that is consistent with community expectations and strategic planning priorities.

Economic Implications

28. The City's urban centre and commercial areas provide for a range of shopping, business, professional and entertainment based services. It is essential that an appropriate balance is reached between facilitating economic and business conditions, land use coordination and controlling development standards under the Scheme.

Environmental Implications

29. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 30.
- | | | |
|--|--------------------|---------------|
| Risk: Not undertaking this amendment could result in undesirable land uses in the District Centre and Commercial zones. | | |
| Likelihood: | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/ Strategy | | |
| Ensure that it is understood that the proposed amendment brings Table 1 of the Scheme into alignment with contemporary planning approaches and is considered to strike an appropriate balance between facilitating development/appropriate uses and controlling development in the District Centre and Commercial zones. | | |
| Risk: Community dissatisfaction with the proposed Scheme amendment provisions. | | |
| Likelihood: | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/ Strategy | | |

The proposed Scheme amendment will be subject to extensive community advertising. Any community concerns will be fully considered and reported on when the amendment is brought back to Council for adoption.

OFFICER COMMENT

31. A review of the Zoning table against the objectives of the District Centre and Commercial zones under the Scheme has resulted in several recommended changes to Table 1 (Attachment 2). An investigation was undertaken of Local Planning Schemes of other Local Governments to determine the consistency of the use permissibility in town centre and district centre zones.
32. The intent behind a majority of changes is to restrict undesirable land uses from operating within the District Centre and Commercial zones. However, it is proposed that a new 'Small Bar' use class be introduced and be classified as 'P' (Permitted) within the District Centre and Commercial zones.
33. The abovementioned introduction of deemed provisions through the Regulations did raise an issue in respect to the provision of parking. A change of use from one permitted use to another (e.g. Office to Restaurant) without any external works would potentially result in greater parking demand, however not require a development application. The effect of this amendment would be Council accepting existing and future parking shortfalls for those activities classified as permitted uses under the District Centre zone. That said, the Parking Study undertaken for the City in 2011, showed that the Kalamunda Town centre is well serviced by parking, with supply outstripping demand on most occasions. Moreover, Council has previously supported parking shortfalls in the Kalamunda for developments on 21 Haynes Street (Restaurant) and 12 Mead Street (Health and Fitness Centre).
34. As an example, the following table highlights the differing car parking standards for common permitted uses found in the District Centre Zone:

Use	Car Parking Standards
Consulting Rooms	4 bays per practitioner and 1 bay per employee
Fast Food Outlet	10 bays per 100m ² of net lettable area. Minimum of 6 bays (excluding drive through)
Medical Centre	6 bays per practitioner and 1 per staff
Office	4 bays per 100m ² of net lettable area
Restaurant	1 bay for every 4 persons to be accommodated
Shop	5 bays per 100m ² of net lettable area

While this amendment does not incorporate any changes to the parking requirements under the Scheme, it is considered that a review of the parking standards should be undertaken as part of a future Activity Centre Plan and Scheme review to determine appropriate levels of parking and allocation of funds received through cash in lieu of parking.

35. Mention has already been made in Point 8 of the report regarding the deemed provisions of the Regulations exempting permitted uses from requiring planning approval where the development has no works component, or development approval is not required for the works component of the development. The definition of "works" under the Regulations can be open interpretation as to

what works are exempt, for example, replacing existing doors and windows. For the purpose of clarity therefore the City will prepare a local planning policy that will provide the necessary guidance around the nature of works to be excluded.

36. In summary, the proposed amendment will modify Table 1 to bring it into line with contemporary planning objectives and community expectations. It is recommended that Council resolve to advertise this amendment.
37. If Council would like more time to consider the proposed Scheme amendment, the item could be deferred to a later Development and Asset Services Committee meeting to allow for a briefing with Council on the amendment.

The Presiding Member advised the meeting this item was adjourned from the Development & Asset Services Committee in August 2017. As there was no mover received the item will now be considered.

Cr Destree sought clarification on Attachment 1. The Director Development Services provided clarification.

Cr Destree sought clarification on delegations. The Director Development Services provided clarification.

Cr Waddell sought clarification on the use class definition of 'Shop'. The Director Development Services provided clarification.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 71/2017)

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* adopts for the purpose of public advertising Amendment 96 to Local Planning Scheme No. 3 in accordance with Attachment 1.
2. Considers Amendment 96 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:
 - a) The amendment is consistent with the objectives identified in the Scheme for the District Centre and Commercial zone;
 - b) The amendment is consistent with the City's Local Planning Strategy;
 - c) The amendment is consistent with the Metropolitan Region Scheme;
 - d) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - e) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - f) The amendment is not considered a complex or basic amendment.
3. Pursuant to Section 81 of the Planning and Development Act 2005, refers the proposed Amendment 96 to Local Planning Scheme No. 3 to the Environmental Protection Authority.

-
4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005* advertises Amendment 96 to Local Planning Scheme No. 3 in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and P-DEV 45 – Public Notification of Planning Proposals.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Noreen Townsend**

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

Attachment 1

Proposed Amendment to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones

Proposed Amendment Document

FORM 2A

Planning and Development Act 2005
RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME

Local Planning Scheme No. 3
Amendment No. 96

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- 1) Amending Table 1 – Zoning Table, by deleting the existing use permissibility classifications and substituting it with the following in the District Centre, Commercial and Residential Zones:**

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Aged/Dependant Dwellings	D	D													
Aged Residential Care	A	A													
Agriculture – extensive	X	X													
Agriculture – intensive	X	X													
Amusement Parlour	D	D													
Ancillary Dwelling	X	X													
Animal Establishment	X	X													
Animal Husbandry – intensive	X	X													
Art Gallery	D	D													
Bed and Breakfast	D	D													
Betting Agency	D	D													
Bulky Goods Showroom	D	D													
Caravan Park	X	X													
Caretakers Dwelling	D	D													
Car Park	D	D													

Chalet – Short Term Accommodation	X	X													
Child Care Premises	D	D													
Cinema/Theatre	D	D													
Civic Use	P	P													
Club Premises	D	D													
Commercial Vehicle Parking	X	X													
Community Purpose	D	D													
Consulting Rooms	P	P													
Convenience Store	D	D													
Corrective Institution	X	X													
Educational Establishment	D	D													
Family Day Care	D	D													
Fast Food Outlet	D	D													
Fuel Depot	X	X													
Funeral Parlour	D	D													
Garden Centre	D	D													
Grouped Dwelling	D	D													
Health/Fitness Centre	D	D													
Home Business	D	D													
Home Occupation	D	D		D											
Home Office	P	P													
Home Store	D	D													
Hospital	A	A													
Hotel	A	A													
Industry	X	X													
Industry – Cottage	D	D													
Industry – Extractive	X	X													
Industry - General	X	X													
Industry - Light	X	X													
Industry – Mining	X	X													
Industry – Rural	X	X													
Industry – Service	X	X													
Lodging House	A	A													
Logistics Centre	X	X													
Lunch Bar	P	P													
Market	A	A													
Medical Centre	P	P													
Motel	A	A													
Motor Vehicle, Boat or Caravan Sales	X	D													
Motor Vehicle Repairs	X	X													
Motor Vehicle Wash	D	D													
Motor Vehicle Wrecking	X	X													
Museum	A	A													

Multiple Dwelling	D	D													
Night Club	A	A													
Office	P	P													
Park Home Park	X	X													
Place of Worship	A	A													
Public Utility	P	P													
Reception Centre	A	A													
Recreation – Private	D	D													
Research and Technology Premises	X	X													
Resource Recovery Centre	X	X													
Restaurant/Café	P	P													
Restricted Premises	X	X													
Rural Pursuit/Hobby Farm	X	X													
Salvage Yard	X	X													
Service Station	A	A													
Shop	P	P													
Single Bedroom Dwelling	X	X													
Single House	X	X													
Small Bar	P	P	A	X	X	X	X	X	X	X	X	X	X	X	X
Tavern	A	A													
Telecommunications Infrastructure	D	D													
Trade Display	X	X													
Transport Depot	X	X													
Veterinary Centre	D	D													
Warehouse/Storage	X	X													
Winery	X	X													

- 2) Inserting a new definition for Small Bar under the 'Land use terms used in the Scheme', in accordance with the Model Provision definition under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows**

"Small bar means premises the subject of a small bar licence granted under the Liquor Control Act 1988".

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- g) The amendment is consistent with the objectives identified in the Scheme for the District Centre zone;**
- h) The amendment is consistent with the City's Local Planning Strategy;**
- i) The amendment is consistent with the Metropolitan Region Scheme;**
- j) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;**
- k) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
- l) The amendment is not considered a complex or basic amendment.**

Dated this _____ day of _____ 20__

(Chief Executive Officer)

Attachment 2

Proposed Amendment to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones

Proposed Changes to Table 1 of the Scheme

	District Centre		Commercial		Residential		Justification
	Existing	Proposed	Existing	Proposed	Existing	Proposed	
Aged/Dependant Dwellings	D		D				
Aged Residential Care	D	A	D	A			It is considered that an aged residential care development should be subject to public advertising prior to a determination being made.
Agriculture – extensive	X		X				
Agriculture – intensive	X		X				
Amusement Parlour	P	D	P	D			Entertainment based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.
Ancillary Dwelling	D	X	D	X			Ancillary dwellings are associated with single house development, which typically and suitably occurs in a residential environment rather than a commercial centre. Accordingly, it is not complementary with the objectives of the District Centre zone.
Animal Establishment	X		X				
Animal Husbandry – intensive	X		X				
Art Gallery	P	D	P	D			Entertainment based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.

Bed and Breakfast	D		D				
Betting Agency	P	D	P	D			Entertainment based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.
Bulky Goods Showroom	P	D	P	D			Bulky Goods Showroom land uses are generally suited to car based commercial and light industrial areas. Each application should be assessed on a case-by-case basis.
Caravan Park	X		X				
Caretakers Dwelling	P	D	P	D			A caretakers dwelling should be subject to planning approval and assessment in a district centre context to determine the appropriateness of the use having regard to the nature of the commercial operation occurring on the site.
Car Park	P	D	P	D			A car park land use that is not incidental of a predominant commercial use should be subject to planning control, so that the design and location of the use is full considered.
Chalets – short term accommodation	X		X				
Child Care Premises	P	D	P	D			While Child Care Premises are encouraged in a District Centre environment, applications should be required to determine the appropriateness of the location.
Cinema/Theatre	P	D	P	D			Entertainment based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.
Civic Use	D	P	D	P			This use class would be deemed 'public works' in a majority of cases and exempt from the requirement from obtaining planning approval on zoned land.
Club Premises	P	D	P	D			Private club based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.

Commercial Vehicle Parking	X		X				
Community Purpose	P	D	P	D			Community based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.
Consulting Rooms	P		P				
Convenience Store	D		D				
Corrective Institution	X		X				
Educational Establishment	D		D				
Family Day Care	P	D	P	D			Family Day Care uses are generally associated with an occupant of a dwelling caring for a maximum of seven (7) children. Given that this use would likely be associated with grouped or multiple dwellings, which are generally in more confined living environments, it is considered that discretion should be applied when determining the appropriateness of the use.
Fast Food Outlet	P	D	P	D			Fast Food Outlets should be subject to development approval, particularly where drive through services are proposed. Given the broad nature of this use class, the dynamics of a fast food outlet can vary significantly from use to use.
Fuel Depot	X		X				
Funeral Parlour	D		D				
Garden Centre	P	D	P	D			Given the broad nature of a Garden Centre use class, uses can vary significantly and should be subject to a discretionary decision.
Grouped Dwelling	D	D	D	D			This should be kept as a discretionary use, however consideration should be given to allowing grouped dwellings to occur only in a mixed use context.

Health/Fitness Centre	P	D	P	D			Given the broad nature of a Health/Fitness Centre use class, uses can vary significantly and in the interest of protecting amenity for residential occupants within and adjacent to District Centre and Commercial zoned land, it should be subject to a discretionary decision.
Home Business	P	D	P	D			Home Business uses are operated by an occupant of a dwelling. Given that this use would likely be associated with grouped or multiple dwellings, which are generally in more confined living environments, it is considered that discretion should be applied when determining the appropriateness of the use.
Home Occupation	P	D	P	D	P	D	<p>Home Occupation uses are operated by an occupant of a dwelling. Given that this use would likely be associated with grouped or multiple dwellings, which are generally in more confined living environments, it is considered that discretion should be applied when determining the appropriateness of the use.</p> <p>This amendment also seeks to correct an error in Table 1 relating to the Home Occupation use in a Residential Zone, by changing it from a 'P' (permitted) use to a 'D' (Discretionary) use. This is consistent with the approach taken by other local governments and will ensure that an appropriate level of development control is applied to home occupation proposals. The City will also investigate the preparation of a local planning policy for home occupations to provide a transparent and consistent decision making framework for these types of proposals.</p>
Home Office	Nil.	P	Nil.	P			By definition, a Home Office does not entail any externalities, and should not be subject to the requirement to obtain development approval.
Home Store	P	D	P	D			Future occupants of grouped/multiple dwellings may wish to incorporate a home store, this should be assessed on case by case basis.

Hospital	D	A	D	A			Given the significance of a Hospital use/development, it should be subject to public advertising prior to a determination being made.
Hotel	D	A	D	A			It is considered that a hotel development should be subject to public advertising prior to a determination being made.
Industry	X		X				
Industry – Cottage	D		D				
Industry – Extractive	X		X				
Industry – General	X		X				
Industry - Light	X		X				
Industry – Mining	X		X				
Industry – Rural	X		X				
Industry – Service	D	X	D	X			Service Industry is a use that is appropriately located in an industrial area.
Lodging House	A		A				
Logistics Centre	X		X				
Lunch Bar	P		P				
Market	A		A				
Medical Centre	P		P				
Motel	A		A				
Motor Vehicle, Boat or Caravan Sales	P	X	P	D			Motor Vehicle, Boat or Caravan Sales is a use that may be appropriate in a Commercial zone, however not within the District Centre environment. These uses are more appropriately located in an industrial area.
Motor Vehicle Repairs	P	X	P	X			Motor Vehicle Repairs is a use that is appropriately located in an industrial area.

Motor Vehicle Wash	D		D				
Motor Vehicle Wrecking	X		X				
Multiple Dwelling	D		D				
Museum	A		A				
Night Club	A		A				
Office	P		P				
Park Home Park	X		X				
Place of Worship	D	A	D	A			Places of Worship could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land. Given the level of public interest involved in the consideration of Place of Worship uses, it is considered that advertising should be undertaken prior to determination.
Public Utility	P		P				
Reception Centre	P	A	P	A			Reception Centre uses can involve large numbers of occupants for short periods and can potentially result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land. Given the level of public interest involved in the consideration of Reception Centre uses, it is considered that advertising should be undertaken prior to determination.
Recreation – Private	D		D				
Research and Technology Premises	X		X				
Resource Recovery Centre	X		X				
Restaurant/Café	P		P				
Restricted Premises	X		X				

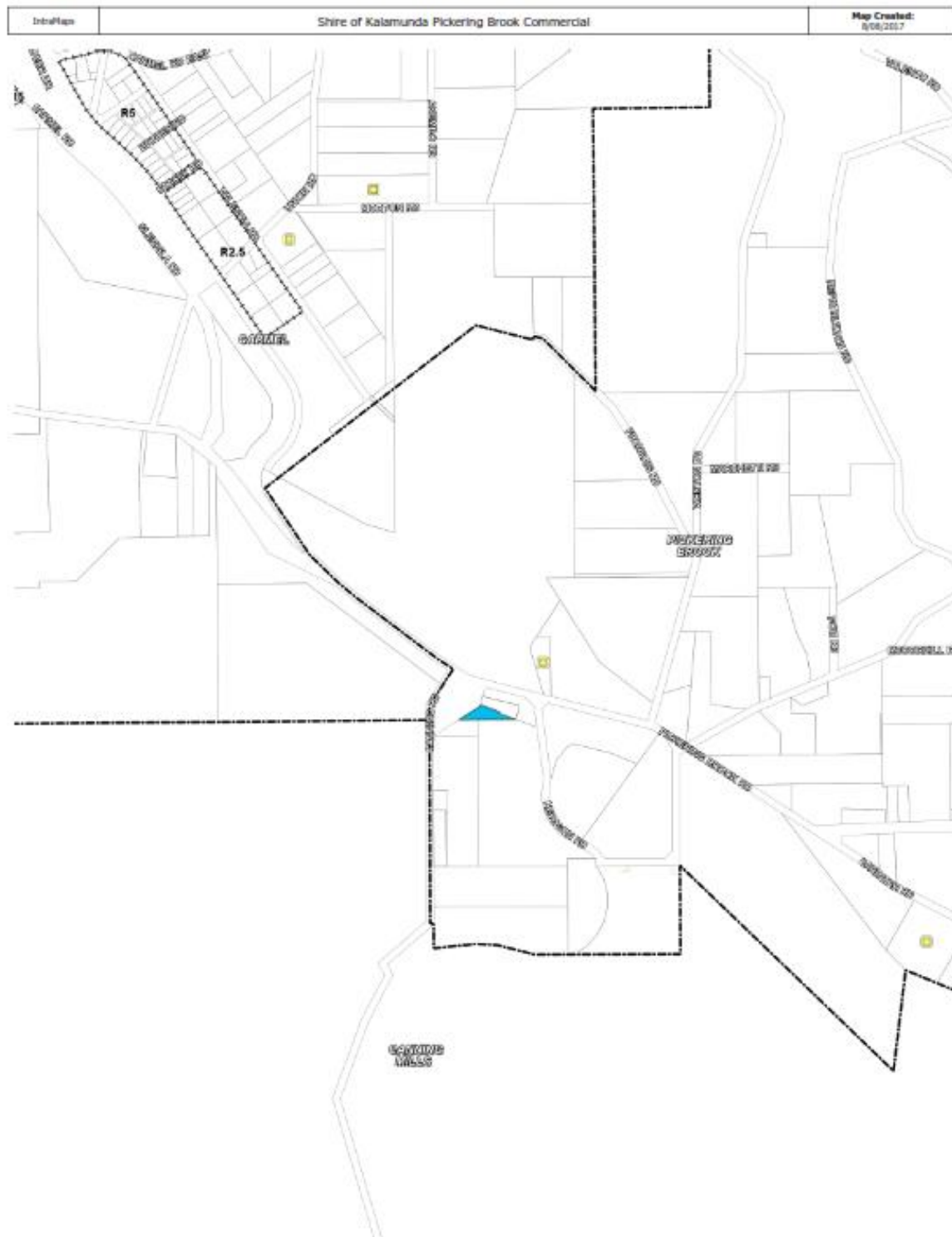
Rural Pursuit/Hobby Farm	X		X				
Salvage Yard	X		X				
Service Station	P	A	P	A			The design and operation of a Service Station is not usually conducive in a District Centre and is more suited to a ribbon patterned commercial area (along busy roads), however depending on the location and design of the proposal, there should be the potential to consider an application within these zones. It is considered appropriate to advertise a proposal prior to a determination being made.
Shop	P		P				
Single Bedroom Dwelling	D	X	D	X			A single bedroom dwelling is not appropriate as it would not result in the highest and best use of land in a District Centre and Commercial environment.
Single House	D	X	D	X			A single house is not appropriate as it would not result in the highest and best use of land in a District Centre and Commercial environment.
Small Bar	Nil.	P	Nil.	P			It is considered that Small Bar should be introduced as a land use in the Scheme and encouraged within the District Centre and Commercial zones.
Tavern	D	A	D	A			Given the nature of a Tavern land use can include amenity impacts and is usually a use that attracts significant public interest, it should be subject to public advertising.
Telecommunications Infrastructure	D		D				
Trade Display	D	X	D	X			Trade Display is a use that is appropriately located in an industrial area.
Transport Depot	X		X				
Veterinary Centre	P	D	P	D			A Veterinary Centre should be a discretionary use in a District Centre and Commercial zone given the likely amenity

							impacts resulting from animals under care which stay overnight.
Warehouse/Storage	D	X	D	X			Warehouse is a use that is appropriately located in an industrial area.
Winery	X		X				

Attachment 3

Proposed Amendment to Local Planning Scheme No.3 – Use Class Permissibility in the District Centre and Commercial Zones.

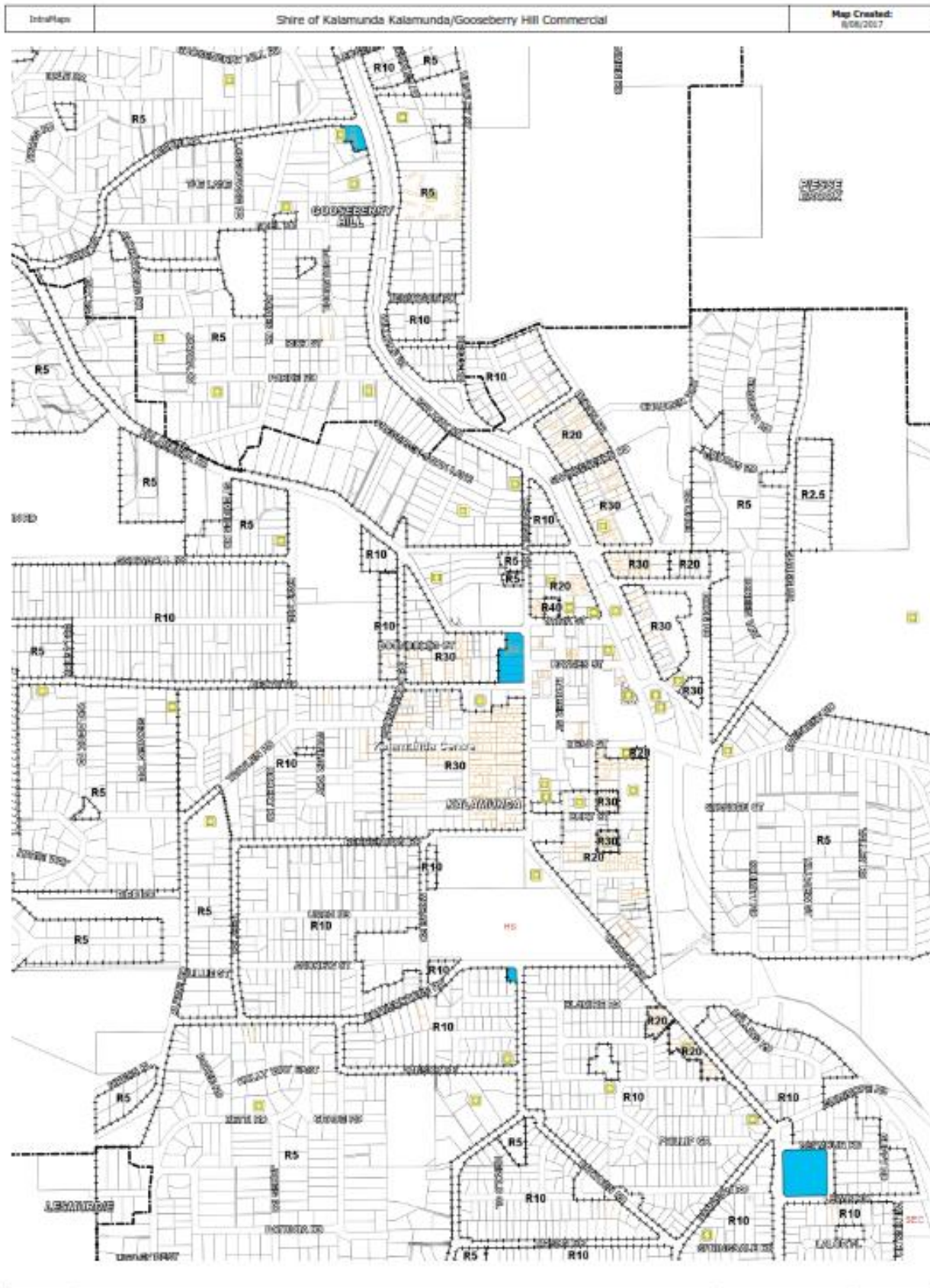
Commercial Zoned land within the City of Kalamunda











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

72. Reduction in 2017/2018 Direct Grant Allocation – Budget Amendment

Previous Items	
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	EG-RDM-018
Applicant	N/A
Owner	N/A
Attachment 1	Letter from MRWA
Attachment 2	2017/2018 Direct Grant Allocations

EXECUTIVE SUMMARY

1. To consider the implications to the 2017/2018 Road Works Capital Works Program of the decision of the State Government to reduce the indicative 2017/2018 Direct Grant Allocation to each Local Government by approximately 42%.
2. The approved 2017/2018 Roads Capital Works Program has allocated the full indicative 2017/2018 Direct Grant Allocation towards the Patterson Road Upgrade and this report addresses options to proceed with this project and the associated funding.
3. It is recommended that Council notes the State Government's decision to reduce the City's 2017/2018 Direct Grant allocation by \$110,208 and approve the reallocation of 2017/2018 Roads to Recovery Funding from Job No. 3304 Canning Road Traffic and Pedestrian Treatments to Job No. 3413 Patterson Road Upgrade, to accommodate this reduction in Direct Grant Funding.

BACKGROUND

4. Direct Grants are administered through the State Roads Funds to Local Government Programs and are provided on an annual basis to all Local Governments for expenditure on the local road network. The amount is reviewed annually, using the Asset Preservation Model provided by the Western Australian Local Government Grants Commission.
5. The approved 2016/2017 Direct Grant Allocation was \$257,143, while the indicative 2017/2018 Direct Grants Allocation provided by Main Roads WA (MRWA) on 10 March 2017 was \$259,869.
6. On 27 June 2017, a motion to disallow the Road Traffic (Vehicles) Amendment Regulations (No 2) 2017, which would have allowed the discontinuation of vehicle licence concessions for Local Government, was passed by the Legislative Council.

7. The State Government, as part of its commitment to budget repair, subsequently decided to reduce the Direct Grants pool of the State Roads Funds to Local Government Program, resulting in approximately 42% reduction to each Local Government's indicative 2017/2018 Direct Grant Allocation. Attachment 1 provides advice from MRWA on this matter.
8. The City was advised on 31 July 2017 by MRWA that its 2017/2018 Direct Grant Allocation is \$149,661, a reduction of \$110,208 on the indicative 2017/2018 allocation. This equates to a reduction of \$107,482 from the approved 2016/2017 Direct Grant allocation (refer Attachment 2).

DETAILS

9. Based on the advice from MRWA in March 2017 of the indicative 2017/2018 Direct Grant Allocation, the Roads Capital Works Program was developed with this full amount included in the budget for the Patterson Road Upgrade project (reshape existing table drain, widen and reconstruct to 6.2m wide pavement).
10. The funding component of this project are:
 - Direct Grant \$260,000
 - Municipal Funds \$105,000
 - **Total** **\$365,000**
11. With the reduction of \$110,208 to the 2017/2018 Direct Grant component of funding for this project, Council can consider a number of options:
 - (a) Delete the Patterson Road Upgrade project from the 2017/2018 Road Capital Works Program and re-budget in 2018/2019. This will require a reallocation of the 2017/2018 Direct Grant component to another road project as these funds must be expended on road works during the approved year of funding. The reallocation of municipal funds of the project budget could be considered as part of the mid-year budget review.
 - (b) Reduce the scope of works for the Patterson Road Upgrade project in accordance with the available funding. Stage 2 of the project would need to be listed for consideration in the draft 2018/2019 Road Capital Works Program.
 - (c) Proceed with the Patterson Road Upgrade project as approved in 2017/2018 Budget and reallocate funds from other sources to accommodate the reduction in the Direct Grant component of the budget funding.

STATUTORY AND LEGAL CONSIDERATIONS

12. The budget amendment request is in accordance with *Local Government Act 1995, Part 6 – Financial Management and Local Government (financial Management) Regulations 1996, Part 2 – General Financial Management*.

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. Nil.

External Referrals

15. Nil.

FINANCIAL CONSIDERATIONS

16. At the Ordinary Council Meeting on 24 July 2017, Council considered a report on "Kalamunda Town Centre/Traffic Study" and resolved in part as follows:
- 3. Defers any intersection improvement projects on Canning Road between Kalamunda Road and Mead Street pending the outcome of the Kalamunda Activity Centre Plan.*
- 4. Notes that the Roads to Recovery Grant Funding of \$180,000 in the City of Kalamunda's 2017/2018 Capital Works Budget towards the implementation of intersection improvement projects along Canning Road will be addressed as part of the next budget review.*
17. The reallocation of the Roads to Recovery Grant Funding of \$180,000 from Job No. 3304 Canning Road Traffic and Pedestrian Treatments to Job No. 3413 Patterson Road Upgrade would enable the project as currently scoped to proceed in 2017/2018, with the funding breakdown as follows:
- Roads to Recovery \$180,000
 - Direct Grant \$149,661
 - Municipal Funds \$38,339
- \$365,000**
18. It is noted that an amount of \$66,661 in municipal funding is released as a consequence of the Roads to Recovery funding, with reallocation of this funding to be considered as part of the mid-year budget review.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 3.2: To connect community to quality amenities.
- Strategy 3.2.2 Provide and advocate for improved transport solutions.

SUSTAINABILITY

Social Implications

20. Nil.

Economic Implications

21. The receipt of State Government funds as part of the Direct Grant Program reduces the requirement from municipal funds to rehabilitate or upgrade the City's road network. The reduction of Direct Grants Allocations requires the City to redirect funds to accommodate the approved Roads Capital Works Program.

Environmental Implications

22. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 23.
- | | | |
|--|--------------------|---------------|
| Risk: The Patterson Road Upgrade project is not completed within the timeframes and budget for Roads to Recovery and Direct Grant Programs. | | |
| Likelihood: | Consequence | Rating |
| Unlikely | Significant | Medium |
| Action/ Strategy | | |
| Contract and project management processes and resources to address progress and quality of works. | | |

OFFICER COMMENT

24. The design and documentation for the Patterson Road Upgrade project is nearing completion, with design review and a pre-construction estimate to be finalised.
25. Staging of the project over two years will incur additional costs, such as remobilisation of contractors to site, two tender procurement processes and higher construction and material costs.
26. The preferred method is to implement this project is for the works to be undertaken by contract for the full scope of works, with the tender advertised in early 2018.
27. This approach will require the reallocation of funds to this project and in accordance with the option outlined in the Financial Considerations section of this report, it is recommended that 2017/2018 Roads to Recovery Funding be reallocated from Job No. 3304 Canning Road Traffic and Pedestrian Treatments to Job No. 3413 Patterson Road Upgrade.

Voting Requirements: Absolute Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 72/2017)

That Council:

1. Notes the decision of the State Government to reduce the Direct Grants pool of the State Roads Funds to Local Government Program, with the impact on the City of Kalamunda being a reduction of \$110,208 funding.
2. Approves the implementation of the Patterson Road Upgrade project as detailed on the 2017/2018 Road Capital Works Program with revised funding as follows:
 - Roads to Recovery \$180,000
 - Direct Grant \$149,661
 - Municipal Funds \$38,339
 - \$365,000**
3. Approves the amendment to the 2017/2018 Budget to reflect the decrease in 2017/2018 Direct Grants funding from \$259,869 to \$149,661, noting that the full amount of Direct Grant was allocated to Job No. 3413 Patterson Road Upgrade.
4. Approves the following budget amendment to accommodate the reduction in Direct Grant Funding and reallocation of Roads to Recovery Funding to the Patterson Road Upgrade project:

From	Funding Source	Amount	To
Job No. 3304 Canning Road Traffic and Pedestrian Treatments	Roads to Recovery	\$180,000	Job No. 3413 Patterson Road Upgrade

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

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

Attachment 1

Reduction in 2017/2018 Direct Grant Allocation – Budget Amendment

Letter from MRWA

From: PETHICK Kevin (MBP) [<mailto:kevin.pethick@mainroads.wa.gov.au>]

Sent: Sunday, August 6, 2017 4:49 PM

To: PETHICK Kevin (MBP)

Subject: Vehicle Licence Concessions and Direct Grants

The attached draft letter has been addressed to each Local Government office and distributed last Friday.



Enquiries: Kevin Pethick (9323 4496)
Our Ref: 11/3799-02

Dear

Vehicle Licence Concessions and Direct Grants

As you may be aware, the decision to discontinue vehicle licence concessions for local government authorities from 1 July 2017 was made by the previous Government.

On 27 June 2017, a motion to disallow the Road Traffic (Vehicles) Amendment Regulations (No. 2) 2017 was passed by the Legislative Council with the support of the now Opposition and other non-Government Members.

The McGowan Labor Government is committed to budget repair, with all sectors of the community contributing to that outcome, and must therefore respond to neutralise this setback by making offsetting reductions in expenditure.

As such, the Government has made the decision to reduce the Direct Grants pool of the State Road Funds to Local Government Program by the values of \$10.3 million in 2017/18 and \$9.8 million in subsequent years. This will result in a near 42% reduction to each Local Government's previous 2017/18 Direct Grant indicative allocation.

A finalised allocation is currently being updated and shall be distributed with the overall 2017/18 program which is expected shortly.

Yours sincerely

Maurice Cammack
Director Budget & Investment Planning

Main Roads Western Australia
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
PO Box 6202, East Perth WA 6892

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
138 138

Attachment 2

Reduction in 2017/2018 Direct Grant Allocation – Budget Amendment

2017/2018 Direct Grant Allocations

2017/18 Direct Grants Draft		Project Number
Armadale	175,417	21102620
Bassendean	30,174	21102621
Bayswater	105,110	21102622
Belmont	72,008	21102623
Cambridge	51,282	21102624
Canning	176,626	21102625
Claremont	14,020	21102619
Cockburn	212,063	21102627
Cottesloe	14,014	21102628
East Fremantle	9,914	21102629
Fremantle	53,814	21102630
Gosnells	215,764	21102631
Joondalup	296,718	21102633
Kalamunda	149,661	21102634
Kwinana	99,749	21102635
Melville	147,546	21102636
Mosman	11,200	21102637
Mundaring	140,786	21102638
Nedlands	39,402	21102639
Peppermint Grove	2,746	21102640
Perth	64,575	21102641
Rockingham	257,049	21102642
Serpentine-Jarrahdale	127,594	21102643
South Perth	55,203	21102644
Stirling	291,901	21102645
Subiaco	25,250	21102646
Swan	340,145	21102647
Victoria Park	47,552	21102648
Vincent	48,757	21102649
Wanneroo	373,469	21102650
Total	3,649,509	

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

73. CONFIDENTIAL ITEM – Consideration of Tenders for the Provision of Greenwaste Processing Services (RFT 1705)

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

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset & Waste Operations
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A

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

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

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 73/2017)

That Council:

1. Approves the appointment of Western Tree Recyclers for the Provision of Greenwaste Processing Services (RFT1705) for a period of two years with an option, at the sole discretion of the City, to extend the Contract by a further two (2) x 12 month period, in accordance with the Price Schedule in Confidential Attachment 2.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

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

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Parking Study – (Cr Michael Fernie)

Q. I would like to request a desk top analysis be conducted on the 2011 Kalamunda Town Centre Parking Study?

A. The Director Development Services advised this assessment will be undertaken and presented to Council.

11.2 Welshpool & Lewis Road Intersection (Cr Geoff Stallard)

Q. Has the intersection of Welshpool Road and Lewis Road been considered for Black Spot Funding?

A. The intersection has been upgrade in the last two years as part of the Black Spot program. There is a requirement to assess the outcomes over a number of years. A review will be undertaken of the speeds on Welshpool Road with a view to put a recommendation to Main Roads to reduce the speed limit on Welshpool Road East. The intersection is subject to ongoing monitoring.

11.3 Question asked by Darrell Downing (Cr Dylan O'Connor)

Q. When will the answer be provided to Mr Downing in relation to the question taken on notice?

A. There is a five day response time.

Q. Will this be a written response?

A. Yes.

11.4 Tender Audit (Cr Dylan O'Connor)

Q. Can the Nadine Crescent/Ashby Close Tender be added to the tender sample to be reported to Council?

A. Taken on notice.

11.5 Rescission of Decision (Cr Dylan O'Connor)

Q. Is it possible to rescind the decision this council made to endorse or support the Dual Density Rezoning and have council reconsider.

- A. The Department of Planning have advised because the City has actioned this Amendment with the Department it is not possible for the June 2016 motion to be rescinded.

11.6 Canning Road Upgrade Progress (Cr Michael Fernie)

- Q. Canning Road is recognised as a heavy vehicle route and council has twice resolved to upgrade. Can an update be provided?
- A. The City has approach Main Roads to consider reclassification of the road. Because sections of Canning Road are not located within a Road reserve the City would need to rationalise the road reserve. To facilitate this a concept design has been undertaken and being used to determine the road reserve. This design is being used to determine the road reserve and the location. This has been provided to the Department of Land for advice. Following this a composited plan will be prepared before presenting to council reports to close the existing road and transfer to national park and second stage is to create a road reserve from the national park. This is a lengthy process which would take an estimated minimum of three years to achieve.

12.0 **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Questions taken on notice from the Development & Asset Services Committee Meeting held on 7 August 2017

12.1 D&A 58. - Proposed Amendment No. 96 to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones – Public Advertising – (Cr Tracy Destree)

- Q. Could a map showing all the commercial areas that are affected by this proposed change could be included in the Ordinary Council Meeting Agenda?
- A. This was agreed by the Director Development Services and the maps were provided to all Councillors via email on Tuesday 15 August 2017.

12.2 Agenda – (Cr Tracy Destree)

- Q. Is it possible for the email sent to Councillors which lists the attachments for the Agenda to have the title of the attachment listed on the hyperlink instead of including the location where the document sits on the website, as it makes it very difficult to find.
- A. Attachments listed in all emails to Councillors that include links to Council reports will now include both cross reference to the item the attachment refers to and the name of the attachment. Links on the City's webpage will include reference to the Item number and attachment number.

12.3 Parking Study – (Cr Michael Fernie)

Q. Can a chart please be provided of the number of parking bays that now exist and the number of parking bays that were identified in the 2011 parking study?

A. The Director Development Services provided this information to Councillors on Tuesday 15 August 2017.

13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

13.1 Nil.

14.0 TABLED DOCUMENTS

14.1 Nil

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Motion

That the meeting be closed to public for consideration Item D&A 73 Consideration of Tenders for the Provision of Greenwaste Processing Services (RFT 1705).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Noreen Townsend**

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

The meeting closed to the public at 7.51pm. Members of the gallery left the Council Chambers.

15.2 **73. CONFIDENTIAL ITEM – Consideration of Tenders for the Provision of Greenwaste Processing Services (RFT 1705)**

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

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset & Waste Operations
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A

Confidential Attachment	Tender Evaluation Report
1 <u>Reason for Confidentiality</u> Local	

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

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

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 73/2017)

That Council:

1. Approves the appointment of Western Tree Recyclers for the Provision of Greenwaste Processing Services (RFT1705) for a period of two years with an option, at the sole discretion of the City, to extend the Contract by a further two (2) x 12 month period, in accordance with the Price Schedule in Confidential Attachment 2.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

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

15.3 Motion

That the meeting be reopened to the public following consideration of Item D&A 73 Consideration of Tenders for the Provision of Greenwaste Processing Services (RFT 1705).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Tracy Destree**

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

The meeting reopened to the public at 7.55pm.

16.0 CLOSURE

16.1 There being no further business the Presiding Member declared the meeting closed at 7.56pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2017