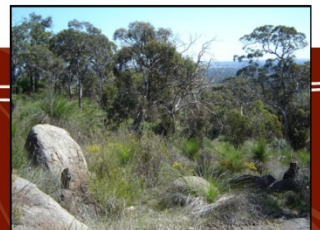


Special Council Meeting

Agenda for Monday 6 February 2017



**shire of
kalamunda**

NOTICE OF MEETING SPECIAL COUNCIL MEETING

Dear Councillors

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 6 February 2017 at 7.30pm.**


Rhonda Hardy
Chief Executive Officer
1 February 2017

Our Vision and Our Values

Our Vision

The Shire will have a diversity of lifestyle and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

Our Core Values

Service – We deliver excellent service by actively engaging and listening to each other.

Respect – We trust and respect each other by valuing our difference, communicating openly and showing integrity in all we do.

Diversity – We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Ethics – We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behavior.

Our Aspirational Values

Prosperity – We will ensure our Shire has a robust economy through a mixture of industrial and commercial development.

Harmony – We will retain our natural assets in balance with our built environment.

Courage – We take risks that are calculated to lead us to a bold new future.

Creativity – We create and innovate to improve all we do.

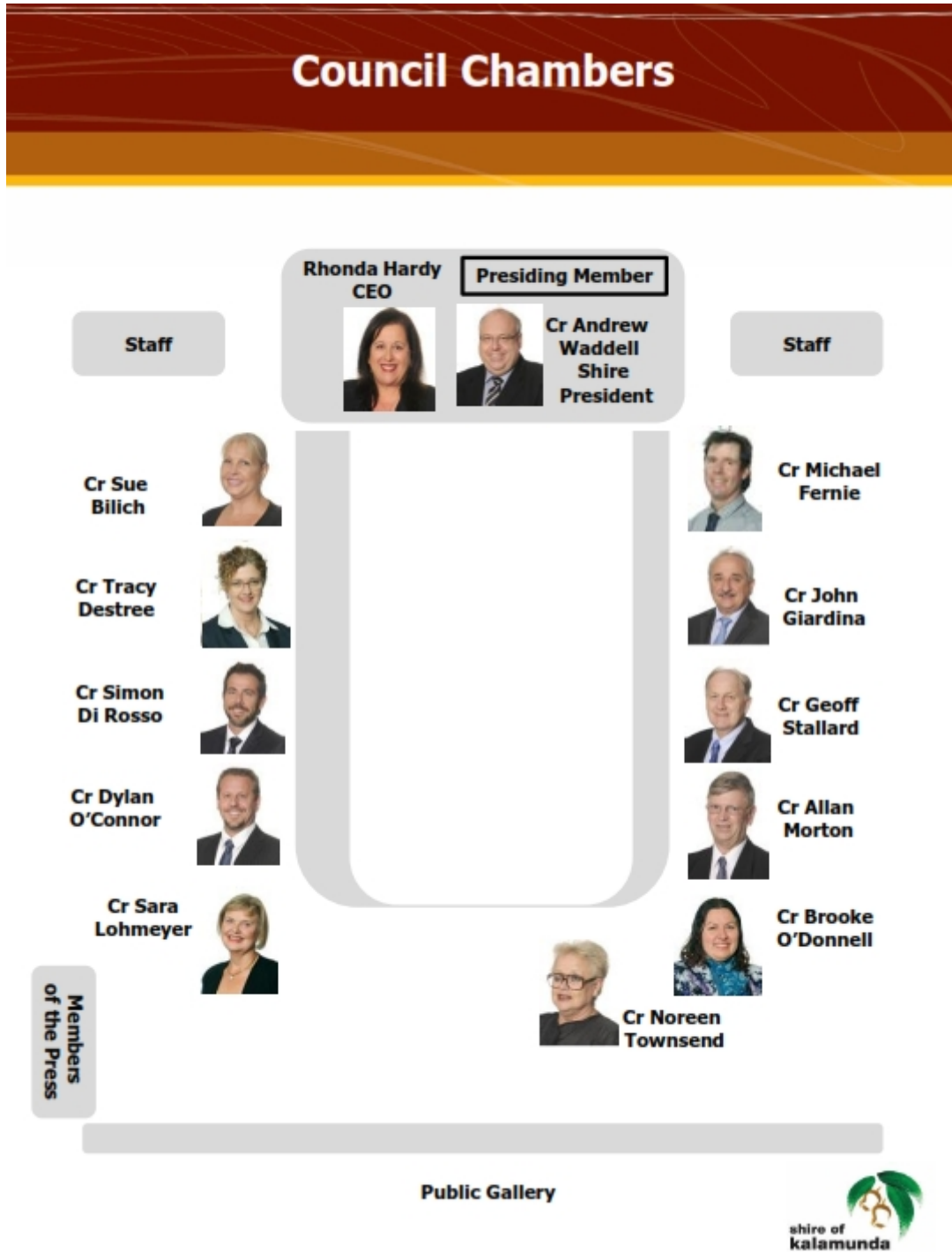


INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Special Council Meetings – Procedures

1. All Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
3. Members of the public are able to ask questions at a Special Council Meeting during Public Question Time on matters relating to the functions of this meeting.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the Shire or Council.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by Shire Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

6.1 Nil.

7.0 DISCLOSURE OF INTERESTS

7.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 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. (Sections 5.70 of the *Local Government Act 1995*.)

7.2 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.

8.0 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.

SCM 03. Adoption of Local Planning Scheme No. 3 Amendment 89 – Maddington Kenwick Strategic Employment Area

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-LPS-003/089
Applicant	Taylor Burrell Barnett
Owner	Various
Attachment 1	MKSEA Master Plan
Attachment 2	City of Gosnells Structure Plan
Attachment 3	Proposed Scheme Amendment
Attachment 4	Justification Report
Attachment 5	Environmental Assessment Report
Attachment 6	Transport Assessment
Attachment 7	District Water Management Strategy
Attachment 8	Bushfire Management Plan

EXECUTIVE SUMMARY

1. The purpose of this report is to adopt, for advertising, Local Planning Scheme No. 3 Amendment 89.
2. Amendment 89 proposes to rezone a portion of Wattle Grove from Special Rural to General Industry and Light Industry. The area is identified for future industrial in the Shire of Kalamunda's (the Shire) Local Planning Strategy and various State Government strategic planning documents.

BACKGROUND

3. **Land Details:**

Land Area:	Approximately 20.4 Ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Industrial

4. **Locality Plan**



5. The Maddington Kenwick Strategic Employment Area (MKSEA) (Attachment 1) is identified in the Economic and Employment Lands Strategy (2012) and the Shire's Local Planning Strategy as a future industrial precinct. The MKSEA precinct sits mostly within the City of Gosnells, and partly in the Shire's boundary at the southern end of Wattle Grove, south of Welshpool Road East.
6. In October 2016, the Minister for Planning approved three Metropolitan Region Scheme (MRS) amendments to rezone the entire MKSEA to 'Industrial'.
 - 1300/57: Kalamunda Precinct
 - 1301/57 and 1302/57: Gosnells Precinct
7. To progress further planning, Local Planning Scheme Amendments are required to both the City of Gosnells and the Shire's Local Planning Schemes.
8. The applicant has already progressed scheme amendments in the City of Gosnells to rezone the land to General Industry and Business Development. The Shire made a submission generally supporting the amendments. The Shire made a submission generally supporting the amendments.
9. The applicant has also prepared a Structure Plan for the City of Gosnells portion (Attachment 2), which will influence the development in the Shire of Kalamunda. The Structure Plan shows the realignment of Grove Road into Welshpool Road East and identifies other road widening and closures. No Structure Plan is proposed for the Kalamunda portion due to the relatively small size of the amendment area. The planning issues that would usually be addressed in a Structure Plan have been considered as part of the Scheme amendment and detailed as Scheme provisions and requirements.

DETAILS

10. Proposed Amendment 89 is the first of two Scheme amendments for the Kalamunda portion of MKSEA. The second portion is located between Coldwell and Brook Road, which requires additional environmental investigations due to the interface with Yule Brook.
11. The proposed Scheme Amendment (Attachment 3) rezones the subject land from Special Rural to General Industry and Light Industry. The amendment area is south of Welshpool Road East, west of Coldwell Road.



12. The General Industry zone is intended for properties to accommodate industrial type uses as an extension to the freight and logistics precinct within the City of Gosnells.
13. The Light Industry zone is intended for properties to accommodate service and light industrial uses as an interface to Welshpool Road East and a buffer to the residential land uses within Wattle Grove.
14. The amendment includes a new Special Control Area to apply specific Scheme provisions to the amendment area.
15. The proposed provisions include a requirement for further bushfire, drainage and environmental assessments for future development in the entire amendment area. Design guidelines for lots fronting Welshpool Road East have also been required to be developed to ensure a sensitive and appropriate interface with existing residential development.
16. The amendment also proposes to modify the permitted land uses in the Special Control Area as follows:

Land Use	General Industry		Light Industry	
	Current Permissibility	Proposed Permissibility	Current Permissibility	Proposed Permissibility
Restaurant	X	D	D	D
Industry-General	P	D	X	X
Logistics Centre	D	P	D	D
Motor Vehicle Wrecking	P	X	P	X
Salvage Yard	P	X	P	X
Resource Recovery Centre	D	X	X	X

P = Permitted D = Discretionary X = Not Permitted

17. To improve access in the MKSEA precinct, and to alleviate access constraints caused by Public Transport Authority land acquisitions associated with the new maintenance centre adjacent to the amendment area, the applicant proposes to realign Grove Road to intersect with Welshpool Road East, opposite Hale Road (plan at Attachment 2). There are also proposed upgrades to the Coldwell Road/Welshpool Road East intersection and the Brook Road/Welshpool Road East intersection along with minor road widening and upgrades throughout the amendment area.
18. A Development Contribution Arrangement (DCA) will be prepared for the MKSEA precinct to fund the road upgrades and other infrastructure. The DCA will be required to collect funds from both the Local Government areas even though the majority of infrastructure is along Welshpool Road East, within the Shire. Both precincts are gaining a benefit from road and infrastructure upgrades and, therefore, both precincts will be required to contribute towards it.

19. The amendment also modifies a portion of Special Control Area 4 from within the precinct to be in line with Coldwell Road. Special Control Area 4 is a poultry farm buffer. Given that the amendment area is proposed to be rezoned for industrial purposes, it is proposed that the 300m buffer be amended to exclude the amendment area.

STATUTORY AND LEGAL CONSIDERATIONS

20. Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires a resolution of a local government to adopt or refuse to adopt a Local Planning Scheme amendment as well as a justification for the type of amendment (basic, standard or complex).
21. Following adoption, the amendment must be referred to the Environmental Protection Authority for their comment before being advertised for 42 days.

POLICY CONSIDERATIONS

22. The MKSEA precinct is identified in the *Economic and Employment Land Strategy* and the Shire's Local Planning Strategy. The proposed amendment satisfies the vision and objectives of those strategic documents. Further discussion of these is included in the applicant's justification report (Attachment 4).

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. Health Services made comments on the amendment that there needs to be an ability to assess each new use and its impact on the residential area to the north. Health Services suggested that an Environmental Impact Management Plan be prepared for each change of use and to impose it through a Scheme provision.
24. The applicant responded to this by stating land uses had already been restricted through the Special Control Area. Additionally, the applicant stated that the recommended separation distances are for a size and scale of land uses that are unlikely to be proposed in the subject area. The existing mechanisms within EPA policy and the Scheme ensure that separation distances will be considered and imposed. The Shire also already has the ability to require an Environmental Impact Management Plan at the Development Assessment stage.
25. The applicant's response was determined to be acceptable to the Health Services team to not warrant further provisions being inserted.
26. The Health Services team also recommended that Council consider a Geotechnical Report for the potentially unidentified contaminants or acid sulphate soils potential of the future development process. The applicant provided an Environmental Assessment Report together with a Geotechnical Report that confirm there is low to moderate risk of Acid Sulphate Soils. There are also no registered contaminated sites within the rezoning area and historic aerial photography indicates that the site has been predominantly used for rural activity.

27. This response was also determined to be acceptable to the Health Services team.

External Referrals

28. If Council decide to adopt the proposed amendment for advertising, it will be submitted to the Environmental Protection Authority for their comment and then advertised for public comment for 42 days as per the requirements of regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

FINANCIAL CONSIDERATIONS

29. Administrative expenses are covered by current operating expenditure.
30. A fee of \$6,675.71 for the assessment of the Scheme amendment has been paid to the Shire in accordance with *the Planning and Development Regulations 2009*.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

32. The rezoning of the Wattle Grove area will replace existing rural lifestyle properties. The State Government has indicated that these sorts of properties are not sustainable and should be rezoned to a more efficient and productive zone such as Industrial. The Shire still has a large amount of rural lifestyle properties through the foothills and the orchard areas. Amenity impacts to the existing residential community are proposed to be mitigated through modified land use permissibility and area specific design guidelines that will address the manner in which development interfaces with Welshpool Road East.

Economic Implications

33. Industrial land in MKSEA provides employment opportunities for local residents, creates diversity and competition in local businesses, and takes advantage of the excellent connection to Roe, Tonkin and Leach Highways.

Environmental Implications

34. The Environmental Assessment Report (Attachment 5) shows minimal impacts to the environment in the amendment area. However, the second portion, to be progressed as a separate amendment, may have issues around the management of Yule Brook. Additionally, the introduction of an Industrial zone may result in an increase of noise, dust and light pollution. Impacts to the existing residential community are proposed to be mitigated through modified land use permissibility and area specific design guidelines that will address the manner in which development interfaces with Welshpool Road East. Council will also be provided the opportunity to consider the future development proposed in the area at the time development applications are submitted and impose conditions to protect amenity and mitigate other possible impacts.

RISK MANAGEMENT CONSIDERATIONS

35.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Residents are affected by a loss of amenity.	Possible	Moderate	Medium	Land use permissibility, separation distances and design guidelines will all help to mitigate any effect on the existing amenity of sensitive land uses.

OFFICER COMMENT

36. Proposed Amendment 89 is the first of two Scheme amendments for the Kalamunda portion of MKSEA. The second portion is between Coldwell and Brook Road, which requires additional considerations due to the interface between industrial land uses and Yule Brook. Shire staff discussed this issue with the applicant and determined that separating the amendments is the best way to proceed.
37. The General Industry zone is appropriate in its proposed location to link with the industrial precinct in the City of Gosnells. The primary concern with the General Industry zone is the range of land uses that Council could approve within it. However, the Environmental Protection Authority's *Guidance for the Assessment of Environment Factors: Separation Distances between Industrial and Sensitive Land Uses* protects sensitive land uses from hazardous or noxious land uses at the time of planning approval. Council will have the ability to assess and determine individual applications.
38. The Light Industry zone generally consists of warehousing, storage, transport and logistics-based businesses. With the close proximity of Roe and Tonkin Highway, these activities are favourable and viable in the MKSEA precinct. The Light Industry zone applies to lots abutting Welshpool Road East. The intention is for lower impact industries to use these properties and form an internalised buffer to the residential area on the north side of Welshpool Road East.

39. A Special Control Area is the most appropriate method for applying specific planning provisions to a particular area. In this case, the specific provisions include the requirement for further studies and design guidelines, and land use permissibility changes. The studies and design guidelines could be done prior to rezoning; however, the technical studies will likely result in lot-specific mitigation and management measures, rather than changes to zoning. Given the timeframes associated with a scheme amendment, it is more reasonable to require the additional detail prior to development approval.
40. The intention for development in MKSEA is reflected by the proposed land use permissibility. In the table above, Restaurant is shown as a Discretionary use as there is an intention to provide a service centre in this area for the industrial precinct as part of the buffer. The centre may include uses such as restaurant, service station, drive-through food, and other ancillary uses, which are already accommodated within the Local Planning Scheme. Often, industrial areas have little to no local amenities, so it will be a positive point of difference if MKSEA provides them within the Kalamunda portion.
41. The proposed land use permissibility also reinforces MKSEA's priorities for being a transport- and logistics-based industrial area. Noisy and dust-producing land uses have been restricted. The amendment proposes General Industry to be a Discretionary use rather than Permitted. The modifications to restrict land use permissibility are part of the mitigation measures to protect the amenity of the existing residential area. The Shire will also use its discretion in approving development applications to deliver an outcome in line with the vision for the area.
42. The proposed realignment of Grove Road does not provide the potential for full movement at the intersection of Hale Road (it provides a left-in, left-out, right-in). This means no industrial traffic can travel north into Wattle Grove Cell 9 and no industrial traffic should travel along Welshpool Road East to get in or out of MKSEA. The traffic assessment confirms the intended design of the intersection (Attachment 6). The Shire and the City of Gosnells have previously supported this design through a letter of support to Main Roads WA.
43. The DCA is required to deliver the identified infrastructure. The DCA will be complex in that it must operate over two local government areas. Collecting and spending funds fairly will be a main priority. Initial discussions with the City of Gosnells and Department of Planning indicate that the arrangement is possible but may require legal agreements and memorandums of understandings between the two Local Governments. Due to the complexity of the arrangement, the Shire agreed to progress the DCA as a separate amendment.
44. Appropriate information has been provided to allow the proposed amendment be progressed to advertising. Advertising the amendment will provide the community an opportunity to outline their concerns and for these concerns to be addressed through the planning process.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Considers Amendment 89 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment is consistent with the Shire's Local Planning Strategy.
2. Pursuant to Section 75 of the *Planning and Development Act 2005* adopts Amendment 89 to Local Planning Scheme No. 3 as at Attachment 3.
3. Forwards the proposed Amendment 89 to Local Planning Scheme No. 3 and supporting documents to:
 - a) The Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*;
4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005*, advertises Amendment 89 to Local Planning Scheme No. 3 for public comment for 42 days.

Moved:

Seconded:

Vote:

Attachment 1

**Adoption of Local Planning Scheme No. 3 Amendment 89 – Maddington Kenwick Strategic Employment Area
 MKSEA Master Plan**



Attachment 2

Adoption of Local Planning Scheme No. 3 Amendment 89 – Maddington Kenwick Strategic Employment Area

City of Gosnells Structure Plan

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

Attachment 3

Adoption of Local Planning Scheme No. 3 Amendment 89 – MKSEA
Proposed Scheme Amendment

LOCAL PLANNING SCHEME NO. 3

Amendment No. 89



Planning and Development Act 2005 (as amended)

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3

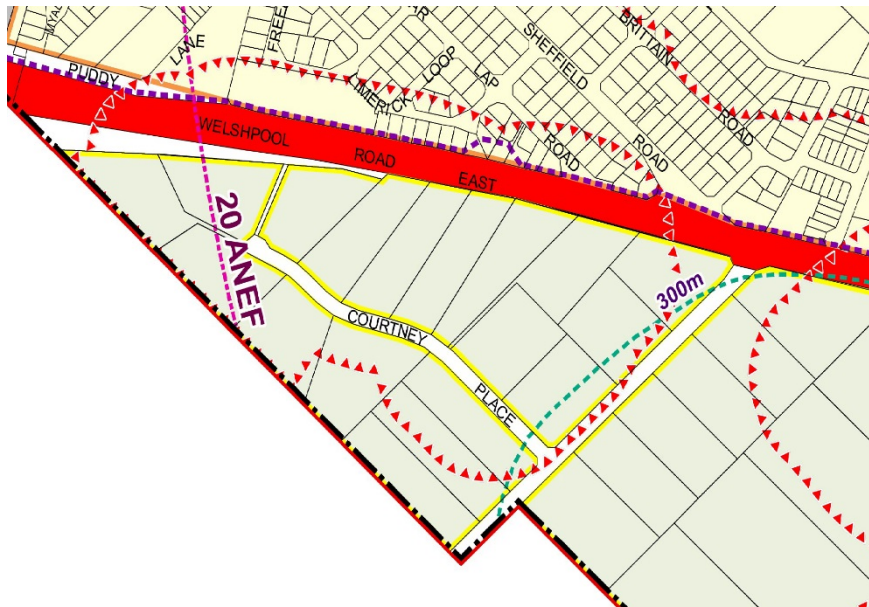
AMENDMENT NO. 89

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 sub-clause 6.1.1 (j):
 - “(j) Kalamunda Wedge Precinct 3A, for which subdivision and development shall be in accordance with clause 6.8 shown on the Scheme map as SCA 6.”
2. Inserting the following new Special Control Area as clause 6.8:
 - “6.8 Kalamunda Wedge Precinct 3A
 - 6.8.1 Subdivision and/or development proposals within the Special Control Area shall be supported by:
 - i. A BAL assessment or Contour Map, prepared in accordance with the Guidelines for Planning in Bushfire Prone Areas (as amended), demonstrating how any bushfire hazards identified can be appropriately managed within the context of the proposal to the satisfaction of the Shire of Kalamunda;
 - ii. A Local Water Management Strategy, prepared in accordance with Better Urban Water Management on the advice of the Shire of Kalamunda, to the satisfaction of the Department of Water;
 - iii. Investigations to determine if any significant vegetation, flora or fauna habitat occurs within the proposal area. Where relevant to a subdivision area or development application, detailed management plans shall be prepared and implemented to the satisfaction of the Shire of Kalamunda;
 - iv. Design guidelines adopted by the local government under clause 2.4 for development of land on Lots directly fronting Welshpool Road East.
 - 6.8.2 Notwithstanding Table 1, the permissibility of the following use classes within the ‘General Industry’ zone within the Special Control Area is to be in accordance with the designation listed below for the purpose of clause 4.3:
 - Restaurant – ‘D’ Use
 - Industry – General – ‘D’ Use
 - Logistics Centre – ‘P’ Use

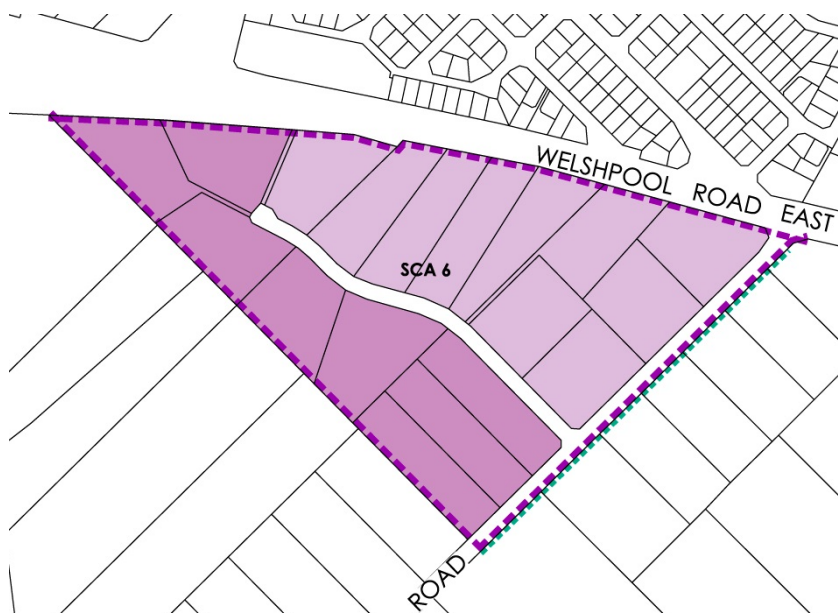
Attachment 1

Existing Local Planning Scheme No. 3 Zoning



LEGEND	
REGION SCHEME RESERVES	
	PRIMARY REGIONAL ROADS
	RAILWAY
LOCAL SCHEME RESERVES	
	PUBLIC PURPOSE DENOTED AS FOLLOWS:
PS	PRIMARY SCHOOL
LOCAL SCHEME ZONES	
	INDUSTRIAL DEVELOPMENT
	PRIVATE CLUBS AND INSTITUTIONS
	SPECIAL RURAL
	URBAN DEVELOPMENT
OTHER CATEGORIES	
	20 ANEF
	BUSHFIRE PRONE AREAS
	DEVELOPMENT AREA
	SCA4 SPECIAL CONTROL AREA

Proposed Local Planning Scheme No. 3 Zoning



LEGEND	
LOCAL SCHEME ZONES	
	GENERAL INDUSTRY
	LIGHT INDUSTRY
OTHER CATEGORIES	
	SCA6 SPECIAL CONTROL AREA
	SCA4 SPECIAL CONTROL AREA

Attachment 4

Adoption of Local Planning Scheme No. 3 Amendment 89 – MKSEA

Justification Report

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

Attachment 5

Adoption of Local Planning Scheme No. 3 Amendment 89 – MKSEA

Environmental Assessment Report

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

Attachment 6

Adoption of Local Planning Scheme No. 3 Amendment 89 – MKSEA

Transport Assessment

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

Attachment 7

Adoption of Local Planning Scheme No. 3 Amendment 89 – MKSEA

District Water Management Strategy

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

Attachment 8

Adoption of Local Planning Scheme No. 3 Amendment 89 – MKSEA

Bushfire Management Plan

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

9.0 MEETING CLOSED TO THE PUBLIC

10.0 CLOSURE