

# Development & Infrastructure Services Committee Meeting

Agenda for Monday 10 February 2014



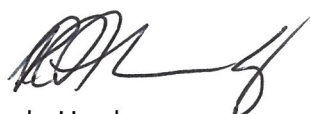
**shire of  
kalamunda**

## NOTICE OF MEETING DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE

Dear Councillors

Notice is hereby given that the next meeting of the Development & Infrastructure Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 10 February 2014 at 6.30pm.**

Dinner will be served prior to the meeting, at 5.30pm.



Rhonda Hardy  
**Chief Executive Officer**  
5 February 2014

## 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.

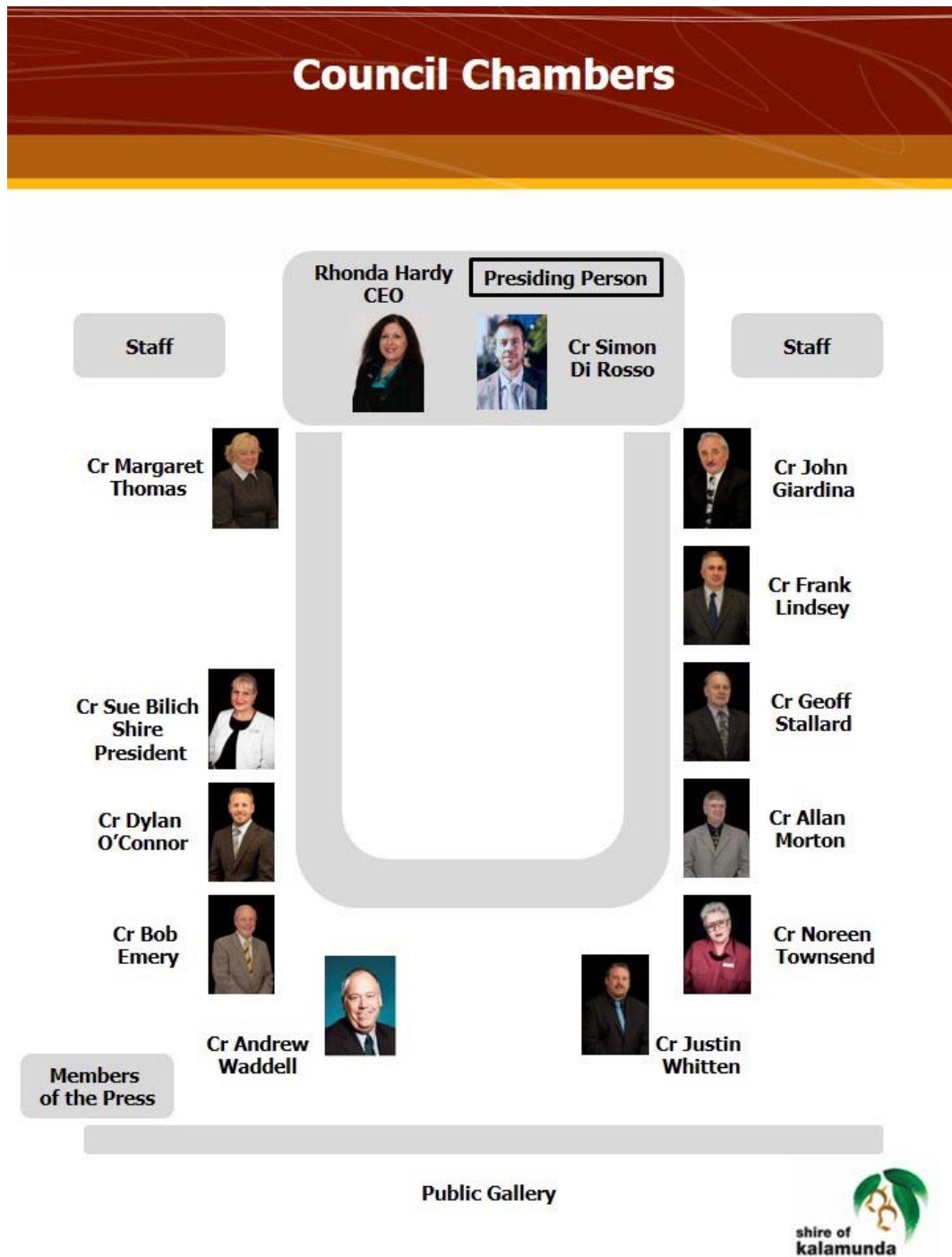


## INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE OR COUNCIL MEETINGS

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



## **Standing Committee Meetings – Procedures**

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Shire of Kalamunda Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Standing Committee makes recommendations only to the next scheduled Ordinary Council Meeting.
4. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
5. Members of the public are able to ask questions at a Standing Committee Meeting during Public Question Time. The questions should be related to the purposes of the Standing Committee.
6. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Standing Committee Meeting.
7. Comment from members of the public on any item of the Agenda is usually limited to three minutes and should address the Recommendations at the conclusion of the report.
8. 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.
9. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person chairing the Committee Meeting.

## **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 Council 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 Committee. For the purposes of Minuting, these questions and answers will be summarised.

### 4.0 PETITIONS/DEPUTATIONS

### 5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

<b>Voting Requirements: Simple Majority</b>
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- 5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 2 December 2013 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

#### **Statement by Presiding Member**

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 2 December 2013".

### 6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

### 7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

#### 7.1 **07. CONFIDENTIAL REPORT – Consideration of Tenders – General Facility Maintenance Services (RFT1310)**

*Reason for Confidentiality Local Government Act 1995 S5.23 (d) (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."*

#### 7.2 **08. CONFIDENTIAL REPORT – Consideration of Tenders – Disposal of Road Sweeping, Gully Educting Soils and Mixed Waste (RFT1309)**

*Reason for Confidentiality Local Government Act 1995 S5.23 (d) (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. (Sections 5.60B and 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 and 5.71 of the *Local Government Act 1995*.)

### **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.

## **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.

**01. Amendment No. 60 to Local Planning Scheme No. 3 – Additional Use (Art Gallery) – Lot 800 (10) Stirk Street, Kalamunda**

Previous Items	OCM 109/2013
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/060
Applicant	R Antonuik
Owner	R Antonuik
Attachment 1	Preliminary Internal Ground Floor Plan
Attachment 2	Submission table

**PURPOSE**

- To consider submissions received and the adoption of Amendment No. 60 to Local Planning Scheme No. 3 (the Scheme) to include an Additional Use of Art Gallery on Lot 800 (10) Stirk Street, Kalamunda. Refer to (Attachment 1).

**BACKGROUND**

**2. Land Details:**

Land Area:	2,204sqm
Local Planning Scheme Zone:	Residential R40
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

**3.**





4. In April 2010 planning approval was issued to build eight multiple dwellings to a maximum height of three storeys, with undercroft car parking, on the property.
5. In August 2013 Council resolved (en bloc Resolution OCM 109/2013) to initiate Amendment No.60.
6. Properties to the north and west contain single dwellings and are also zoned Residential under the Scheme. Opposite the property, on the southern side of Stirk Street are commercial properties which form part of the Kalamunda Town Centre.
7. Approval has previously been granted for the Additional Use of Art Gallery nearby on Lot 1 (55) Railway Road, Kalamunda.

## DETAILS

8. It is proposed that the use Art Gallery be included under Schedule 2 (Additional Uses) of the Scheme.
9. If the amendment is approved by the Minister for Planning, the applicant will be required to obtain planning consent for the art gallery on the subject land from the Shire prior to the use commencing.
10. The art gallery is proposed on the ground floor of the approved multiple dwelling development, with direct access to Stirk Street.
11. By way of justification in support of the proposed amendment, the applicant has advised the following:

*“Following the required excavations for the apartments on the corner of Stirk and School Street, we have arrived with a larger office area, an area that could be better used as an amenity for Kalamunda.*

*It has an 88sqm floor area ideal for exhibiting, provides 60sqm of display wall area, plus up to 32sqm of flexible wall area which can be suspended from the steelwork, and 25sqm of storage/office/washroom area. The layout provides stable conditions, humidity, temperature, and situated away from direct sunlight.*

*It is fully independent of the rest of the building, with its own metered power, water, sewage, and telephone.*

*In addition to the two required visitor parking spaces for the apartments, there will be an additional six available parking bays for gallery visitors, plus immediate parking at the entrance if required.*

*Art galleries do not attract large crowds, so traffic and noise will not cause concern.*

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*This will be an up-market, purpose built art gallery (not a converted existing building as most are), and will be professionally set-up and managed by an internationally acclaimed and respected artist with a gallery near Munich and spends eight months of each year in Australia."*

## **STATUTORY AND LEGAL IMPLICATIONS**

### **Local Planning Scheme No. 3**

12. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
13. If the amendment is approved by the Minister, the land use "Art Gallery" could be considered subject to planning approval being obtained from the Shire.
14. The use "Art Gallery" is defined under Schedule 1 (Land Use Definitions) of the Scheme as being:  
  
*"A place open to the public where the predominant use is the sale and display of artwork."*
15. Under Table 1 (Zoning Table) of the Scheme the use "Art Gallery" is listed as an 'X' use in the Residential zone, meaning the use is not permitted.

## **POLICY IMPLICATIONS**

16. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

17. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District, a sign being erected at the front of the property, and the proposal being referred to affected landowners for comment.
18. During the advertising period one objection and one non-objection were received. A further two submissions were received providing general comments to the proposal. Refer to the submission table (Attachment 2).
19. In response to the concerns raised in the single objection, the matter of the verge parking will be addressed if the problem arises. In the event that Council supports the amendment then the more general concerns raised about parking will be addressed at the more appropriate development application stage.

## **FINANCIAL CONSIDERATION**

20. Nil.

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## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 2.1 - To stimulate active participation of the broader community in artistic practice through collaborative cultural development.

Strategy 2.1.3 Support existing cultural activities and provide opportunities to establish new initiatives for community cultural activities in partnership with community groups, arts groups and networks.

## SUSTAINABILITY

### Social Implications

22. If the amendment and proposed use is approved, it may provide employment opportunities for the local population.
23. This proposal is consistent with the objectives stated in the Shire of Kalamunda Cultural Plan 2006 which aims *"to facilitate and support sustainable local business activity and tourism initiatives that generate local employment opportunities within the Shire of Kalamunda and that add to the lifestyle choices and prosperity of its residents."*

### Economic Implications

24. Nil.

### Environmental Implications

25. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 26.
- | Risk   | Likelihood | Consequence | Rating | Action/Strategy  |
|--|------------|-------------|--------|--|
| Potential amenity impacts to the adjoining residential area. | Possible   | Minor       | Medium | The issue of amenity will be considered at the development application stage where appropriate measures can be put in place if amenity is considered to be an issue. |

27.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not finally adopt the amendment.	Possible	Insignificant	Low	Ensure Council is aware that the proposal is considered acceptable.

**OFFICER COMMENT**

28. Matters regarding car parking, vehicular volumes and the hours of operation, amongst others, will be taken into consideration at the development application stage if the amendment is approved. The provision of adequate on-site parking will in particular be considered at the development stage to ensure a workable design.

29. Art Galleries can be found in a range of locations including residential where typically they have minimal amenity impact given the nature of their operation. In this instance the residential location of the Gallery is seen as ideally located given its commercial interface with the Kalamunda Town Centre.

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION (D&I 01/2014)**

That Council:

1. Notes the submissions received in response to Amendment No. 60 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005  
 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
 SHIRE OF KALAMUNDA  
 LOCAL PLANNING SCHEME NO. 3  
 AMENDMENT NO. 60

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

(a) Amending Schedule 2 (Additional Uses) by including the following provision:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
49.	Lot 800 (10) Stirk Street, Kalamunda	Art Gallery	The uses are not permitted unless approval is granted by the Local Government ("D")

3. Amends the Scheme Zoning Map and text accordingly.
4. Duly executes the Amendment documents and forwards them and the submissions received to the Minister for Planning requesting final approval be granted.

Moved:

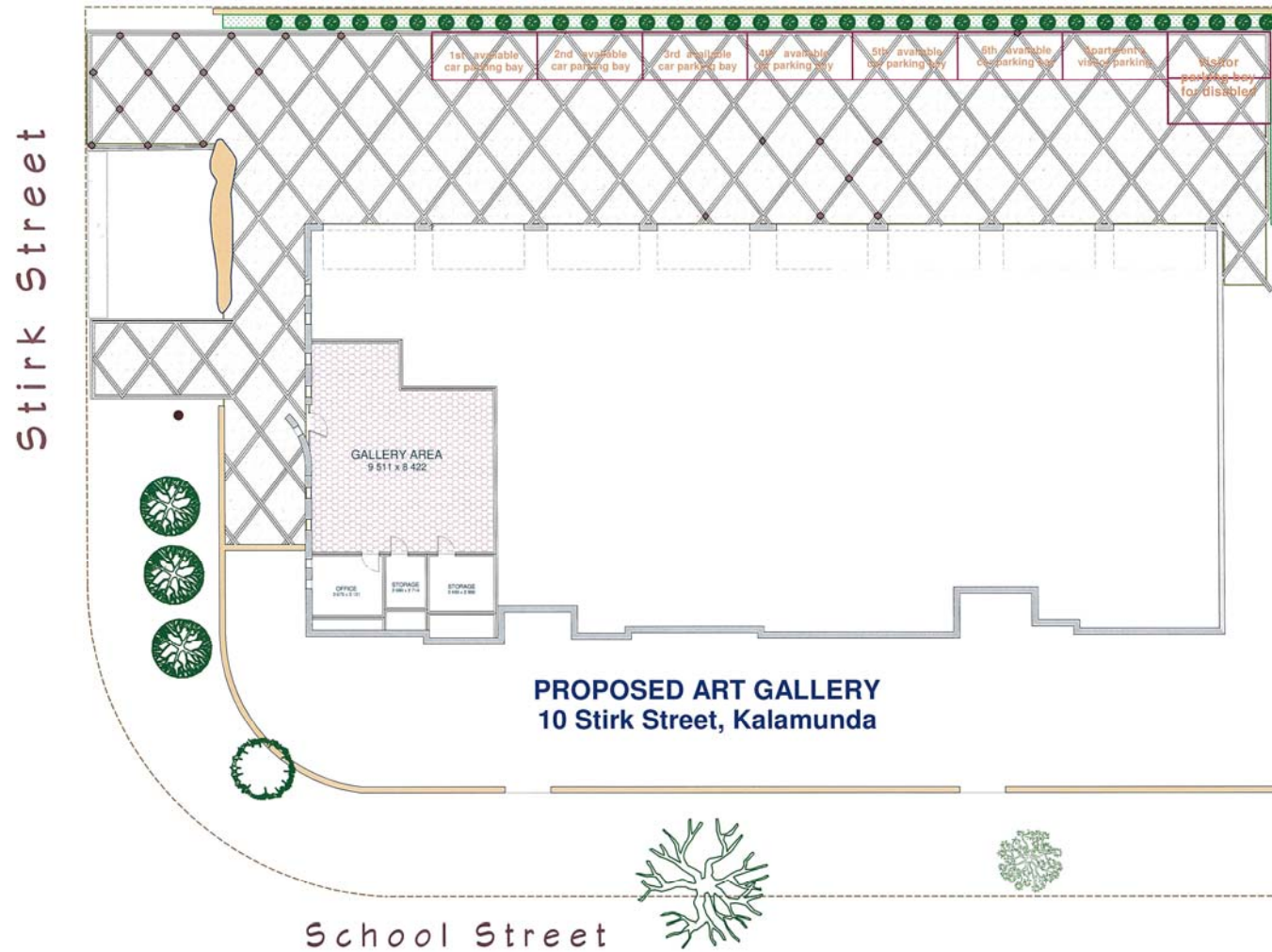
Seconded:

Vote:

**Attachment 01**

Amendment No. 60 to Local Planning Scheme No. 3 – Additional Use (Art Gallery) –  
Lot 800 (10) Stirk Street, Kalamunda

**Preliminary Internal Ground Floor Plan**



**Attachment 2**

Amendment No. 60 to Local Planning Scheme No. 3 – Additional Use (Art Gallery) –  
 Lot 800 (10) Stirk Street, Kalamunda

**Submission Table**

	<b>Details</b>	<b>Comment</b>	<b>Staff Comment</b>
1.	C Kendall Unit 6 (2) Headingley Road KALAMUNDA WA 6076	<p>Objection</p> <p>a) I object due to parking reasons. We already have an ongoing problem with Red Rooster patrons parking on the front verge.</p> <p>b) The proposal will increase traffic and therefore increase damage to our verge sprinklers.</p> <p>c) Install no parking signs adjacent to the verge.</p>	<p>a) Noted. The issue of parking problems associated with the Red Rooster development will be followed up as a separate matter to this Scheme amendment.</p> <p>b) Matters with regard to verge parking shall be dealt with as a separate process. The road network is considered sufficient to accommodate any increased traffic volumes associated with the art gallery.</p> <p>c) Matters associated with car parking will be dealt with at the development application stage if the amendment is approved by the Minister for Planning. The possibility of installing no parking signs along the adjacent verge will be investigated at this stage.</p>
2.	J Duffield 3 School Street KALAMUNDA WA 6076	<p>Comment on the proposal.</p> <p>The whole area is a mess, why ask for our approval when you have already made up your mind.</p>	<p>Noted. Surrounding landowners are provided the opportunity to comment on the proposal in accordance with the Town Planning Regulations. These comments are considered in the decision making process.</p>

3.	D Robinson 12 The Getaway GOOSEBERRY HILL WA	Comment on the proposal.  a) Several requests have been made regarding parking issues and damage to lawn and sprinklers.  b) Requests to have Rangers enforce no parking on verges around Stirk Villas have not been actioned.  c) Approval of this amendment will create more problems.	a) Matters with regard to verge parking will be dealt with as a separate process  b) Refer above comments.  c) Noted.
4.	A Brescacin 4 Williams Street KALAMUNDA WA 6076	No objection.	Noted.



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

**02. Modification to the Canning Location 311 Structure Plan – Lot 102 (217) Pomeroy Road, Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	148352
Applicant	Urban Solutions
Owner	R and C Lyons

Attachment 1	Existing Canning Location 311 Structure Plan
Attachment 2	Proposed Modification

**PURPOSE**

- To consider a proposal to modify the Canning Location 311 Structure Plan (Structure Plan) to facilitate the subdivision of Lot 102 (217) Pomeroy Road, Lesmurdie into two lots. Refer to (Attachments 1 and 2).

**BACKGROUND**

**2. Land Details:**

Land Area:	4,307sqm
Local Planning Scheme Zone:	Urban Development
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

3.



4. The property contains a single dwelling and outbuildings (sheds) which are proposed to be retained.
5. The Structure Plan was endorsed by the then Town Planning Board in 1981. The minimum lot size identified on the Structure Plan is 2,000sqm which is the equivalent to a residential density coding of R5.
6. In July 2013, an application was received from the Western Australian Planning Commission (WAPC) to subdivide the property into two strata lots. As the proposed subdivision was inconsistent with the approved Structure Plan the Shire recommended the WAPC defer determining the subdivision to allow the Structure Plan to be modified.
7. The WAPC has since advised that the subdivision application will not be determined until Council has either adopted, or refused, the proposed modification to the Structure Plan.

## **DETAILS**

8. It is proposed to modify the Structure Plan to facilitate the subdivision of the property into two lots comprising 2,000sqm and 2,307sqm respectively.
9. New building envelopes are to be created on the proposed lots.
10. The building envelope on the proposed northern lot contains an existing dwelling and outbuildings, which are to be retained. The envelope is proposed to be setback from the boundaries the same distance as the existing buildings.
11. The proposed building envelope on the southern lot is to be setback 6m from the side and Pomeroy Road boundaries, 12m from the McNabb Place boundary, and between 6.25m to 9.25m from the proposed boundary. This is consistent with the boundary setbacks distances on nearby properties.
12. If the modified Structure Plan is adopted by Council and subsequently endorsed by the WAPC, the subdivision application will be determined by the WAPC.

## **STATUTORY AND LEGAL IMPLICATIONS**

13. The property is zoned Urban Development under Local Planning Scheme No.3 (the Scheme), the objectives of which are the following:
  - *“To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
  - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.”*

14. There is no density coding applicable to the Structure Plan. The prevailing individual lot sizes are the equivalent to a residential density coding of R5.
15. The Scheme stipulates where a designation is shown on a Structure Plan, the permissibility of the use would be as if the land is zoned for that purpose.
16. The design and assessment of structure plans are dealt with under Clause 6.2 – *Development Areas* of the Scheme. In particular, clause 6.2.3 (Preparation of Structure Plans) and clause 6.2.4 (Adoption and Approval of Structure Plans).
17. Subclause 6.2.5.1 (Change or Departure from Structure Plan) of the Scheme stipulates that Council may adopt a minor change to or departure from a Structure Plan if, in its opinion, the change or departure does not materially alter the intent of the Structure Plan.
18. If adopted by Council, the modified Structure Plan will be forwarded to the WAPC for endorsement. In the event the WAPC refuses the modification, there is a right of review (appeal) to the State Administrative Tribunal.

#### **POLICY IMPLICATIONS**

19. Nil.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

20. The proposal was advertised for 21 days in accordance with the provisions of the Scheme. This involved a notice in a newspaper circulating the District, a sign being erected on the property and the proposal being referred to nearby landowners for comment.
21. During the advertising period two non-objections were received.

#### **FINANCIAL CONSIDERATION**

22. Nil.

#### **STRATEGIC COMMUNITY PLAN**

##### **Strategic Planning Alignment**

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

OBJECTIVE 4.3 - To ensure the Shires development is in accord with the Shires statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 Provide efficient building and development approval services to the community.

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## SUSTAINABILITY

### Social implications

24. If the proposed modification is endorsed future development on the property will provide an opportunity for residential development of a similar scale to that on surrounding properties.

### Economic Implications

25. Nil.

### Environmental Implications

26. No significant vegetation exists on the property.

## RISK MANAGEMENT CONSIDERATIONS

27.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the modification	Possible	Insignificant	Low	Ensure Council is aware that the proposed modification is consistent with the intent of the Structure Plan in providing for a minimum lot size of 2,000sqm.

## OFFICER COMMENT

28. The proposed modification would result in lot sizes and development of a scale similar to surrounding properties.
29. Future development on the proposed additional lots would not have any detrimental impact on the local environment given there is no vegetation of significance on site.
30. The proposed building envelopes and setbacks are consistent with existing building envelopes on surrounding properties. As such it is considered that future development will not have a detrimental impact on the amenity of nearby landowners.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 02/2014)**

That Council:

1. Adopts the proposed modification to the Canning Location 311 Structure Plan to facilitate the subdivision of Lot 102 (217) Pomeroy Road, Lesmurdie, into two lots (Attachment 2).
2. Forwards the modified Canning Location 311 Structure Plan to the Western Australian Planning Commission for endorsement.

Moved:

Seconded:

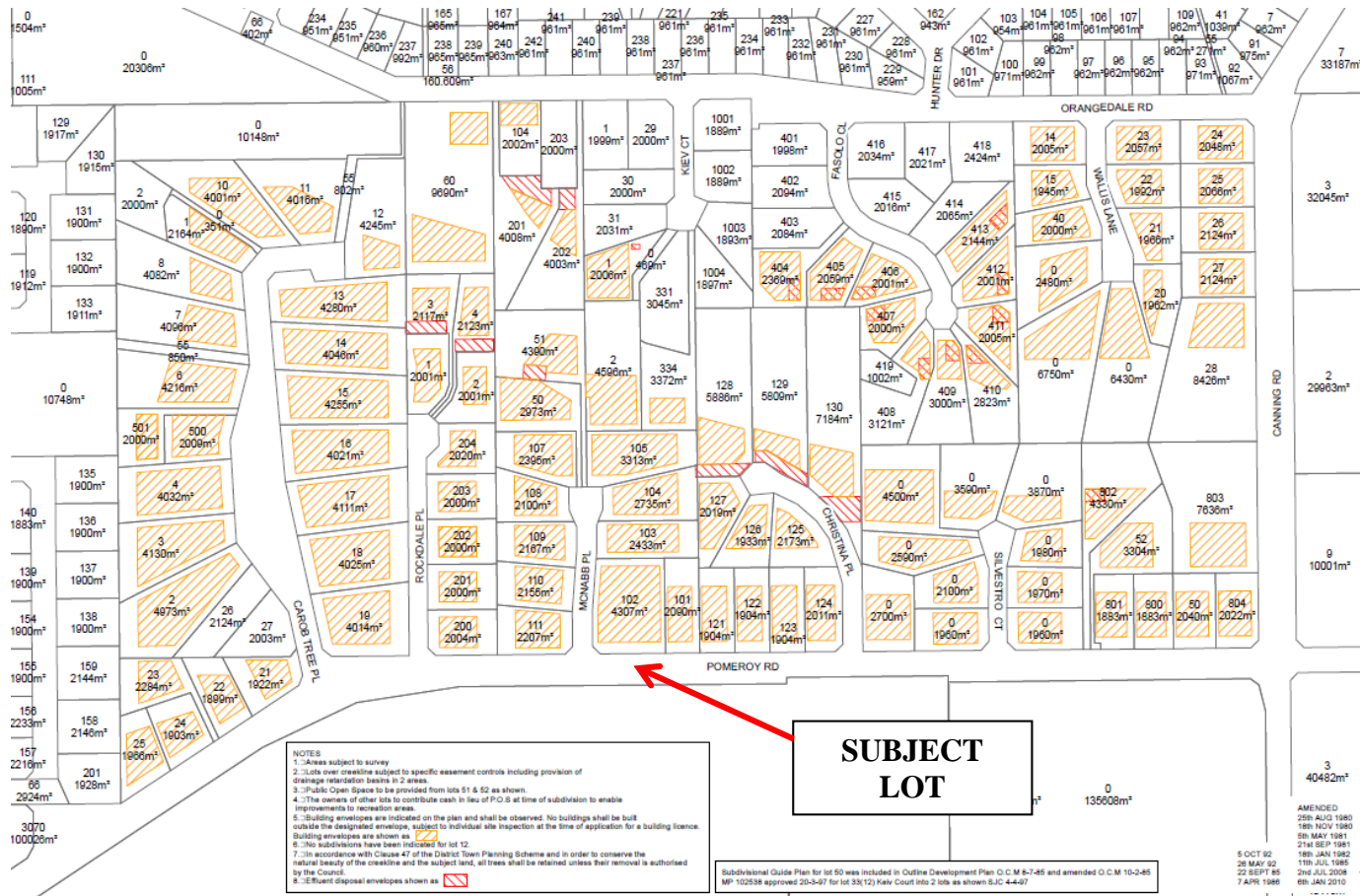
Vote:

# Attachment 01

## Modification to the Canning Location 311 Structure Plan

### Lot 102 (217) Pomeroy Road, Lesmurdie

### Existing Canning Location 311 Structure Plan



## OUTLINE DEVELOPMENT PLAN - CANNING LOCATION 311

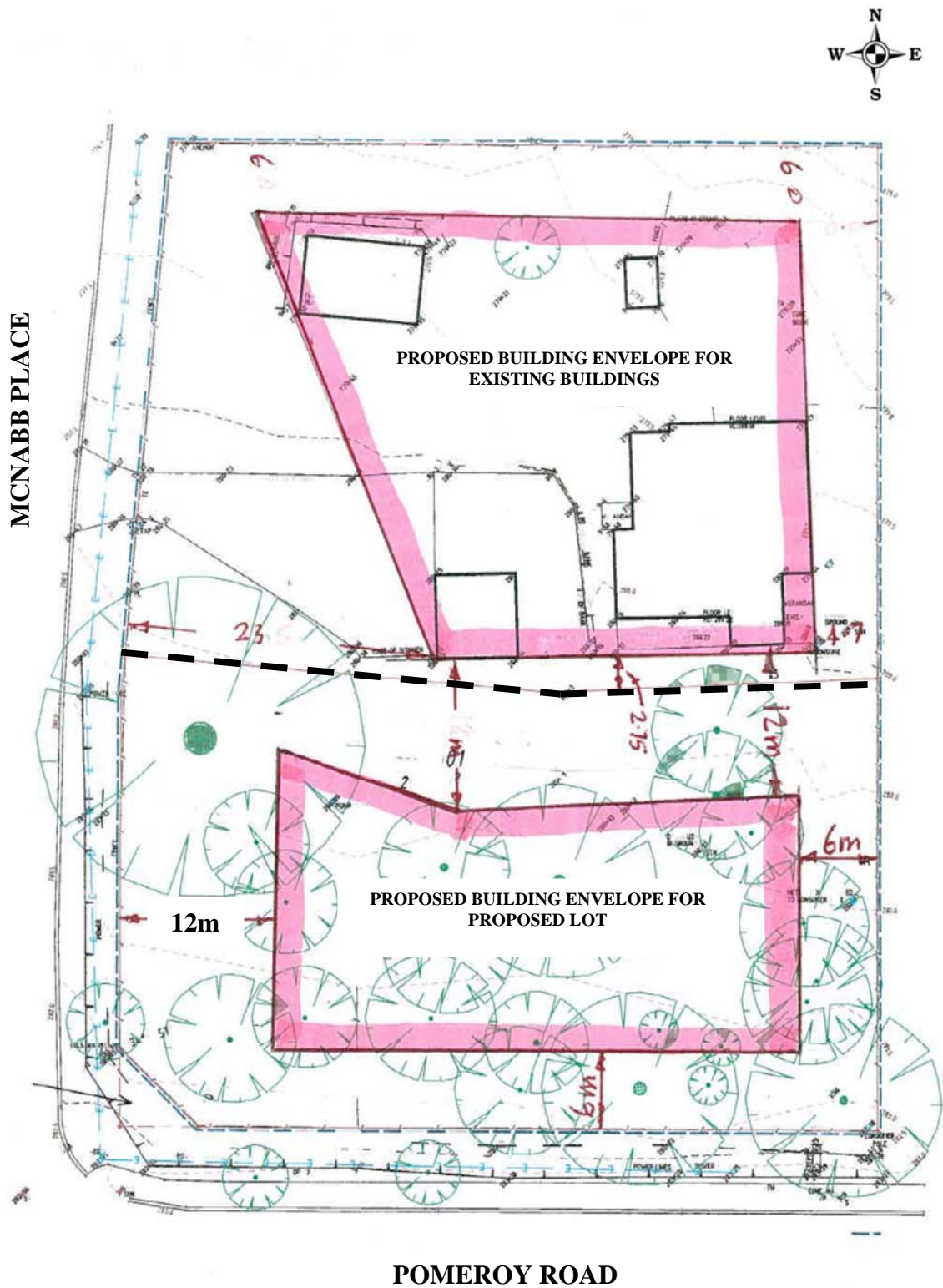
Disclaimer:  
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### Attachment 02

Modification to the Canning Location 311 Structure Plan  
Lot 102 (217) Pomeroy Road, Lesmurdie  
**Proposed Modification**



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

**03. Lot 1188 (34) Carinyah Road, Pickering Brook – Amendment to Local Planning Scheme No. 3 - Additional Uses (Storage, Light Industry)**

Previous Items Nil.  
 Responsible Officer Director Development Services  
 Service Area Development Services  
 File Reference CR-01/034  
 Applicant Trade Price Frames & Trusses (TPFT)  
 Owner Over 55 Lifestyle Villages Pty Ltd.

**PURPOSE**

- To consider whether to initiate an amendment to Local Planning Scheme No. 3 (the Scheme) to include additional uses for storage, limited fabrication and display buildings at Lot 1188 (34) Carinyah Road, Pickering Brook (the Site).

**BACKGROUND**

**2. Land Details:**

Land Area:	28,910sqm
Local Planning Scheme Zone:	Rural Landscape Interest with Additional Use (Sawmill and display of historical materials and methods associate with sawmilling)
Metropolitan Regional Scheme Zone:	Rural

**Locality Plan**

3.





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## DETAILS

4. The site has operated as a sawmill (with occasional hiatus) for a number of decades. The Site is listed in Schedule 2 of the Scheme (Additional Uses) as follows:

*“Sawmill” including display of historical and modern methods of saw milling and production and sale of woodcraft”. There are also specific conditions relating to the maximum tonnage of sawn timber to be produced per annum and ancillary activities on the Site.*

5. In support of the request, the applicant has advised the following:

*“In addition to processing jarrah timber, the Pickering Brook Saw Mill is used to manufacture timber trusses and assemble timber housing frames. As a value-add to this activity, we also cold-roll from steel trusses and wall frames. There are no steel cutting machines on the site as we do not use them in our processes.*

*We import complete fold-out houses from China to send to our north-west industrial yard located in Carnarvon, and we use Pickering Brook Saw Mill for temporary storage whilst arranging transport to Carnarvon. These houses look like a forty-foot container and are transported on our own container carrier. We also export containers to Asia filled with cut split jarrah for use in the Asian charcoal industry, and store some of these containers on site until filled.”*

6. The above activities will be administered from existing offices already approved on the site.

## STATUTORY AND LEGAL CONSIDERATIONS

7. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to initiate the proposed amendment, then ultimately it will be determined by the Minister for Planning.
8. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister’s determination, irrespective of the Minister’s decision, there is no Right of Review.
9. The land uses as proposed would be defined under the Scheme as follows:
- Manufacture of prefabricated buildings – “Light Industry”*
- Incidental Storage – “Storage”*
- These uses are currently prohibited in the Rural Landscape Interest zone.

## POLICY CONSIDERATIONS

10. Nil.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

11. If the amendment is initiated by Council and consent to advertise is granted by the Environmental Planning Authority (EPA), it will be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.
12. The amendment would be required to be advertised in the form of a notice being published in a district newspaper, advertised to nearby landowners and referred to government agencies for comment. The applicant would also be requested to arrange for a sign advertising the proposal to be erected on the Site.

## FINANCIAL CONSIDERATIONS

13. Nil. All costs associated with the processing of the amendment will be required to be met by the applicant.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

14. *Kalamunda Advancing: Strategic Community Plan to 2023*  
  
OBJECTIVE 4.1 – To ensure land use plans provide long term sustainable population growth.  
  
Strategy 4.1.4                      Facilitate the development of industrial land within the Shire.

## SUSTAINABILITY

### Social Implications

15. Any development on the site as a consequence of the proposal would need to be cognisant of impacts on surrounding land owners, in particular, noise emissions. Previous activities on the site, under other ownership, created issues in respect to noise and vehicle movements.

### Economic Implications

16. Development on the site may allow for the potential for local employment opportunities.

### Environmental Implications

17. The Site is located in a Priority 2 Drinking Water area in the *Middle Helena Catchment Area Land Use and Water Management Strategy* (the Strategy). If consent to advertise is granted by the EPA, it will be forwarded to the Department of Water, which administers the Strategy, for comment.

18. Any other potential environmental impacts, such as noise and effluent disposal would be determined and managed at the development application stage.

### RISK MANAGEMENT CONSIDERATIONS

19.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council or the Minister may decide not to support the amendment. Determination will then be needed in respect to the unapproved development and activities.	Possible	Minor	Medium	Advise the applicant unapproved uses will need to cease.

### OFFICER COMMENT

20. The activities subject to the proposed amendment have already commenced without any planning or building consent. These uses have been brought to the Shire's attention through an unsubstantiated noise complaint.
21. Whilst the underlying zoning of the site is for rural purposes, the long term usage has effectively established it as a commercial site. It is intended that the established uses will continue, however the additional use proposed by the amendment will supplement these activities. Additionally the activities will benefit the area in terms of local employment opportunities.
22. A visit to the site has shown the activities are being undertaken at a reasonable standard. It is considered the activity will not have a greater impact on the amenity in terms of noise and visual amenity than currently existing with the saw mill.
23. The site is of an area and in a location that can reasonably cater for the existing and proposed activities.
24. It is recommended that Council initiate the amendment.

**Voting Requirements: Simple Majority**

### OFFICER RECOMMENDATION (D&I 03/2014)

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO. 3  
AMENDMENT NO.

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Amending Schedule 2 (Additional Uses) by including the following provisions:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
51.	Lot 1188 (34) Carinyah Road, Pickering Brook	Storage  Light Industry	The uses are not permitted unless approval is granted by the Local Government ("D")

The documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved:

Seconded:

Vote:

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

**04. Light Industry (Storage and Maintenance of Oilfield Equipment) – Lot 200 (103) Milner Road, High Wycombe**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	ML-10/103
Applicant	Modus Design Pty Ltd
Owner	Blue Manta Asia Pty Ltd
Attachment 1	Site Plan (Northern Portion)
Attachment 2	Site Plan (Southern Portion)
Attachment 3	Elevations
Attachment 4	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 5	Site Plan of Northern Portion of Property (Approved in November 2013)
Attachment 6	Site Plan of Southern Portion of Property (Approved in November 2013)

**PURPOSE**

1. To consider a planning application for the storage and maintenance of oilfield equipment at Lot 200 (103) Milner Road, High Wycombe. Refer to (Attachments 1 to 3).
2. The applicant is seeking dispensation on the number of car parking bays required under Local Planning Scheme No. 3 ("Scheme").

**BACKGROUND**

3. **Land Details:**

Aggregate Land Area:	9,619sqm
Local Planning Scheme Zone:	Industrial Development
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

4.



5. The property is on the corner of Milner Road and Sultana Road West, falls within Stage 1 of the Forrestfield/High Wycombe Industrial Area and contains a workshop previously used in association with an orchard that existed on the property. Refer to the Forrestfield/High Wycombe Industrial Area Locality Plan (Attachment 4).
6. Surrounding properties on the eastern side of Milner Road contain single dwellings and associated outbuildings, and those properties on the western side of Milner Road are used for light industrial purposes, such as warehouses and offices.
7. In November 2013, an application was approved under delegation by the Shire for the storage and maintenance of oilfield equipment on the property. The applicant has since submitted amended plans showing larger storage areas on site resulting in a shortfall in the required amount of car parking bays under the Scheme. Refer to the site plans approved in November 2013 (Attachments 5 and 6).

### **The Forrestfield/High Wycombe Industrial Area**

8. The Forrestfield/ High Wycombe Industrial Area was identified in the Kewdale-Hazelmere Integrated Masterplan as one of the key precincts suitable for significant freight related industries.
9. The Forrestfield/High Wycombe Industrial Area development is identified as one of the key strategic issues in the Shire's Local Planning Strategy.
10. The Forrestfield/High Wycombe Industrial Area has been included as a priority key short term (developed in 0-4 years) non heavy industrial site in the Economic and Employment Lands Strategy: non-heavy industrial (2012).

### **DETAILS**

11. Details of the application are as follows:
  - The applicant is applying for a light industrial use in the form of the storage and maintenance of oilfield equipment on the property.
  - The business is an oilfield supply and service company that supplies a range of equipment to the oil and gas industry primarily on a rental basis.
  - The age of the existing workshop on the property means it is proposed to be re-clad to improve the aesthetic of the development.
  - A powder coated aluminium finish steel framed shade awning is proposed.
  - The building footprint of the existing workshop is currently not proposed to be changed.
  - A covered wash bay is proposed adjacent to the workshop. This will be used to clean and prepare machinery to be rented out.
  - A bitumen car park is proposed to be constructed containing 22 bays.
  - At any one time there will be four staff on site.

- The proposed layout of the property will allow vehicles to enter and exit in a forward motion.
  - An 8m wide landscaping strip is to be provided along the Sultana Road West frontage, and a 6m wide landscaping strip is to be provided along the Milner Road frontage.
  - A non-illuminated horizontal sign is proposed on the western façade of the existing workshop.
  - A new garrison style boundary fence and gates are proposed to be installed along the property boundaries.
  - The designated storage areas are proposed to be enlarged compared with the plans approved previously for the property.
12. The landowner has advised the Shire the proposal is part of the ongoing redevelopment of the property, and the measures proposed to the existing workshop are only interim.

## **STATUTORY AND LEGAL IMPLICATIONS**

### **Local Planning Scheme No. 3**

13. Under the Zoning Table (Table 1) of the Scheme the uses "Industry - Light" and "Storage" are 'D' uses on properties zoned Industrial Development meaning the uses are not permitted unless planning approval has been granted.
14. Clause 4.2.4 (Objectives of the Zones - Industrial Zones) stipulates the following are the Scheme objectives for the Industrial Development zoning:
- 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.
15. Under Schedule 1 (Land Use Definitions) of the Scheme the use "Industry – Light" is defined as being the following:
- "Means an industry –*
- a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;*
  - b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services."*

16. The Scheme car parking requirements for the use Industry - Light are the following:

<b>Car Parking Requirement</b>	<b>Required</b>	<b>Proposed</b>
Industry – Light Two car bays per 100sqm of industrial area, or one bay per employee plus two visitor bays, whichever is greater.	4,104sqm industrial area = 82 bays minimum	22 bays

17. If Council approved the application there would be a shortfall of 60 car parking bays.
18. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings.
  - The likely effect of the scale and appearance of the proposal.
  - Preservation of the amenity of the locality.
  - The relationship of the proposal to development on adjoining properties or on other properties in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.
19. 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.

### **Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan**

20. Clause 6.2.2.2 (Special Control Areas) of the Scheme stipulates where a Structure Plan exists the development of land is to be in accordance with the Structure Plan.
21. The Structure Plan shows an 8m wide landscaping strip along the Sultana Road West frontage of the property.

### **POLICY IMPLICATIONS**

#### **Local Planning Strategy**

22. The Forrestfield/High Wycombe Industrial Area development is identified as one of the key strategic issues in the Shire's Local Planning Strategy.



## Forrestfield/High Wycombe Industrial Area Design Guidelines

23. Clause 1.2 (Vision/Statement of Intent) of the Forrestfield/High Wycombe Industrial Area Design Guidelines (Guidelines) stipulates that light industrial activities will be encouraged to the area.
24. An objective of the Guidelines, amongst others, is to ensure the storage and transportation of materials and vehicles, noise and odour shall not be permitted to have an undue adverse impact on the amenity and environment of the locality. It is also to encourage attractive developments that are well designed, with functional and efficient buildings and site layouts.
25. The following site requirements apply to development within the Forrestfield/High Wycombe Industrial Area:

	<b>Required</b>	<b>Proposed</b>
Building Street Setback	20m minimum from both Milner Road and Sultana Road West.	28m
Building Side Setback	At Council's discretion.	12m
Building Rear Setback	At Council's discretion.	8m
Site Coverage	60% maximum.	11%
Landscaping Strip -		
Milner Road	6m minimum.	4m on site and 2m along the adjoining portion of verge.
Sultana Road West	8m minimum.	8m on site and 2m along the adjoining portion of verge.

26. Clause 3.7 (External Service and Storage Areas) of the Guidelines stipulates no open storage of goods or machinery shall be carried out within the front setback area, and be screened from the street and adjoining properties by landscaping, fencing and/or other means acceptable to Council.
27. Clause 3.10 (Boundary Fencing) stipulates fences and gates shall generally be visually permeable and unobtrusive, and as a minimum be 1.8m high metal tubing framed vertical pale and horizontal fencing with a powdercoat finish.
28. Section 4 of the Guidelines stipulates buildings should have a modern industrial appearance and be of a contemporary style.

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## **Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays**

29. Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays stipulates a reduction in parking will only be considered by Council and not under delegation.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

30. There is no statutory requirement for the proposal to be advertised.

### **FINANCIAL CONSIDERATION**

31. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

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

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

Strategy 4.1.4 Facilitate the development of industrial land within the Shire.

OBJECTIVE 4.3 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 Provide efficient building and development approval services to the community.

### **SUSTAINABILITY**

#### **Social Implications**

33. Nil. The proposal will not emit any excessive amounts of noise, dust and/or odour.

#### **Economic Implications**

34. Nil.

#### **Environmental Implications**

35. Nil.

## RISK MANAGEMENT CONSIDERATIONS

36.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Unlikely	Insignificant	Low	Make sure Council is aware of the Scheme requirements and the objectives and intent of the Forrestfield/High Wycombe Industrial Area.
Approval of the application setting an undesirable precedence in terms of built form.	Unlikely	Insignificant	Low	Make Council aware the proposal is part of the ongoing redevelopment of the property, and the alterations proposed to the existing workshop are only interim.
Applicant may not proceed with the redevelopment of the site.	Unlikely	Major	Medium	Follow up with applicant on plans to redevelop the site.

## OFFICER COMMENT

37. The proposal complies with the Scheme requirements with the exception of the amount of car parking bays.
38. A shortfall of 60 car bays is proposed which is deemed acceptable as:
- a) There will be 22 bays available and only 4 members of staff on site at any one time.
  - b) Whilst storage is an industrial use, there is no correlation in this case between a larger storage area and the need for additional car parking bays.
39. The proposal complies with the Guidelines with the exception of storage being within the street setback area, the appearance of the existing building and the required amount of landscaping along the street frontages.
40. The location of the building on the property means the storage area cannot be located outside of the street setback area.
41. As the property is a corner lot items stored on the property will be partially visible from the streets and adjoining properties, however landscaping is proposed to be provided in accordance with the Guidelines and Structure Plan which will sufficiently minimise the visual impact the storage may have.

42. Whilst the existing building is to be retained which does not meet the built form requirements of the Guidelines it is proposed to be reclad to improve its current appearance.
43. The proposal is part of the ongoing redevelopment of the property, and the alterations proposed to the existing workshop are only interim. There is the risk the owner may not proceed with redevelopment and the building may then establish a precedent for similar development in the industrial area.
44. It is understood the redevelopment will occur within a three year timeframe. If and when the redevelopment occurs the proprietor will be required to comply with the Guidelines. A separate planning application for which will be required to be submitted to and approved by the Shire.
45. The nature of the use means the amenity of nearby landowners will not be impacted because of the relatively small scale activity.
46. Following discussions with the Shire, the amount of landscaping provided on site has been reduced, and compensated for by the applicant providing landscaping along the adjoining portions of verge. By doing this it is felt the appearance of the property, and streetscape generally, will be improved once the redevelopment has occurred.
47. Road widening is proposed within the locality to allow for road train access to Nardine Close. The applicant is aware if this impacts the existing crossover for the property onto Milner Road it will be required to be relocated. An amended planning application will be required to be submitted to and approved by the Shire prior to this occurring.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 04/2014)**

That Council:

1. Approves the application dated 14 January 2014 for a Light Industry (storage and maintenance of oilfield equipment) to operate at Lot 200 (103) Milner Road, High Wycombe, subject to the following conditions:
  - a. The provision and maintenance of a total of 22 car parking bays including a minimum of one (1) disabled bay.
  - b. No carrying out of maintenance activities is permitted in open yard areas visible from the streets.
  - c. No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by employees and visitors.
  - d. All car parking bays, (un)loading bays and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter by the landowner to the satisfaction of the Shire.

- 
- e. The landscaping is to be planted within 28 days of the development's completion and maintained thereafter by the landowner to the Shire's satisfaction.
  - f. The crossovers shall be designed and constructed to the specification of the Shire.
  - g. A contribution to the Shire of Kalamunda in accordance with Schedule 12 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for the Forrestfield Industrial Area. The contribution shall be paid in full prior to the issue of the certified building licence.
  - h. An acoustic report is to be submitted to and approved by the Shire's Health services prior to the issuing of a building licence.
  - i. Clearances are to be maintained from the existing waste water disposal system at the workshop to new buildings, hardstand areas and boundaries in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
  - j. Should the existing workshop effluent disposal system be located where it will be encroached upon by proposed development or fail to cope with any additional loading, a new effluent disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974* must be installed.
  - k. Industrial waste water from the proposed wash-bay is required to be treated via a sediment trap and a commercial oil/water separator and discharged through an onsite waste water disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974*.
  - l. A geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (Clearance, quantity, soil permeability and location and size of soakwells).
  - m. The existing septic sewer system, including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The applicant must provide a statutory declaration to the Shire of Kalamunda stating the site has been inspected and the effluent disposal system removed.
  - n. The Milner Road crossover to be relocated to the satisfaction of the Shire of Kalamunda Chief Executive Officer.

Moved:

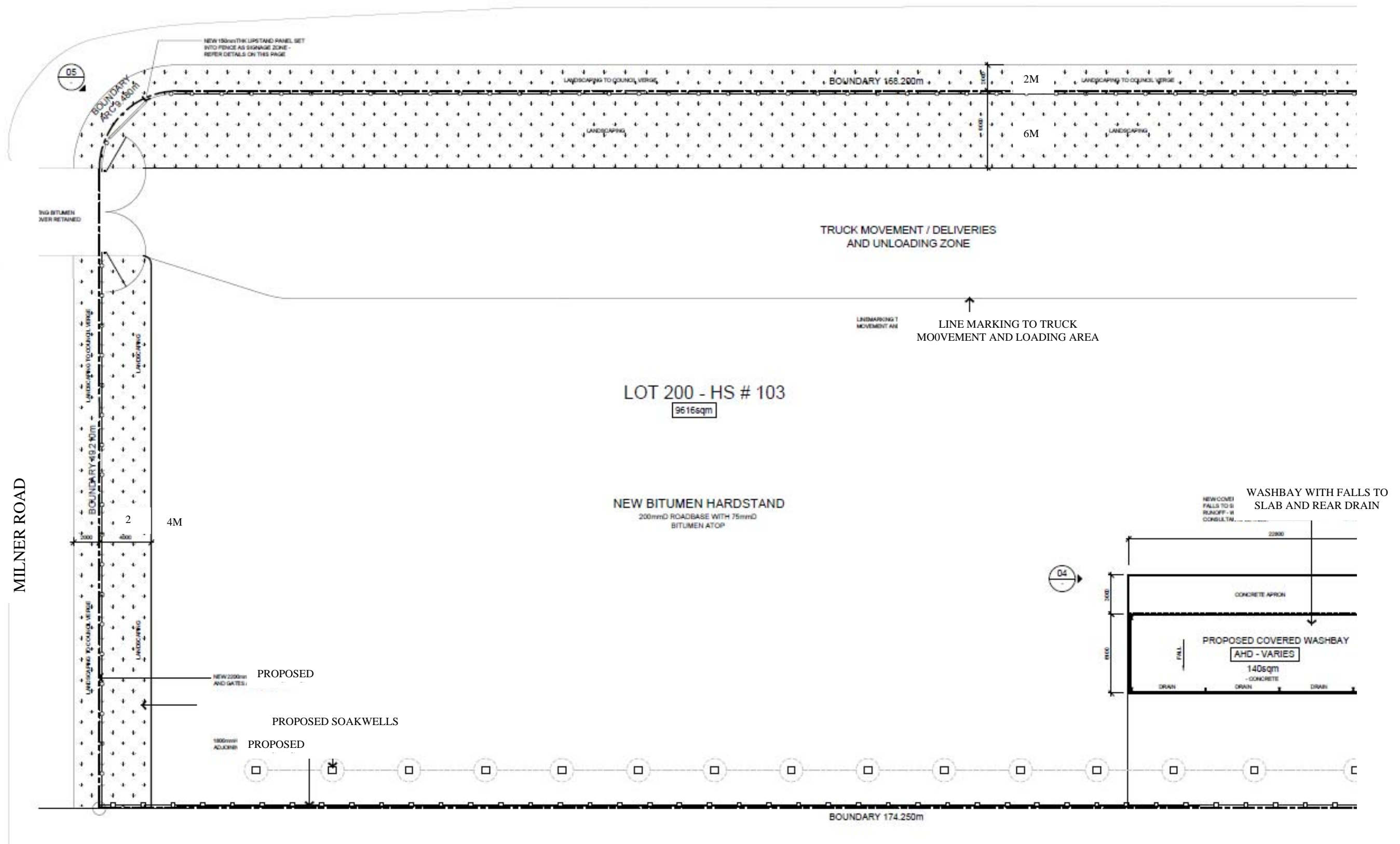
Seconded:

Vote:

**Attachment 01**

Light Industry (Storage and Maintenance of Oilfield Equipment)  
Lot 200 (103) Milner Road, High Wycombe  
**Site Plan (Northern Portion)**

SULTANA ROAD WEST

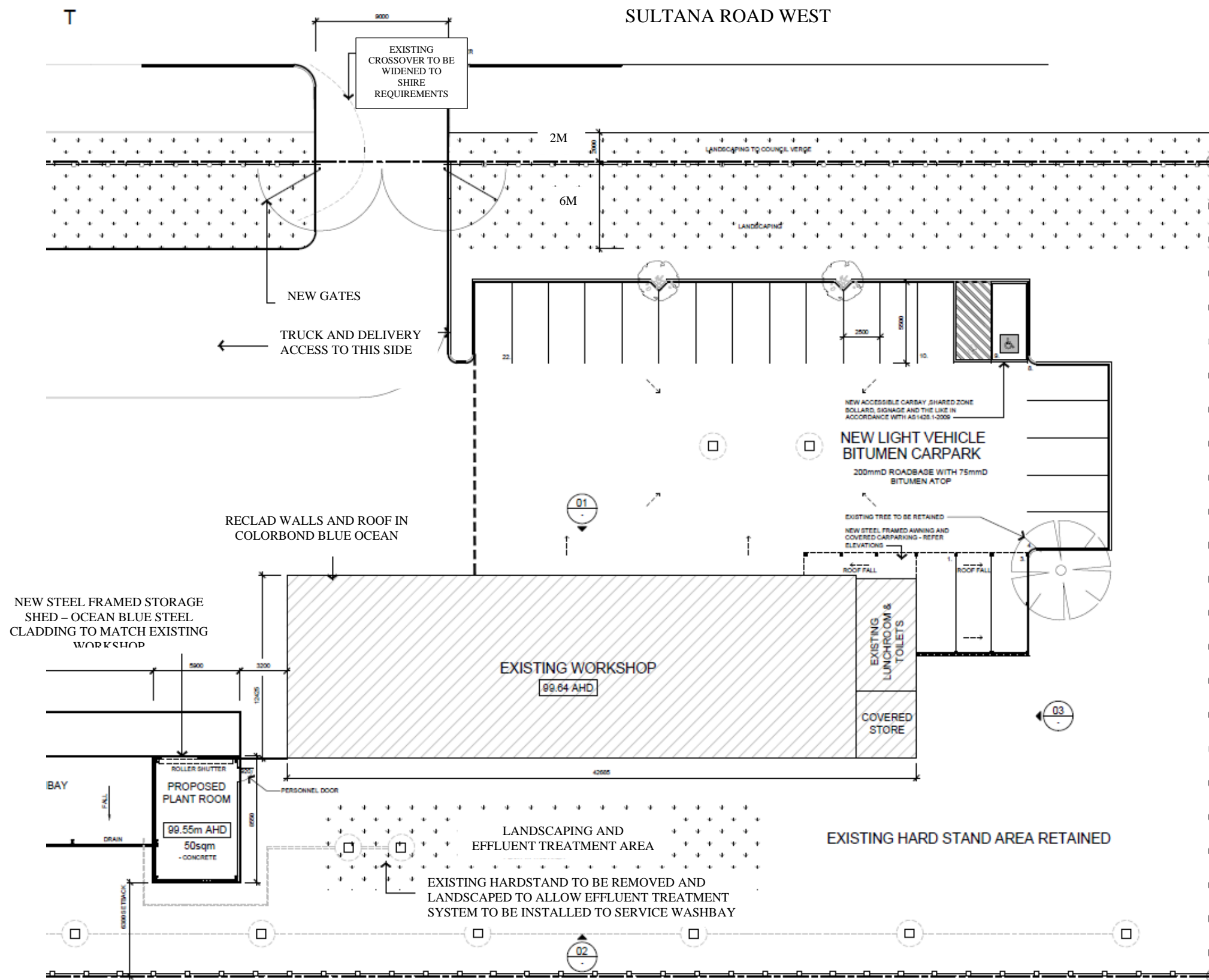


**Attachment 02**

Light Industry (Storage and Maintenance of Oilfield Equipment)

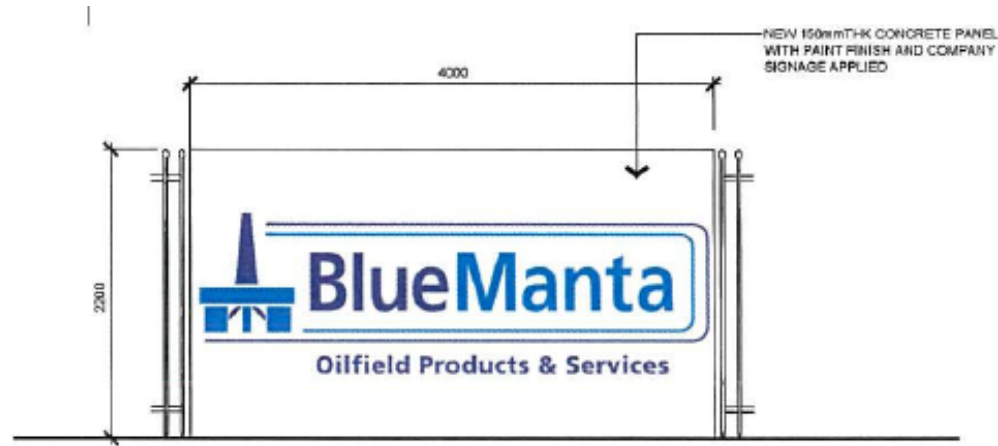
Lot 200 (103) Milner Road, High Wycombe

**Site Plan (Southern Portion)**

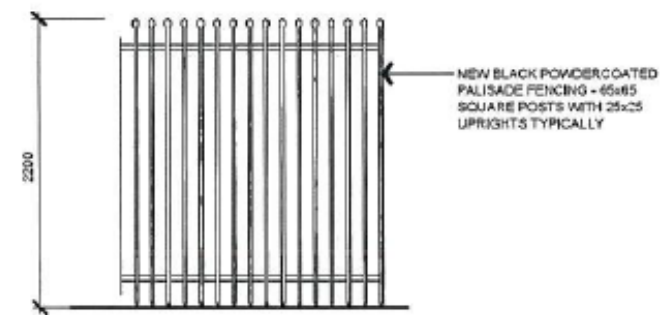


**Attachment 03**

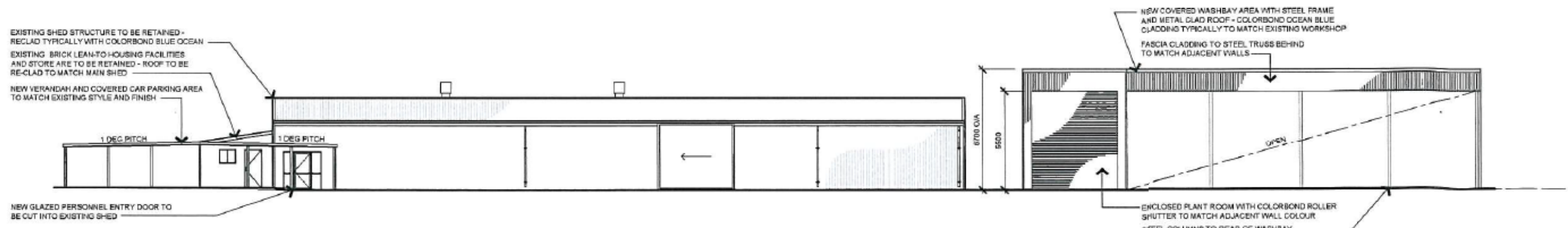
Light Industry (Storage and Maintenance of Oilfield Equipment)  
Lot 200 (103) Milner Road, High Wycombe  
**Elevations**



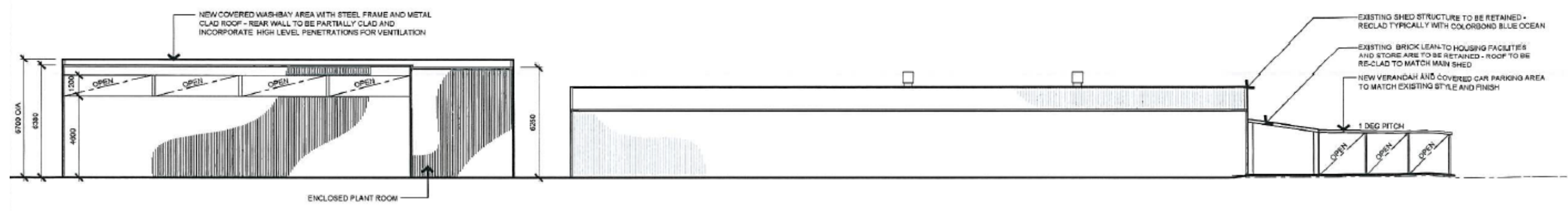
05 SIGNAGE DETAILS  
SCALE 1:50



TYP. FENCING DETAILS  
SCALE 1:50



01 NORTH EAST ELEVATION  
SCALE 1:250



02 SOUTH WEST ELEVATION  
SCALE 1:250



**Attachment 04**

Light Industry (Storage and Maintenance of Oilfield Equipment)  
Lot 200 (103) Milner Road, High Wycombe

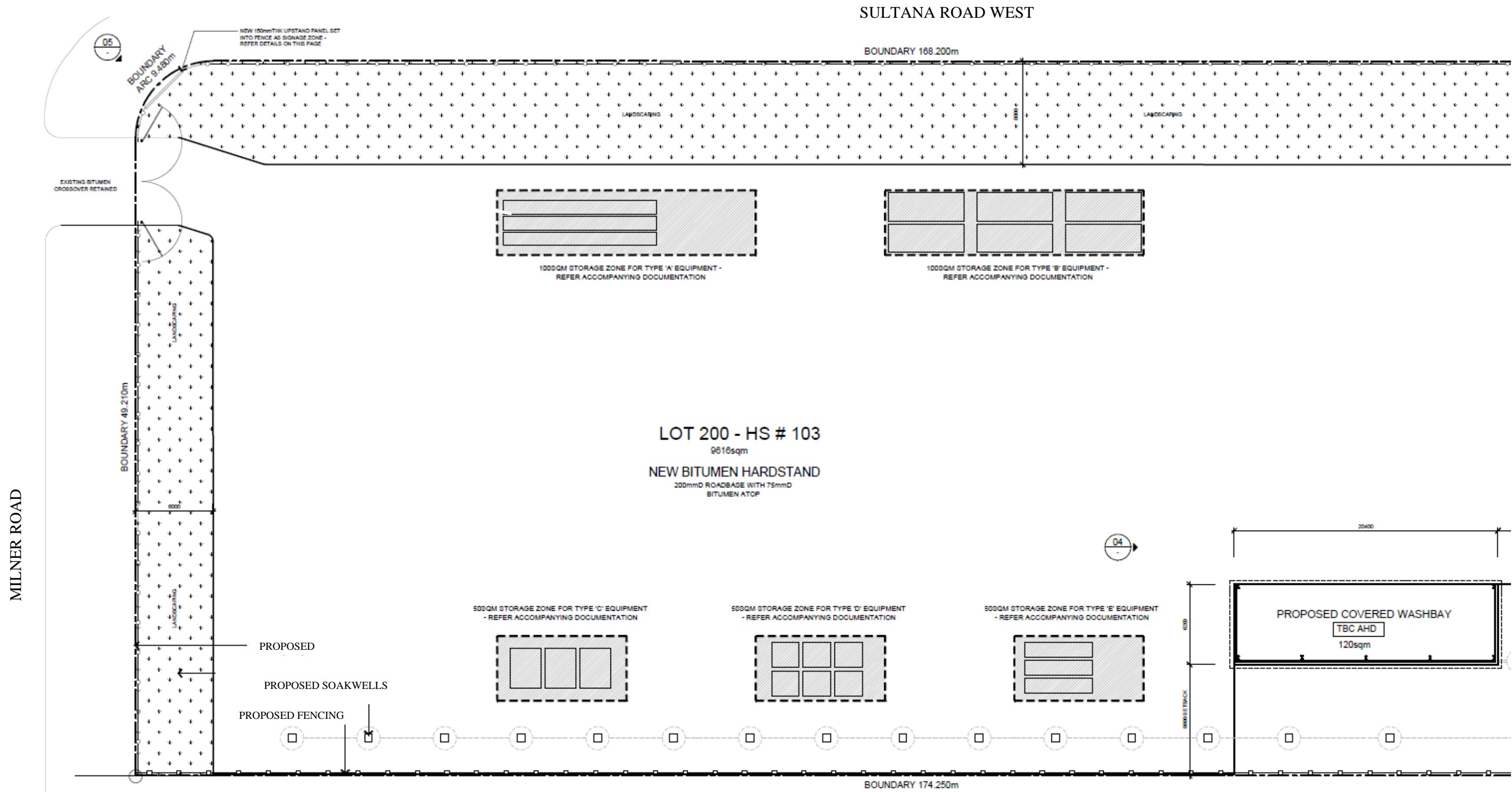
**Forrestfield/High Wycombe Industrial Area Locality Plan**



**Attachment 05**

Light Industry (Storage and Maintenance of Oilfield Equipment)  
Lot 200 (103) Milner Road, High Wycombe

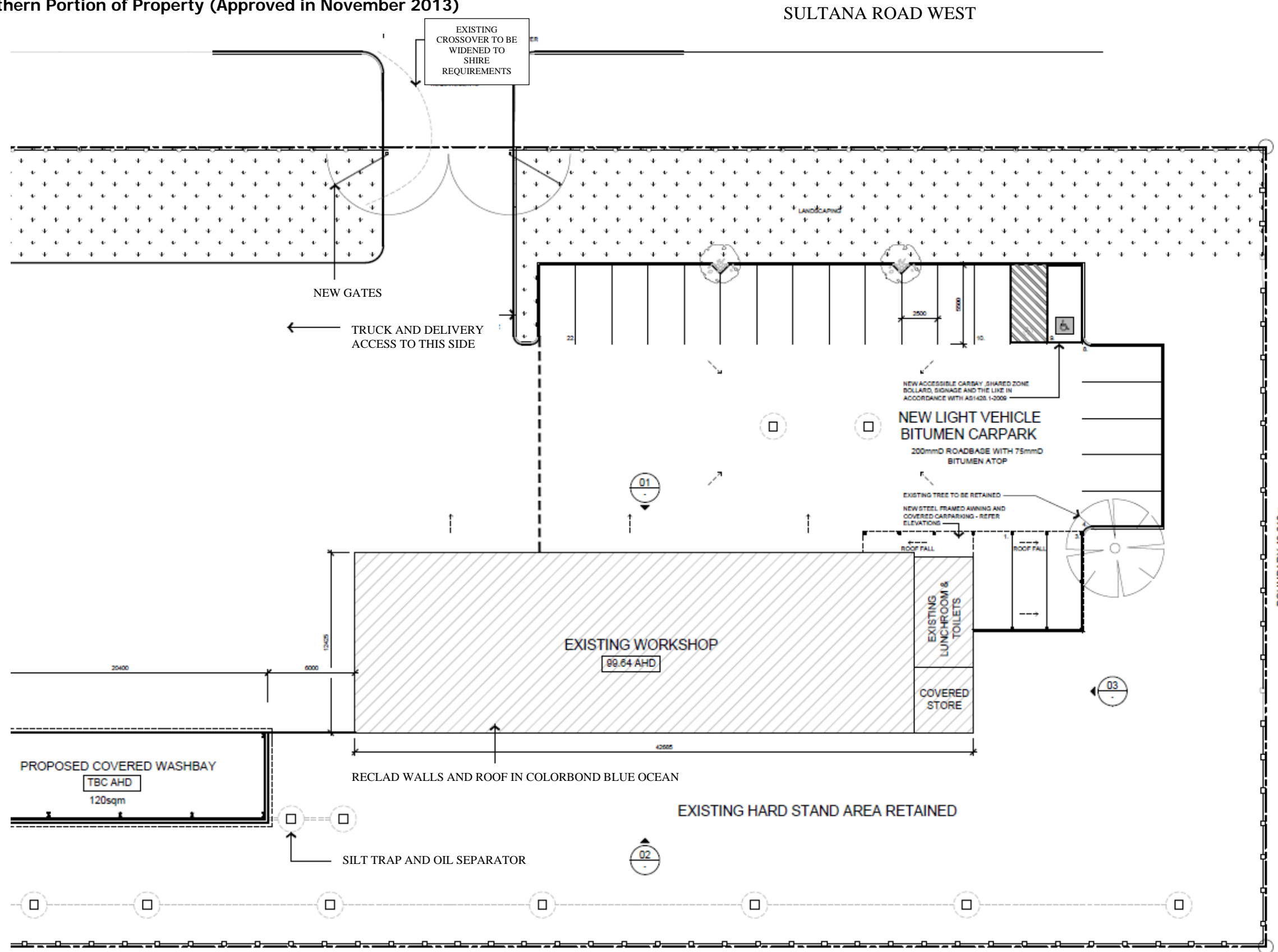
**Site Plan of Northern Portion of Property (Approved in November 2013)**



**Attachment 06**

Light Industry (Storage and Maintenance of Oilfield Equipment)  
Lot 200 (103) Milner Road, High Wycombe

**Site Plan of Southern Portion of Property (Approved in November 2013)**



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

**05. Proposed Pedestrian Access Way Closure – Parrot Court and Sparrow Court, High Wycombe**

Previous Items	OCM 140/05
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PR-02/GEN
Applicant	N/A
Owner	Nil

Attachment 1	Community Map
Attachment 2	Submission Table

**PURPOSE**

- To consider a request to close the pedestrian access way (PAW) abutting Lot 174 (5) and 175 (3) Parrot Court and Lot 154 (7) and 155 (5) Sparrow Court, High Wycombe. Refer to (Attachment 1).

**BACKGROUND**

- Land Details:**

Land Area:	191.67sqm
Local Planning Scheme Zone:	Nil
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

- 



4. In December 2005, Council resolved (En Bloc Resolution OCM 140/05) to support the closure request.
5. In October 2006, the then Department of Planning and Infrastructure (DPI) advised it did not support the proposed closure of the PAW by reason that:
  - *“The PAW forms part of the strategic pedestrian/cyclist network for the area, and its closure would have an adverse impact on the level of access to public transport routes and local recreation reserves.*
  - *Alternatives to closure have not been thoroughly explored, e.g. lighting within the PAW, and keeping the PAW clear of overhanging vegetation from abutting properties, in order to open-up and improve visibility within the PAW.*
  - *Incidents of nuisance and anti-social behaviour presented as justification for the closure do not appear to be directly attributed to the pedestrian accessway.”*
6. In December 2012, a petition was tabled which requested Council to close the PAW.

## **DETAILS**

7. The PAW between Parrot Court and Sparrow Court provides an alternative route for pedestrians and cyclists to High Wycombe Primary School, a library, Scott Reserve, Fleming Reserve and a nearby bus route. Refer to the Community Map (Attachment 1).

## **STATUTORY AND LEGAL IMPLICATIONS**

8. PAW closure requests are dealt with in accordance with the *Land Administration Act 1997*, supplemented by the *Land Administration Regulations 1998* and ultimately the request will be determined by the Department of Planning.

## **POLICY IMPLICATIONS**

### **Designing Out Crime Strategy (Western Australian Planning Commission)**

9. The Designing Out Crime Strategy (the Strategy) is a crime prevention strategy which aims to reduce opportunities for crime through the design and management of the built environment.
10. A recent inspection by the Shire failed to identify any physical evidence of anti-social behaviour such as graffiti, vandalism or drug use.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

11. The proposed closure was advertised to the adjoining landowners and referred to the utility providers, a sign was also placed at both ends of the PAW.

12. During the advertising period four objections and six non-objections were received. Refer to the Submission Table (Attachment 2).
13. A water main is located within the PAW. The Water Corporation advised that this can be cut and capped subject to the costs associated with the works being paid for by the applicant.

## FINANCIAL CONSIDERATION

14. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.3 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.5 Incorporate best practice principles for designing out crime and encourage private developers and owners to do the same.

## SUSTAINABILITY

### Social Implications

16. Closing the PAW would not substantially increase the walking distance to High Wycombe Primary School, the library, the nearby Reserves and bus stops.

### Economic Implications

17. Nil.

### Environmental Implications

18. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 19.
- | Risk  | Likelihood | Consequence   | Rating | Action/Strategy  |
|---|------------|---------------|--------|--|
| Residents being disadvantaged by the closure of the PAW | Likely     | Insignificant | Medium | Closure of the PAW would not result in a substantial increase in the usage of private vehicles due to another PAW between Falcon Court and Newburn Road. |

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## OFFICER COMMENT

20. Council has the following options:
- a. To not support the closure based on the reasons given by the DPI in October 2006; or
  - b. To support the closure on the basis of the problems the adjoining neighbours are experiencing and that it will not significantly affect pedestrian movement in the locality.
21. Notwithstanding the DPI's grounds for not supporting the previous request for the closure of the PAW, the 26 signatures on the petition shows there is sufficient public interest in having the closure reconsidered. To this end, concerned residents have cited a recent spate of break-ins and general vandalism for the request.
22. Closure of the PAW would not result in a substantial increase in the usage of private vehicles, or increase in the walking distance to High Wycombe Primary School, the library, the nearby Reserves and bus stops, due to another PAW between Falcon Court and Newburn Road.

<b>Voting Requirements: Simple Majority</b>
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## OFFICER RECOMMENDATION (D&I 05/2014)

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way abutting Lot 174 (5) and 175 (3) Parrot Court and Lot 154 (7) and 155 (5) Sparrow Court, High Wycombe, be supported as it is not considered to be of importance in the local pedestrian/cyclist network.

Moved:

Seconded:

Vote:





## Attachment 2

Proposed Pedestrian Access Way Closure – Sparrow Court/ Parrott Court, High Wycombe

### Submission Table

	Details	Comment	Staff Comment
1.	Confidential submission	Objection <ul style="list-style-type: none"> <li>I would not like this PAW closed as it's a convenient short cut for elderly people.</li> </ul>	Noted
2.	J Thompson 9 Sparrow Court HIGH WYCOMBE	Objection <ul style="list-style-type: none"> <li>My wife and our 3 kids use this laneway on a regular basis, I would strongly object to this laneway being closed. If the laneway is closed, will it be purchased?</li> </ul>	Noted. If the process continues, an offer to purchase the lane will be made to adjoining land owners in accordance with state legislation.
3.	L Willcox Address Withheld	Objection <ul style="list-style-type: none"> <li>My family and I would not like to see this laneway closed off. We access the park via this laneway daily.</li> </ul>	Noted.
4.	S Whibley 17 Falcon Court HIGH WYCOMBE	Objection <ul style="list-style-type: none"> <li>I strongly object to the closure, I use this twice a day. I am an elderly person and find the walk down Newburn Road quite hazardous. The PAW is an asset that should be retained despite occasional anti-social behaviour.</li> </ul>	Noted.

5.	R & D Borchers Address not supplied	Non Objection <ul style="list-style-type: none"><li>• The PAW engenders anti-social behaviour, graffiti, and other criminal activities.</li><li>• We have been subject to vandalism, anti-social behaviour and attempted theft over ten years or so.</li><li>• The PAW appears to be seldom used for its intended purpose.</li></ul>	Noted.
6.	G Oma 6 Vilder Street CLOVERDALE WA 6105	Non Objection	Noted.
7.	D & S Zielinski 12 Falcon Court HIGH WYCOMBE 6057	Non Objection	Noted.
8.	T James & E Maxwell 11 Sparrow Court HIGH WYCOMBE WA 6057	Non Objection	Noted.
9.	B Fox 3 Parrot Court HIGH WYCOMBE 6057	Non Objection <ul style="list-style-type: none"><li>• Due to, many years of antisocial behaviour, theft and vandalism, the proposed closure would be very welcome.</li></ul>	Noted.
10	D Ditton & L Poustie 7 Parrot Court HIGH WYCOMBE 6057	Non Objection <ul style="list-style-type: none"><li>• We are concerned of the criminal traffic the PAW brings to the street.</li></ul>	Noted.

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11	A Orton 7 Smith Crescent HIGH WYCOMBE 6057	Non Objection <ul style="list-style-type: none"><li>I have never used the laneway and never knew it existed.</li></ul>	Noted.
12	K Wedemeyer 10 Sparrow Court HIGH WYCOMBE	Non Objection <ul style="list-style-type: none"><li>Due to the escalation of burglary in our normally quiet street I strongly support this proposed closure.</li></ul>	Noted.
13	M Ward 5 Sparrow Court HIGH WYCOMBE	Non Objection <ul style="list-style-type: none"><li>We hope it will be closed as we have been broken into twice.</li></ul>	Noted.
14	K Harding 7 Sparrow Court HIGH WYCOMBE	Non Objection <ul style="list-style-type: none"><li>I have been broken into twice, and have had bottles and rubbish thrown into my pool, we have had our car windows smashed.</li><li>The PAW doesn't lead to a bus stop or a main road. It has caused so much trouble for all of Sparrow Court.</li><li>Would greatly appreciated it being closed as soon as possible.</li></ul>	Noted.
15	K Borona 3 Sparrow Court HIGH WYCOMBE	Non Objection <ul style="list-style-type: none"><li>Could not be closed soon enough.</li></ul>	Noted.

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16	B & S Griffiths 6 Sparrow Court HIGH WYCOMBE	Non Objection <ul style="list-style-type: none"><li>• This request for this PAW to be closed has arisen due to the increase of traffic, often undesirables that walk through our street.</li><li>• It appears to be used only occasionally for those who actually need to use it.</li><li>• We have had our car broken into, as have a number of residents in this street.</li></ul>	Noted.
17	Telstra Locked Bag 2525 PERTH WA 6001	Non Objection	Noted.
18	Western Power Locked Bag 2520 PERTH WA 6001	Non Objection	Noted.
19	Water Corporation PO Box 100 LEEDERVILLE WA 6902	Non Objection	Noted.

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

**06. Detailed Area Plan- Lot 57 (596) Welshpool Road, Wattle Grove**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	148403
Applicant	Gray and Lewis Land Use Planners
Owner	Metrowest Corporation

Attachment 1	Existing Wattle Grove Cell 9 Structure Plan
Attachment 2	Approved Subdivision Plan
Attachment 3	Proposed Detailed Area Plan

**PURPOSE**

1. To consider a Detailed Area Plan (DAP) for Lot 57 (596) Welshpool Road, Wattle Grove. Refer to (Attachment 3).

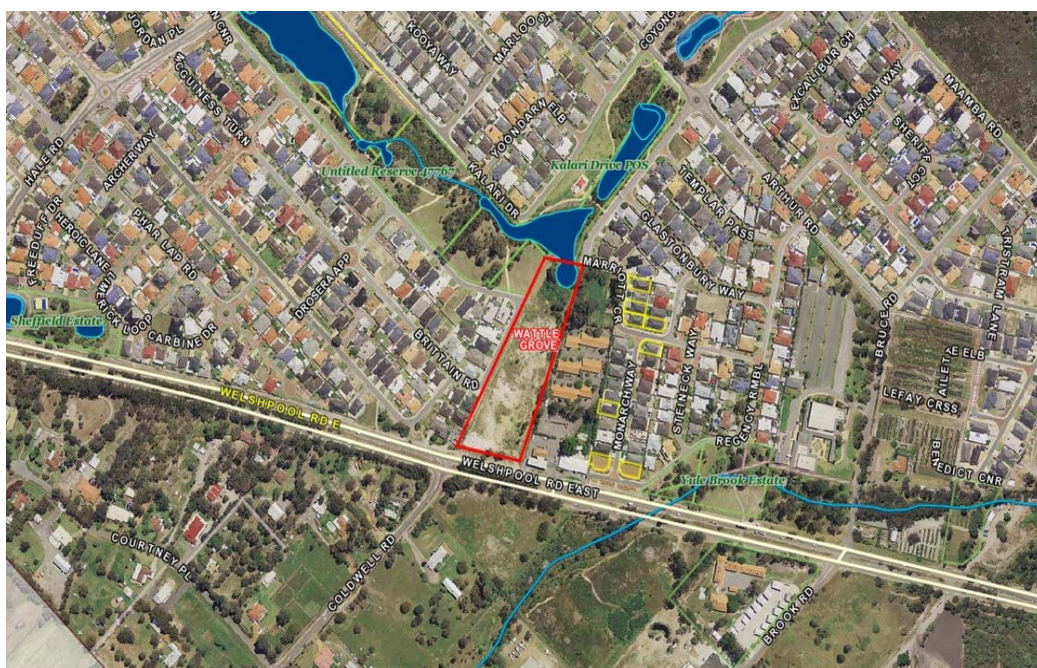
**BACKGROUND**

2. **Land Details**

Land Area:	1.9748 ha
Local Planning Scheme Zone:	Urban Development
Wattle grove Cell 9 Structure Plan:	Residential R30
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

- 3.



4. The Wattle Grove Cell 9 Structure Plan (the Structure Plan) was adopted by Council in 2000 and endorsed by the WA Planning Commission (WAPC) in March 2001.
5. In September 2013, the WAPC endorsed a modification to the Structure Plan to change the residential density on the above lot from R20 to R30. The modification also included minor realignment of internal roads and the closure of direct vehicular access to Welshpool Road. Refer (Attachment 1.) Structure Plan for Cell 9.
6. In September 2013, the WAPC approved an application to subdivide the property into 31 freehold lots at the R30 density. Refer (Attachment 2.) Approved Subdivision Plan.
7. The applicant provided a DAP for the above-mentioned subdivision. Refer (Attachment 3.) Proposed Detailed Area Plan.

## DETAILS

8. A DAP is a document that can enhance, elaborate or expand provisions contained in a structure plan. A DAP is particularly beneficial for development on small residential lots.
9. The following variation are proposed to the R Code requirements:

	R-Code requirements for development on properties with a R 30 density coding	Variation proposed in the DAP
Primary street setback (including garage and carport)	4m minimum	3m minimum
Secondary street setback	1.5m minimum	1m minimum

10. No concept plans are currently available showing the built form and building footprints proposed on the lots.
11. The DAP was not requested by the Shire or the WAPC as a condition of the subdivision approval.

## STATUTORY AND LEGAL CONSIDERATIONS

12. Under the provisions of Local Planning Scheme No.3 (the Scheme) the property is zoned Urban development.
13. The Scheme objectives of the Urban Development zone are as follows:
  - *" To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*

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

14. Clause 6.2.6 (Detailed Area Plans) of the Scheme makes provisions for a DAP to be prepared where it is considered to be desirable to enhance, elaborate or expand the details or provisions contained in the Scheme or a Structure Plan.
15. Council is to either approve the DAP with or without conditions, or refuse to approve the DAP.
16. If approved by Council, the DAP will be forwarded to the WAPC for endorsement. In the event Council or the WAPC refuses the DAP, there is a right of review (appeal) to the State Administrative Tribunal.

## **POLICY CONSIDERATIONS**

### **State Planning Policy 3.1- Residential Design Codes**

17. An objective of the R-Codes is to protect the amenity of the adjoining residential properties and to ensure appropriate provisions are in place for different dwelling types.
18. If approved by Council, future development on the property will be expected to comply with the acceptable criteria of the Residential Design Codes (R-Codes) or the R-Code requirements can be varied subject to satisfying the performance criteria of the R-Codes or requirements of the DAP.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

19. There is no requirement under the Scheme to advertise the DAP.

## **FINANCIAL CONSIDERATION**

20. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

21. DAPs give local government an opportunity to enhance, elaborate or expand on provisions contained in a Structure Plan. Guidelines developed for a specific DAP should ensure a certain standard of residences will be achieved. A DAP is particularly beneficial for development on small residential lots.

---

## SUSTAINABILITY

### Social Implications

22. The DAP gives rights and obligations to landowners in respect to a number of design parameters. Identification of these issues prior to development will reduce potential conflicts between landowners at the building stage and minimise the amount of consultation that would otherwise be required.

### Economic Implications

23. Nil.

### Environmental Implications

24. Nil.

## RISK MANAGEMENT CONSIDERATIONS

25.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Possible	Insignificant	Low	Ensure Council is aware that the proposal is considered acceptable.

## OFFICER COMMENT

26. The DAP proposes a variation to the front setback requirement of the R-Codes for properties with a density coding of R30. The variation has been sought to allow for a minimum front setback of 3m in lieu of 4m. It also proposes a maximum front setback of 5m. No further reductions beyond 3m will be considered.
27. The other variation sought is to reduce the secondary street setback from 1.5m to 1m.
28. The proposed variations are considered acceptable as they would result in a built form similar to other residential properties. It is therefore recommended that the Council adopts the proposed DAP.



<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 06/2014)**

That Council:

1. Approve the Detailed Area Plan (Attachment 3) for Lot 57 (596) Welshpool Road, Wattle Grove and forward it to the Western Australian Planning Commission for information.

Moved:

Seconded:

Vote:

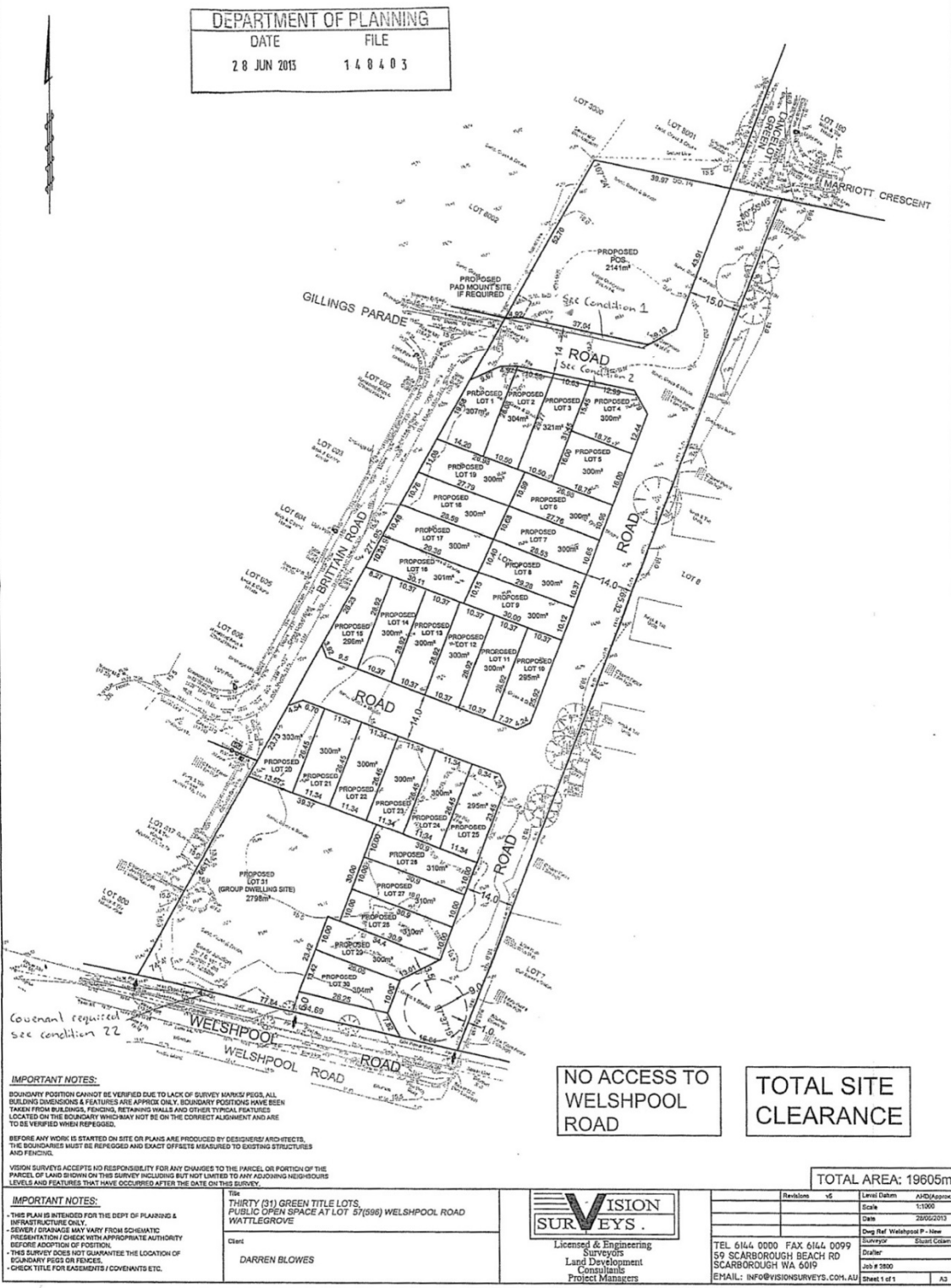
**Attachment 1**  
 Lot 57 (596) Welshpool Road, Wattle Grove  
**Existing Wattle Grove Cell 9 Structure Plan**



**Attachment 02**

**Lot 57 (596) Welshpool Road, Wattle Grove  
 Approved Subdivision Plan**

**PROPOSED THIRTY (31) LOT GREEN TITLE AND PUBLIC OPEN SPACE**



DEPARTMENT OF PLANNING	
DATE	FILE
28 JUN 2013	148403

**IMPORTANT NOTES:**

BOUNDARY POSITION CANNOT BE VERIFIED DUE TO LACK OF SURVEY MARKS/ PEGS. ALL BUILDING DIMENSIONS & FEATURES ARE APPROX ONLY. BOUNDARY POSITIONS HAVE BEEN TAKEN FROM BUILDINGS, FENCINGS, RETAINING WALLS AND OTHER TYPICAL FEATURES LOCATED ON THE BOUNDARY WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE TO BE VERIFIED WHEN REPOSESSED.

BEFORE ANY WORK IS STARTED ON SITE OR PLANS ARE PRODUCED BY DESIGNERS/ ARCHITECTS, THE BOUNDARIES MUST BE REPOSESSED AND EXACT OFFSETS MEASURED TO EXISTING STRUCTURES AND FENCINGS.

VISION SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES TO THE PARCEL OR PORTION OF THE PARCEL OF LAND SHOWN ON THIS SURVEY INCLUDING BUT NOT LIMITED TO ANY ADJOINING NEIGHBOURS LEVELS AND FEATURES THAT HAVE OCCURRED AFTER THE DATE OF THIS SURVEY.

**IMPORTANT NOTES:**

- THIS PLAN IS INTENDED FOR THE DEPT OF PLANNING & INFRASTRUCTURE ONLY.
- SEWER / DRAINAGE MAY VARY FROM SCHEMATIC PRESENTATION / CHECK WITH APPROPRIATE AUTHORITY BEFORE ADOPTION OF POSITION.
- THIS SURVEY DOES NOT GUARANTEE THE LOCATION OF BOUNDARY PEGS OR FENCES.
- CHECK TITLE FOR EASEMENTS / COVENANTS ETC.

**NO ACCESS TO  
 WELSHPOOL  
 ROAD**

**TOTAL SITE  
 CLEARANCE**

**TOTAL AREA: 19605m<sup>2</sup>**

Title  
**THIRTY (31) GREEN TITLE LOTS,  
 PUBLIC OPEN SPACE AT LOT 57(596) WELSHPOOL ROAD  
 WATTLEGROVE**

Client  
**DARREN BLOWES**

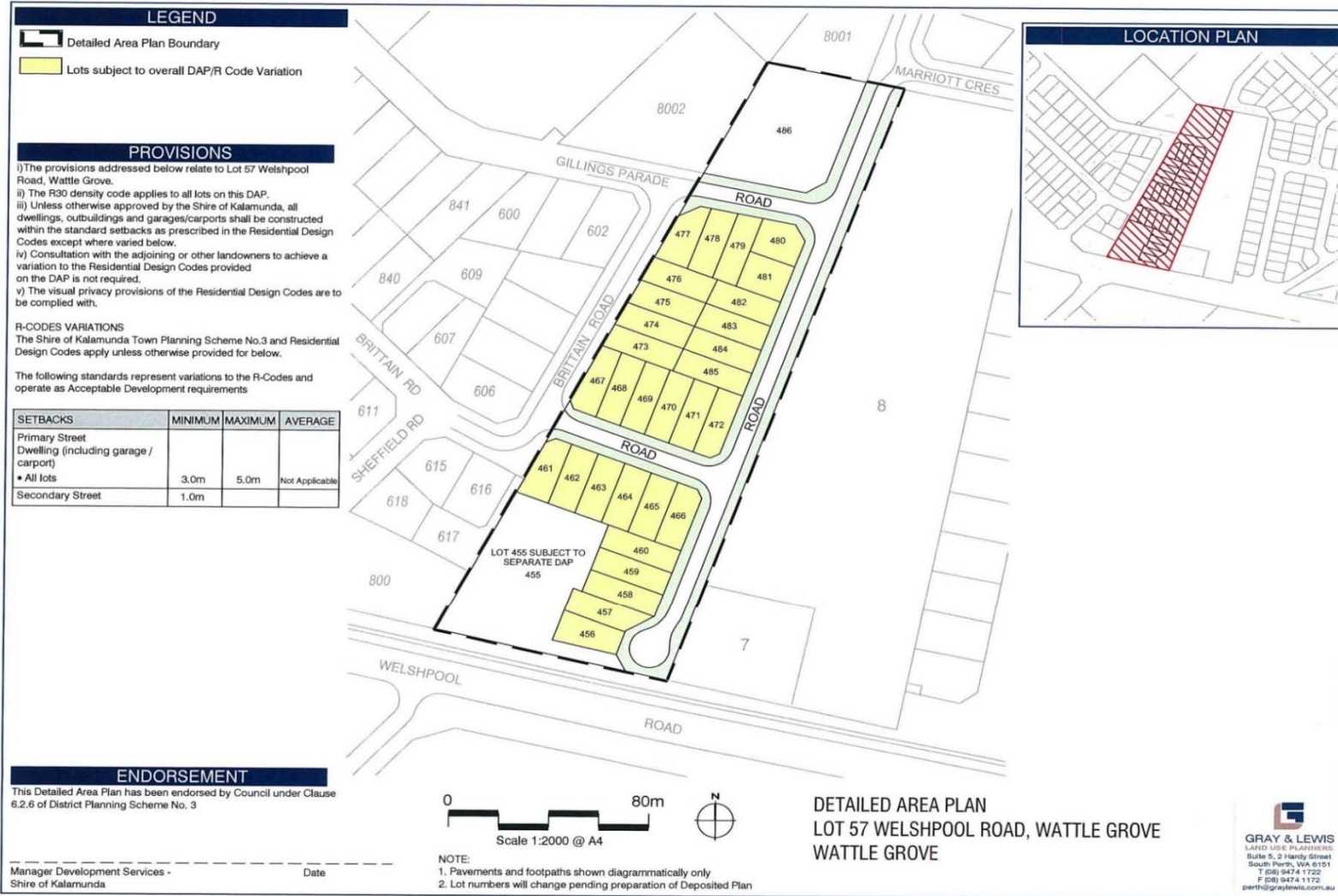
**VISION  
 SURVEYS**  
 Licensed & Engineering  
 Surveyors  
 Land Development  
 Consultants  
 Project Managers

Revision	v6	Level Datum	AHD(Approx)
		Scale	1:1000
		Date	28/06/2013
		Dwg Ref	Welshpool P-10w
		Drawn By	Stuart Cosen
		Job #	2392
		Sheet	1 of 1
			A3

TEL 6144 0000 FAX 6144 0099  
 59 SCARBOROUGH BEACH RD  
 SCARBOROUGH WA 6019  
 EMAIL: INFO@VISIONSURVEYS.COM.AU

### Attachment 03

## Lot 57 (596) Welshpool Road, Wattle Grove Proposed Detailed Area Plan



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

**07. CONFIDENTIAL REPORT - Consideration of Tenders –General Facility Maintenance Services (RFT1310)**

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (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	Nil
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	RFT1310
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Confidential Attachment – Tender Evaluation Report <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (d) (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.”</i>

Full Report circulated to Councillors under separate cover.

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

**08. CONFIDENTIAL REPORT - Consideration of Tenders –Disposal of Road Sweepings, Gully Educting Soils and Mixed Waste (RFT1309)**

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (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	Nil
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	RFT1309
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Confidential Attachment – Tender Evaluation Report <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (d) (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.”</i>

Full Report circulated to Councillors under separate cover.

**10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

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

**12.1 Cr Geoff Stallard – Wilkins Road Development**

Q. Can I have an update on the proposed Aged Persons Development at Wilkins Road?

A. The Shire is still pursuing the Environmental Approvals from the Federal Government. The application for a non-assessed action required further information regarding dieback and orchids, following public comment. The Department of Environment determined in late December that the clearing would be an assessed action, and requested further information regarding cockatoo habitat. The required surveys are due, and further information will be submitted along with a potential offset proposal for further consideration.

The Metropolitan Region Scheme Amendment process had been delayed due to a recommendation from the Department of Planning that the matter not be considered until the Strategic Assessment is completed. The Shire presented further information to the Department of Planning and at a meeting in December it was recommended that the amendment be considered separately of the strategic assessment. The Shire is following up the Department of Planning with a view to obtaining a timeframe for the consideration of the amendment.

**13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

**14.0 MEETING CLOSED TO THE PUBLIC**

**15.0 CLOSURE**