

# Development & Infrastructure Services Committee Meeting

Minutes for Monday 10 November 2014

**UNCONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.39pm, and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Sue Bilich	(Shire President) North Ward
Margaret Thomas JP	North Ward
Simon Di Rosso	(Presiding Member) North Ward
Allan Morton	South West Ward
Justin Whitten	South West Ward
Geoff Stallard	South East Ward
John Giardina	South East Ward
Frank Lindsey	South East Ward
Andrew Waddell JP	North West Ward
Dylan O'Connor	North West Ward
Bob Emery	North West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Charles Sullivan	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Nicole O'Neil	Public Relations Coordinator
Meri Comber	Governance Officer

**Members of the Public** 22

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Nil.

#### 2.3 Leave of Absence Previously Approved

Noreen Townsend	South West Ward
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### **3.0 PUBLIC QUESTION TIME**

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

#### **3.1 Mr Vincent Beales – Pickering Brook**

With reference to Item 58, Amendment No.66 to Local Planning Scheme No.3 – Modifications to the Zoning Table for the Land Uses Home Business, Chalets (Short Term Accommodation) and Restaurant. If the changes to Table 1 to include 'A' and 'D' as per the Resolution are passed by Council, would an applicant also be required to go through a planning approval process and would the Shire contact neighbouring properties by letter for comment as part of this process?

The Director Development Services responded that the amendment will give Council the discretion to consider these uses. With an 'A' use the application must be advertised prior to a planning approval this could be advertised by a sign on the site, a letter to neighbours or an advertisement in the newspaper. A 'D' use is a discretionary use and the Shire may write to neighbours depending on the circumstances and whether it was considered the development would impact on them. The method will be at the discretion of Council based on each individual proposal. The Director Development Services noted in current general practise a letter is sent to neighbours.

### **4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

### **5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 13 October 2014, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Andrew Waddell**

Seconded: **Cr John Giardina**

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

### **6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

6.1 Nil.

### **7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

7.1 Nil.

## **8.0 DISCLOSURE OF INTERESTS**

### **8.1 Disclosure of Financial and Proximity Interests**

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

8.1.1 Nil.

### **8.2 Disclosure of Interest Affecting Impartiality**

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

8.2.1 Nil.

## **9.0 REPORTS TO COUNCIL**

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

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

**57. Amendment No. 65 to Local Planning Scheme No. 3 - Rezone from Local reserve -Public Purpose (Hall/Community Centre) to Special Rural – Lot 5 (33) Lewis Road, Wattle Grove**

Previous Items	OCM 47/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/065
Applicant	Nil
Owner	M Stinton and J Miljkovich

Attachment 1	Existing and Proposed Scheme Zoning Maps
Attachment 2	Local Planning Strategy Key Elements Plan

**PURPOSE**

1. To consider final adoption of Amendment No. 65 to Local Planning Scheme No. 3 (the Scheme) to rezone Lot 5 (33) Lewis Road, Wattle Grove, from Local Reserve -Public Purpose (Hall/Community Centre) to Special Rural. Refer to (Attachment 1).

**BACKGROUND**

**2. Land Details:**

Land Area:	1.02ha
Local Planning Scheme Zone:	Local Reserve – Public Purpose
Metropolitan Regional Scheme Zone:	Rural

**Locality Plan**

3.



- 
4. In March 2014, Council resolved (En Bloc Resolution OCM 47/2014) to initiate Amendment No. 65 to the Scheme.
  5. The site contains a single dwelling and mature vegetation.
  6. Land to the north and east is zoned and developed as Special Rural. The site abuts the Hartfield Park Country Club (golf course) on its north-west boundary. The site to the south was until recently also reserved for Public Purposes, however a recent Scheme amendment has now zoned the site Special Rural with the Additional Uses of "Place of Worship" and "Community Purpose". It should be noted that as the amendment has been approved by the Minister, but not yet gazetted, the zoning map as shown in (Attachment 1) has not been updated.
  7. The surrounding properties, with the exception of the property at the rear, have been identified in the Shire's Local Planning Strategy (the Strategy) as being a Foothills Investigation Area with the intention of being rezoned to Residential Bushland. Refer to the Local Planning Strategy Key Elements Plan (Attachment 2).
  8. At this stage under the proposed Special Rural zoning the site does not have any subdivision potential.

#### **DETAILS**

9. It is proposed to rezone the property from Local Reserve Public Purpose (Hall/Community Centre) to Special Rural.
10. The owners have advised if the amendment is approved the existing cottage on the property will be renovated and continue to be used for residential purposes.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

11. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* 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.

#### **POLICY CONSIDERATIONS**

12. Nil.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

13. 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, comments being sought from nearby landowners and a sign being erected on the property.
14. During the advertising period no submissions were received.

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## FINANCIAL CONSIDERATIONS

15. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

16. *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.

## SUSTAINABILITY

### Social Implications

17. Nil.

### Economic Implications

18. Nil.

### Environmental Implications

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

20.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to adopt the amendment.	Possible	Insignificant	Low	Ensure Council is aware that the subject site has never been used for any community benefit or purpose. The proposed zoning will ensure consistency with the surrounding landuse zonings.

## OFFICER COMMENT

21. The current Reservation is considered anomalous given the site is privately owned and has never been used for any community benefit or purpose. The proposed zoning is more appropriate to its existing land use and in keeping with surrounding land use zonings.



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22. Amending the Scheme to zone the land more appropriately will also avoid potential inconsistencies with future land uses due to the reservation.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 57/2014)**

That Council:

1. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

<p style="text-align: center;">PLANNING AND DEVELOPMENT ACT 2005</p> <p style="text-align: center;">RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p style="text-align: center;">SHIRE OF KALAMUNDA</p> <p style="text-align: center;">LOCAL PLANNING SCHEME NO. 3</p> <p style="text-align: center;">AMENDMENT NO. 65</p> <p>Resolved that the Council in pursuance of Part 5 of the <i>Planning and Development Act 2005</i> amend the above Local Planning Scheme by:</p> <p>1. Rezoning Lot 5 (33) Lewis Road, Wattle Grove, from Public Purpose (Hall/Community Centre) to Special Rural.</p>
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2. Amends the Scheme zoning map accordingly.
3. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting final approval be granted.

Moved: **Cr Allan Morton**

Seconded: **Cr Bob Emery**

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

**Attachment 1**

Amendment No. 65 to Local Planning Scheme No. 3 - Rezone from Public Purpose to Special Rural – Lot 5 (33) Lewis Road, Wattle Grove  
**Existing and Proposed Scheme Zoning Maps**



**Existing Zoning: Public Purposes**



**New Zoning: Special Rural**

**LEGEND**

**METROPOLITAN REGION SCHEME RESERVES**

- |                          |                                       |
|--------------------------|---------------------------------------|
| PARKS AND RECREATION     | PRIMARY REGIONAL ROADS                |
| RESTRICTED PUBLIC ACCESS | OTHER REGIONAL ROADS                  |
| RAILWAYS                 | PUBLIC PURPOSES – DENOTED AS FOLLOWS: |
| PORT INSTALLATIONS       | H HOSPITAL                            |
| STATE FORESTS            | HS HIGH SCHOOL                        |
| WATER CATCHMENTS         | TS TECHNICAL SCHOOL                   |
| CIVIC AND CULTURAL       | CP CAR PARK                           |
| WATERWAYS                | U UNIVERSITY                          |
|                          | LIS COMMONWEALTH GOVERNMENT           |
|                          | SEC STATE ENERGY COMMISSION           |
|                          | SU SPECIAL USES                       |
|                          | WSD WATER AUTHORITY OF WA             |
|                          | P PRISON                              |

**LOCAL SCHEME RESERVES**

- |  |
|--|
| LOCAL OPEN SPACE                               |
| PUBLIC PURPOSES                                |
| PUBLIC PURPOSES DENOTED AS FOLLOWS:            |
| AC AGED CARE                                   |
| AG AGRICULTURE PROTECTION BOARD & CONSERVATION |
| AM ST. JOHN AMBULANCE                          |
| AQ AQUATIC CENTRE                              |
| BS BUS STATION                                 |
| CH CHURCH                                      |
| CO COUNCIL OFFICES                             |
| CP COMMUNITY PURPOSE                           |
| EL ELECTRICAL SUB STATION                      |
| EX TELEPHONE EXCHANGE                          |
| H HALL / COMMUNITY CENTRE                      |
| HOS HOSPITAL                                   |
| K KINDERGARTEN                                 |
| LIB LIBRARY                                    |
| MUS RAILWAY MUSEUM                             |
| PB PUBLIC BUILDING                             |
| POL POLICE STATION                             |
| PS PRIMARY SCHOOL                              |
| WA WATER TANK                                  |

**ZONES**

- |                              |                          |
|------------------------------|--------------------------|
| RESIDENTIAL                  | GENERAL INDUSTRY         |
| RESIDENTIAL BUSHLAND         | LIGHT INDUSTRY           |
| URBAN DEVELOPMENT            | RURAL AGRICULTURE        |
| COMMERCIAL                   | RURAL COMPOSITE          |
| DISTRICT CENTRE              | RURAL CONSERVATION       |
| MIXED USE                    | RURAL LANDSCAPE INTEREST |
| SERVICE STATION              | SPECIAL RURAL            |
| SPECIAL USE                  | INDUSTRIAL DEVELOPMENT   |
| PRIVATE CLUBS & INSTITUTIONS |                          |

**OTHER**

- |                                    |   |
|------------------------------------|---|
| R CODES                            | SCA-KALAMUNDA TOWN CENTRE DESIGN CONTROL AREA (SEE SCHEME TEXT) |
| ADDITIONAL USES                    | SPECIAL USE AREA (SEE SCHEME TEXT)                              |
| RESTRICTED USES                    | ENVIRONMENTAL CONDITIONS (SEE SCHEME TEXT)                      |
| SCHEME BOUNDARY                    | SC3 - SCA ZONE/F  |
| LOCAL GOVERNMENT BOUNDARY          | SC4 - SCA 300M POULTRY FARM BUFFER                              |
| DEVELOPMENT AREA (SEE SCHEME TEXT) | NO ZONE   |

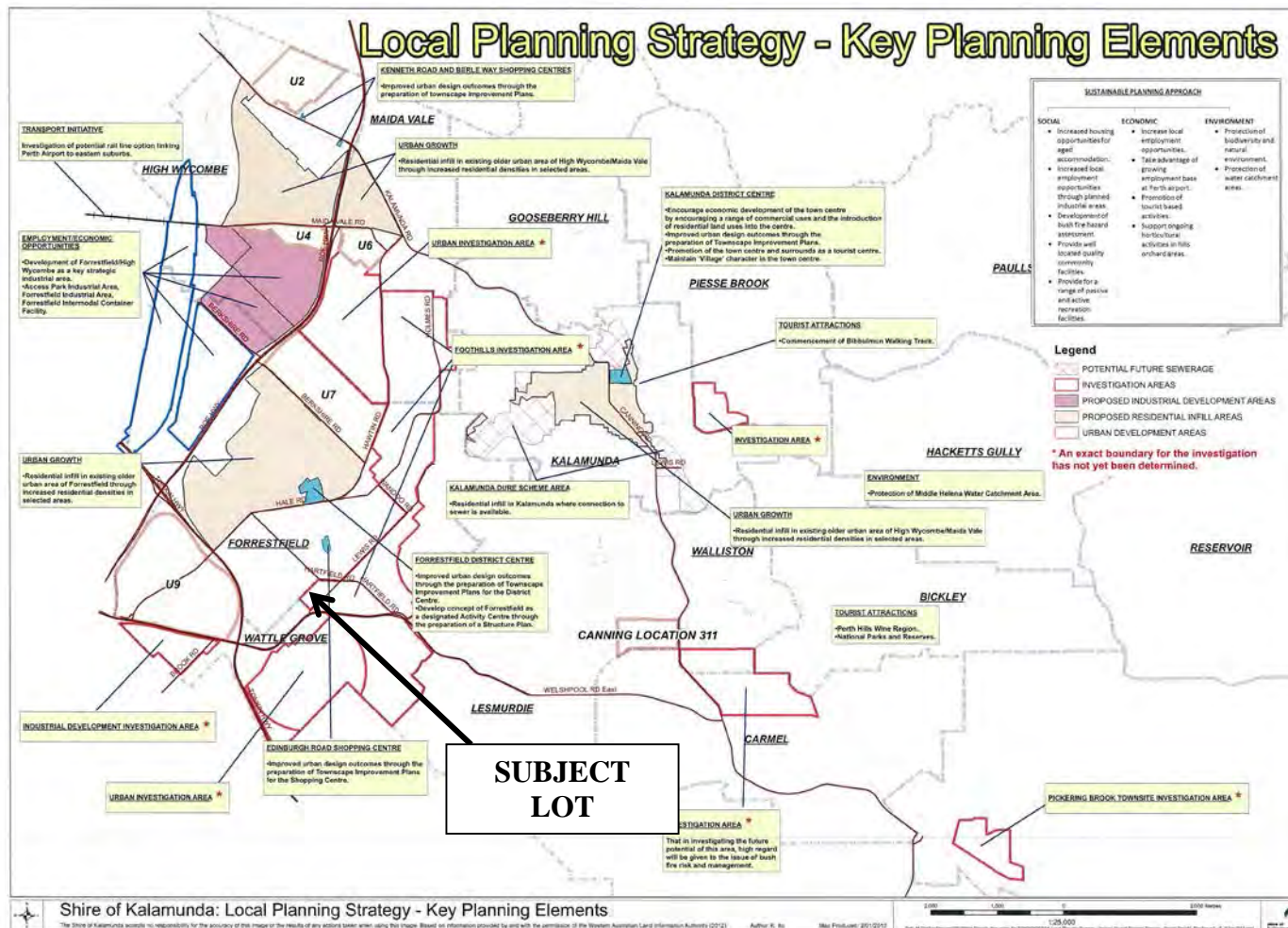
VERSION No 1

**SHIRE OF KALAMUNDA**  
 LOCAL PLANNING SCHEME NO. 3  
 ( DISTRICT SCHEME )

**Attachment 2**

Amendment No. 65 to Local Planning Scheme No. 3 - Rezone from Public Purpose to Special Rural and Additional Uses  
 Lot 5 (33) Lewis Road, Wattle Grove

**Local Planning Strategy Key Elements Plan**



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

**58. Amendment No. 66 to Local Planning Scheme No. 3 – Modifications to the Zoning Table for the Land Uses Home Business, Chalets (Short Term Accommodation) and Restaurant**

Previous Items	OCM 75/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/
Applicant	Nil
Owner	N/A

Attachment 1                      Submission Table

**PURPOSE**

1. To consider final adoption of Amendment No. 66 to Local Planning Scheme No. 3 (the Scheme) to modify Table 1 (Zoning Table) so the land use Home Business becomes a 'D' use in the Special Rural Zone, and the land uses Restaurant and Chalets (Short Term Accommodation) become 'A' uses under the Rural Agriculture and Rural Conservation zones.

**BACKGROUND**

2. Over recent years there has been a decline in primary production within the Shire as outlined in the Draft Hills Rural Study (DHR Study) and Local Planning Strategy (the Strategy). There has been increased interest from landowners within some rural areas to establish tourism related industries including restaurants and chalets as well as small scale activities such as home businesses, in order to supplement primary production.
3. In May 2014, Council resolved (Resolution OCM 75/2014) to initiate Amendment No. 66 to the Scheme.

**DETAILS**

4. Currently a restaurant and chalet are prohibited uses within the Rural Conservation and Rural Agriculture zones. Home businesses are prohibited in the Special Rural Zone.
5. It is proposed Table 1 (Zoning Table) of the Scheme be modified as follows:
  - a. The land uses Restaurant and Chalets (Short Term Accommodation) become 'A' uses in the Rural Conservation and Rural Agriculture zones; and
  - b. The land use Home Business becomes a 'D' use in the Special Rural zone.
6. The proposed amendment will enable landowners to diversify current land use activities to assist with the ongoing viability of horticultural pursuits. Typically, tourism related activities, in the form of restaurants, tearooms and chalets are

becoming increasingly popular. Often these uses are linked to existing primary production activities, such as wineries on vineyards and cideries on orchards.

## **STATUTORY AND LEGAL IMPLICATIONS**

7. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to finally adopt the proposed amendment, ultimately it will be determined by the Minister for Planning.
8. Clause 4.2.2 (Objectives of the Zones) of the Scheme stipulates that the objectives of the Special Rural, Rural Conservation and Rural Agriculture zones are the following:

### **Special Rural**

- *“To enable smaller lot subdivision to provide for uses compatible with rural development.*
- *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.”*

### **Rural Conservation**

- *“Ensure development is in harmony with the natural environment.*
- *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
- *Conserve and preserve the bushland status of private freehold and Crown land within the zone.*
- *Conserve indigenous flora and fauna to ensure the viability of natural ecosystems.*
- *Encourage the reduction of bush fire hazard.”*

### **Rural Agriculture**

- *To protect and maintain the hills horticultural industry.*
- *“To ensure the conservation of soil and water resources important to the well being of the horticulture industry.*
- *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
- *To conserve the physical and visual environment of the area.*
- *Encourage the reduction of bush fire hazard.”*

9. Under Schedule 1 (Land Use Definitions) of the Scheme the land uses Home Business, Chalets (Short Term Accommodation) and Restaurant are defined as being:

### **Home Business**

*"A business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –*

- (a) does not employ more than 2 people not members of the occupier's household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 50 square metres;*
- (d) does not involve the retail sale, display or hire of goods of any nature;*
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone."*

### **Chalets (Short Term Accommodation)**

*"An individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period."*

### **Restaurant**

*"Premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons and the term shall include a licensed restaurant."*

## **POLICY IMPLICATIONS**

### **Middle Helena Catchment Area Land Use and Water Management Strategy**

10. The Middle Helena Catchment Area – Land Use and Water Management Strategy (MHCA Strategy) covers the Piesse Brook Water Catchment Area to the east of the Shire. The strategy was created as a draft strategy in 2003 by the Department of Water and the Western Australian Planning Commission. The aim of the MHCA Strategy is to provide a framework for land use planning and water management within the catchment area. This is achieved by integrating land use planning with the Public Drinking Water Source Area (PDWSA).
11. The MHCA Strategy area faces pressures from development for housing and an increasing need for tourism opportunities. The MHCA Strategy also identifies that revenue from orcharding production has declined within recent years. As

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such it is expected that a growth in viticulture and the growth of secondary industries such as restaurants will come about as a result of this.

12. The MHCA Strategy identifies three priority areas to ensure there is no degradation to the water source. If an application for a restaurant, chalet or home business is received by the Shire it is a statutory requirement that it be referred to the Department of Water as part of the assessment process if it falls within one of the priority areas.
13. Properties zoned Rural Agriculture or Rural Conservation often fall within a PDWSA (Priority 2). In the MHCA Strategy the land uses Restaurant and Accommodation (chalets) are listed as being compatible with conditions in such areas.

### **Water Quality Protection Note- Land Use Compatibility in Public Drinking Water Source Areas (Department of Water)**

14. The Water Quality Protection Notes provides advice on the acceptability of land uses and activities within water catchments used as water sources for drinking water across the State. This includes an assessment of compatibility of land uses for each priority area.

### **State Planning Policy 2.7 – Public Drinking Water Source Policy**

15. The objective of State Planning Policy 2.7 – Public Drinking Water Source Policy (SPP 2.7) is to ensure that land use and development within the Public Drinking Water Source Areas (PDWSA) is compatible with the long term management of water resources for public water supply.

### **Local Planning Strategy**

16. In recognition of the need to encourage tourism as an economic contributor to the area, and to assist agricultural activities, the Strategy incorporated the following strategies:
  - Provide for the diversification of rural land uses to support tourism in rural areas subject to environmental sustainability.
  - Promote the implementation of rural industries to allow for tourism related activities subject to environmental sustainability.
  - Amend Scheme provisions to enable development of complementary tourist facilities in eastern rural zones such as cafes, restaurants and chalets subject to environmental sustainability.
  - Amend Scheme provisions to support tourism related activities in rural areas subject to environmental sustainability.

### **Draft Hills Rural Study**

17. The Rural Agriculture and Rural Conservation zones predominantly fall within the review area of the Draft Hills Study (DHR Study), the purpose of which is to understand the current land use trends in the area, as well as review the existing strategic plans, policies, statutory requirements and environmental regulations that govern land uses and lot sizes in the area.

18. The DHR Study revealed the horticulture industry in the area is dominated by family run businesses, with high establishment costs and long return periods for new areas of crops resulting in little likelihood of expansion as a means to achieve economies of scale and increased economic viability.

### **Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management**

19. The objective of Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management (Draft SPP 3.7) is to ensure development and land use proposals take into account bushfire protection requirements and include specified fire protection measures, especially over land that has or will have a moderate or extreme bushfire hazard level.

### **Draft Planning for Bushfire Protection Guidelines (Western Australian Planning Commission) – (WAPC)**

20. The Draft Planning for Bushfire Risk Management Guidelines (Guidelines) have been prepared by the WAPC, and have been released for public comment with the new draft policy. The Guidelines include supporting information from the Department of Fire and Emergency Services (DFES), for decision-making authorities, planners, proponents, referral agencies and fire consultants to assist in implementation of SPP 3.7: Planning for Bushfire Risk Management, specifically while:
- Determining appropriate land use planning in relation to bushfire risk mitigation across the State;
  - Specifying the requirements which must be met at each stage of the planning process; and
  - Ensuring that necessary bushfire protection measures are incorporated into proposed developments.
21. The revised Guidelines are designed to supplement the objectives and policy measures established in Draft SPP 3.7, to assist in their interpretation, and provide advice on how bushfire risk is to be addressed when designing or assessing a proposal within a bushfire-prone area. It is intended these guidelines will be reviewed regularly to respond to changing circumstances.
22. The Office of Bushfire Risk Management (OBRM) has endorsed these Guidelines as a standard. As an OBRM-endorsed standard, once adopted these Guidelines in conjunction with Draft SPP 3.7, will be the predominant document in Western Australia for use by DFES as well as other referral authorities.
23. The Guidelines sets out the process for conducting a Bushfire Hazard Assessment in Appendix Two. The classification on vegetation types is undertaken in accordance with AS3959 which is then classified in the Guidelines as being "low", "moderate" or "extreme" rated vegetation.
24. Should a site be deemed suitable for development based on an initial bushfire hazard assessment a more detailed bush fire attack level (BAL) assessment will be required at the subdivision development stage. The BAL assessment will determine the potential level of construction standard to meet safety



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requirements as specified in *Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas* (AS 3959).

25. Appendix Four of the Guidelines establishes the bushfire protection “performance principles” and “acceptable solutions” for key management issues such as the siting and design of development.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

26. Prior to advertising, the amendment was referred to the Environmental Protection Authority (EPA) for its consideration as to whether it should be assessed under the *Environmental Protection Act 1986* (Act).
27. The EPA considered that the amendment should not be assessed under the Act however recommended that the land uses Restaurant and Chalets (Short Term Accommodation) remain as prohibited uses in the Rural Conservation due to the potential for vegetation having to be removed for such development to comply with Bushfire management.
28. 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, and the proposal being referred to the Department of Water and Department of Environment Regulation.
29. During the advertising period two non-objections were received.

## **FINANCIAL CONSIDERATION**

30. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

31. *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.

## **SUSTAINABILITY**

### **Social Implications**

32. The fragmentation of the traditional orcharding families is identified as an important factor in the decline of the agriculture industry in the area.
33. One of the objectives of the DHR Study is to find ways to encourage young families to stay in the rural areas and, if possible, to stay connected to the agricultural land.

### Economic Implications

34. Nil.

### Environmental Implications

35. Issues relating to environmental matters such as potential clearing of land for bush fire purposes will be considered having regard to the draft policy objectives.

### RISK MANAGEMENT CONSIDERATIONS

36.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to adopt the amendment.	Possible	Minor	Medium	Ensure Council is aware the proposed amendment is consistent with Councils Local Planning Strategy and draft Hills Rural Study in providing for tourism related activities in orcharding areas and that the land uses Restaurant and Chalets (Short Term Accommodation) are compatible with conditions in PDWSA (Priority 2).
The introduction of tourism related activities in the rural agricultural and rural conservation zones may expose such activities to increase bush fire risk.	Possible	Extreme	Extreme	Planning applications for restaurants and chalets will be required to undertake a bush fire hazard assessment to determine the bush fire risk and to demonstrate how the bush fire risk is to be addressed and ensure the necessary bush fire protection measures are incorporated into proposed developments.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Tourism related activities, may result in substantive clearing of vegetation.	Possible	Major	High	Draft State Planning Policy requires a balanced approach between the clearing of land for bush fire purposes and meeting conservation objectives.

### OFFICER COMMENT

37. Currently the land use Home Business is prohibited in the Special Rural zone, but is discretionary in the other rural zones. This is considered somewhat anomalous as the actual use would be unlikely to have any greater or lesser impact within any of the rural zones.
38. Likewise, the land uses Restaurant and Chalets (Short Term Accommodation) are prohibited in the Rural Agriculture and Rural Conservation zones. Such uses are identified by the DHR Study as being suitable secondary industries in supporting the horticultural industry in the hills orcharding areas.
39. The land uses Restaurant and Chalets (Short Term Accommodation) are identified under the MHCA Strategy as being compatible with conditions. As such they can be considered in the Water Catchment PDWSA (Priority 2) when appropriate waste water management systems can be implemented.
40. Such land uses are often small in scale and have minimal impact on the amenity of a rural area.
41. Noting the comments of the EPA, any clearing of land associated with development in bush fire prone areas will have to be viewed in the context of the draft Policy which requires a responsible and balanced approach between bush fire management measures and landscape amenity and biodiversity conservation objectives.
42. As part of a planning application for a Restaurant, Chalets or Home Business where a new building and/or structure to an existing building are proposed, a bushfire hazard assessment will be required to be undertaken by the applicant. If a proposal falls within a moderate or extreme bushfire risk area the requirements of Draft SPP 3.7 and the Guidelines are to be complied with.
43. Adoption of the amendment will allow for broader land use considerations which will provide economic and social benefits to residents in the relevant zones as provided for in the Local Planning Strategy.

*Mr Vincent Beales of Pickering Brook had requested to speak regarding this item, he came forward and noted that his question had been answered during Public Question Time.*

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 58/2014)**

That Council:

1. Notes the submissions received in response to Amendment No. 66 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 66</p> <p>Resolved that the Council in pursuance of Part 5 of the <i>Planning and Development Act 2005</i> amend the above Local Planning Scheme by:</p> <ol style="list-style-type: none"><li>1. Modifying Table 1 (Zoning Table) as follows:<ol style="list-style-type: none"><li>a) The land uses Restaurant and Chalets (Short Term Accommodation) become 'A' uses in the Rural Conservation and Rural Agriculture zones; and</li><li>b) The land use Home Business becomes a 'D' use in the Special Rural zone.</li></ol></li></ol>
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3. Amends the Scheme 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: **Cr Frank Lindsey**

Seconded: **Cr John Giardina**

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

**Attachment 1**

Amendment No. 66 to Local Planning Scheme No. 3 – Modifications to the Zoning Table for the Land Uses Home Business, Chalets (Short Term Accommodation) and Restaurant

**Submission Table**

Submission	Details	Comments
1.	<p>Department of Water Swan Avon Region 7 Ellam Street VICTORIA PARK WA 6100</p> <p>No objection.</p>	<p>Noted.</p>
2.	<p>E and L Radice 213 Merrivale Road PICKERING BROOK WA 6076</p> <p>No objection.</p> <p>a) Our family has lived and farmed an orchard in Pickering Brook for the past 70 years. Currently, they are fourth generation members residing and working the land. Our aim is to continue our family's involvement with the orcharding industry by diversifying our income streams to supplement a drop in orchard related income.</p> <p>Due to a number of factors, it is increasingly difficult to generate sufficient income from an orchard of our size to justify the work required to run the property.</p> <p>To remain on the property, our options continue to be: 1. Reduce the volume of work by removing trees and seek employment elsewhere.</p>	<p>a) Noted. Over recent years there has been a decline in primary production within the Shire as outlined in the Draft Hills Rural Study (DHR Study) and Local Planning Strategy (LPS). As such, there has been increased interest from landowners within some rural areas to establish tourism related industries such as restaurants and chalets, as well as small scale activities such as home businesses in order to supplement or replace primary production.</p> <p>The purpose of this amendment is to allow for orcharding activities to diversify their income through tourism related activities.</p>

		<p>2. Add tourism related activities to our scope to supplement the orchard's income.</p> <p>We are very much looking forward to option 2 and we have put in place measures over the past three years to turn our property into a showcase of the orchard industry in the Perth hills.</p> <p>b) Part of this plan includes operating a small restaurant to support a cellar door and a farm-gate style fresh fruit/vegetable market. We envisage that eventually, we will add a short term farm-style accommodation option to our business in the original homestead.</p> <p>The benefit of this business model extends beyond that of our own personal gain. Whilst we anticipate that income from the agritourism business will justify us continuing to operate the orchard, the spin-offs for the local community are significant. These include:</p> <ol style="list-style-type: none"><li>1. Encouragement for other land owners to continue to farm their properties.</li><li>2. Increased likelihood that Pickering Brook will remain predominantly agriculture based.</li><li>3. Generation of jobs for local community members.</li><li>4. Creation of recreational activities with a focus on the importance of rural and agricultural conservation.</li><li>5. Increased awareness in the community of the importance of agriculture to the Shire of Kalamunda.</li></ol>	<p>b) If the amendment is approved planning approval will be required to be obtained prior to commencing such uses on the property. It will need to be demonstrated how such a proposal will comply with the Government Sewerage Policy, the Western Australian Planning Commission's bushfire protection guidelines, and Local Planning Scheme No. 3.</p>
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	<p>c) In addition, the amendment to allow restaurants and chalets will help support the objectives of rural agricultural zones. Agritourism has the potential to:</p> <ol style="list-style-type: none"><li>1. <i>Protect and maintain the hills horticultural industry</i> (as specified in points 1 and 2 above).</li><li>2. <i>Protect the conservation of soil and water resources</i> by ensuring that properties remain agricultural based and don't deteriorate into barren land or land solely used for animals such as horses.</li><li>3. <i>Ensure that land uses, activities and land management practices are consistent with natural resources conservation</i> by merging tourism with agricultural activities rather than replacing agricultural with other less 'natural resource friendly' activities.</li><li>4. <i>Conserve the physical and visual environment</i> by creating attractive, well planned and managed spaces for members of the public to enjoy the beauty of the region.</li><li>5. <i>Encourage the reduction of bush fire hazards</i> by ensuring that land owners re-examine the potential for damage by fire when planning and creating their agritourism business.</li></ol> <p>We have already witnessed the benefits of agritourism in our area with a cider house operating close by demonstrating that tourism does not have an impact on agricultural activities. In fact, the property continues to be</p>	<p>c) Noted.</p>
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		<p>farmed as an orchard and has become a more valuable asset to the owners than in its previous form as an orchard only. Likewise, neighbouring properties continue to be farmed and are unaffected by tourism.</p> <p>d) We strongly support amendment 66 and anticipate that it will ensure orchards continue to operate in the Perth Hills for many years to come. Without the changes proposed in the amendment, in all likelihood, our property will cease to operate as an orchard in the next year or so.</p>	<p>d) Noted.</p>
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Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

**59. Proposed Change of Use (From Single Dwelling to Place of Worship)  
 – Lot 200 (219) Gooseberry Hill Road, Maida Vale**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	GS-01/219
Applicant	Associated Building Surveyors
Owner	P Dadd

Attachment 1	Site Plan
Attachment 2	Elevations
Attachment 3	Existing and Proposed Internal Floor Plans
Attachment 4	Submission Table

**PURPOSE**

1. To consider a planning application to change an existing Single Dwelling to a Place of Worship at Lot 200 (219) Gooseberry Hill Road, Maida Vale. Refer to Attachments 1 to 3.

**BACKGROUND**

2. **Land Details:**

Land Area:	1,724m <sup>2</sup>
Local Planning Scheme Zone:	Residential R10
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

- 3.



4. The property contains a single dwelling and associated outbuildings, and mature vegetation throughout. It is within close proximity to the Kalamunda Road and Gooseberry Hill Road/Hawtin Road intersection.
5. Surrounding properties contain single dwellings, with the exception of the adjoining property on the western boundary, which contains an indoor swimming pool.

## DETAILS

6. Details of the application are as follows:
  - The existing dwelling is to be retained, and converted into a place of worship, and occupied by the Plymouth Brethren Christian Church.
  - It is proposed that up to 64 persons can be accommodated within the proposed place of worship.
  - Services are proposed to be held on Mondays between 6.30pm and 7.30pm, and on Sundays between 6.00am and 7.00am.
  - Twenty (20) car parking bays are proposed to be available on site.
  - No external signage is proposed.
  - No extensions are proposed to the existing dwelling or outbuilding on the property.
  - A Traffic Impact Statement submitted as part of the application concludes the following:

*"A traffic generation and distribution analysis was conducted to quantify the traffic impact of the proposed development upon the surrounding road network.*

*Results of which indicate that the development of the site as a "Place of Worship" will have minimal impact on the function of the adjacent road network. This is primarily due to the fact that the number of vehicles suggested to attend is very minimal and furthermore the times of attendance do not coincide with peak AM or PM traffic loads.*

*Assessment of the proposed car parking provision and access arrangement was also conducted and has determined that the proposed development will have negligible impact.*

*Sight Distance assessment of the proposed location, exceeds current regulation and therefore is deemed to include sufficient sight distance provisions for drivers exiting on to Gooseberry Hill Road.*

*Reviewing the traffic impacts associated with the re-development of the property as a "Place of Worship" has been evaluated, and no issues have been identified."*

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## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

7. Under the Zoning Table (Table 1) of Local Planning Scheme No. 3 (Scheme) the use "Place of Worship" is an 'A' use meaning that prior to determining the proposal it is required to be advertised in accordance with clause 9.4 of the Scheme.
8. The Scheme car parking requirements for the use Place of Worship are the following:

Car Parking Requirement	Required	Proposed
Place of Worship – 1 bay for every 5m <sup>2</sup> of Net Lettable Area (NLA)	95m <sup>2</sup> NLA = 19 car bays minimum	20

9. Table 2 (Site Requirements) of the Scheme stipulates that development on Residential zoned properties is to comply with the Residential Design Codes (R Codes). As the existing buildings are to be retained and no additional buildings or extensions are proposed, the setbacks and building heights will remain unchanged.
10. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including:
- The compatibility of the development within its settings.
  - The likely effect of the scale and appearance of the proposal.
  - Whether the proposed means of access and egress from the property are adequate.
  - Any State Planning Policy.
  - Any relevant submissions received on the application.
11. 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.

### Health (Public Buildings) Regulations 1992

12. If the application is approved by Council a maximum of 70 persons can be accommodated inside the place of worship in accordance with the *Health (Public Buildings) Regulations 1992*.

## POLICY CONSIDERATIONS

13. Nil.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

14. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. An amended site plan was received once the advertising period had concluded therefore the proposal was readvertised for a further 14 days.
15. During the advertising periods a total of 5 objections, 1 non-objection and 2 submissions which provided comment on the proposal were received. Refer to the Submission Table (Attachment 4).
16. The following concerns were raised during advertising:
  - Services and other activities being held at different times to those proposed currently.
  - Activities other than services being conducted on the premises.
  - The additional traffic volumes and movements creating traffic safety issues.
  - Noise generated by services held at the property being excessive.
  - Light emissions from the property.
  - The property being subject to the Amenity Control and Access and Parking Strategy adopted for the sixways commercial development.

## FINANCIAL CONSIDERATIONS

17. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.1 - 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.
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## SUSTAINABILITY

### Social Implications

19. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

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### **Economic Implications**

20. Nil.

### **Environmental Implications**

21. Nil.

### **RISK MANAGEMENT CONSIDERATIONS**

22.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Action/Strategy</b>
Council may resolve not to support the proposal.	Possible	Insignificant	Low	Make sure Council is aware that the proposal is considered an appropriate use in the proposed location.

### **OFFICER COMMENT**

23. The proposal is compliant with the requirements of the Scheme and will have a surplus of one parking bay if approved.
24. The existing dwelling is to be converted into the place of worship, no extensions are proposed to the existing buildings.
25. Adjoining the western boundary of the property are commercial uses which wrap around Gooseberry Hill and Kalamunda Roads. As such, the proposal is considered a minor extension of the existing commercial precinct.
26. A Traffic Impact Statement submitted as part of the application did not identify any issues from a traffic safety or volume perspective.
27. During the advertising period it was requested that the property default back to residential purposes if it was sold in future. Concerns were also raised regarding noise and other activities being conducted on the premises. If Council approves the application appropriate conditions regarding these matters can be imposed.
28. In regard to the issue of noise, it is noted that services will commence at 6.30 Sunday morning. The service hours however should be viewed in the context of the place of worship being a benign land use which typically operates outside conventional hours.
29. With regard to the property defaulting to a residential use if sold in the future, the applicant has requested that an appropriate condition be imposed if the application is approved. This is considered appropriate as the application as proposed is considered to be of low impact, however if on sold to another organisation the impacts may increase. Council has included such requirements previously for other proposals of a similar nature where residential land uses are located in close proximity to a place of worship.

*Sonia and Michael Maverick of Gooseberry Hill spoke in favour of the Recommendation but sought clarification regarding noise mitigation and lighting. The Director Development Services responded to their queries.*

*A Councillor asked if Sonia and Michael Maverick had had an opportunity to speak with the applicants and advised that in other developments of this nature in the Shire of Kalamunda, the Brethren have been found to be very good neighbours with no problems to the surrounding properties; they responded that they had met with them and believed they would make good neighbours.*

*A Councillor noted that on a previous application a particular type of lighting had been stipulated and asked if this would occur again, the Director Development Services replied that this would be the case.*

*A Mover and Seconder were found, a Councillor requested an Amendment to the Recommendation. The Presiding Member took the Amendment on notice to come back to the Ordinary Council Meeting and requested that the Officer Recommendation as it stood be voted on at this time with the proviso that the item be withdrawn for separate consideration at the Ordinary Council Meeting. The suggested Amendment could be circulated to Councillors for their consideration prior to the meeting.*

<b>Voting Requirements: Simple Majority</b>
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#### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 59/2014)**

That Council:

1. Approves the application dated 27 August 2014 to change the existing Single Dwelling at Lot 200 (219) Gooseberry Hill Road, Maida Vale to a Place of Worship, subject to the following conditions:
  - a. The provision and maintenance of a total of 20 car spaces including a minimum of one disabled bay.
  - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
  - c. Vehicle parking, manoeuvring and circulation areas, except for the overflow area, to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - d. A landscaping plan being submitted to and approved by the Shire prior to the use commencing.
  - e. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the satisfaction of the Shire.
  - f. A geo-technical report being submitted to and approved by the Shire within 28 days of this decision.

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- g. Stormwater is contained on-site, or appropriately treated and connected to the local drainage system to the specification and satisfaction of the Shire.
  - h. The property not being used for Community Purpose or Club Premises purposes as defined under Local Planning Scheme No. 3.
  - i. A new effluent disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974* is to be installed to the Shire's satisfaction.
  - j. All existing septic sewer systems 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 that the site has been inspected and all effluent disposal systems have been removed. A pro-forma for this declaration is available from the Shire.
  - k. The applicant is required to engage an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to undertake a detailed noise assessment in relation to the *Environmental Protection (Noise) Regulations 1997* to the satisfaction of the Shire prior to commencing the development. Where such an assessment finds the proposal fails to meet the legislative limits the proponent must submit a noise mitigation plan for approval of the Shire prior to commencing the development.
  - l. Services only being permitted to be held on Mondays between 6.30pm and 7.30pm, and on Sundays between 6.00am and 7.00am.
  - m. Prior to any external lighting being installed/erected, a lighting plan is to be submitted to and approved by the Shire.
2. Accepts the undertaking given by the applicant/landowner to:
- a. Undertake to, upon the Trustees (or any subsequent trustees of the Trust or any other trust or entity related to and associated with the Plymouth Brethren Christian Church (the Church) deciding to transfer the Property to an unrelated third party, advise the Shire as to the same, and make application to change the use of the Property from a "Place of Worship" to "Residential".
  - b. In any event, hereby give the Shire the authority to make the application to change the use of the Property from a "Place of Worship" to "Residential" in the event that the Property is to be transferred out of the ownership of the Church and to an unrelated third party.
  - c. Are willing to allow a section 70A Notification to be lodged over the Property prior to occupation of the same, confirming either or both
-

of paragraphs 1 and 2 above, this being undertaken at the cost of the Trustees.

Moved: **Cr Dylan O'Connor**

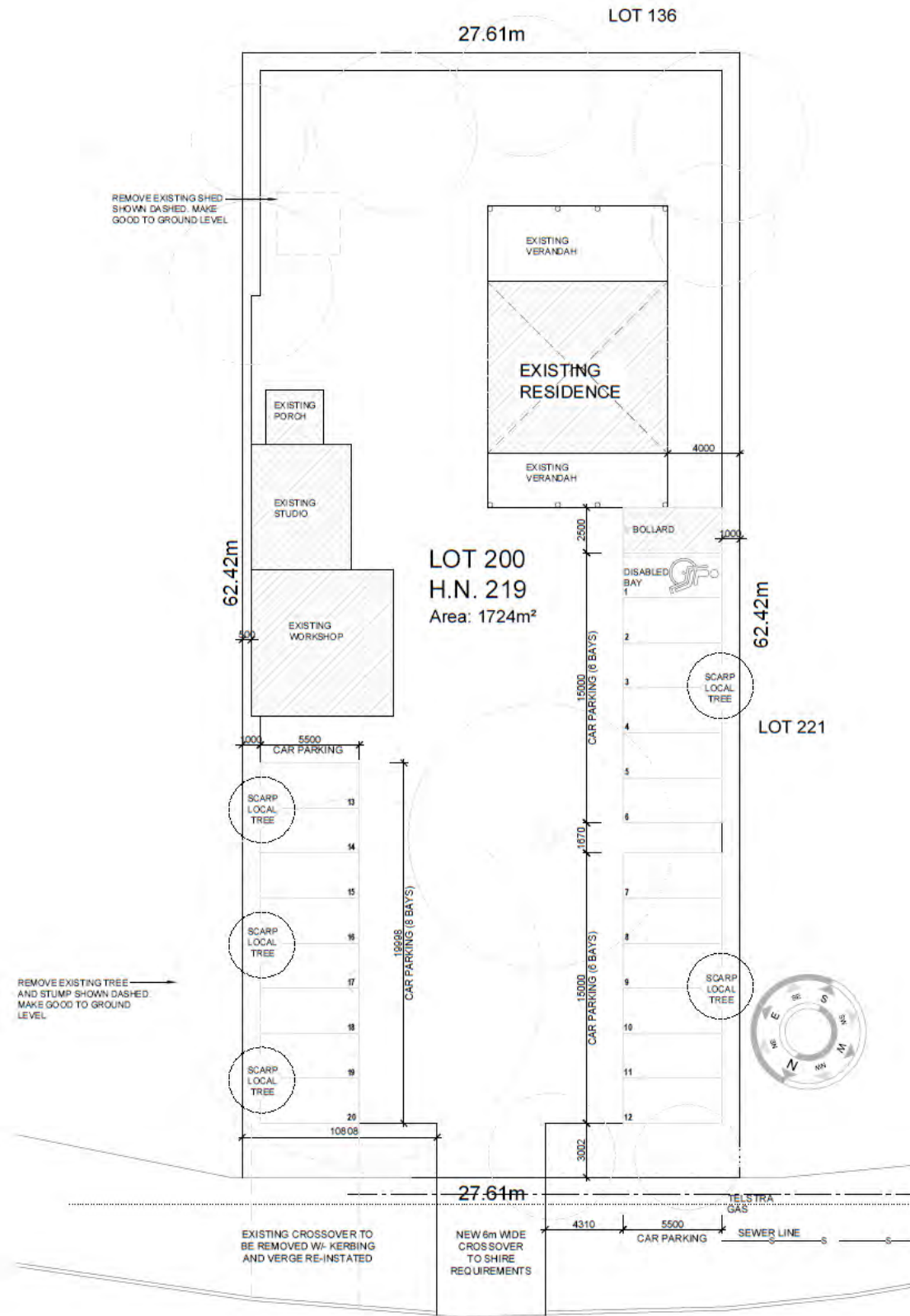
Seconded: **Cr Margaret Thomas**

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



### Attachment 1

Proposed Change of Use (From Single Dwelling to Place of Worship) –  
Lot 200 (219) Gooseberry Hill Road, Maida Vale  
**Site Plan**

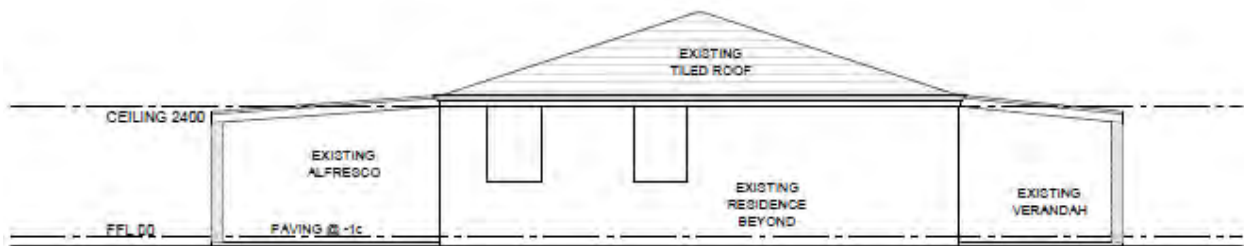


**GOOSEBERRY HILL ROAD**

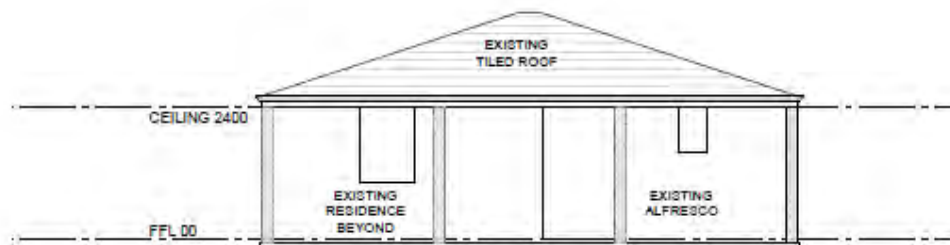
**Attachment 2**

Proposed Change of Use (From Single Dwelling to Place of Worship) –  
Lot 200 (219) Gooseberry Hill Road, Maida Vale

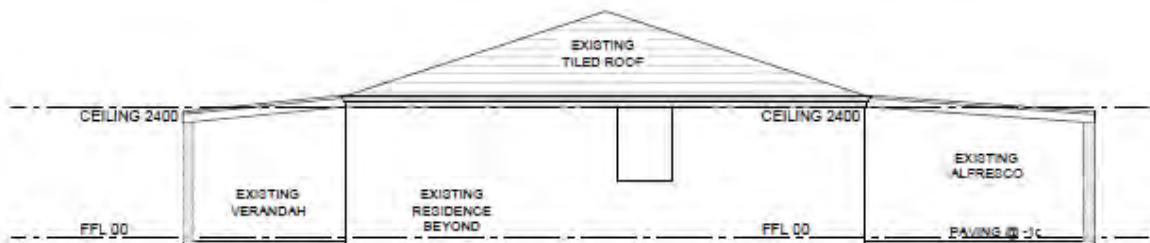
**Elevations**



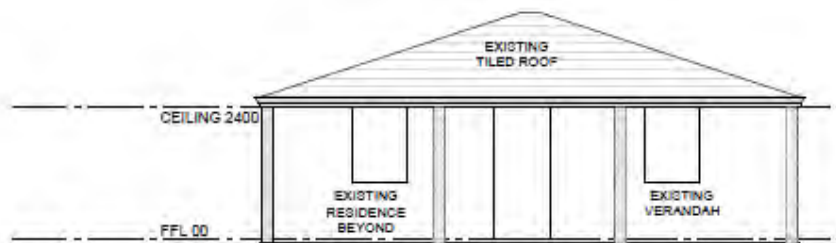
SIDE ELEVATION (NE)  
Scale 1:100



REAR ELEVATION (SE)  
Scale 1:100



SIDE ELEVATION (SW)  
Scale 1:100

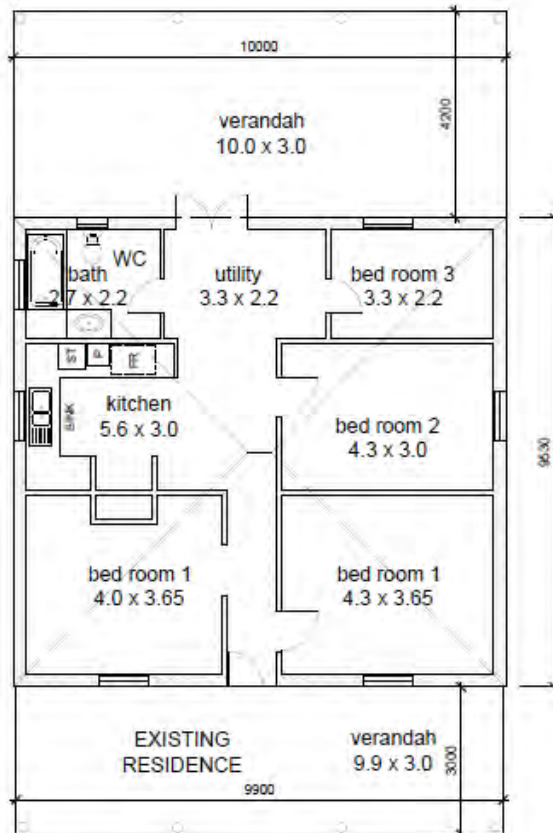


FRONT ELEVATION (NW)  
Scale 1:100

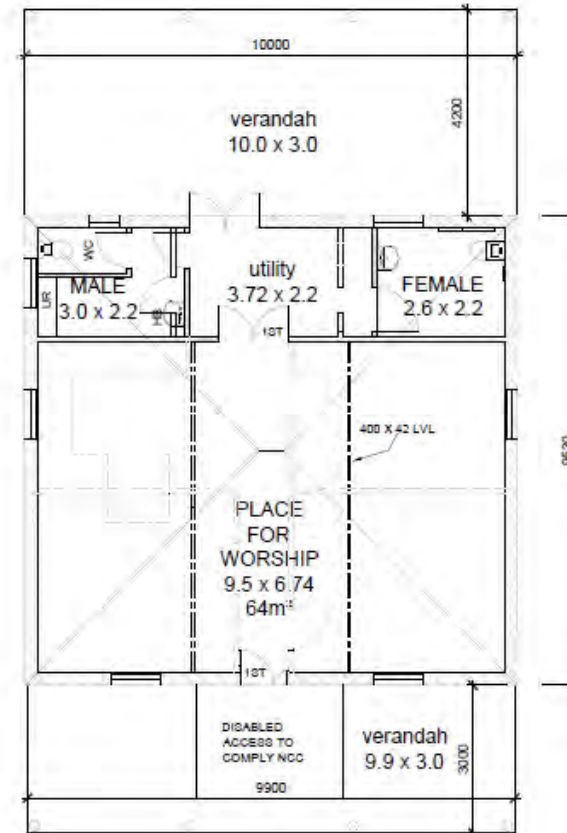
### Attachment 3

Proposed Change of Use (From Single Dwelling to Place of Worship) –  
Lot 200 (219) Gooseberry Hill Road, Maida Vale

### Existing and Proposed Internal Floor Plans



**EXISTING HOUSE FLOOR PLAN**  
Scale 1:100



**PROPOSED PLACE FOR WORSHIP FLOOR PLAN**  
Scale 1:100

**Attachment 4**

Proposed Change of Use (From Single Dwelling to Place of Worship) – Lot 200 (219) Gooseberry Hill Road, Maida Vale

**Submission Table**

Details		Comment	Staff Comment
1.	R Lloyd 220 Gooseberry Hill Road MAIDA VALE 6057	<p>Objection.</p> <p>a) The extra vehicles entering and exiting Gooseberry Hill Road will make it more difficult for me to exit my property at the times the building is used.</p> <p>b) It may only be the times stated now but will probably be at other times such as religious holidays.</p> <p>c) Although noise regulations need to be observed it still may be excessive.</p> <p>d) Other activities may be occurring on site such as meeting, swap meets etc.</p> <p>e) Depending upon what religion it is there may be protests or damage to adjacent properties.</p>	<p>a) A Traffic Impact Assessment provided has concluded that the proposal will have minimal impact on the function of the adjacent road network.</p> <p>Sight Distance assessment of the proposed location, exceeds current regulation and therefore is deemed sufficient for drivers exiting on to Gooseberry Hill Road.</p> <p>b) The applicant has advised that services will only be held at the times stated. If Council approves the application it will be recommended that conditions regarding the hours of operation be included.</p> <p>Should the applicant wish to change the days and times services are to be held then a new planning application will be required to be submitted to and approved by the Shire prior to services being held at the new days and/or times.</p> <p>c) If noise is considered by nearby landowners to be excessive then such matters will be investigated by the Shire.</p> <p>d) If Council approves the application it will be recommended that conditions regarding the use be included.</p> <p>e) Not a planning consideration.</p>

2.	N Upton 7 Jaraba Avenue GOOSEBERRY HILL WA 6076	<p>Objection.</p> <p>a) Not compatible with residential.</p> <p>b) The Shire cannot be trusted as an authority to stick by conditions of approval when it involves a place of worship.</p> <p>c) The rate base will be diminished thereby adding greater rate burden to other businesses, residents, ratepayers.</p> <p>d) Further activities at the place of worship cannot be guaranteed.</p>	<p>a) Local Planning Scheme No. 3 allows for the use 'Place of Worship' to be considered on Residential zoned properties subject to such proposals complying with the applicable provisions.</p> <p>b) If the application is approved by Council and residents believe that the conditions are not being adhered to by the landowner then the Shire will investigate accordingly.</p> <p>c) Not a planning consideration.</p> <p>d) If Council approves the application it will be recommended that conditions regarding the use be included.</p>
3.	R and J Talarczyk 22 Meloway Drive MAIDA VALE WA 6057	<p>Comment on the proposal.</p> <p>a) Why does the service on Sunday have to be so early?</p> <p>b) Will services remain on Mondays and Sundays?</p> <p>c) How loud is acceptable and how will it be monitored?</p>	<p>a) The applicant has advised that the congregation will want to pray at dawn and dusk.</p> <p>b) At present services are only proposed to be held on Mondays and Sundays. If Council approves the application it will be recommended that conditions regarding the hours of operation be included.</p> <p>c) Activities conducted on site would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. If Council approves the application the applicant will be required to provide a detailed noise assessment prior to the use commencing. If the assessment finds the</p>

		<p>d) How is it not possible to have signage like other places of worship?</p>	<p>proposal fails to meet the legislative limits the proponent will be required to submit a noise mitigation plan prior to the use commencing.</p> <p>d) The applicant has advised that signage is not proposed as they do not advertise for people to join, only those who are already members will be notified of the property. It will be an invitation only arrangement.</p>
<p>4.</p>	<p>A and S McLeod 24 Meloway Drive MAIDA VALE WA 6057</p>	<p>Objection.</p> <p>a) The use will generate considerable noise with singing and music as part of the services, added to the noise from vehicles entering and leaving the property.</p> <p>Would result in considerable loss of amenity for the neighbouring residents in a Residential zone, particularly at 6.00am when all around is quieter noise.</p> <p>b) Prior to the rezoning of the Sixways Development (221 Gooseberry Hill Road to 262 Kalamunda Road) following a directive from the Minister for Planning an Amenity Control and Access and Parking Strategy was incorporated into the Shire's District Planning Scheme No. 2, in order to protect the abutting neighbouring residents from any further loss of amenity.</p> <p>We trust that the detrimental effects the current planning application will clearly have on the amenity</p>	<p>a) Activities conducted on site would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. If Council approves the application the applicant will be required to provide a detailed noise assessment prior to the use commencing. If the assessment finds the proposal fails to meet the legislative limits the proponent will be required to submit a noise mitigation plan prior to the use commencing.</p> <p>b) The Amenity Control and Access and Parking Strategy referred to was required as part of the Sixways amendment to address potential amenity concerns associated with large commercial developments occurring in close proximity to residential properties. As a consequence of the Strategy conditions were included in the local planning scheme regarding permissible land uses and the hours of operation amongst other provisions.</p>

		<p>of the abutting residents will be considered in light of the necessity to have the Amenity Control Strategy incorporated into the Scheme for the abutting Sixways development.</p> <p>c) The property being situated on a bend with no passing lane on busy Gooseberry Hill Road in close proximity to a very busy intersection, in our view poses serious traffic flow concerns.</p>	<p>It is important to note that the property where the place of worship is proposed does not form part of the Sixways development and therefore the Strategy does not apply.</p> <p>It is noted that the nearest property which forms part of the Sixways development, being 221 Gooseberry Hill Road, is able to operate between 5.30am and 9.00pm depending on which land use is proposed.</p> <p>c) A Traffic Impact Assessment provided has concluded that the proposal will have minimal impact on the function of the adjacent road network.</p> <p>An assessment of the proposed car parking provision and access arrangement was also conducted and has determined that the proposed development will have negligible impact as it is a drive in drive scenario.</p> <p>Sight Distance assessment of the proposed location, exceeds current regulation and therefore is deemed to include sufficient sight distance provisions for drivers exiting on to Gooseberry Hill Road.</p>
5.	R Lloyd 220 Gooseberry Hill Road MAIDA VALE 6057	<p>Objection.</p> <p>I still object to the proposal especially when they are removing all of the trees to make way for car parking. These trees are habitat for birds and essential for the environment.</p>	<p>If the application is approved by Council a landscaping plan will be required to be submitted to and approved by the Shire prior to the use commencing, which shows proposed landscaping and also which existing trees on the property are to be retained.</p>
6.	N Upton 7 Jaraba Avenue	<p>Objection.</p> <p>a) Not compatible with residential.</p>	<p>a) Local Planning Scheme No. 3 allows for the use 'Place of Worship' to be considered on Residential zoned properties</p>

	GOOSEBERRY HILL WA 6076	<p>b) The Shire cannot be trusted as an authority to stick by conditions of approval when it involves a place of worship.</p> <p>c) Further activities at the place of worship cannot be guaranteed.</p>	<p>subject to such proposals complying with the applicable provisions.</p> <p>b) If the application is approved by Council and residents believe that the conditions are not being adhered to by the landowner then the Shire will investigate accordingly.</p> <p>c) If Council approves the application it will be recommended that conditions regarding the use be included.</p>
7.	M and S Mavrick 217 Gooseberry Hill Road MAIDA VALE WA 6057	<p>Comment on the proposal.</p> <p>a) The property default back to residential should the owners sell.</p> <p>b) An external lighting plan before approval with a forum to comment back.</p> <p>c) Car movements and associated noise in the early hours of Sunday is a concern to us and we ask what will be done to minimise the impact of this disturbance within the Residential zone.</p>	<p>a) The applicant has requested that a condition be imposed regarding this should Council approve the application.</p> <p>b) No such details are currently available, however if the application is approved by Council a condition will be imposed requiring a lighting plan to be submitted to and approved by the Shire prior to any external lighting being installed.</p> <p>c) Activities conducted on site would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
8.	K Wibberley 23 Meloway Drive GOOSEBERRY HILL WA 6057	<p>No objection.</p> <p>More than happy for this to proceed, the location is excellent.</p>	<p>Noted.</p>



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

**60. Change of Use (From Single Dwelling to Child Care Premises) - Lot 70 (32) Central Road, Kalamunda**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	CN-03/032
Applicant	Pama Nominees
Owner	Lou Di Virgilio Designs

Attachment 1	Site Plan
Attachment 2	Internal Floor Plan
Attachment 3	Proposed Wall Sign
Attachment 4	Submission Table

**PURPOSE**

- To consider a planning application to change the use of an existing single dwelling to child care premises at Lot 70 (32) Central Road, Kalamunda. Refer to (Attachments 1 to 3).

**BACKGROUND**

- Land Details:**

Land Area:	2,288sqm
Local Planning Scheme Zone:	Mixed Use (R20)
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

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4. The property contains a single dwelling and associated outbuildings, and has two street frontages being onto Central Road and a 5m wide unnamed Road Reserve at the rear.
  5. Surrounding properties contain single and grouped dwellings, and also a car yard.

## **DETAILS**

6. Details of the application are as follows:
  - The single dwelling on the property is to be retained and converted into child care premises.
  - A total of 17 car parking bays are proposed to be available for the proposed child care premises. Eight (8) car parking bays are to be provided within the primary street (Central Road) setback area, and 9 car parking bays are to be provided along the rear boundary for staff only.
  - The car parking area within the primary street (Central Road) setback area is designed so as to allow one way movement through the site, with vehicles entering and exiting via separate crossovers.
  - There will be a maximum of 53 children and 4 staff on site at any one time.
  - All of the existing street trees along the Central Road verge are to be retained and are setback at least 1m from the crossovers.
  - Pedestrian access is to be provided from the staff car parking bays at the rear to the child care premises building.
  - The child care premises is proposed to operate between Monday and Friday 7.00am to 9.00am, and 2.00pm and 6.00pm.
  - With the exception of a proposed toilet block for the children there are no extensions proposed to be made to the existing dwelling.
  - A non-illuminated wall sign is proposed to be attached to an existing wall at the front of the property.
  - Uniform fencing is proposed along the boundary adjoining the unnamed Road Reserve at the rear, consisting of 1.8m high wrought iron (tubular) bars.

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## STATUTORY AND LEGAL CONSIDERATIONS

### 7. Local Planning Scheme No. 3

Clause 4.2.5 (Objectives of the Zones – Mixed Use) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives for the Mixed Use zone are the following:

- To provide for business and other commercial uses, but excluding shopping.
- To provide for and encourage residential uses, but on the basis of recognition that the zone allows for considerably more non-residential activities than does a Residential zone.
- To provide for leisure and entertainment uses on a small scale so as not to unduly impinge on the amenity of the residential component of the zone.
- To ensure that the development in the zone is of such design, size, scale and appearance to be compatible with nearby uses or zones, particularly the Residential zones.

8. Under the Zoning Table (Table 1 ) of the Scheme the use 'Child Care Premises' is an 'A' use meaning that prior to determining the proposal it is required to be advertised in accordance with clause 9.4 of the Scheme.

9. The Scheme car parking requirements for the use Child Care Premises are as follows:

Car Parking Requirement	Required	Proposed
Child Care Premises	1 bay per staff member, plus 1 bay for every 10 children = 53 Children = 5.3 bays minimum.  4 Staff = 4 bays minimum	17
<b>Total:</b>	<b>9.3</b>	<b>17</b>

10. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including:

- The compatibility of the development within its settings.
- The likely effect of the scale and appearance of the proposal.
- Whether the proposed means of access and egress from the property are adequate.
- Any State Planning Policy.
- Any relevant submissions received on the application.

- 
11. 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.

### **POLICY CONSIDERATIONS**

12. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

13. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. Seven objections, two non-objections and two submissions which provided comment on the proposal were received during the advertising period. Refer to the Submission Table (Attachment 4).
14. Concerns raised during the advertising period included the following:
- Issues relating to traffic safety due to the increase in traffic volumes and movements generated by the proposal.
  - An increase in noise levels.
  - An impact on property values within the vicinity.

These matters are addressed in further detail in (Attachment 4).

### **FINANCIAL CONSIDERATIONS**

15. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

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

OBJECTIVE 4.1 - 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**

17. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

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### Economic Implications

18. Approval of the child care centre will provide more local employment opportunities.

### Environmental Implications

19. Existing mature trees located on site are to be retained as part of the proposed development.

### RISK MANAGEMENT CONSIDERATIONS

20.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not support the proposal.	Possible	Insignificant	Low	Ensure Council is aware that the proposal is considered an appropriate use in the proposed location and complies with the Scheme and R-Code requirements.

### OFFICER COMMENT

21. The proposal is compliant with the Scheme and other relevant standards and requirements.
22. There are 17 car parking bays proposed, 8 of which will have access only from Central Road, and 9 from the unnamed road reserve at the rear. The Scheme requires 9 car bays meaning there will be a surplus of 11 car bays on site if approved by Council. The 5m road reserve is constructed to a sufficient standard appropriate for the number of vehicles likely to use the road on a daily basis.
23. During advertising concerns were raised by residents regarding an increase in traffic volumes and movements as a result of the proposal, and the implications this will have from a safety perspective. A Traffic Impact Assessment provided by the applicant concludes that *"the proposed child care centre to accommodate 53 children 'out of school hours', is forecast to operate safely and satisfactorily from a traffic and parking perspective"*.
24. Concerns were also raised regarding the appropriateness of having a child care centre in this location. The site and the surrounding area is zoned mixed use under the provisions of the Local Planning Scheme No.3 which allows for the consideration of a child care centre.
25. From a planning perspective it is considered the proposal will have no significant impact on the amenity of the area given its scale, appearance, hours of operation and purpose.

*A Councillor wished to foreshadow a motion with regard to this item. The Presiding Member first heard those who had registered their names to speak.*

*Three speakers spoke against the Officer Recommendation, Greg Moore, Vincent Beales and Sue Gosling-Smith all of Kalamunda.*

*Vincent Beales asked the following questions which were taken on notice.*

- *Why all tenants had not been asked to comment on the development*
- *Why the Shire has not carried out its own traffic impact statement*
- *When the mixed zoning was established*
- *What the mix (residential to business) was at that time.*
- *What type of businesses were foreseen - in the context that this area now seems to be overwhelmingly over 55s high density living.*

*Councillors requested clarification from Sue Gosling-Smith for her objection.*

*A Councillor asked if a further traffic impact assessment should be carried out. The Director Development Services noted that the assessment presented had been examined by both the Engineering Department and Planning Department's Traffic Engineer and no objections have been made.*

*The Presiding Member asked Cr John Giardina to read his foreshadowed motion for the benefit of all Councillors and the meeting. After this he requested a mover for the Officer Recommendation, this was moved and seconded and debate followed.*

*A Councillor asked Director Infrastructure Services if the traffic impact assessment had been carried out by a first class professional company, the Director Infrastructure Services confirmed that this was carried out by a very reputable traffic engineer. The vote was then taken.*

<b>Voting Requirements: Simple Majority</b>
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#### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 60/2014)**

That Council:

1. Approves the application dated 2 September 2014 for a child care premises at Lot 70 (32) Central Road, Kalamunda, subject to the following conditions:
  - a. The access way and crossovers shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
  - b. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - c. The provision and maintenance of a total of 17 car spaces including a minimum of one disabled car bay. All car parking 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.

- d. The development shall be connected to reticulated sewer.
- e. The pedestrian footpath being constructed and drained to the Shire's satisfaction.
- f. Prior to the construction of the car parking bays, the applicant is required to liaise with the Shire regarding the provision of sufficient space around existing trees to be retained on site.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote:

**For**

**Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Andrew Waddell  
Cr Bob Emery  
Cr Dylan O'Connor  
Cr Margaret Thomas  
Cr Simon Di Rosso**

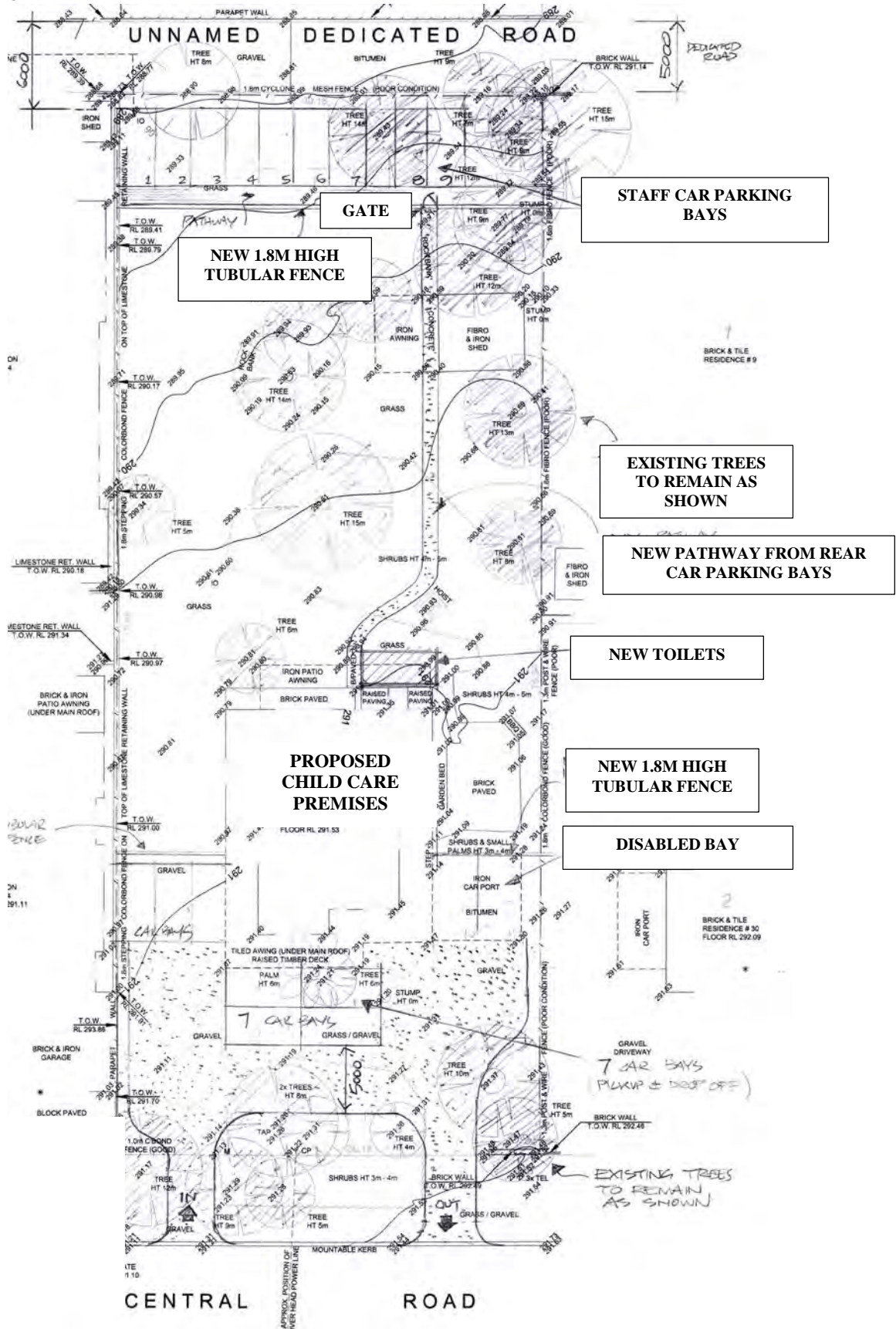
**Against**

**Cr John Giardina  
Cr Justin Whitten  
Cr Sue Bilich**

**CARRIED (8/3)**

### Attachment 1

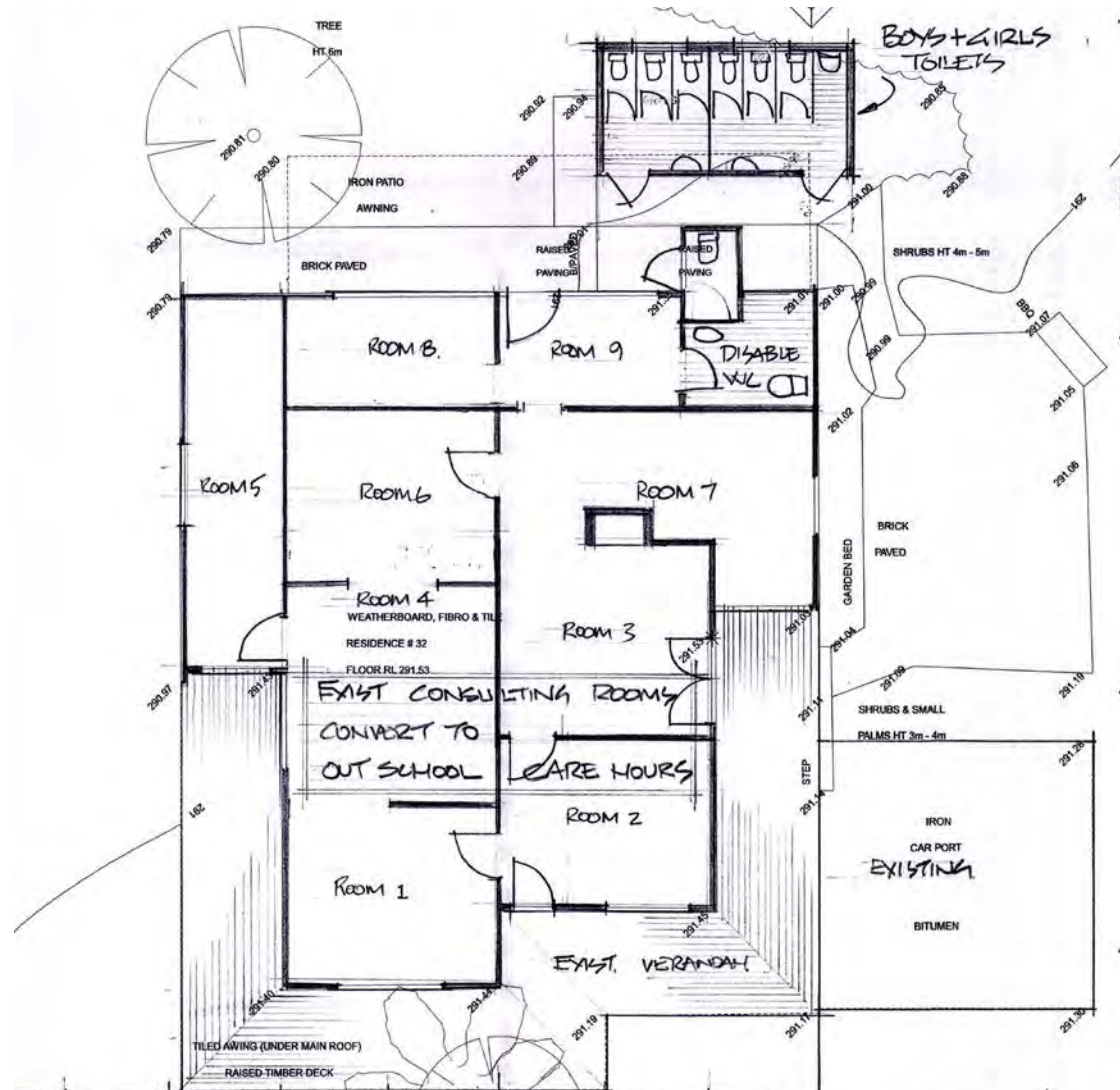
Change of Use (From Single Dwelling to Child Care Premises) –  
Lot 70 (32) Central Road, Kalamunda  
Site Plan





## Attachment 2

Change of Use (From Single Dwelling to Child Care Premises) – Lot 70 (32) Central Road, Kalamunda  
**Internal Floor Plan**



**Attachment 3**

Change of Use (From Single Dwelling to Child Care Premises) – Lot 70 (32) Central Road, Kalamunda

**Proposed Wall Sign**



#### Attachment 4

Change of Use (From Single Dwelling to Child Care Premises) – Lot 70 (32) Central Road, Kalamunda

#### Submission Table

Details		Comment	Staff Comment
1.	V Beales 136 Merrivale Road PICKERING BROOK WA 6076	<p>Objection.</p> <p>a) My main concerns with this proposal are the implied excess traffic that a child care facility will generate and the associated traffic safety issues.</p> <p>b) There will also be increased noise associated with the vehicles parking, doors slamming etc.</p> <p>c) There is also an uncertain impact of the proposal on property values particularly opposite.</p>	<p>a) A Traffic Impact Assessment provided by the applicant concludes that <i>“the proposed child care centre to accommodate 53 children ‘out of school hours’, is forecast to operate safely and satisfactorily from a traffic and parking perspective”</i>.</p> <p>b) Activities conducted on site would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>c) Not a planning consideration.</p>
2.	S Smith 1/33 Central Road KALAMUNDA WA 6076	<p>Objection.</p> <p>a) The traffic already is very busy in the early morning and evening, often at excess speed with buses and traffic to and from Kalamunda High School.</p> <p>b) If there is an out of school centre this further traffic will make this section of Central Road even more dangerous.</p>	<p>a) A Traffic Impact Assessment provided by the applicant concludes that <i>“the proposed child care centre to accommodate 53 children ‘out of school hours’, is forecast to operate safely and satisfactorily from a traffic and parking perspective”</i>.</p> <p>b) Refer to response to previous comment.</p>

		<p>c) We have purchased our properties for a peaceful, quiet life so if the centre is allowed it will have a big impact on our lives.</p> <p>d) I recommend that speed humps be installed in Central Road as at times the road is like a speedway.</p>	<p>c) Noted.</p> <p>d) The suggestion has been forwarded to the Shire's Engineers for future consideration in terms of road upgrades.</p>
3.	<p>V Talbot PO Box 719 KALAMUNDA WA 6076</p>	<p>Objection.</p> <p>a) Central Road is particularly busy during the proposed hours of operation. Kalamunda High School is on the far side of Canning Road and special school bus loads of students are dropped in Kalamunda from these buses and make their way on foot to the school from Kalamunda along Central Road. Thus there is considerable pedestrian traffic around this time on either side of Central Road. They also return by the same route from Kalamunda High School in the afternoon.</p> <p>b) Vehicle traffic can be heavy at the proposed hours of operation, including trucks, and buses returning to their depot, through traffic using Central Road as a short cut from Kalamunda to Canning Road.</p> <p>c) Some residents have to back their cars onto Central Road from their garages directly opposite the proposed Child Care Centre, often a fraught business for elderly drivers at present and with vehicles turning in/out of the child care premises a potential hazard for all.</p> <p>d) Most of the dwellings on Central Road are occupied by over 55's and there are no children living anywhere</p>	<p>a) A Traffic Impact Assessment provided by the applicant concludes that <i>"the proposed child care centre to accommodate 53 children 'out of school hours', is forecast to operate safely and satisfactorily from a traffic and parking perspective"</i>.</p> <p>b) Noted.</p> <p>c) Noted.</p> <p>d) The property is zoned Mixed Use and the Shire's Local Planning Scheme No. 3 allows for such a land use to be considered.</p>

		<p>nearby. The nearest primary school in the area is some distance away so the children will have to be brought to the child care centre by their parents and then transferred elsewhere for the school day. It does not seem to be an ideal place for such a facility.</p>	
4.	<p>G and M Moore 1/37 Central Road KALAMUNDA ROAD WA 6067</p> <p>M Walker 10/27 Central Road KALAMUNDA WA 6076</p> <p>G Massera 8/37 Central Road KALAMUNDA WA 6076</p>	<p>Objection.</p> <p>a) Central Road is a well established retirement/over 55's precinct with over 50 villas/houses already built and more to come. It should remain so.</p> <p>b) The proposed hours of operation will lead to excessive noise from cars entering and leaving, and children playing.</p> <p>c) This street already has unacceptable levels of traffic including buses and vehicles travelling to and from Kalamunda Toyota and Centro Shopping Centre. Additional to this, Kalamunda Fire Station is nearby the proposed facility. Although this is road is zoned 50km/h the speed limit is often not adhered to.</p> <p>d) The existing property appears to be quite old. The age of the structure must mean that the fibre cement sheeting on site must contain asbestos. It is well known that asbestos fibres pose an extreme health hazard. In view of the actions taken by the Department of Health to remove all asbestos from their buildings it would defy all common sense to approve the use of this building as a child care facility.</p>	<p>a) The property is zoned Mixed Use and the Shire's Local Planning Scheme No. 3 allows for such a land use to be considered.</p> <p>b) Activities conducted on site would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>c) A Traffic Impact Assessment provided by the applicant concludes that <i>"the proposed child care centre to accommodate 53 children 'out of school hours', is forecast to operate safely and satisfactorily from a traffic and parking perspective"</i>.</p> <p>d) All material known or suspected to contain asbestos is to be removed and disposed of in accordance with the Environmental protection (Controlled Waste) Regulations 2004 and the Health (Asbestos) Regulations 1993.</p>

5.	<p>W Haddow 7/27 Central Road KALAMUNDA WA 6076</p> <p>K Couzens 8/27 Central Road KALAMUNDA WA 6076</p> <p>N Campbell 9/27 Central Road KALAMUNDA WA 6076</p>	<p>Objection.</p> <p>a) Central Road is a well-established retirement/over 55's precinct with over 50 villas/houses already built and more to come. It should remain so.</p> <p>b) The proposed hours of operation will lead to excessive noise from cars entering and leaving, and children playing.</p> <p>c) This street already has unacceptable levels of traffic including buses and vehicles travelling to and from Kalamunda Toyota and Centro Shopping Centre. Additional to this, Kalamunda Fire Station is nearby the proposed facility. Although this road is zoned 50km/h the speed limit is often not adhered to.</p> <p>d) The existing property appears to be quite old. The age of the structure must mean that the fibre cement sheeting on site must contain asbestos. It is well known that asbestos fibres pose an extreme health hazard. In view of the actions taken by the Department of Health to remove all asbestos from their buildings it would defy all common sense to approve the use of this building as a child care facility.</p>	<p>a) The property is zoned Mixed Use and the Shire's Local Planning Scheme No. 3 allows for such a land use to be considered.</p> <p>b) Activities conducted on site would be required to comply with the Environmental Protection (Noise) Regulations 1997.</p> <p>c) A Traffic Impact Assessment provided by the applicant concludes that "the proposed child care centre to accommodate 53 children 'out of school hours', is forecast to operate safely and satisfactorily from a traffic and parking perspective".</p> <p>d) All material known or suspected to contain asbestos is to be removed and disposed of in accordance with the Environmental protection (Controlled Waste) <i>Regulations 2004</i> and the <i>Health (Asbestos) Regulations 1993</i>.</p>
6.	Name and address withheld	Objection.	Noted.
7.	Name and address withheld	Objection.	Noted.
8.	R and H Hardy 29 Central Road KALAMUNDA WA 6076	<p>Comment on the proposal.</p> <p>a) The amenity of the area will be adversely affected by the proposal, creating additional traffic with increased people movement.</p>	<p>a) A Traffic Impact Assessment provided by the applicant concludes that "the proposed child care centre to accommodate 53 children 'out of school hours', is forecast</p>

		<p>b) A childcare centre in the middle of a retiree/pensioner area would appear to be a ridiculous proposal.</p> <p>c) There is already a childcare centre operating up Canning Road near Kalamunda Glades.</p> <p>d) The traffic in Central Road is very busy early morning/late afternoon with both buses and speeding motorists creating a major danger spot at the Burt Street crossroads. The crossovers are approximately 30 metres from the driveways of the proposed child care centre. There have been numerous bad accidents at these crossroads.</p> <p>e) One would assume that with the existing premises that building alterations of some kind would be required. Could safely assume asbestos, and other surprises such as rats, would be disturbed to the detriment of neighbours.</p> <p>f) One would assume that the premise (septic) system would be inadequate.</p> <p>g) Why would one consider putting a child care facility in the middle of what is to all intents and purposes a retirement village area where 95% of the immediate and indeed local area are pensioners and retirees is unexplainable.</p>	<p>to operate safely and satisfactorily from a traffic and parking perspective”.</p> <p>b) The property is zoned Mixed Use and the Shire’s Local Planning Scheme No. 3 allows for such a land use to be considered.</p> <p>c) The need for another child care centre is not a matter Council is required to have regard to under Local Planning Scheme No. 3 when making its decision.</p> <p>d) A Traffic Impact Assessment provided by the applicant concludes that “the proposed child care centre to accommodate 53 children ‘out of school hours’, is forecast to operate safely and satisfactorily from a traffic and parking perspective”.</p> <p>e) All material known or suspected to contain asbestos is to be removed and disposed of in accordance with the Environmental protection (Controlled Waste) Regulations 2004 and the Health (Asbestos) Regulations 1993.</p> <p>f) If the application is approved by Council it will be a requirement that the premises be connected to reticulated sewer.</p> <p>g) The property is zoned Mixed Use and the Shire’s Local Planning Scheme No. 3 allows for such a land use to be considered.</p>
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9.	R and M Nichols 2/37 Central Road KALAMUNDA WA 6076	<p>Comment on the proposal.</p> <p>I am amazed about the number and speed of cars that use this road. It could be to miss Canning Road and the holdups that can happen with the school hours speed restrictions. Having more cars use this area will result in even more congestion.</p> <p>This area does not seem the right place to have young children and the extra cars picking up and dropping them off.</p>	<p>A Traffic Impact Assessment provided by the applicant concludes that <i>"the proposed child care centre to accommodate 53 children 'out of school hours', is forecast to operate safely and satisfactorily from a traffic and parking perspective"</i>.</p> <p>The property is zoned mixed use under the Shire's local planning scheme No.3 which allows such a use to be considered.</p>
10.	M Hitchins 4/33 Central Road KALAMUNDA WA 6076	No objection.	Noted.
11.	D Louis and A Altinier 127 Bracken Road PICKERING BROOK WA 6076	No objection.	Noted.



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

**61. Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	CM-05/042
Applicant	TPG Town Planning – Urban Design and Heritage
Owner	I Lodge Pty Ltd
Attachment 1	Site Plan and Internal Floor Plan (Ground Floor)
Attachment 2	Internal Floor Plan (First Floor)
Attachment 3	Internal Floor Plan (Second Floor)
Attachment 4	East and West Elevations
Attachment 5	North and South Elevations
Attachment 6	Overshadowing Diagram
Attachment 7	Forrestfield Housing Opportunity Precinct Plan
Attachment 8	Edinburgh Road Shopping Centre Improvement Plan
Attachment 9	Submission Table

**PURPOSE**

1. To make recommendation to the Development Assessment Panel (DAP) on a planning application to build a three storey mixed use development, consisting of 40 multiple dwellings, a tavern and a shop, at Lot 1 (42) Cumberland Road, Forrestfield. Refer to (Attachments 1 to 6).
2. As the estimated value of the development is \$5.5 million, and more than 10 multiple dwellings are proposed, the applicant has the option of either having the application determined by the local authority or the DAP. In this instance the applicant has opted to have the application determined by the DAP.

**BACKGROUND**

**Land Details:**

Land Area:	5,162m <sup>2</sup>
Local Planning Scheme Zone:	Commercial
Metropolitan Region Scheme Zone:	Urban

## Locality Plan

3.



4. The property contains a building previously used as a tavern and associated car parking.
5. Surrounding properties contain single residential dwellings, Public Open Space and a commercial facility (Edinburgh Road Shopping Centre).
6. A reciprocal access arrangement (an easement in gross) exists over the southern portion of the property and through 51 Edinburgh Road. This is reflective of the respective land uses of Tavern and Shopping Centre.
7. The property falls within an area proposed to have a dual density coding of R20/R60 under the Local Housing Strategy. Under the adopted *Edinburgh Road Shopping Centre Improvement Plan*, the site is identified as being best suited to medium density residential development. Refer to the Forrestfield Housing Opportunity Precinct Plan (Attachment 7) and the *Edinburgh Road Shopping Centre Improvement Plan* (Attachment 8).

## DETAILS

8. Details of the application are as follows:
  - A three storey building is proposed to be built which will consist of 40 multiple dwellings, a tavern and a shop on the ground floor.
  - The proposal had been designed based on the R60 density coding so that it is consistent with what has been adopted in the Local Housing Strategy for the locality.
  - The units are proposed to contain two or three bedrooms with individual floor areas of between 66sqm and 96sqm.

- 
- Access to the dwellings is proposed via a single crossover from Cumberland Road and a shared access way from Edinburgh Road. No new crossovers are proposed.
  - The site layout has been designed to accommodate vehicles, including rubbish collection, entering and leaving the property in forward gear, and allow for the two way vehicle movement.
  - One hundred (100) car parking bays are to be provided on site. Of these, 64 car parking bays for residents are proposed in a secure covered area using at “stacker” system.
  - Storerooms, 4m<sup>2</sup> in area, are proposed to be available for each tenancy.
  - The tavern component is relatively small and “boutique” in nature. It is proposed to have dining facilities and sale of liquor for consumption off site, however that would be subject to liquor licencing. Effectively this is a scaled down version of the existing land use.
  - The shop component will be for lower order convenience goods likely to be used primarily by occupants of the multiple dwellings, given the close proximity of the neighbourhood shopping centre.
9. A Traffic Impact Assessment provided as part of the application concludes the following:
- The site features good connectivity with the existing road and pedestrian network and public transport coverage through bus services.
  - The traffic generation of the proposed development is relatively minimal and as such would have insignificant impact on the surrounding road network.
  - The results of a parking survey undertaken in July 2014 indicate that there is more than sufficient public parking available in close vicinity to the subject site to accommodate any additional and more than anticipated visitor parking to the proposed development.

## **STATUTORY AND LEGAL IMPLICATIONS**

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

10. Under the Zoning Table (Table 1) of Local Planning Scheme No. 3 (Scheme) the use “Multiple Dwellings” is a use not listed.
11. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot be reasonably determined as falling within the type, class or genus of activity of any other use category, the local government may:
- a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
  - c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

12. Under the Zoning Table (Table 1) the use 'Shop' is permitted in the Commercial zoning.
13. Under the Zoning Table (Table 1) of the Scheme the use 'Tavern' is a 'D' use meaning it is not permitted unless planning approval is granted.
14. The Scheme car parking requirements for the uses 'Shop' and 'Tavern' are as follows:

Car Parking Requirement	Required	Proposed
Shop 5 bays per 100sqm Net Lettable Area (NLA).	41sqm = 2 bays minimum	36 bays
Tavern 1 bay for every 5sqm of bar and public area.	195sqm = 39 bays minimum	
<b>Total:</b>	<b>41 bays minimum</b>	<b>36</b>

15. 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 number of matters, including:
- The compatibility of the development within its settings.
  - The likely effect of the scale and appearance of the proposal.
  - Whether the proposed means of access and egress from the property are adequate.
  - Any State Planning Policy.
  - Any relevant submissions received on the application.
16. If the DAP 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.

### Development Assessment Panels

17. The *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations) detail how DAPs are administered and operated.
18. The DAP Regulations stipulate that where the value of the development applied for has an estimated cost of between \$3 and \$7 million, and is not an excluded development application applicants can choose to have their proposal determined by the DAP.

## STRATEGIC PLANNING IMPLICATIONS

### Local Planning Strategy

19. The Local Planning Strategy (LPS) recommends a population growth scenario of 25,000 by 2031.
20. Objectives of the LPS include providing appropriate density housing to:
  - Provide a range of housing options.
  - Encourage compact housing within walking distance of the town centre and commercial hubs.

## POLICY IMPLICATIONS

### Residential Design Codes

21. An objective of the 2013 Residential Design Codes (R-Codes) is to facilitate residential development which offers residents the opportunities for different living choices and affordability.
22. Under Appendix 1 (Definitions) of the R-Codes, the use "Multiple Dwellings" is defined as:
 

*"A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is wholly or predominantly vertically above part of any other."*
23. The R-Code requirements for Multiple Dwellings on properties zoned Residential R30 are the following:

Site Requirements	Required	Proposed
Maximum Plot Ratio	0.7	0.68
Minimum Open Space	45%	44%
Primary street setback	2m or satisfy the Design Principles of the R-Codes.	4m
Side and rear setbacks (walls with major openings) Wall Height of up to 10m and Wall Length of over 25m	9m	18.4m from the nearest boundary, other than the primary street boundary, being the southern boundary
Side and rear setbacks (walls with no major openings) Wall Height of up to 10m and Wall Length of 25m or Less	4m minimum	2.8m from the nearest boundary, other than the primary street boundary, being the northern boundary

Site Requirements	Required	Proposed
Maximum Building Height: Top of Pitched Roof	10m	10.3m
Enclosed, lockable storage areas with a minimum dimension of 1.5m and an internal area of at least 4sqm for each multiple dwelling.	40 storerooms minimum	40
Visual privacy setbacks (where active habitable spaces have a floor area more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line).		
Bedrooms	4.5m or 1.6m high screening or fixed obscure glazing	26.8m
Balconies	7.5m or 1.6m high screening	24.4m
Habitable rooms other than bedrooms	6m or 1.6m high screening or fixed obscure glazing	26.8m
Overshadowing	On adjoining properties coded R50 to R60 inclusive – 50% maximum.	Nil
Minimum number of single and two bedroom multiple dwellings	20% one bedroom and 40% two bedroom multiple dwellings	50% two bedroom and 50% three bedroom multiple dwellings
Outdoor Living Areas	Minimum area of 10sqm and a minimum dimension of 2.4m.	Areas of between 22sqm and 33sqm, with a minimum dimension of 2.5m

24. The R-Code car parking requirements for Multiple Dwellings on properties zoned Residential R60, and within 250m of a high frequency bus route, are the following:

Size of Dwelling	Required	Proposed
Large (More than 110sqm)	1.25 per dwelling = 50 car bays minimum	64 bays
Visitors	0.25 per dwelling minimum = 10 car spaces minimum	
<b>Total:</b>	<b>60 bays</b>	<b>64 bays</b>

### Liveable Neighbourhoods

25. Liveable Neighbourhoods is a State Government sustainable cities initiative which aims to:
- Increase support for efficiency, walking and cycling.
  - Achieve more compact and sustainable urban communities.
  - To provide a variety of housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.
  - To improve personal safety through increased surveillance and activity.

### COMMUNITY ENGAGEMENT REQUIREMENTS

26. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. During the advertising period one objection, two non-objections and one submission which provided comment on the proposal were received. Refer to the Submission Table (Attachment 9).
27. Concerns raised include the following:
- The increase in traffic as a consequence of the proposed uses.
  - Noise emissions during the construction phase and post construction.
  - The loss of privacy into outdoor living areas on nearby properties.

### FINANCIAL CONSIDERATION

28. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

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

30. The proposal will provide for a different form of housing choice currently available in the locality, thus broadening the demographic profile of the area.

### Economic Implications

31. Nil.

### Environmental Implications

32. Nil.

## RISK MANAGEMENT CONSIDERATIONS

33.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may recommend to the DAP that the proposal be refused.	Possible	Major	High	Demonstrate to Council that the proposal is consistent with the Scheme and policy objectives in delivering housing choice to the Forrestfield locality.
Council's conditions not being included in the DAP's final decision.	Possible	Major	High	Ensure that the DAP is aware of the reasons for requiring such requirements.



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## OFFICER COMMENT

34. The proposal complies with the Scheme except for the car parking requirements.
35. If the application was approved there will be a shortfall five bays for the commercial component which is considered acceptable for the following reasons:
- The property has good access to public transport along Edinburgh Road.
  - The peak hours of operation for the commercial component of the proposal would differ to the commercial uses at the Edinburgh Road Shopping Centre adjoining the southern boundary. A reciprocal access arrangement (an easement in gross) exists over the southern portion of the property and through Edinburgh Road Shopping Centre site.
36. The proposal complies with the R-Code requirements with the exception of the proposed building height, boundary setback from the northern boundary and percentage of one and two bedroom multiple dwellings and open space.
37. The R-Code variations proposed are considered acceptable for the following reasons:
- A building height of 10.3m in lieu of 10m is minimal and will not have a significant impact on the amenity of the locality taking into account surrounding land uses (POS, two story grouped dwellings and commercial premises)
  - The 2.8m building setback in lieu of 4m from the northern boundary is considered acceptable as the adjoining property is Edinburgh Road Reserve which is used for local open space purposes.
  - The variation being sought regarding number of bedrooms for each multiple dwelling is a response to perceived market demand.
  - It is considered the open space shortfall of 1% is negligible.
38. From a planning perspective the proposed development is considered to be appropriate for the locality for the following reasons:
- The development will also assist with accommodating the increase in local population and offer housing choice aside from single bedroom and aged person dwellings in a location within walking distance of the Edinburgh Road Shopping Centre.
  - Whilst the site is zoned Commercial, the proposal is consistent with the future R60 density coding shown in the Local Housing Strategy for the locality.
  - The proposal is consistent with the Local Housing Strategy and Liveable Neighbourhoods policy in that it will provide a variety of housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.
39. It is noted that Council has previously approved multiple dwelling developments in Kalamunda and High Wycombe. The move towards this form of housing suggests a demand for housing choice in the district.

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 61/2014)**

That Council:

1. Determines that the use 'Multiple Dwellings' is consistent with the objectives of the residential zone and is therefore permitted.
  
2. Recommends to the Development Assessment Panel that it approves the application dated 11 September 2014 to build a mixed use development at Lot 1 (42) Cumberland Road, Forrestfield, subject to the following conditions:
  - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
  - b. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - c. The provision and maintenance of a total of 100 car spaces including a minimum of one disabled bay.
  - d. A landscaping plan being submitted to and approved by the Shire prior to the building licence being issued. This is to include shade trees for the uncovered car parking bays and verge treatment along the adjoining portion of Cumberland Road.
  - e. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the satisfaction of the Shire.
  - f. Stormwater being contained on site to the satisfaction of the Shire.
  - g. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
  - h. The development shall be connected to reticulated sewer.
  - i. A nuisance and noise assessment being submitted to and approved by the Shire prior to the issue of a building licence.
  - j. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.
  - k. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:
    - Construction Workers' Parking
    - Material's Delivery and Storage
    - Worker's ToiletsTo the satisfaction of the Shire, prior to the issue of a Building Licence.

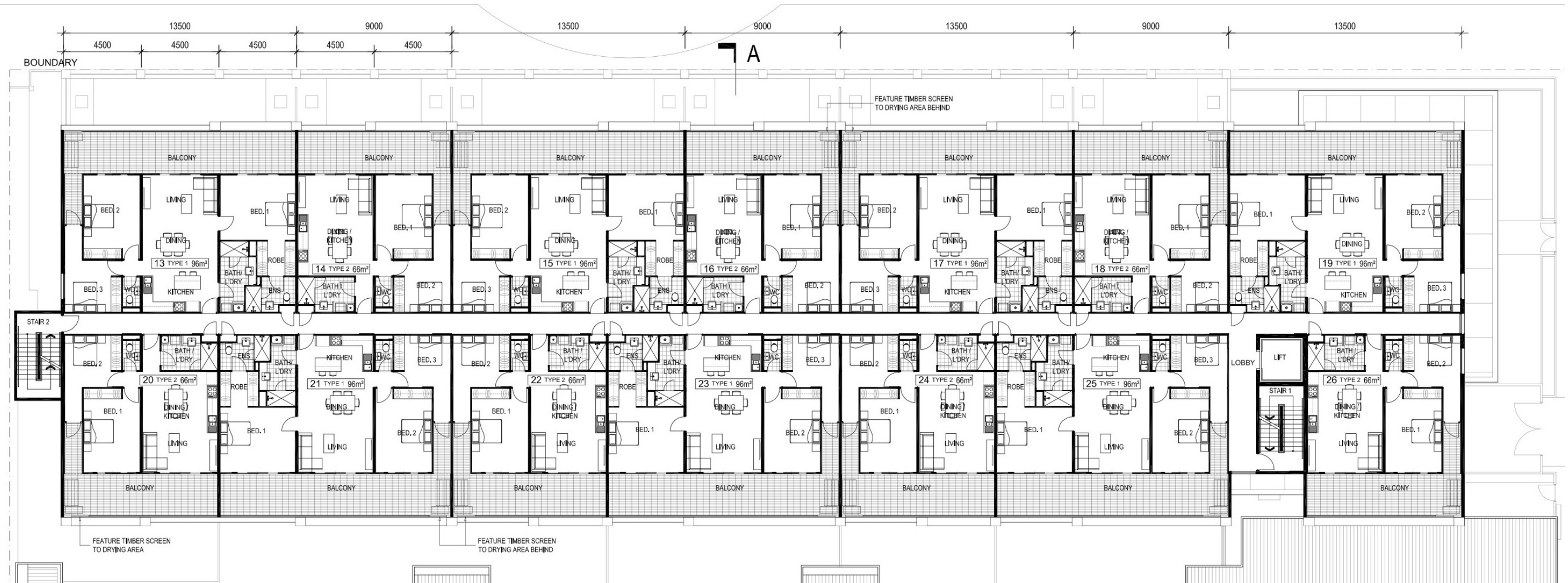
Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

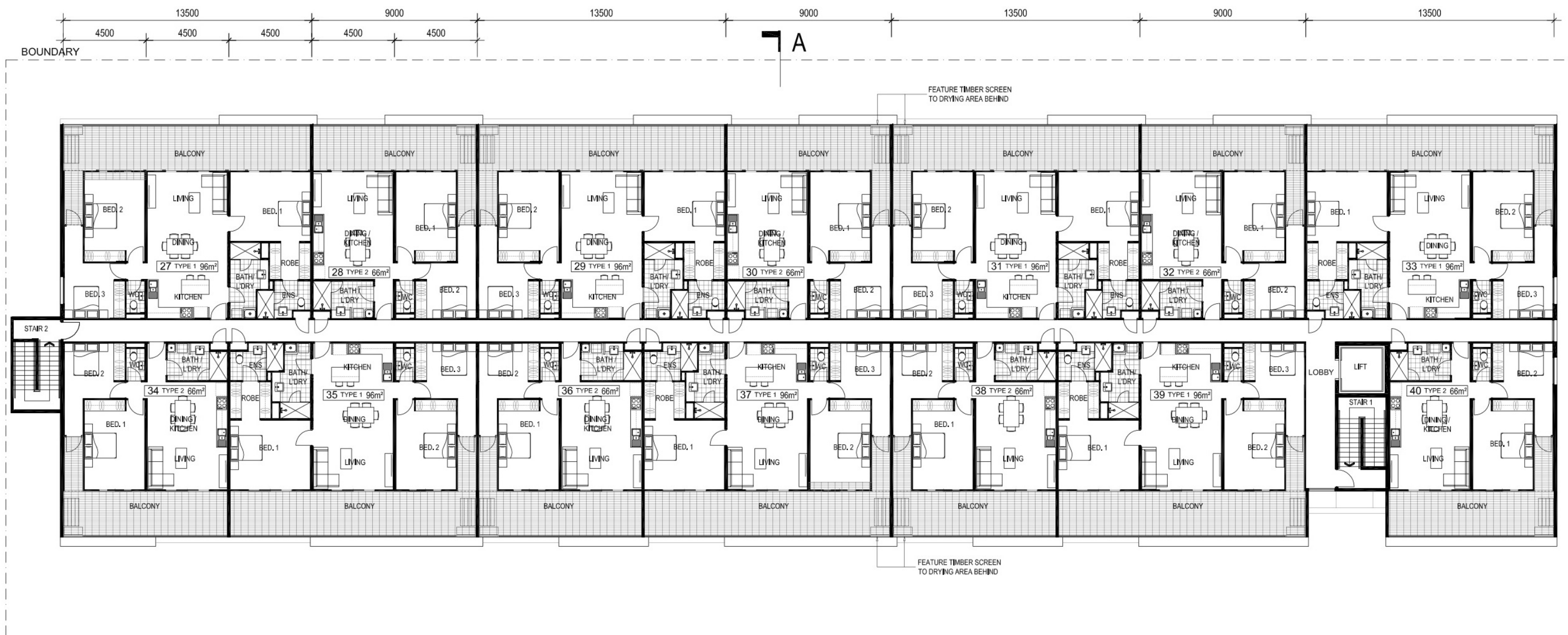
Vote: **CARRIED UNANIMOUSLY (11/0)**



**Attachment 2**  
Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield  
**Internal Floor Plan (First Floor)**



**Attachment 3**  
Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield  
**Internal Floor Plan (Second Floor)**



**Attachment 4**  
Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield  
**East and West Elevations**



EAST (CUMBERLAND ROAD) ELEVATION



WEST ELEVATION

**Attachment 5**

Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield  
**North and South Elevations**



**NORTH ELEVATION**



**SOUTH ELEVATION**

**Attachment 6**

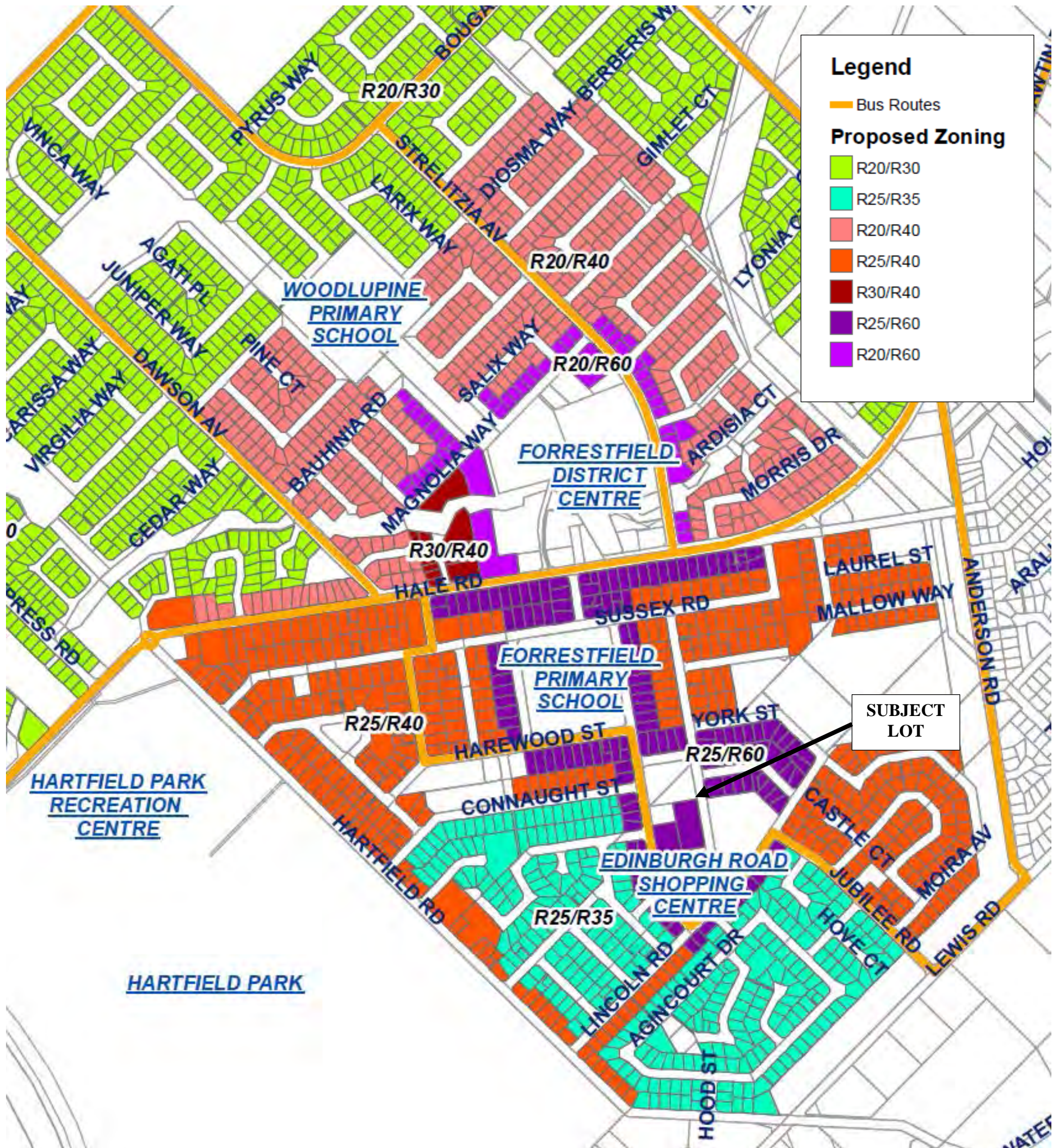
Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield  
**Overshadowing Diagram**





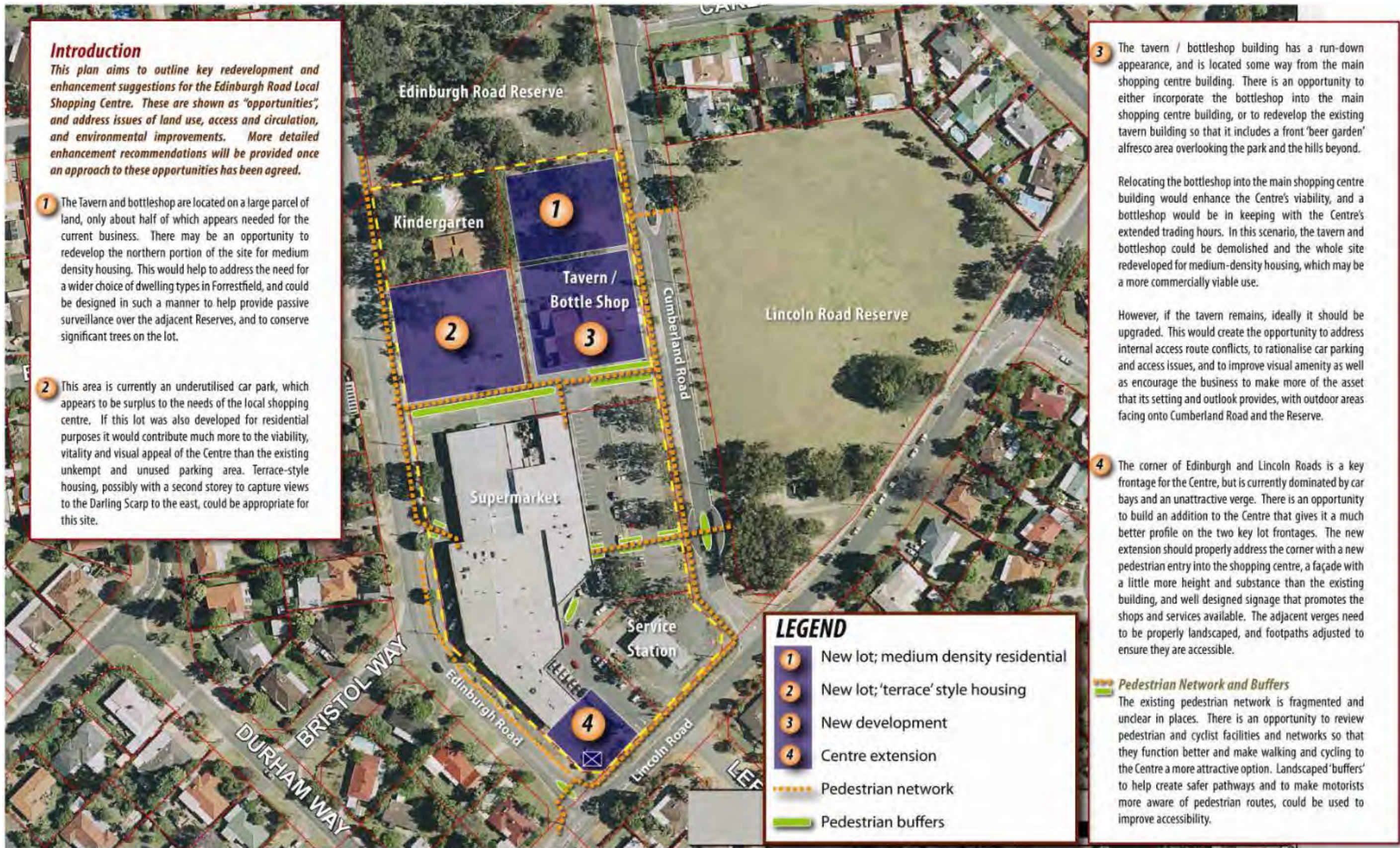
**Attachment 7**

Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield  
**Forrestfield Housing Opportunity Precinct Plan**



**Attachment 8**

Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield  
**Edinburgh Road Shopping Centre Improvement Plan**



**Attachment 9**

Mixed Use Development – Lot 1 (42) Cumberland Road, Forrestfield

**Submission Table**

Details	Comment	Staff Comment	
9.	R Robson 6 Carleton Crescent FORRESTFIELD WA 6058	Objection.	Noted.
10.	A Roberts 35 Cumberland Road FORRESTFIELD WA 6058	<p>Comment on the proposal.</p> <p>a) Dramatic increase in traffic on Cumberland Road.</p> <p>b) Noise during the construction phase and from above post construction.</p> <p>c) Loss of privacy into our back yard and pool area.</p>	<p>a) A Traffic Impact Assessment provided by the applicant concludes that <i>“the traffic generation of the proposed development is relatively minimal and as such would have insignificant impact on the surrounding road network”</i>.</p> <p>b) Activities conducted on site would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>c) The proposal is compliant with the Visual Privacy provisions of the Residential Design Codes. It should be noted that the proposed development would be approximately 38m from the submitter’s outdoor living area.</p>
11.	E and A Overton 38 Edinburgh Road FORRESTFIELD WA 6058	No objection.	Noted.
12.	A Macri 51 Edinburgh Road FORRESTFIELD WA 6058	No objection.	Noted.

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

**62 Proposed Modification to Cell 9 Wattle Grove Structure Plan – Lot 6 (287a) Hale Road, Wattle Grove**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	HL-01/287
Applicant	Gray and Lewis Land Use Planners
Owner	Next Point Pty Ltd
Attachment 1	Proposed modification plan
Attachment 2	Proposed subdivision plan
Attachment 3	Submission Table

**PURPOSE**

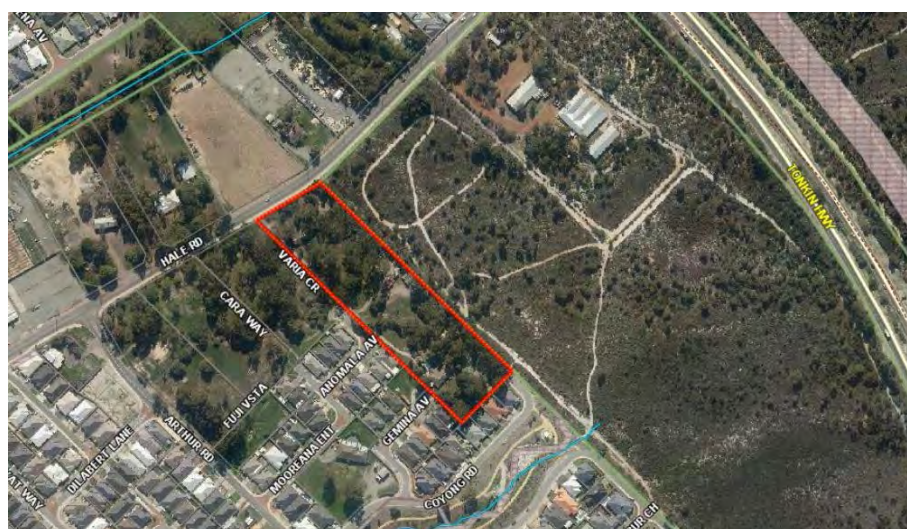
1. To consider a modification to the Cell 9 Wattle Grove Structure Plan (Cell 9 Structure Plan) to re-code Lot 6 (287a) Hale Road, Wattle Grove from R20 to R25.

**BACKGROUND**

2. Land Details:

Land Area:	2.02ha
Local Planning Scheme Zone:	Urban
Metropolitan Regional Scheme Zone:	Urban Development
Structure Plan Zone:	Residential R20

**Locality Plan**



3. The proposed modification relates to Lot 6 (287a) Hale Road, Wattle Grove. The subject land is bound by Hale Road to the north and a Bush Forever site to the east. Properties to the south and east of the subject land have largely been developed as single dwellings with a density coding of R20 or R25. One adjoining property to the west remains to be developed.
4. The property contains a single dwelling, a swimming pool and several sheds which are proposed to be removed at such time as the property is subdivided and developed.
5. Development of the site is subject to the Cell 9 Structure Plan which guides the development of land for various purposes.

## DETAILS

6. The proposed modification seeks to change the residential density code for the subject property from R20 to R25. A copy of the existing and proposed Cell 9 Structure Plan as it relates to the modification area is included as Attachment 1. The modification does not impact on the future road layout for the site.
7. The applicant has lodged a subdivision application (150506) with the Western Australian Planning Commission (WAPC). A copy of the subdivision plan is included as Attachment 2. The proposed subdivision depicts a residential density of R25 consistent with the current modification and proposes the creation of 41 residential lots ranging in size from 300m<sup>2</sup> to 492m<sup>2</sup>. The application is currently deferred pending the outcome of the proposed modification to the Structure Plan.
8. The applicant has justified the proposal as follows:
  - The proposed density code is consistent with the density code of properties directly to the south-east of the modification area; and
  - The proposal is consistent with the intent of State level planning documents such as *Directions 2031* and the *Liveable Neighbourhoods* Policy. *Directions 2031* promotes increased housing diversity and affordability, while *Liveable Neighbourhoods* encourages higher residential densities for land which is located in close proximity to public transport, public open space and commercial facilities. The subject land is located within 400 metres of all of the above.

## STATUTORY AND LEGAL CONSIDERATIONS

9. If adopted by Council, the modified Structure Plan will be forwarded to the WAPC for endorsement. In the event that the WAPC refuses the modification, there is a right of appeal to the State Administration Tribunal. The WAPC would be the respondent for any such appeal.

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## **POLICY CONSIDERATIONS**

10. The Shire's Local Housing Policy was adopted on 24 March 2014. The proposed modification is consistent with the following objectives of the Local Housing Strategy:
- *To provide for a greater variety of lot sizes and housing types that will cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services, while at the same time meeting the social and economic needs of the Shire's changing demographics.*
  - *To identify suitable areas for greater housing choice which are strategically located, i.e. close to, or well connected to, existing and future services (for example, employment centres, main transport routes/hubs, community facilities, shopping centres, and most importantly, the two District Centres within the Shire – Kalamunda and Forrestfield).*

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

11. As the subject land directly adjoins existing residential development, the proposal was advertised to the adjoining properties for 21 days in accordance with Scheme provisions.
12. At the end of the advertising period three submission had been received consisting of two objections and one non-objection. The objections were concerned with the loss of vegetation on the site and with there being "too much development occurring too soon" in the Perth metropolitan area. The submissions are summarised in Attachment 3.

## **FINANCIAL CONSIDERATIONS**

13. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

14. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.2 – To effectively plan for the diverse range of housing stock that will be required to meet the social and economic needs of the Shire's changing demographic.
- Strategy 4.2.1 Facilitate the delivery through strategies and policy development of a diverse range of housing within the Shire to ensure inclusiveness in population accommodation.

## **SUSTAINABILITY**

### **Social Implications**

15. Facilitating R25 lot sizes will ultimately lead to a greater land affordability which in turn will allow for a potentially broader demographic.

## Economic Implications

16. Nil.

## Environmental Implications

17. There are a number of large trees on the subject property. Standard procedures during the assessment of the subdivision application will ensure every effort is made to preserve trees which are appropriately located. It is acknowledged, however, that some large trees will need to be removed in order for the land to be developed for residential purposes.

## RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Possible	Insignificant	Low	Ensure Council is aware that the proposed modification would allow for residential development of a similar scale to surrounding properties.

## OFFICER COMMENT

19. The proposal is consistent with the objectives of *Liveable Neighbourhoods, Directions 2013 and Beyond* and the Shire's Local Housing Strategy in allowing for a mix of residential densities located in close proximity to public open space, commercial facilities and public transport, all of which exist in relatively close proximity to the property.

*A Councillor noted that the report implied that smaller blocks generated a smaller price and asked if there was any evidence of this. The Director Development Services stated that the Urban Development Institute of Australia indicates that this is the case.*

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 62/2014)

That Council:

1. Adopts the proposed modification to the Structure Plan to increase the density coding of Lot 6 (287a) Hale Road, Wattle Grove from R20 to R25.
2. Forwards the modified Cell 9 Wattle Grove Structure Plan to the Western Australian Planning Commission for endorsement.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Allan Morton**

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

**Attachment 1**

Proposed Modification to Cell 9 Wattle Grove Structure Plan – Lot 6 (287a) Hale Road, Wattle Grove

**Proposed modification plan**





**Attachment 2**

Proposed Modification to Cell 9 Wattle Grove Structure Plan – Lot 6 (287a) Hale Road, Wattle Grove  
**Proposed Subdivision Plan**



### Attachment 3

#### Proposed Modification to Cell 9 Wattle Grove Structure Plan – Lot 6 (287a) Hale Road, Wattle Grove Submission Table

Details		Comment	Staff Comments
1	Mr and Mrs Mackey 27 Coyong Road, Wattle Grove	No objection	Noted.
2	Isabelle Foster 3a Imelda Street, Woodlands 6018	Objection  1. I fully agree with Jennie Bryanyt's letter. We need more trees and bushland and not less. Please reconsider the plans	1. The Shire has not received a letter from Jennie Bryant regarding the proposal. As the land is zoned for residential developed, it is likely that the clearing of vegetation will occur once the land is subdivided. An increase in residential density from R20 to R25 is unlikely to significantly increase the extent of clearing which occurs.
3	Susan Manolas Address unknown	Objection  1. I feel that there may be a 'too much too soon' situation about to occur in Perth and surrounding areas. The reputation we have now - worldwide - is one of streets paved with gold and unlimited wealth for anyone wishing to come here. I, along with many of my friends, former colleagues and associates in the Real Estate Industry view the near future of the health of the real estate market here with grave concern and indeed trepidation.	1. Noted. The proposal has been assessed based on planning considerations and it is considered that the proposed increase in density code will bring the residential density of the land into line with much of the land surrounding

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

**63. Detailed Area Plan – Lot 2 (84) St John Road, Wattle Grove**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	149586
Applicant	Gray and Lewis Land Use Planners
Owner	Leslie and Bridget McEvoy
Attachment 1	Proposed Detailed Area Plan

**PURPOSE**

1. To consider adoption of a proposed Detailed Area Plan (DAP) relating to Lot 2 (84) St John Road, Wattle Grove.

**BACKGROUND**

2. **Land Details:**

Land Area:	1.5ha
Cell 9 Wattle Grove Structure Plan density:	R20
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

3. In August 2014, the Western Australian Planning Commission (WAPC) conditionally approved subdivision application 149586 which proposed the creation of 24 residential lots from Lot 2 (84) St John Road. The residential density of the approved lots is R20.
4. Lot 2 (84) St John Road falls within the Cell 9 Wattle Grove Structure Plan area and is bound by Roe Highway and Tomah Swamp Public Open Space to the north and east, and existing residential development to the south and west. Subdivision 149586 is consistent with the Cell 9 Wattle Grove Structure Plan in terms of the approved residential density and local road layout.
5. Condition 9 of the subdivision approval required the subdivider to prepare 'Quiet House Design Guidelines' addressing each lot on the plan of subdivision given the proximity of the subdivisional area to major transport routes and Perth Airport.
6. The applicant has satisfied Condition 9 of the subdivision approval by having Lloyd George Acoustic Consultants prepare a Transport Noise Assessment report which recommends three different Quiet House Design 'packages' which contain particular building treatments for each lot such as the provision of acoustic seals around doorways.

7. Condition 10 of the subdivision required the subdivider to prepare and have approved by the Shire of Kalamunda a DAP which addresses and implements the Quiet House Design Guidelines. The current DAP is proposed to satisfy the requirements of Condition 10 of the subdivision approval 149586.

### Locality Plan

- 8.



### DETAILS

9. The DAP delineates the Quiet House Design packages which relate to each lot within the DAP area and outlines the building treatments which are applicable to each package and which must be incorporated into development on lots within the DAP area.
10. A copy of the proposed DAP is included as Attachment 1.

### STATUTORY AND LEGAL CONSIDERATIONS

11. Clause 6.2.6 (c) of the Shire's Local Planning Scheme No. 3 allows Council to approve a DAP.

### POLICY CONSIDERATIONS

12. Nil.

### COMMUNITY ENGAGEMENT REQUIREMENTS

13. The proposed DAP will not adversely affect any adjoining landowners, therefore, it has not been advertised for public comment.

### FINANCIAL CONSIDERATIONS

14. Nil.

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## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.3 – To ensure that 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

16. Adoption of the DAP will ensure development within the DAP area appropriately responds to higher than usual noise levels. This will create a more liveable environment for the future residents of lots within the DAP area.

### Economic Implications

17. Nil.

### Environmental Implications

18. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 19.
- | Risk   | Likelihood | Consequence | Rating | Action/Strategy   |
|--|------------|-------------|--------|---|
| Council may resolve not to support the proposal.   | Unlikely   | Major       | Medium | Ensure Council is aware that the clearance of the subdivision approval dated 8 August 2014 will not be possible until all the conditions have been satisfied. |
| Residents being exposed to noise from Roe Highway. | Possible   | Minor       | Medium | The DAP introduces quiet house design guidelines to all residential developments within the DAP area in order to mitigate noise from Roe Highway.             |

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## **OFFICER COMMENT**

20. The only function of the DAP is to introduce Quiet House Design Guidelines which will relate to residential developments within the DAP area. These Quiet House Design Guidelines constitute construction standards which will have no impact on any surrounding landowners.
21. Adoption of the DAP will mean that landowners, building companies and the Shire are able to easily access and implement the applicable Quiet House Design Guidelines when developing on lots within the DAP area.

<b>Voting Requirements: Simple Majority</b>
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## **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 63/2014)**

That Council:

1. Adopt the proposed Detailed Area Plan relating to Lot 2 (84) St John Road in accordance with 6.2.6(c) of the Shire of Kalamunda Local Planning Scheme No. 3.
2. Forward the proposed Detailed Area Plan, once adopted, to the Western Australian Planning Commission for information.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Andrew Waddell**

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

**Attachment 1**

**Detailed Area Plan – Lot 2 (84) St John Road, Wattle Grove.  
 Proposed Detailed Area Plan**



**LOT 2 ST JOHN ROAD, WATTLE GROVE**

Compliance with the Residential Design Codes replaces the need for planning approval for a 'single house' in the DAP area.

**1. 'QUIET HOUSE' DESIGN GUIDELINES**

To achieve compliance with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, development on lots depicted on this DAP is required to comply with the applicable quiet house design guidelines outlined below.

**PACKAGE TREATMENTS**





The Quiet House Design Package Treatments ('A', 'B' or 'C') applicable to the individual lots is identified on the DAP.

Details of the Package Treatment are provided in Attachment 1.

**NOTES:**

- i) Alternative constructions may be acceptable if supported by a report undertaken by a suitably qualified acoustical consultant once the lots specific building plans are available.
- ii) The noise attenuation measures required to be incorporated in the design of dwellings shall be shown on the plans submitted for a building licence.

**LEGEND:**

-  LOTS SUBJECT TO DAP
-  PACKAGE A
-  PACKAGE B
-  PACKAGE C

THIS DETAILED AREA PLAN HAS BEEN ENDORSED BY COUNCIL UNDER CLAUSE 6.2.6 OF LOCAL PLANNING SCHEME No. 3

MANAGER DEVELOPMENT SERVICES - SHIRE OF KALAMUNDA      DATE

DETAILED AREA PLAN  
 LOT 2 ST JOHN ROAD, WATTLE GROVE  
 SHIRE OF KALAMUNDA

JOB REFERENCE: 10991      DATE: 23rd SEPTEMBER 2014      THIS DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.



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**ATTACHMENT 1 - BUILDING FACADE TREATMENTS (QUIET HOUSE DESIGN REQUIREMENTS)**

**PROVISIONS AS PER LLOYD GEORGE TRANSPORTATION NOISE ASSESSMENT**

Package A		
Area Type	Orientation	Package A Measures
Bedrooms	Front of house	6.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals. No external doors. No vents to outside walls / eaves.
	Other	6.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals.
Living and work areas <sup>1</sup>	Front of house	6.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals. 35mm (minimum) solid core external doors with acoustic seals. <sup>2</sup> Sliding doors must be filled with acoustic seals. No vents to outside walls / eaves.
	Other	6.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals.
Any Parts of Dwelling	Any	External windows and doors to be no more than 20% of floor area for bedrooms and 50% of floor area for living and work areas. Slab on ground. Closed Eaves. Double brick cavity construction. Pitched roof, minimum 25 degree slope, masonry tiles or metal sheet with acoustically sealed sarking (impervious membrane) over rafters. Plasterboard ceiling, minimum 10mm thick, with ceiling joists separate from roof structure (i.e. not attached to roof or roof trusses). Fibrous thermal insulation R2.5 or greater between ceiling joists. Mechanical ventilation / airconditioning. <sup>3</sup>
Package B:		
Bedrooms	Front of house	As per Package A - except 10.38mm (minimum) laminated glazing.
	North side of house and rear of house	10mm (minimum) glazing. Fixed, casement or awning windows with seals.
	South side of house	6.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals.
Living and work areas <sup>1</sup>	Front of house	10.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals. 40mm (minimum) solid core external doors with acoustic seals. <sup>2</sup> Sliding doors must be filled with acoustic seals. No vents to outside walls / eaves.
	North side of house and rear of house	6.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals.
	South side of house	6.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals.
Any Parts of Dwelling	Any	As per Package A
One Outdoor Living Area Mandatory to Lot 115 Only	Shielded By Building	Locate one outdoor living area so that it is shielded from Roe Highway by part of the building.
Package C:		
Bedrooms	North side of house and rear of house	10.5mm (minimum) VLam Hush laminated glazing. Fixed, casement or awning windows with seals. No external doors. No vents to outside walls / eaves.
	Rear of house	10.5mm (minimum) VLam Hush laminated glazing. Fixed, casement or awning windows with seals.
	South side of house	As per Package B
Living and work areas <sup>1</sup>	North side of house and front of house	10.5mm (minimum) VLam Hush laminated glazing. Fixed, casement or awning windows with seals. 40mm (minimum) solid core external doors with acoustic seals. <sup>2</sup> Sliding doors must be filled with acoustic seals. No vents to outside walls / eaves.
	Rear of house	10.38mm (minimum) laminated glazing. Fixed, casement or awning windows with seals.
	South side of house	As per Package B
Any Parts of Dwelling	Any	As per Package A
One Outdoor Living Area	Shielded By Building	Locate one outdoor living area so that it is shielded from Roe Highway by part of the building.

1. These deemed-to-comply guidelines adopt the definitions of indoor spaces used in AS 2107:2000/AS 2021 - 2000. A comparable description for bedrooms, living and work areas is that defined by the Building Code of Australia as a 'habitable room'. Note that there are no noise insulation requirements for utility areas such as bathrooms. The Building Code of Australia describes these utility spaces as 'non-habitable rooms'.

2. Glazing panels are acceptable in external doors, however these must meet the minimum glazing requirements.

3. Mechanical ventilation / airconditioning. Where outdoor noise levels are above the 'target', mechanical ventilation or airconditioning is required to ensure that windows can remain closed in order to achieve the indoor noise standards.

In implementing ventilation, the following need to be observed:

- i) Evaporative airconditioning systems may meet the requirements provided attenuated air vents are provided in the ceiling space and designed in such a way so that windows can remain closed;
- ii) Refrigerative airconditioning systems need to be designed to achieve fresh air ventilation requirements;
- iii) Air inlets need to be positioned facing away from the transport corridor where practicable;
- iv) Ductwork needs to be provided with adequate silencing, particularly in high noise areas, to prevent noise intrusion.



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

**64. Proposed Deferral of Developer Contribution Payment for an Approved Subdivision - Lot 2 (84) St John Road, Wattle Grove**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	149586
Applicant	Gentlylbene Pty Ltd
Owner	L and B McEvoy
Attachment 1	Wattle Grove Cell 9 Structure Plan
Attachment 2	Approved Subdivision Plan

**PURPOSE**

1. To consider a request to defer payment of the developer contribution for the approved subdivision at Lot 2 (84) St John Road, Wattle Grove.

**BACKGROUND**

2. **Land Details:**

Land Area:	1.54ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

- 3.



4. The property falls within the Wattle Grove Cell 9 Structure Plan (Structure Plan) which identifies the property as being Residential R20. Refer to the Wattle Grove Cell 9 Structure Plan (Attachment 1).
5. The current developer contribution rate for cell 9 is \$27,315 per lot or dwelling, this rate was adopted in March 2013.
6. In August 2014, the Western Australian Planning Commission approved an application to subdivide the property into twenty four (24) freehold lots. Refer to the approved Subdivision Plan (Attachment 2).
7. A condition of the subdivision approval is that the landowners contribute towards development infrastructure provisions in accordance with Local Planning Scheme No. 3 (Scheme).

## **DETAILS**

8. The total developer contribution for the approved subdivision is currently \$655,560 exclusive of GST.
9. The applicant is proposing to subdivide the subject land in two stages, the first comprising 8 lots and the second the remaining balance of 16 lots.
10. The landowners have requested that Council consider allowing the deferral of the developer contribution payment until two months after the subdivision clearance has been issued.
11. To satisfy the condition regarding payment of the developer contribution, a caveat will be required to be placed on the property's Title, and a legal agreement prepared which will state the deferral period, prior to the subdivision clearance being issued.

## **STATUTORY AND LEGAL CONSIDERATIONS**

12. Schedule 11 (Development Areas) of the Scheme stipulates provisions specific to the Structure Plan such as amongst others, provisions regarding cell infrastructure contributions.
13. Clause 7.4 (Interest) under Schedule 11 of the Scheme stipulates *"interest shall be payable on any overdue Cell Infrastructure Contribution at the rate payable from time to time on judgment debts as determined pursuant to section 31 of the Supreme Court Act 1935. Interest shall become payable from the date the Cell Infrastructure Contribution became due until the date of payment unless the Council for good reason shown by the owner agrees to suspend or waive interest"*.
14. Clause 7.5 (Charge) under Schedule 11 of the Scheme stipulates *"the liability (whether present or prospective) of any person to pay a Cell Infrastructure Contribution is a charge on the land to which that Cell Infrastructure Contribution relates and the Council may lodge a caveat against the title to that land at the Land Titles Office in respect thereof. The Council may from time to time withdraw a caveat to permit registration of a dealing in the land and thereafter lodge another caveat. On the payment*

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*of all Cell Infrastructure Contributions in respect of any land the Council shall withdraw any caveat which it has lodged against the title to that land”.*

15. Clause 7.7 (Payment on Terms) under Schedule 11 of the Scheme stipulates *“the Council may in its discretion agree to accept payment of a Cell Infrastructure Contribution on terms of deferred payment and may secure the payment to the Council of any deferred payment in such manner as the Council may in its discretion decide”.*

## **POLICY CONSIDERATIONS**

### **State Planning Policy No. 3.6 – Development Contributions for Infrastructure**

16. State Planning Policy No. 3.6 – Development Contributions for Infrastructure sets out the principles underlying development.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

17. Nil.

## **FINANCIAL CONSIDERATIONS**

18. Currently a balance of \$10,940,400 is being held in the Cell 9 Scheme’s Trust Account.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

OBJECTIVE 4.1 - 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**

20. Nil.

### **Economic Implications**

21. The deferred payment will assist the developer in meeting his financial obligations to the Cell 9 Scheme.
22. The request for deferral of the developer contribution payment will have to be considered in the context of the Cell 9 Scheme being able to meet its financial obligations.

## Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council not supporting the payment method proposed by the applicant.	Possible	Insignificant	Low	Deferral period proposed is not deemed to be significant, and considering the existing balance in the scheme's trust account the scheme will still be able to meet its financial obligation.

## OFFICER COMMENT

25. The Local Planning Scheme allows the developer contribution to be paid in a lump sum or deferred by Council. This, however, has to be considered in the context of the Cell 9 Scheme meeting its obligations in respect to the delivery of Scheme Infrastructure.
26. The applicant has requested payment of the developer contribution only be deferred for two months from the date subdivision clearance is issued by the Shire. To ensure this gets paid in full, a caveat will be required to be placed on the balance lot as part of the staged subdivision process, and a legal agreement prepared, prior to the subdivision clearance being issued.
27. The Scheme Amendment to disallow staged payments recently initiated by Council, does not apply to the Cell 9 Wattle Grove Developer Contribution Scheme.
28. Currently a balance of \$10,940,400 is being held in the Cell 9 Trust Account. Given the financial position of the Cell 9 Scheme, the request for deferral is unlikely to have any detrimental impact on the Scheme meeting its financial obligation regarding the delivery of Scheme infrastructure. For the two month period it is recommended that interest be charged on the outstanding developer contribution amount of \$655,560.

*A Councillor noted that recently Council had voted against the deferring of developer contributions and asked in what way this was different, Director Development Services clarified that the recent amendment was in relation to Industrial Developments.*

*A Councillor asked why the Developer was seeking this and would it be cost neutral to the Shire, Manager Development Services responded that there is provision in the scheme for this request, and with the imposition of interest on the outstanding balance it is anticipated it will be cost neutral to the Shire.*

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 64/2014)**

That Council:

1. Support the request by Gentlybene Pty Ltd defer the developer contribution payment required for the approved subdivision application at Lot 2 (84) St John Road, Wattle Grove, for a period of two months from the date the subdivision clearance is issued, subject to the following:
  - a. A legal agreement being prepared to the Shire's satisfaction, and at the landowner's expense, which stipulates the development contribution payment being deferred for a maximum of two months, this being from the date the subdivision clearance is issued.
  - b. A caveat being place on the balance of the property's Title prior to the subdivision clearance being issued, and at the landowner's expense, requiring the payment of the developer contribution to be made to the Shire.
  - c. In accordance with clause 7.4 of Schedule 11 of the Local Planning Scheme No.3, interest on the outstanding developer contribution payment shall be charged at the interest rate prescribed in section 31 of the *Supreme Court Act 1935*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Bob Emery**

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

### Attachment 1

## Proposed Deferral of Developer Contribution Payment for an Approved Subdivision – Lot 2 (84) St John Road, Wattle Grove Wattle Grove Cell 9 Structure Plan



### Attachment 2

Proposed Deferral of Developer Contribution Payment for an Approved Subdivision – Lot 2  
(84) St John Road, Wattle Grove

### Approved Subdivision Plan



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

**65. Metropolitan Region Scheme Amendment – re-zoning land bounded by Welshpool Road East, Tonkin Highway and the City of Gosnells boundary from Rural to Industrial**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	
Applicant	N/A
Owner	Various
Attachment 1	MKSEA area
Attachment 2	MRS Amendment plan – Shire portion of MKSEA

**PURPOSE**

- To consider the initiation of a Metropolitan Region Scheme (MRS) amendment to re-zone land bounded by Welshpool Road East, Tonkin Highway and the City of Gosnells from 'Rural' to 'Industrial'.

**BACKGROUND**

**Land Details:**

- |                                    |  |
|------------------------------------|--|
| Land Area:                         | Approximately 724500m <sup>2</sup> (72.45 hectares)            |
| Local Planning Scheme Zone:        | Special Rural, Private Clubs and Institutions, Public Purpose. |
| Metropolitan Regional Scheme Zone: | Rural, Parks & Recreation, Urban                               |

**Locality Plan:**





4. The proposed MRS amendment area relates to the Maddington Kenwick Strategic Employment Area (MKSEA). Only a portion of the MKSEA is located within the Shire of Kalamunda, with the majority being located within the City of Gosnells (CoG). The area of the MKSEA located within the Shire is bounded by Welshpool Road to the northeast and Tonkin Highway to the east. North of Welshpool Road is the residential development area of Wattle Grove which is nearing full build out. Directly south, east and west of the subject site is the CoG. The MKSEA is visible on the locality plan above.
5. The entire amendment area contains approximately 113 individual properties, with approximately 25 of these being within the Wattle Grove area of the Shire. The properties range from approximately one to four hectares in size. The majority of the lots are zoned 'Special Rural' with the exception of two lots, one zoned 'Private Clubs and Institutions' and one zoned 'Public Purpose'. Land within the Shire's portion of the Amendment area is currently being used for rural-residential living, poultry farming, horse agistment and a private club.
6. In 1990 the State Planning Commission (now the Western Australian Planning Commission (WAPC) released the planning strategy Metroplan, which identified an area of land within the Maddington/Kenwick area of the CoG as a potential future industrial area. This is the area now referred to as the MKSEA.
7. Planning undertaken by the CoG since 1990 has resulted in the MKSEA area being divided into precincts as depicted on Attachment 1. Approximately 55 hectares of Precinct 3 is located within Wattle Grove in the Shire of Kalamunda. Including this portion of Wattle Grove in the MKSEA is considered desirable as it will result in the Amendment area being extended to Welshpool Road which functions as a logical northern boundary for a future industrial area and an appropriate buffer from adjacent residential and rural land. Consistent with this, the Shire's adopted Local Planning Strategy identifies this land as a future industrial development area.
8. The re-zoning of Precinct 1 to 'Industrial' under the MRS has already occurred, however, CoG found Precincts 2 and 3 of the MKSEA required further investigation be undertaken into a number of environmental, servicing and coordination issues before an MRS Amendment could be progressed. To address these issues, the CoG has now completed an Environmental Scoping Document (ESD) in consultation with the Environmental Protection Authority (EPA), in addition to preliminary assessments relating to servicing and roads for Precincts 2 and 3.
9. On 13 August 2013, the CoG Council considered the findings of the ESD and other investigations relating to Precincts 2 and 3 of the MKSEA, and resolved to request that the WAPC initiate an MRS amendment to re-zone the land from 'Rural' to 'Industrial'. Due to a significant portion of Precinct 3 falling within the Shire, the CoG recognised the need for the Shire to also consider and support the initiation of this MRS Amendment over the portion of MKSEA within the Shire.

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## DETAILS

10. A plan representing the proposed MRS Amendment as it relates to the Shire is included as Attachment 2. The Amendment would result in all the land currently zoned as 'Rural' within the amendment area being re-zoned to 'Industrial'.
11. Precinct 3a of the MKSEA has been identified within WAPC's Economic and Employment Lands Strategy: non-heavy industry. With Precinct 1 of the MKSEA now being zoned 'Industrial' under the MRS, the subject amendment would rationalise the regional zoning for the area resulting in a larger consolidated industrial area bounded by major roads on all sides.
12. The MRS Amendment would facilitate a subsequent amendment to the Shire's Local Planning Scheme to allow for industrial land uses within the area. It is not specified whether this would be light industry business or general/heavy industries. This should be addressed through the local planning amendment/structure plan process.
13. The Amendment would not affect the lots located directly adjacent to the Shire's easternmost boundary with the CoG which are reserved for 'Parks and Recreation' and 'Urban' under the MRS. Notwithstanding this, these lots are included on plans for the wider MKSEA area as environmental investigations of the MKSEA have been inclusive of this land.
14. The extension of the Amendment area to Welshpool Road provides the MKSEA with a rounded shape which is bound on all sides by major roads which are capable of accommodating industrial traffic movements. This arrangement would ultimately ensure minimal disruption to residential areas by industrial traffic. The construction standard and coordination of the regional and local road network will be considered in the subsequent planning stages once a Traffic Impact Assessment has been undertaken.

### **Future Planning Framework:**

#### *City of Gosnells MKSEA Planning*

15. The ESD prepared by the CoG identifies several environmental issues which must be addressed at the later stages of planning, and makes recommendations regarding the preparation of various environmental strategies and management plans.
16. The CoG, in conjunction with the Department of Planning (DoP) and Environmental Protection Authority (EPA), have used the ESD to inform and agree on a planning framework for the CoG portion of the MKSEA, due to the area of the MKSEA within the CoG being relatively large and significantly environmentally constrained. This framework includes the preparation of a high level Local Structure Plan (LSP) for the CoG's portion of the MKSEA which will, unlike a conventional LSP, be prepared early in the planning process in support of the MRS amendment and will focus heavily on addressing the environmental issues relating to the site.

17. The CoG will then use this LSP to inform their subsequent Town Planning Scheme Amendment, and several Outline Development Plans for the site which will guide the ultimate subdivision and development of the CoG's portion of the MKSEA.

*Shire of Kalamunda MKSEA Planning*

18. Approximately 13% of the MKSEA falls within the Shire. This smaller area of land also appears to be less environmentally constrained relative to areas of the MKSEA within the CoG, in particular Precinct 2. As such, the Shire would recommend that the conventional planning framework be adopted to facilitate the development of the Shire's portion of the MKSEA. The key stages in this planning framework are detailed in the below table.

Planning Stage	Details	Timing
Amendment to MRS	This MRS amendment is necessary to replace the current 'Rural' zoning with the 'Industrial' zoning as outlined in the 'Details' section of this report. As discussed, the CoG have already undertaken the majority of the studies required to support this MRS Amendment.	Current report seeks Council support to request that the WAPC initiate this amendment. It could reasonably be expected that this MRS Amendment take two years to complete from initiation, however, the timing will be dependent on an additional technical studies required and the extent to which the Shire can use the studies undertaken by the CoG for the MKSEA.
Amendment to Local Planning Scheme 3 (the Scheme)	It is most likely that the future Scheme Amendment will replace the current local 'Special Rural' zoning of the subject land with the 'Industrial Development' zone. Schedule 11 of the Scheme would also need to be modified to include the future Wattle Grove Industrial Area as a 'Development Area' thus allowing specific developer contribution provisions to be included and designated as a 'Development Area' for which a LSP would be prepared in accordance with Clause 6.2 of the Scheme.	Shire staff will likely commence work on this Amendment once finalisation of the subject MRS Amendment is imminent.
Local Structure Plan	The LSP would provide the statutory basis for guiding the detailed subdivision and development of the land. The WAPC's Structure Plan Preparation Guidelines will inform the preparation of this LSP.	The LSP would typically be prepared in conjunction with the above Scheme Amendment, and may be adopted by the WAPC simultaneously.

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20. A number of further technical assessments and/or management plans will be necessary to support each of the above stages in the planning process. The 'Environmental Implications' section of this report expands on this.

### **STATUTORY AND LEGAL CONSIDERATIONS**

21. The *Planning and Development Act 2005* establishes procedures relating to amendments to the MRS. If the MRS amendment to re-zone the subject land to 'Industrial' is finalised, within 90 days the Shire is required to initiate a Scheme Amendment to replace the existing 'Special Rural' zone with a local zone which is considered compatible to the MRS 'Industrial' zoning in accordance with Section 124 of the *Planning and Development Act 2005*.

### **POLICY CONSIDERATIONS**

22. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

23. If the MRS amendment is initiated by the WAPC, the consent of the Minister for Planning would be sought to formally advertise the amendment for a period of no less than three months in accordance with the provisions of the *Planning and Development Act 2005* the timing of the advertising will depend on the additional technical information the Shire will be required to compile to support the MRS amendment process. Submissions received by affected land owners will provide Shire staff with an indication of the public's view toward industrial re-zoning of the area, and this will inform the subsequent amendment to the Scheme and the LSP preparation.

### **FINANCIAL CONSIDERATIONS**

24. Whilst some of the costs to progress the MRS amendment may be offset by some of the technical studies already having been undertaken by the CoG, it is anticipated that further costs will have to be budgeted for in the 15/16 and 16/17 financial year to support the planning process moving forward.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

25. *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.

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## **SUSTAINABILITY**

### **Social Implications**

26. The re-zoning and potential development of the area for industrial land uses will enable some rural landowners to progress with developing their land independently of others. It is acknowledged that this may have some amenity implications for these landowners who wish to remain on their properties in short term but it doesn't diminish their right to stay.

### **Economic Implications**

27. If the subject land is re-zoned to allow for industrial development, it is likely that land owners will see an increase in the value of the properties.

### **Environmental Implications**

28. As outlined above, the CoG have coordinated significant investigations into the environmental characteristics of the entire MKSEA (inclusive of the Shire's land) and collated the results into an ESD.
29. Based on the environmental characteristics of the MKSEA, the ESD outlines issues (points 1–6 below) which must be addressed through additional environmental investigation at different stages of the planning process in order to address the environmental objectives of the EPA. The Shire consider that relative to the Shire's portion of the MKSEA, these investigations can be incorporated into the Environmental Impact Assessment undertaken to inform the preparation of a LSP which will guide subdivision and development.
30. Key issues which must be investigated further and addressed during the preparation of the Scheme Amendment and LSP include:
1. Potential direct or indirect impacts on terrestrial flora and vegetation, wetlands, water courses and terrestrial fauna;
  2. Any set-backs or buffers between future development and adjacent flora, vegetation, wetlands and water courses;
  3. How these issues are to be addressed in subsequent stages of the planning phases for the MKSEA and through the ultimate development of the site;
  4. Specific environmental outcomes to be achieved for any loss of native vegetation, wetlands, water courses or fauna;
  5. Management measures to mitigate adverse impacts on significant flora and vegetation, wetlands, water courses or fauna to meet the EPA's objectives; and
  6. Management of industrial emissions to meet EPA environmental objectives, which may include defining any required separation distance between proposed industrial development and land uses

sensitive to industrial odour, noise and dust emissions and the intended approach to removal of sensitive land uses within the MKSEA to avoid land use conflict and constraints to industrial development.

31. Consistent with the recommendations of the ESD and the WAPC's Structure Plan Preparation Guidelines, other Strategies will also be necessary to support a LSP for the Shire's portion of the MKSEA. This will include, but not be limited to a Local Water Management Strategy, Wetland Management Strategy and Threatened Ecological Community Management Strategy. The future LSP may also outline the requirements for Management Plans which are necessary prior to subdivision occurring.

**RISK MANAGEMENT CONSIDERATIONS**

33.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not support the initiation of the MRS Amendment.	Unlikely	Major	Medium	Demonstrate that the inclusion of Shire's land south of Welshpool Road in the proposed industrial re-zoning area will result in a more orderly and coordinated planning outcome than any alternative.

**OFFICER COMMENT**

34. The re-zoning of the MKSEA from 'Rural' To 'Industrial' within the CoG is considered imminent given that this is identified within the WAPC's Economic and Employment Lands Strategy for non-heavy industry. Therefore, if the Shire's portion of the MKSEA was not re-zoned in a similar manner, it would remain as an isolated pocket of Special Rural land surrounded by industrial and residential development. The MRS amendment would rationalise the zoning of the area to create one larger industrial area bounded by major transport routes which is considered a logical planning outcome.
35. As previously mentioned, it is likely that further technical studies will need to be undertaken for the Shire's portion of the MKSEA before an MRS Amendment request can be progressed by the WAPC. The cost and timing of these studies will be known once it is clear the extent to which the Shire can rely on the studies already undertaken by the CoG. The Shire will only be able to progress concept planning for the area once these studies have been completed and an MRS Amendment initiated.

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 65/2014)**

That Council:

1. Request the Western Australian Planning Commission to initiate an amendment to the Metropolitan Region Scheme to include all existing zoned land within the area shown on the plan included (Attachment 2) in the Industrial Zone.

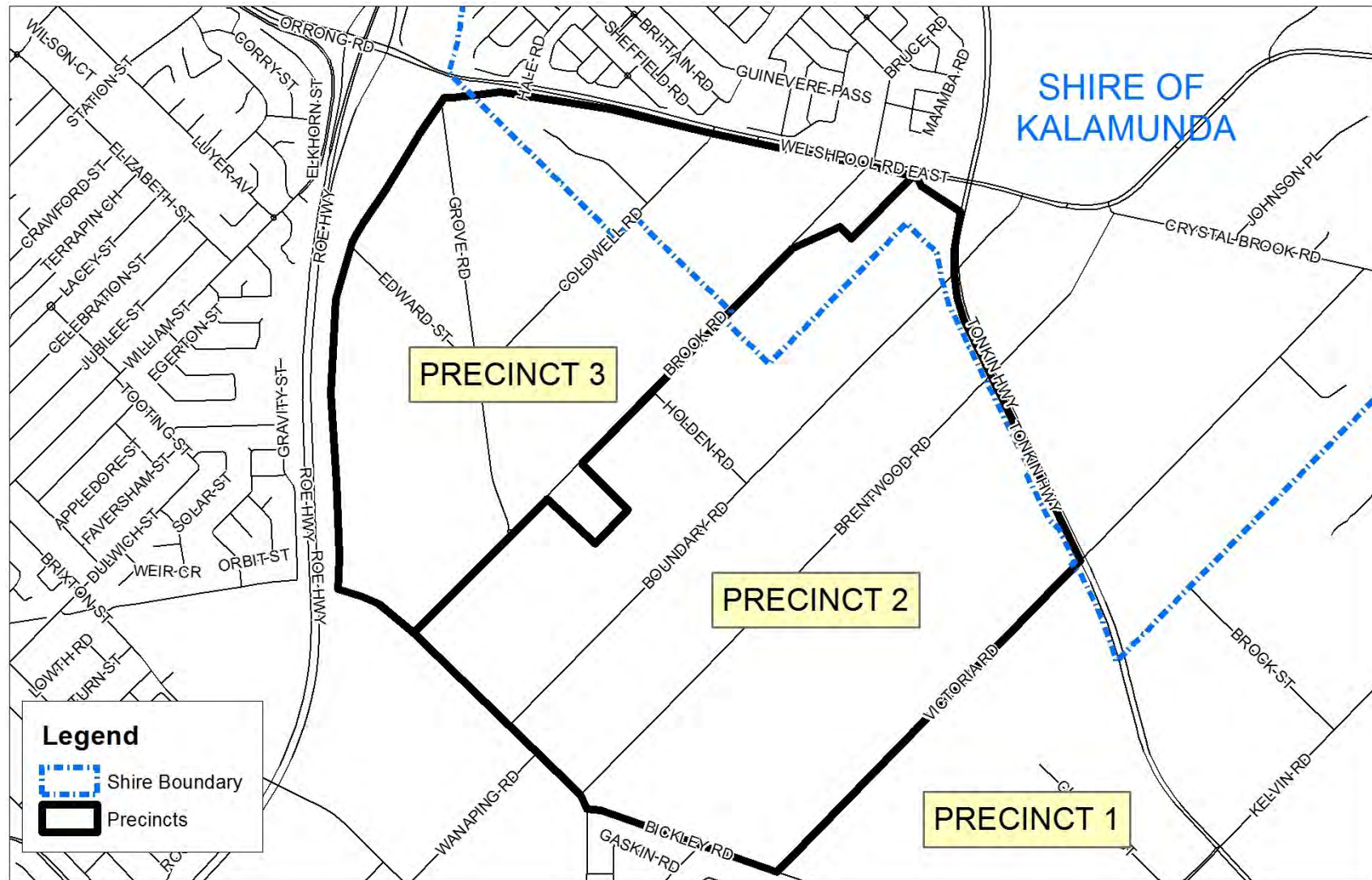
Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:	<b><u>For</u></b>	<b><u>Against</u></b>
	<b>Cr John Giardina</b>	<b>Cr Justin Whitten</b>
	<b>Cr Frank Lindsey</b>	
	<b>Cr Geoff Stallard</b>	
	<b>Cr Allan Morton</b>	
	<b>Cr Andrew Waddell</b>	
	<b>Cr Bob Emery</b>	
	<b>Cr Dylan O'Connor</b>	
	<b>Cr Sue Bilich</b>	
	<b>Cr Margaret Thomas</b>	
<b>Cr Simon Di Rosso</b>		

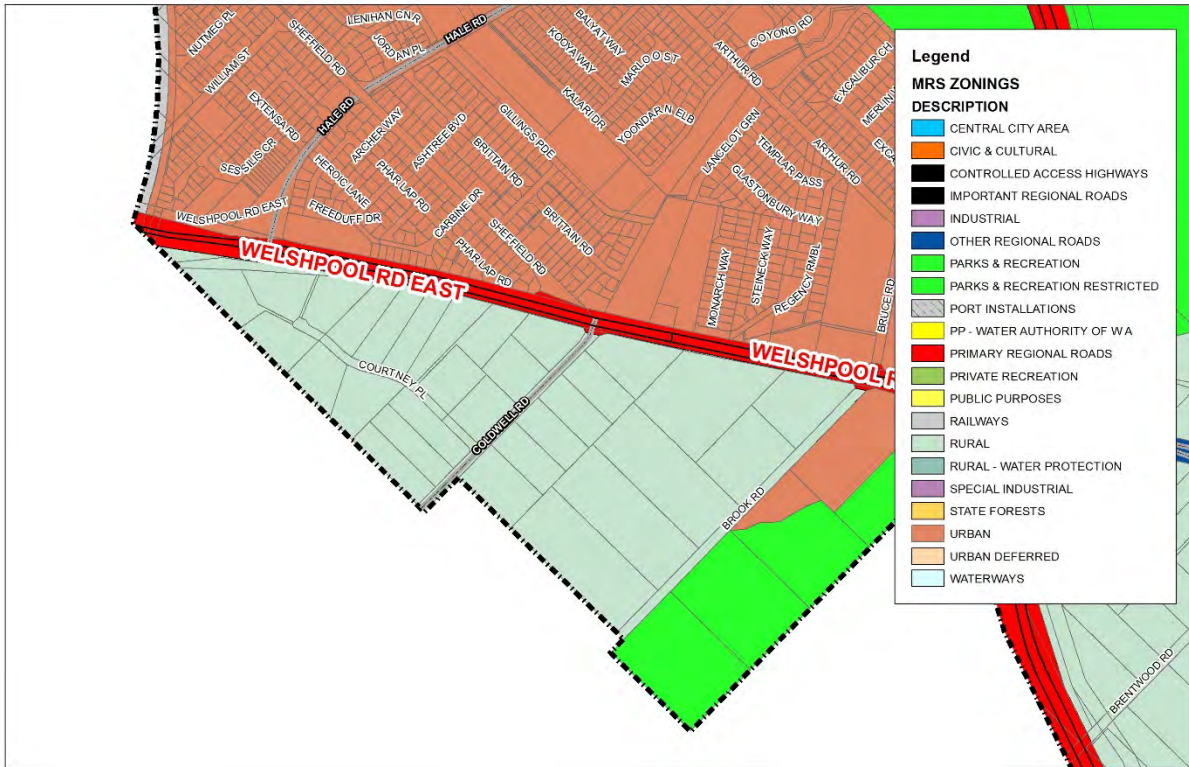
**CARRIED (10/1)**

**Attachment 1**  
MKSEA area

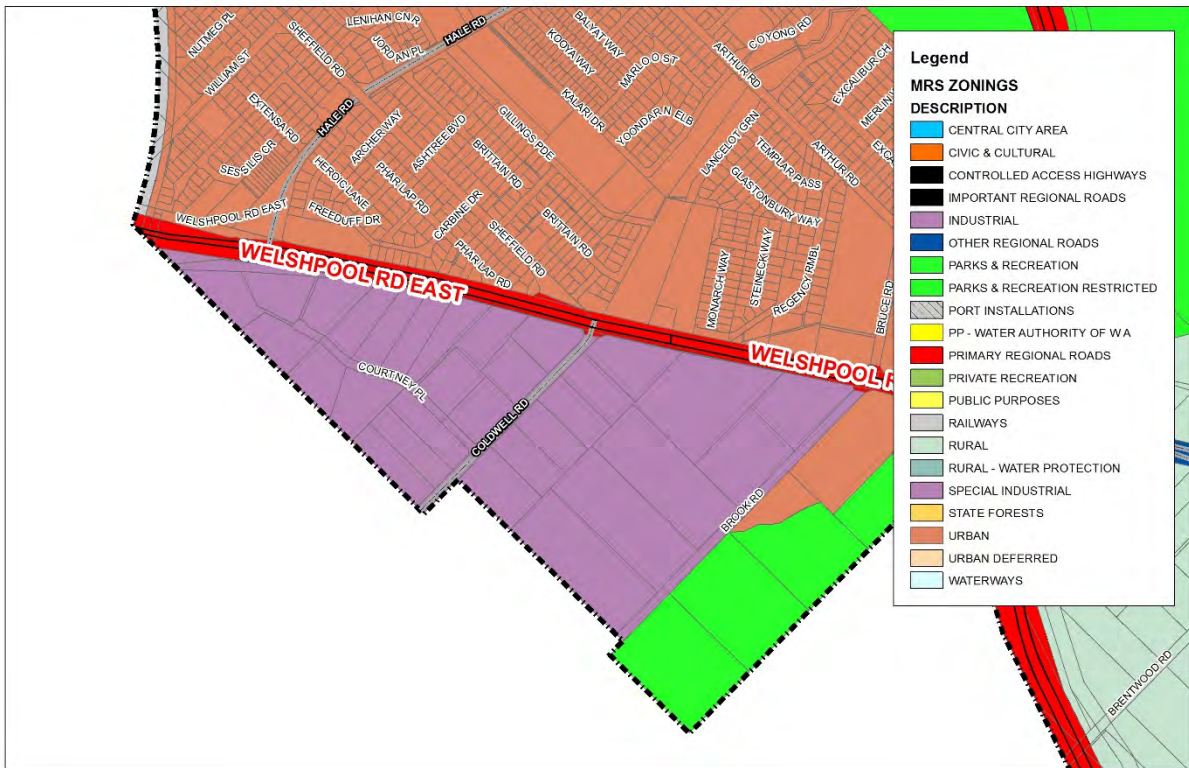




**Attachment 2 - MKSEA**  
 MRS Amendment Plan – Shire portion of MKSEA



**Current Zoning: Rural**



**Proposed Zoning: Industrial**

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

**66. Request to Purchase a Portion of Reserve R37218 – 19 Dampiera Court, Maida Vale**

Previous Items	OCM 86/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	DM-01/019
Applicant	Daniel Van Der Kooy
Owner	Crown
Attachment 1	Submission Table

**PURPOSE**

1. To consider submissions received on the proposed closure and subsequent sale of Reserve R37218 – 19 Dampiera Court, Maida Vale and whether to proceed with the closure.

**BACKGROUND**

**Locality Plan**

2.



3. At it's Ordinary Meeting of 23 June 2014 it was resolved :

*"That Council:*

1. *Advertises the proposed disposal of approximately 1,214sqm as shown in (Attachment 1) being a portion of Reserve R37218 for 30 days.*
- 2.

3. *Subject to no objection to the proposal, supports the disposal of the portion of R37218 to the owner of 17 Dampiera Court and owner of 110 Holmes Road and forwards the matter to the Department of Lands for their determination.*
4. *Requests that all costs associated with the acquisition be borne by the applicants."*

4. The proponent has advised he wishes to purchase the land to increase the area for his children to play in as well as to stop dirt bikes using the area.

#### **DETAILS**

5. The Shire received 17 submissions, including a petition of 171 signatures regarding the proposed closure (Attachment 1).
6. The general feedback from residents objecting to the closure, is that the alternative route is not accessible for walkers with horses, prams or bikes. The advertising of the closure has highlighted how the land is utilised.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

7. In accordance with Section 58 of the *Land Administration Act 1997*, the proposal has been advertised for 30 days.

#### **POLICY CONSIDERATIONS**

8. There are no policy implications.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

9. The proposal was advertised for 30 days in accordance with the *Land Administration Act 1997* between 18 August and 23 September 2014. Advertising consisted of a sign being erected on site, a notice being placed in a newspaper circulating in the district and affected landowners advised in writing.

#### **FINANCIAL CONSIDERATION**

10. Nil.

#### **STRATEGIC COMMUNITY PLAN**

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

11. *Kalamunda Advancing: Strategic Community Plan to 2023*  
Strategic Priority 4: Kalamunda Develops – Using our land and assets diversely and effectively

#### **SUSTAINABILITY**

##### **Social Implications**

12. The objections have raised some concerns about the alternative access routes.

### Economic Implications

13. Nil.

### Environmental Implications

14. Nil.

### RISK MANAGEMENT CONSIDERATIONS

Risk	Likelihood	Consequence	Rating	Action/Strategy
That Council may agree to close the Reserve	Possible	Minor	Medium	Inform Council of the community wishes for the access to remain open

### OFFICER COMMENT

16. The Shire is aware of numerous instances where access ways can result in anti-social behaviour.

17. The community has overwhelmingly supported the access remaining open, in this case noting the importance of the accessway to the Reserve.

18. Alternative access is possible, however it would be with a considerable slope and would not be conducive to the safe entry to the site.

*Alice McKinney and Gavin Lyons spoke in favour of the Officer Recommendation.*

<b>Voting Requirements: Simple Majority</b>
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### COMMITTEE RECOMMENDATION TO COUNCIL (D&I 66/2014)

That Council:

1. Notes the submissions in (Attachment 1).
2. Advises the Department of Lands that it does not support the closure and subsequent sale of a portion of Reserve R37218 – 19 Dampiera Court Maida Vale.
3. Advise the applicant that the closure is not supported.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Andrew Waddell**

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

**Attachment 1**

Request to Purchase a Portion of Reserve R37218 – 19 Dampiera Court, Maida Vale

**Submission Table**

Details	Comment	Staff Comment
13. Angela Trimboli 29 Leschenaultia Way MAIDA VALE WA 6057	Objection 1. Walk trail from Hawtin Road to Holmes Road and gives access to Mundy Regional Trail opposite Damperia Court 2. Access to Crumpet Creek in case of fire	Noted
14. Luca Trimboli 29 Leschenaultia Way MAIDA VALE WA 6057	Objection 1. Walk trail from Hawtin Road to Holmes Road and gives access to Mundy Regional Trail opposite Damperia Court 2. Access to Crumpet Creek in case of fire	Noted
3. Olivia Trimboli 29 Leschenaultia Way MAIDA VALE WA 6057	Objection 1. Walk trail from Hawtin Road to Holmes Road and gives access to Mundy Regional Trail opposite Damperia Court 2. Access to Crumpet Creek in case of fire	Noted
4. Tony Trimboli 29 Leschenaultia Way MAIDA VALE WA 6057	Objection 1. Walk trail from Hawtin Road to Holmes Road and gives access to Mundy Regional Trail opposite Damperia Court 2. Access to Crumpet Creek in case of fire	Noted
5. Marco Trimboli 29 Leschenaultia Way MAIDA VALE WA 6057	Objection 1. Walk trail from Hawtin Road to Holmes Road and gives access to Mundy Regional Trail opposite Damperia Court 2. Access to Crumpet Creek in case of fire	Noted

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6.	171 Signatories C/o Alice McKinney 40 Leschenaultia Way MAIDA VALE WA 6057	Objection Wish for it to remain open for free access to all to use it for recreational purposes as well as commuting to and from public access on Hawtin Road	Noted
7.	Kellie Anderson 49 Maud Road MAIDA VALE WA 6057	Objection Would like for it to remain open for access to the creek	Noted
8.	Jane Dogtash 23 Leschenaultia Way MAIDA VALE WA 6057	Objection No benefits to closing	Noted
9.	David Kerr 16 Dampiera Court MAIDA VALE WA 6057	Objection Used daily and gives safe access	Noted
10.	Sue Palmer 2 Hibbertia Court MAIDA VALE WA 6057	Objection Used daily to access Mundy Regional Reserve	Noted
11.	Alice McKinney 40 Leschenaultia Way MAIDA VALE WA 6057	Objection 1. Used since 1980's for residents to commute from Holmes Road to Hawtin Road 2. Alternate Route is inaccessible 3. Fences blocking alternate access 4. It's the only physical access	Noted

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12.	Dwayne Skehan 39 Leschenaultia Way MAIDA VALE WA 6057	Objection Provides a safe and direct passage from Hawtin Road to Holmes Road Adequate space for Horse Riders	Noted
13.	Brett Palmer 2 Hibbertia Court MAIDA VALE WA 6057	Objection Used since 1986 to access Mundy Regional Park	Noted
14.	Richard and Elizabeth Lewis 45 Leschenaultia Way MAIDA VALE WA 6057	Objection Use as access to Holmes Road and Mundy Regional Park	Noted
15.	Wendy Baker 115 Holmes Road MAIDA VALE WA 6057	Objection Used to access Chippendale with horses	Noted
16.	Chippendale Agistment Centre 187 Hawtin Road MAIDA VALE WA 6057	Objection Will prevent safe access with horses to Mundy Regional Park	Noted
17.	Marilyn Webb 39A Leschenaultia Way MAIDA VALE WA 6057	Objection Use as access to Holmes Road	Noted

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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Geoff Stallard – Central Road

Q1. During the discussion concerning Item 60 on this Agenda several residents complained about speeding vehicles on Central Road. Whilst it was necessary to divorce these complaints from the development being considered is there any way the Shire could look at slowing the traffic on this road?

A1. The Director Infrastructure Services noted this and indicated both infringements and physical speed controls could be investigated.

11.2 Cr Frank Lindsey – Problems with the Laneway Access

Q. As a follow on from Cr Geoff Stallard's question; could staff also examine the Laneway and the problems caused by commercial users blocking this?

A. This question was taken on notice.

11.3 Cr Bob Emery – Thanks to Kalamunda Historical Society

Q. Could a letter of thanks be sent to the Kalamunda Historical Society for their exhibition "Commemorating WWI", this was very well attended and an enormous amount of work made for an exceptional display?

A. The Chief Executive Officer will write a letter and pass on Cr Bob Emery's kind words.

11.4 Cr Dylan O'Connor – Heavy Vehicle Use of Milner and Maida Vale Road Intersection

Q1. Residents have contacted me to ask if there are any traffic plans in the area of the Milner and Maida Vale Road Intersection to try and take heavy trucks off the suburban roads.

A1. The Director of infrastructure Services stated there is currently a proposal to Main Roads WA in relation to signage control at this intersection. Unfortunately this problem is compounded by certain vehicles classes illegally using these roads. In terms of future development this intersection was discussed at a public meeting last week.

Q2. What is the timeframe for the future planning for this area?

A2. Director Development Services answered that there is currently work being undertaken as part of the structure planning of the area, but took the question regarding timing on notice.



11.5 Cr Sue Bilich – Green Waste Pick Up

Q. Could the Director of Infrastructure Services look into the possibility of reinstating the green waste pick up?

A. Director of Infrastructure Services agreed to investigate this and address any Councillors queries regarding the collection and control of green waste.

11.6 Cr Margaret Thomas – Noise from the Kalamunda Hotel

Q. I have been advised again that there is excessive noise for Residents from the Kalamunda Hotel could this please be investigated?

A. Taken on notice.

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

12.1 Cr Dylan O'Connor – Car parking in Lambertia Way (Larwood Crescent)

Q. I received a complaint about parking in Lambertia Way, High Wycombe and understand that the 2014/2015 Budget contained funds for car parking matters, could I please have an update regarding when this will take place?

A. After further clarification, the location is in Larwood Crescent, High Wycombe. The installation of additional parking bays adjacent to the reserve has been programmed in the 2016/2017 Budget.

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

13.1 Nil.

**14.0 MEETING CLOSED TO THE PUBLIC**

14.1 Nil.

**15.0 CLOSURE**

15.1 There being no further business the Presiding Member declared the meeting closed at 7.52pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2014