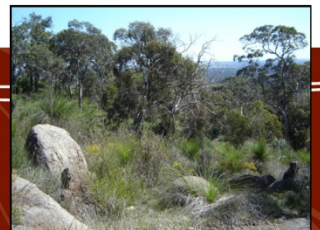


Development & Infrastructure Services Committee Meeting

Minutes for Monday 11 May 2015

UNCONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.30pm, and welcomed Councillors, Staff, the Press and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Shire President) North Ward
Margaret Thomas JP	North Ward
Simon Di Rosso	(Presiding Member) North Ward
Allan Morton	South West Ward
Noreen Townsend	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

Members of Staff

Warwick Carter	Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance & PR
Andrew Fowler-Tutt	Manager Development Services
Jordan Korovesi	Senior Strategic Planning Officer
Nicole O'Neil	Public Relations Coordinator
Meri Comber	Governance Officer

Members of the Public 2

Members of the Press 1

2.2 Apologies

Councillors

Nil.

Members of Staff

Rhonda Hardy Chief Executive Officer

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

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 April 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings subject to the following amendment:

In point 1. of the Resolution for D&I Report 13, amend description street address from (178) to read **(182)**.

Moved: **Cr Sue Bilich**

Seconded: **Cr Margaret Thomas**

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

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6.1 A Citizenship Ceremony is to be held on Thursday 14 May commencing at 7.00pm all Councillors are encouraged to attend. Please let Meri Comber know if you will be attending.

6.2 A Councillor professional development day is scheduled for 30 May 2015, 9am to 1pm, lunch is provided. Please let Donna McPherson know if you will be attending.

6.3 A Budget Briefing Session for Councillors will be held immediately after the Development and Infrastructure Services Committee Meeting.

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.

20. Amendment to Local Planning Scheme No. 3 – Additional Use (Animal Establishment) – Lot 201 (234) Stanhope Road, Walliston

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003
Applicant	Sandra Baudach
Owner	Sandra Baudach
Attachment 1	Concept Site Plan
Attachment 2	Concept Floor Plan

PURPOSE

1. To consider whether to initiate an amendment to Local Planning Scheme No. 3 (the Scheme) to include the Additional Use of Animal Establishment at Lot 201 (234) Stanhope Road, Walliston.

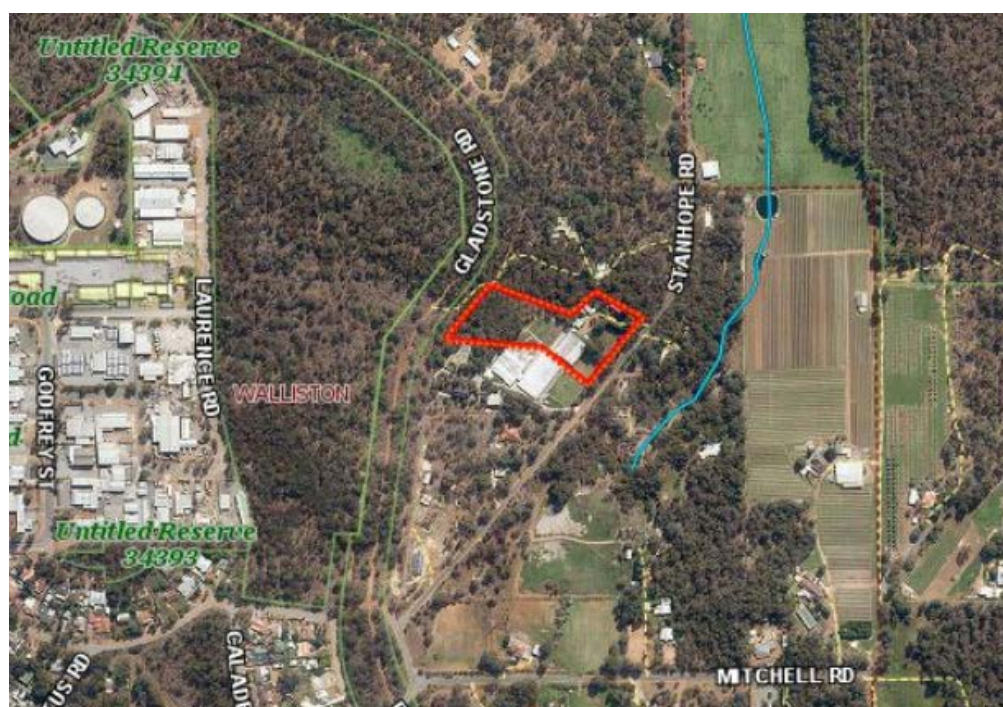
BACKGROUND

2. **Land Details:**

Land Area:	15,267sqm
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

Locality Plan

- 3.



DETAILS

4. It is proposed that the use class of Animal Establishment be included under Schedule 2 (Additional Uses) of the Scheme, pertaining to the subject lot.
5. The applicant has lodged concept site and floor plans which indicates a five room dog kennel (Attachments 1 and 2).
6. The subject site is located between Stanhope Road and an unconstructed portion of Gladstone Road. The site contains a single dwelling, greenhouse structures, outbuildings and mature vegetation throughout.
7. The site is located approximately 400m from the Walliston industrial area and 480m from the nearest residential zoned area to the south-west.
8. The surrounding properties contain primarily single houses and associated outbuildings.
9. The site falls within a Priority 2 Public Drinking Water Source Area (PDWSA) in the *Helena Pipehead Catchment Area*.
10. The applicant provides the following justification in support of the proposed amendment:

"I would like to transform my passion into a job to offer people (with a dog) a much better alternative to kennels when they go on holidays.

We just moved to Kalamunda end of last year and bought a big property (3.7 acre) close to agriculture and industrial areas. On this property there is currently 1.5 green houses, which haven't been used for a long time and we are currently planning to transform the property into a well looked after dog retreat.

I am planning to have 5 spacious rooms to offer accommodation with inside and outside areas, a huge inside playroom similar to doggie day-care providers plus a huge fenced outside play area. With your approval we would take down the green houses which are falling apart and build a small dog retreat and instate proper fire breaks, which are impossible in certain areas at the moment due to the existing green houses. This would create a much nicer appearance.

Dogs require physical and mental stimulation to be balanced and happy. Just putting them into a kennel makes them frustrated, bored and scared, so that they bark all day. My aim is to provide a stimulating environment to a small amount of dogs to be able to spend adequate time with them and fill the needs of every individual dog.

At present there is no such business available in the hills area. Kalamunda provides quality before quantity, therefore I believe it would fit perfectly."

STATUTORY AND LEGAL CONSIDERATIONS

11. Should Council resolve to initiate the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning. If the proposal

proceeds to the Minister's determination, there is no Right of Review (appeal) irrespective of the Minister's decision.

12. In the event that Council does not initiate the amendment, the process ceases and there is no right of review (appeal) to the State Administrative Tribunal.

Local Planning Scheme No. 3

13. Under Table 1 (Zoning Table) of the Scheme the use Animal Establishment is listed as an 'X' (not permitted) use in the Special Rural zone.
14. Part 4.2.2 (Objectives of the Zones – Rural Zones) of the Scheme states the following objectives
- *"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."*
15. If the amendment is approved by the Minister for Planning, the applicant will be required to obtain planning consent for the development of animal establishment on the subject land from the Shire prior to the use commencing.

POLICY CONSIDERATIONS

Water Quality Protection Note – Land Use Compatibility in Public Drinking Water Source Areas (June 2004)

16. The Department of Water's Water Quality Protection Note – Land Use Compatibility in Public Drinking Water Source Areas (Policy) provides advice on the acceptability of land uses and activities within specific areas.
17. The Policy stipulates that a Priority 2 PDWSA is managed to ensure that there is no increased risk of water source contamination, and that these areas are to include low risk land development.
18. The use of Animal Establishment is deemed to be "compatible with conditions" in a Priority 2 PDWSA, which denotes the following:
- "Means the land use is likely to be accepted by DoE (now the Department of Water) as not likely to harm the drinking water source, (and is consistent with the management objectives of the priority classification) provided best environmental management practices are used. This may result in the application of 'specific conditions' (via the planning or environmental approval processes) that must be complied with to ensure the water quality objective of the priority area is maintained."*

PUBLIC CONSULTATION

19. The *Town Planning Regulations 1967* establish the procedures relating to amendments to Local Planning Schemes. Should Council initiate the amendment it will be formally advertised for 42 days.

FINANCIAL CONSIDERATIONS

20. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *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.

SUSTAINABILITY

Social Implications

22. There are currently limited dog kennel services found in the Shire and the service may provide a social benefit to the local community.

Economic Implications

23. Development of Animal Establishment will contribute to the diversification of land uses and business types in the Shire.

Environmental Implications

24. The Site is located in a Priority 2 Area in the *Helena Pipehead Catchment Area*. The purpose of this Strategy, amongst other matters, is to provide a planning framework for land use decision-making that promotes water resources, and particularly public drinking water source protection.

RISK MANAGEMENT CONSIDERATIONS

- 25.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|------------------------------------------------|------------|---------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council may resolve to not adopt the amendment | Possible | Insignificant | Low | Ensure that Council is aware that matters relating to potential impacts that the use may have on the amenity of the area will be dealt with at the development application stage if the amendment is approved. |

OFFICER COMMENT

26. Historically, Council has approved Scheme amendments for additional uses for Dog Kennels at three (3) sites at 95 Palmateer Drive, Bickley, and 714 and 810 Welshpool Road, Wattle Grove. These amendments occurred under previous versions of the Scheme, whereby Dog Kennels was a specific use class. The current Scheme, however, no longer includes Dog Kennels as a use class and incorporates the broader use class of Animal Establishment to encompass a range of species that may be considered, including dogs.
27. Under Schedule 1 of the Scheme, Animal Establishment is defined as:

"Means premises used for breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre."
28. It should be noted that if the amendment is finalised, there is no guarantee that it would be only utilised in the way proposed by the applicant.
29. If the amendment is approved, issues relating to the appearance and location of future buildings on the property, the hours of operation, the number of animals and the maximum number of people on the property at any one time, and noise attenuation measures will be dealt with at the development application stage.
30. By virtue of the location and characteristics of the site, including the relatively large land areas of the subject site and surrounding lots, proximity to the Walliston industrial area and distance from residential areas, it is considered unlikely that the use of Animal Establishment will detract from the amenity of the area.
31. It is considered that the use could be appropriately managed subject to conditions of development approval to mitigate undue impacts on the amenity of surrounding properties.
32. In view of the above it is recommended that Council initiates the amendment.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 20/2015)

That Council:

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

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

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

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

DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
Lot 201 (234) Stanhope Road, Walliston	Animal Establishment	The uses are not permitted unless approval is granted by the Local Government ("D")

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

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

Attachment 1

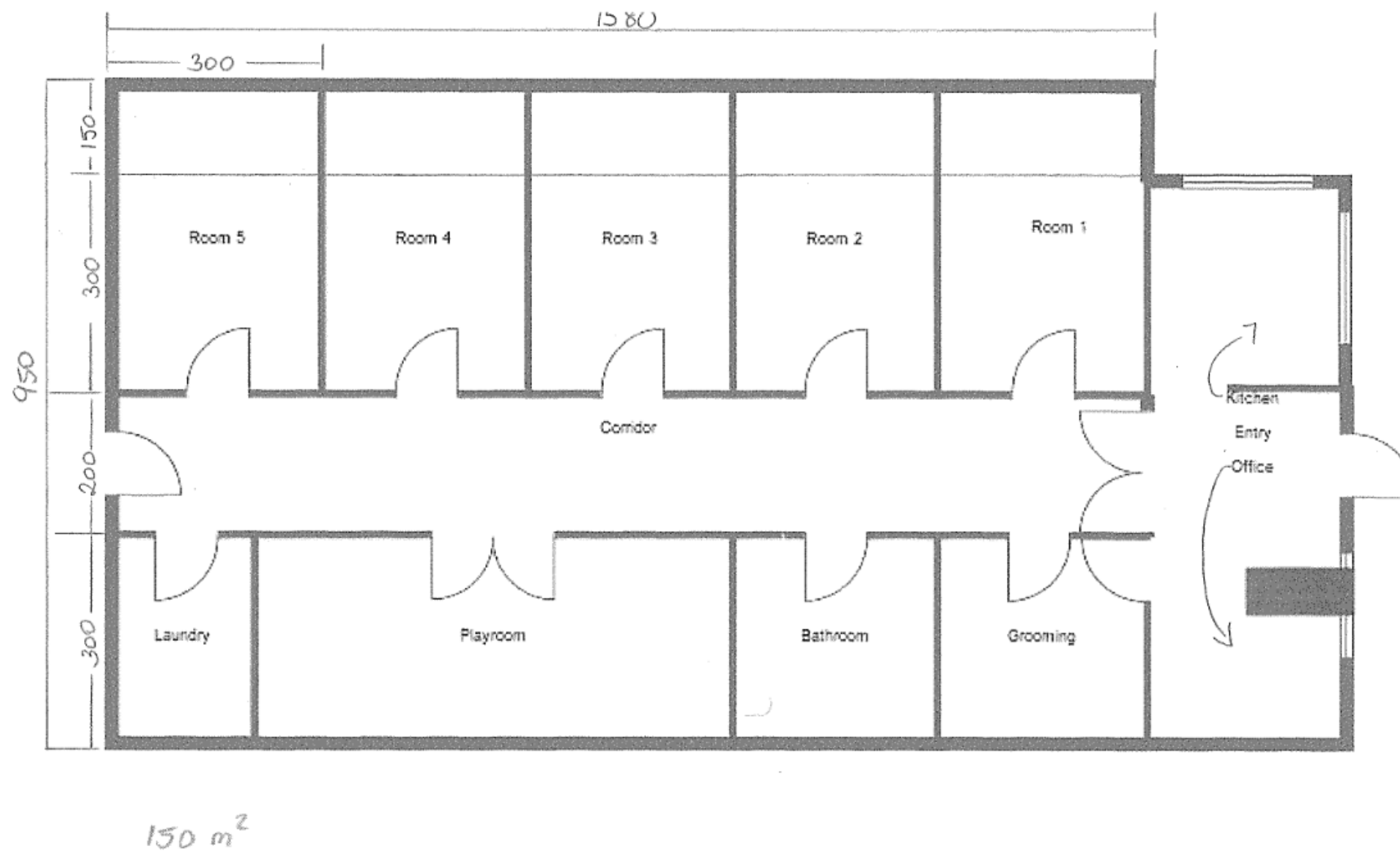
Local Planning Scheme No. 3 Amendment – Additional Use (Animal Establishment) – Lot 201 (234) Stanhope Road, Walliston
Concept Site Plan



Attachment 2

Local Planning Scheme No. 3 Amendment – Additional Use (Animal Establishment) – Lot 201 (234) Stanhope Road, Walliston

Concept Floor Plan



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

21. Review of Planning, Building and Council Policies

Previous Items	NA
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	OR-CMA-016
Applicant	NA
Owner	NA
Attachment 1	Outbuildings and Sea Containers
Attachment 2	Public Notification of Planning Proposals
Attachment 3	Neighbour Mediation
Attachment 4	Refunding, Waiving and Reducing Planning and Building Fees
Attachment 5	Pergolas
Attachment 6	Pergolas – Track Changed
Attachment 7	Use and Removal of Asbestos
Attachment 8	Use and Removal of Asbestos – Track Changed
Attachment 9	Earthworks
Attachment 10	Earthworks – Track Changed

PURPOSE

1. To adopt, for the purpose of advertising, the following:
 - Draft Planning Policy – Outbuildings and Sea Containers;
 - Draft Planning Policy – Public Notification of Planning Proposals;
 - Draft Council Policy – Neighbour Mediation;
 - Draft Council Policy – Refunding, Waiving and Reducing Planning and Building Fees;
 - Draft Building Policy – Pergolas;
 - Draft Building Policy – Use and Removal of Asbestos; and
 - Draft Building Policy – Earthworks.

BACKGROUND

2. A large number of the Shire's policies are now due for review. This review was originally scheduled to commence during the amalgamation with City of Belmont. Now that the amalgamation will not continue, the Shire should review the necessary policies to bring them up to date.
3. In addition to reviewing existing and revoked policies, Council should give consideration to new policies on a range of matters. These policies will ensure consistent and transparent decision making.

DETAILS

4. The following brief summary of the purpose of each policy is included below. Further detail can be found in the policies themselves at (Attachments 1-10).

-
- 5.
- 1 – Draft Planning Policy: Outbuildings and Sea Containers (Replaces existing policy DEV20 completely)*
To provide development controls for outbuildings to ensure consistent assessment and high quality built form. Required to improve decision-making consistency and clarity for landowners.
 - 2 – Draft Planning Policy: Public Notification of Planning Proposals*
To provide guidance on when public notice is given, and the means and duration of public notice periods for different types of applications. Required to ensure residents are notified consistently and correctly of planning applications.
 - 3 – Draft Council Policy: Neighbour Mediation*
To outline circumstances where Council should defer the consideration of a development matter and invite neighbours to attend mediation. Mediation is often a more appropriate and manageable way to resolve conflicts than a Council or court decision. This could improve solutions and speed up outcomes of development matters.
 - 4 – Draft Council Policy: Refunding, Waiving and Reducing Planning and Building Fees*
To provide guidance on the circumstances under which the Shire may consider an application for a refund, reduction or waiving of planning and building application fees. Currently, there is little guidance on the circumstances for refunding and waiving of fees.
 - 5 – Draft Building Policy:
To provide clarity on the circumstances under which a building permit is required for pergolas. This policy will improve certainty for the development sector.
6. Existing Policy DEV23 with Tracked Changes.
- 7 – Draft Building Policy: Use and Removal of Asbestos
To provide guidelines on use and removal of asbestos cement sheeting and other asbestos containing building products. New legislation means that an update to our current asbestos policy is required. This will ensure consistent requirements between State and local provisions.
 8. Existing Policy DEV3 with Tracked Changes
 - 9 – Draft Building Policy: Earthworks
To provide guidelines for consideration of applications involving earthworks. This policy is required in some cases where earthworks occur prior to a subdivision approval.
 10. Existing Policy DEV14 with Tracked Changes
- * = *New policy*
-

STATUTORY AND LEGAL CONSIDERATIONS

7. The draft local planning policies are created under Local Planning Scheme No. 3 (the Scheme), and the draft building policies under the *Building Act 2011* and the Building Regulations 2012. The proposed Council policies are created under the *Local Government Act 1995* (the Act). The draft policies should not conflict with these documents, but rather add to and enhance the provisions contained in law. In the event that there is an inconsistency, the provisions of the Scheme or the Act shall prevail to the extent of that inconsistency.

POLICY CONSIDERATIONS

8. The proposed policies all follow the adopted Council templates with some small modifications for structure, legibility and clarity.

COMMUNITY ENGAGEMENT REQUIREMENTS

9. The proposed planning policies should be advertised for public comment for a period of 21 days as per the requirements of the Scheme.
10. The proposed Council and building policies are created under section 2.7 of the *Local Government Act 1995*, which has no advertising requirements. Regardless, the Shire recommends these policies be advertised to allow public submissions on these matters.

FINANCIAL CONSIDERATIONS

11. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

12. *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 4.3.2 | Undertake efficient monitoring and compliance of building developments within the Shire. |
| 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

13. If these draft policies are adopted, the general public will have greater certainty and consistency when dealing with different forms of development or compliance issues. Additionally, the community will have access to more clarity and transparency in how the Shire and Council makes decisions, leading to improved outcomes and reduced timeframes.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

RISK MANAGEMENT CONSIDERATIONS

16.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council refuses to adopt one or more of the policies	Possible	Major	High	Policies to be edited to Council's specifications and present to a later meeting.

OFFICER COMMENT

17. This suite of policies will provide consistency in the decision making process in the Shire.

A Councillor foreshadowed an amendment to the Officers Recommendation.

Councillors asked a number of questions and the Director Development Services responded:

Q. Was any consideration made for when sea containers are used for advertising purposes and whether this would be a prohibited usage?

A. This would need to be considered as an application for advertising, however, the question was taken on notice for further clarification.

Q. Can sea containers be used on rural properties for residential purposes?

A. If they were ever used for this purpose they would need to be totally reconfigured and therefore would no longer be assessed as a sea container but as a dwelling.

- Q. Regarding DEV14, when there is a boundary retaining structure has any consideration been given to maintenance of this structure?*
- A. When part of a property, the owner of the property is responsible, when it is dividing two properties this may be a joint responsibility or a civil matter, further advice will be sought.*
- Q1. Regarding Table 2 for DEV20, why is it not acceptable to use recycled materials?*
- A1. It is not possible to be certain they are of the required strength for the structure required for the building licence.*
- Q2. A further question, accepting this is necessary for the main elements of the structure, why could recycled materials not be used for cladding?*
- A2. To ensure the quality of the finish and visual amenity, however it may be possible to use some recycled materials in certain circumstances.*
- Q. I note on the 'Means and duration of notice of planning proposals table', the 100mtre radius for major structure plan or scheme amendments - how far does the Shire notify people for such significant amendments currently?*
- A. At present there are no guidelines it is at the Shire's discretion, - this is to give a guide.*
- Q. Could the Table on page 25 be updated to not reflect brand names?*
- A. This will be changed.*

A seconder was found for the motion, the Councillor then outlined the amendment. The mover and seconder accepted the amendment, it became part of the substantive motion and the vote was taken.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 21/2015)

That Council:

1. Pursuant to clause 2.2 and 2.4.2 of Local Planning Scheme No. 3, ~~adopts the following proposed policies for the purpose of advertising~~ **authorises the Chief Executive Officer to advertise the following proposed policies** for a period of 21 days:
 - Draft Planning Policy – Outbuildings in Rural and Residential Areas;
 - Draft Planning Policy – Public Notification of Planning Proposals;

2. Pursuant to section 2.7 of the *Local Government Act 1995*, ~~adopts the following proposed policies for the purpose of advertising~~ **authorises the Chief Executive Officer to advertise the following proposed policies** for a period of 21 days:

- Draft Council Policy – Neighbour Mediation;
- Draft Council Policy – Refunding, Waiving and Reducing Planning and Building Fees;
- Draft Building Policy – Pergolas;
- Draft Building Policy – Use and Removal of Asbestos; and
- Draft Building Policy – Earthworks.

Moved: **Cr Sue Bilich**

Seconded: **Cr Dylan O'Connor**

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

Attachment 1

DEV20: Outbuildings and Sea Containers	
Management Procedure	Relevant Delegation

Purpose

1.1 Statutory

This policy is prepared under Clause 2.2 of the Shire's Local Planning Scheme No. 3 (LPS No. 3). This policy is a supporting document that is to be read in conjunction with the provisions of LPS No. 3 and shall be given due regard in consideration of any development application made for outbuilding(s) in the residential and rural zones of the Shire.

This policy applies to all outbuildings and detached garages, including sheds, rainwater tanks and sea containers.

1.2 Purpose

It is recognised that outbuildings are a necessary component to meet storage needs of residential and rural properties. However, there is a need to ensure that outbuildings are sensitively located, constructed to a high design quality, and appropriately scaled so as to protect the amenity of the locality.

The purpose of this policy is to provide guidance on development of outbuildings, detached garages and sea containers within the following zones:

- Residential;
- Residential Bushland;
- Special Rural;
- Rural Agriculture;
- Rural Composite;
- Rural Landscape Interest; and
- Rural Conservation.

Properties zoned Residential R5 and R10 are classified as Residential zones under the LPS No. 3 and State Planning Policy 3.1 – Residential Design Codes (R-Codes), however due to the larger lot sizes within these zones, land uses larger maximum floor area, wall height and roof height criteria compared to properties zoned Residential R12.5 and above can be considered.

1.3 Objectives

The primary objectives of this policy are to:

- a) Ensure the amenity of the locality and streetscape is preserved through orderly planning of any development of outbuildings, detached garages including sheds, rainwater tanks and and sea containers within the Shire of Kalamunda.
- b) To ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, environmental characteristics of the area, and existing buildings on the site.
- c) Facilitate the intended use of the outbuilding while not creating an adverse impact to the surrounding landowners.
- d) To give due consideration for proposals incorporating outbuildings, detached garages and sea containers where there are legitimate constraints on the subject lot; and
- e) To establish clear guidelines for the placement of sea containers.

Policy Statement

2.1 Policy Provisions

Applications for development approval shall be assessed against the prescribed setback, floor area, height requirements, design outcomes, and recommended materials set out in Tables 1 and 2 of this policy.

2.2 Matters to be Considered

The following matters will be given consideration in the assessment of applications for outbuildings, detached garages and sea containers:

- a) Any relevant matters set out in Clause 10.2 of the LPS No. 3 and the objectives of the zone;
- b) The impact of the proposed outbuilding(s), detached garages and sea containers on the amenity and character of residential and rural areas, as viewed from a street, public space or neighbouring property;
- c) Whether any significant trees or other vegetation should be preserved;
- d) The preservation of areas of useable on-site open space;
- e) Any special limitation on the development of the land by virtue of its size, shape or environmental/geographical feature;
- f) Whether the proposed use of the outbuilding and use class of the lot warrants a size that exceeds the recommended total floor area and height that is prescribed under Table 1;
- g) Whether support for the development application will set an undesirable precedent for similar sized surrounding lots; and
- h) Comments received from affected adjacent property owners/occupiers.

Development requirements

3.1 Location of Outbuildings and Detached Garages

Any proposal for an outbuilding in the Residential or Residential Bushland zones, will not be permitted in the primary or secondary street setback areas.

3.2 Setback Requirements

Where no building envelope affects the lot, all development shall be subject to the prescribed setback requirements of the R-Codes for residential zones and LPS No. 3 for all other zones.

3.3 Operation

Outbuildings and detached garages that comply with the criteria specified in Tables 1 and 2 corresponding to the applicable zone are deemed to meet the design principles of the R-Codes and/or development requirements and objectives of the LPS No. 3 and will be supported without advertising to neighbours for comment.

3.4 Floor Area and Height Requirements

Unless otherwise stipulated in the R-Codes, all outbuildings shall comply with the recommended maximum outbuilding floor area, aggregate floor area, building height and design outcomes stipulated under Table 1 of this policy.

3.5 Variations to the Policy

Any variation to development requirements of Tables 1 and 2 will require the applicant to provide additional justification demonstrating how the proposal will not adversely affect adjoining property owners, the streetscape or the amenity of the locality, with particular reference to Clause 2.2 – 'Matters to be Considered' of this policy. The Shire may undertake consultation with adjoining affected property owners/occupiers during assessment.

Table 1 - Floor Area, Height and Design Outcomes

	Column A - Maximum Floor Area *		Column B - Recommended Maximum Height (Measured from the Natural Ground Level) *		Column C - Acceptable Design Outcomes
Zoning	Individual Outbuilding	Maximum Aggregate Floor Area	Wall (metres)	Roof Pitch** (Metres)	
Residential ≥R12.5	As per the R-Codes (as amended).				
Residential R10, R5	90m²	150m²	3.0m	4.2m	<ul style="list-style-type: none">Compliant with R-Codes setback requirements.Will not reduce areas of open space below the deemed-to-comply requirements of the R-Codes.Outbuilding(s) located behind the main dwelling alignment and not directly visible from a street or public space.Are not located within a Flood and Stream Management Area or any other area where there is historical evidence of flood waters reaching high levels.Does not result in the excessive or unnecessary removal of vegetation.The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy.Will not unduly impact on the amenity of an adjoining property owner/occupier
Residential Bushland	90m²	150m²	3.0m	4.2m	<ul style="list-style-type: none">Compliant with R-Codes setback requirements.Outbuilding located behind the main dwelling alignment and not directly visible from a street or public space.Are not located within a Flood and Stream Management Area or any other area where there is historical evidence of flood waters reaching high levels.Does not result in the excessive or unnecessary removal of vegetation.The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy.Will not unduly impact on the amenity of an adjoining property owner/occupier.
Special Rural	100m²	200m²	4.0m	4.8m	<ul style="list-style-type: none">Compliant with LPS No. 3 setback requirements.

Rural Landscape Interest, Rural Agriculture, Rural Composite & Rural Conservation	150m ²	300m ²	5.0m	5.8m	<ul style="list-style-type: none"> • Outbuilding located behind the main dwelling alignment and/or will not be directly visible from a street or public space. • Are not located within a Flood and Stream Management Area or any other area where there is historical evidence of flood waters reaching high levels. • Does not result in the excessive or unnecessary removal of vegetation. • The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy. • Will not unduly impact on the amenity of an adjoining property owner/occupier.
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* Consideration may be given to a variation to the outbuilding area and height provided the applicant can demonstrate to the satisfaction of the Shire that the use of the outbuilding and use class of the lot (i.e. a non-domestic land use) warrants a size beyond the recommended total floor area and height that is prescribed under this policy.

** Consideration may be given to a proposed roof pitch height above what is prescribed in Table 1 if PVP (Solar) Panels are proposed.

Table 2 - Materials and Finishes

	Preferred	Discretion required	Unacceptable
Materials	<ul style="list-style-type: none"> • Colorbond. • Straw bale. • Masonry (brick, rendered brick, stone, and rendered or painted concrete). • Timber. • Weatherboard. • Rammed Earth. • Lightweight materials with a rendered or painted finish. 	<ul style="list-style-type: none"> • Reflective – E.g. Zinalume. 	<ul style="list-style-type: none"> • Second hand materials.
Colours	<ul style="list-style-type: none"> • Earthy and/or complimentary colours to the main building and surrounding vegetation. 	<ul style="list-style-type: none"> • A colour which is similar to the main dwelling but not complimentary to the subject lots locality. 	<ul style="list-style-type: none"> • Uncharacteristic or bright colours. • Contrasting colours to the main dwelling and surrounding landscape.

Sea Containers

- 4.1 The placement of a sea container does not require planning approval if the sea container is situated on private property for no longer than 48 hours. Planning approval is to be obtained from the Shire if it is to remain on the property for a longer period.
- 4.2 A maximum of one (1) sea container is permitted if it is used during the construction of an approved building. The sea container must be removed within 48 hours of the building's completion.
- 4.3 On Residential zoned lots, a maximum of one (1) sea container is permitted only if being used by removalists and/or those residing on the property where it is to be located, for the purpose of moving domestic items to/from the property.
- 4.4 The placement of no greater than one (1) sea container to be used for only non-habitable purposes on a Rural zoned lot which meets the setback requirements stipulated within Table 2 of the Shires LPS No. 3 shall not require planning approval.
- 4.5 Where a sea container is placed on a site for the purposes outlined in Clauses 4.1, 4.2, 4.3 and 4.4 of this policy, the sea container should be located behind the front setback area or building line wherever practicable.
- 4.6 Where a sea container is placed permanently on a site, the following modifications may be required:
 - a) Where visible from the street, public spaces or a neighbouring property, appropriate screening and/or alterations to the exterior colour, finish and roof form should be used to be complementary/sympathetic with the surrounding development or landscape;
 - b) The inclusion of a personal door that can be opened and unlocked from the inside;
 - c) Permanent ventilation being provided by either openable windows or a roof vent.
- 4.7 The placement and use of sea containers on residential zoned land, except as provided for by Clause 4.1, 4.2 and 4.3 of this policy will not be permitted unless it can be demonstrated that the exterior appearance of the sea container will be upgraded to be complementary with the surrounding development or landscape.
- 4.8 On Rural zoned lots, the number of sea containers proposed will be assessed on the individual merits of the application, having due regard to Table 1 of this policy, and Table 2 and the matters outlined under Clause 10.2 of LPS No. 3.

Definitions

“Detached Garage” – means a roofed and enclosed structure which is detached from the main dwelling and designed to accommodate one or more motor vehicles.

“Dwelling Alignment” – for the purpose of this policy means the closest point of the dwelling to the primary or secondary street boundary.

“Floor Area” – for the purpose of this policy means the area of an outbuilding floor including the area of any internal and external walls.

“Maximum Aggregate Floor Area” - for the purpose of this policy means the gross total area of all floors of all outbuildings, including the area of any internal and external walls.

“Outbuilding” – has the same meaning as the R-Codes (as amended).

“Primary Street” – has the same meaning as the R-Codes (as amended).

“Residential Design Codes” - means State Planning Policy 3.1 – Residential Design Codes (as amended), published by the Department of Planning on behalf of the Western Australian Planning commission.

“Roof Pitch” – for the purpose of this policy means the highest point of a pitched roof.

“Sea Container” – means a metal transportable structure designed for the storage and transport of goods from one location to another by road, rail and sea.

“Secondary Street” – has the same meaning as the R-Codes (as amended).

“Setback” - has the same meaning as the R-Codes (as amended).

“Wall” - has the same meaning as the R-Codes (as amended).

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation			
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 2

DEV45: Public Notification of Planning Proposals	
Management Procedure	Relevant Delegation

Purpose

Statutory

This policy is prepared under Part 2 of Local Planning Scheme No. 3 (the Scheme).

Purpose

This policy provides guidance on the exercise of discretion under the Scheme in terms of when public notice is given, and the means and duration of public notice periods for different types of planning proposals.

Application

This policy is applicable to the entire Shire of Kalamunda and will be applied by the Shire when making discretionary decisions relating to public notice of planning proposals. Planning proposals in the context of this policy include development applications, structure plans and amendments, scheme amendments, and local development plans.

Objectives

- 1) To provide a consistent approach on the circumstances when the Shire gives public notice of planning proposals, as well as the means and duration of public notice periods;
- 2) To recognise the balance between the need for the community to be informed of, and have reasonable opportunity for input into planning proposals and the timely consideration of applications; and
- 3) To improve the administrative process of public notification for increased efficiency.

Structure

Purpose: Outlines the application and purpose of the policy.

Policy Statement: Provides guidance on public notification requirements, including duration.

Explanatory Notes: Definitions and further explanation of terms used.

Policy Statement

1. Advertising of planning applications under clause 6.2 and clause 9.4 of the Scheme.

In addition to where notice is prescribed by the Scheme under clause 6.2, and clause 9.4 public notice will also be given of the following planning applications prior to consideration of approval where the application:

- a) Involves the complete demolition of a building where the building is located on a site listed on the Register of Heritage Places under the *Heritage of Western Australia Act 1990*, on the Heritage List under clause 7.1 of the Scheme, or within a Heritage Area designated under clause 7.2 of the Scheme; or
- b) Involves a significant exercise of discretion in terms of the Scheme, Residential Design Codes or Policy provisions; or
- c) Has significant strategic planning impacts in terms of the implementation of a strategic planning objective, the scale of the development, or are significantly different from the predominant and expected pattern of land use within the locality; or
- d) Involves significant public interest.

2. Significant planning applications

Where a planning application meets any two of the criteria above, that application shall be considered a significant application in terms of this policy.

Where a planning application meets one the criteria above, the application shall be considered a standard application for the purposes of this policy.

3. Instances where advertising is not required

Advertising is not required where an applicant provides a copy of the plan including a certification by the owners and occupiers of the abutting owners (as per Explanatory Note 4) stating that they have no objections to the proposal. Signatures should include all persons shown as owners on the Certificate of Title and ownership details will be confirmed. The certification must include:

- a. The full name and contact details of the owner/s certifying no objection; and
- b. A statement indicating no objection to the proposal.

4. Means and duration of notice of planning proposals

	Standard Application	Significant Application	Scheme Amendment	Structure Plan (Minor, Major)	Planning Policy
Time Period (1)	14 days	28 days	As per the Planning and Development Act 2005	Minor – 42 days Major – At least 42 days as determined by the Shire	28 days
Local Newspaper Notice (2)	No	Yes	Yes	For major structure plans only as determined by the Shire	Yes
Sign on Site (3)	No	Yes	Yes, if proposing rezoning of land	For major structure plans only as determined by the Shire	No
Letters (4)	Yes, adjoining properties only	Yes, 100m radius (5)	Yes, 100m radius (5)	Yes, 100m radius (5)	No
Website	No	Yes	Yes	For major structure plans only as determined by the Shire	Yes
Community Information Session (6)	At the discretion of the Shire (7)				

Numbers in brackets () refer to Explanatory Notes in Part 3 of this policy.

5. Additional public notice of proposal previously advertised

- a) Where a planning proposal is subsequently modified prior to its final determination, contrary to the comments received; or
- b) Where an application to amend an existing planning approval is received under clause 8.3 of the Scheme and the proposal is determined to require advertising under provision 1 of this policy;

Additional public notice may be given at the discretion of the Shire.

6. Amendments to Structure Plans

No public notice will be given of an application to vary an existing Structure Plan under Clause 6.2.5.1 of the Scheme (minor change). Public notice will be given of any other application to vary a Structure Plan as if it were a new plan.

7. Approval subject to later approval of details

Where a planning application has been approved subject to later approval of details under Clause 10.8 of the Scheme, the subject applications for further approval will not be notified for public comment unless specified in the original approval or required by the Scheme and/or policy.

8. Holiday periods

An additional 14 days will be added to any notice period prescribed under this Policy where any part of the notification period falls within the following dates:

- a) Between 15 December and 15 January
- b) Between one week before and one week after Easter Sunday

9. Notification of interested parties that a matter is listed on a Council Agenda

The applicant, owner and all authors of written submissions will be advised of the date of the Council meeting during which the planning proposal is considered if it goes to Council.

10. Notification of the Council decision

The applicant, owner and all persons who made a public submission will be advised of the decision of Council in the form of a written notification of the decision and any associated conditions, advisory notes or refusal reasons.

11. Availability of documents

- a) All plans and written information forming part of the proposal shall be made available for public viewing and access during the public notice period of that proposal. The documentation may be viewed at the Shire's Administration Centre without an appointment and copies of the plans and related information will be provided on request.
- b) When a development application is submitted, the plans and written information forming part of the proposal will be copied and given to an interested party on request during the public notice period. On this basis making an application for development approval is taken as having given consent to the Shire providing to members of the public copies of plans and written information forming part of the proposal.

12. Requests for changes to public notice periods

Requests for extensions or reductions of public notice periods prescribed by this policy will not be approved by the Shire. The Shire will make every reasonable effort to make the Council aware of any submissions received after closure of notice periods.

13. Opportunity for applicant to respond to submissions

The Shire will give a summary of written submissions to the applicant to provide the applicant the opportunity to respond to issues raised in any submissions where necessary. Personal details such as names, telephone numbers and addresses will not be given to the applicant.

14. Submissions reported to Council

Shire reports to Council will include a summary of the issues raised in any of the submissions received as part of the advertising process. Full copies of submissions are available to Elected Members upon request but will not be made available to members of the public unless required by law.

Where an interested party does not respond to an invitation to make a submission on a proposal, Council will not view this as necessarily signifying no objection to that proposal.

Explanatory Notes

- (1) For development applications the time period shall be deemed to have commenced one day after the date shown on the letters that are sent to owners and occupiers by the Shire. For all other planning proposals the time period for advertising shall commence on the date public notice is published in a local newspaper.
- (2) A local newspaper notice is an in a local newspaper, run for two consecutive weeks during the advertising period. Newspaper notices are arranged by the Shire with the costs payable by the applicant.
- (3) A sign on the site shall be erected in a prominent position on the site to the satisfaction of Council. Where land subject to a proposal has more than one street frontage or where a site is very large, the applicant shall locate one sign in a prominent location and shall provide sufficient additional signs on each street alignment.

The sign/s should be erected on the property boundary or within 0.5m of the boundary and be clearly visible from outside of the property boundary. The sign/s should be maintained in a good condition for the duration of the advertising period.

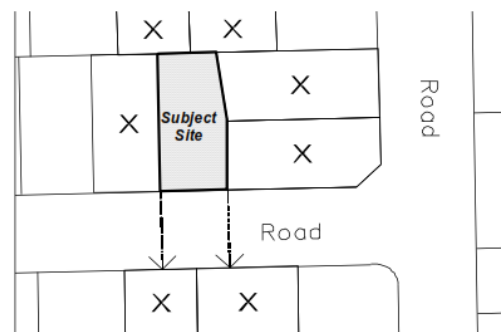
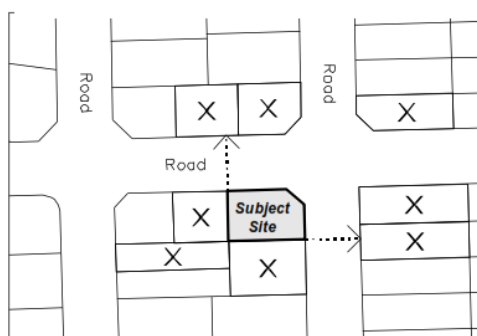
The Shire will provide the specific requirements of the sign (eg timing, lettering size and overall sign dimensions) to the applicant after the application is lodged a preliminary assessment is made as to whether a sign on site is required. Any signage will be in accordance with the Shire's Style Guide.

Responsibility for the costs, erection, maintenance and removal of sign/s lies with the applicant.

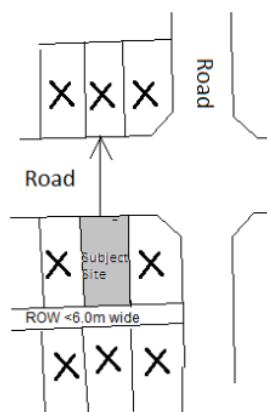
- (4) Letters shall be sent to all owners and occupiers of all abutting properties (those sharing any common boundary and including diagonally opposite or those separated by a right-of-way or access way less than 6.0m in width) as shown at examples a, b and c below. In the case of an application for discretionary approval relating to a side or rear setback variation behind the building line, or to the privacy requirements contained within the Residential Design Codes, only the owner/occupier of the property onto whose boundary the discretion is sought will be notified.

Example A

Example B



Example C



- (5) Letters shall be sent to all owners and occupiers of all properties that fall wholly or partly within a radius of 100 metres from the boundary of the subject land on which the development is proposed.
- (6) A community information session on the proposal will be held with invitation extended to Elected Members, interested community members, and applicants. The information session will be held during the public consultation period, normally at least one week prior to completion to enable participants to make a formal written submission to Council after the session.

- (7) Community information sessions are only required for significant planning proposals. A significant planning proposal as determined by the Director Development Services would include (but not be limited to) large scale rezoning, a scheme amendment that has significant strategic planning impacts or a scheme amendment that is significantly different from the predominant and expected pattern of land use in the area.

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation			
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 3

Neighbour Mediation Policy	
Management Procedure	Relevant Delegation

Purpose

The Shire encourages neighbours to resolve issues of dispute between themselves in a constructive and neighbourly way. The Shire also wishes to ensure that statutory compliance is not used in such a way to aggravate tensions between neighbours.

The Shire has a statutory obligation to uphold the requirements of various legislative instruments in an effective and efficient manner. These obligations need to be balanced against the fact that statutory decision making is not always the most appropriate way to resolve issues between neighbours, and in many cases it is preferable that the neighbours develop their own solutions as opposed to one imposed by the Shire.

The purpose of this policy is to outline circumstances where it may be appropriate for the Shire to defer the consideration of a minor matter and invite neighbours to attend mediation conducted by a qualified professional mediator at the cost of the Shire.

Policy Statement

1. The Shire may determine in a particular case that a dispute between neighbours has arisen because of a development, land use or other issue. Potential compliance action may be deferred for a period of a maximum of up to 2 months to enable the parties to attend mediation.
2. The Shire will meet the costs of up to 3 mediation sessions conducted by a professional mediator appointed by the Shire during the deferral period where these sessions are agreed to and attended by all parties.
3. The Shire will not meet the costs of mediation where the matter falls outside of the statutory jurisdiction of the Shire.
4. This policy is intended for smaller scale matters including (but not limited to):
 - Unauthorised development;
 - Non-compliant development;
 - Amenity issues including noise and odour;
 - Drainage issues;
 - Pets; and
 - Privacy
 - Fences and retaining wallswhere no more than 2 adjoining neighbours (in addition to the applicant) are involved.

5. In determining whether mediation is necessary the Shire shall take into consideration the nature of the issues raised by neighbours and any history of compliance issues on the respective sites, and whether there are reasonable arguments on both sides (i.e. where the merits of the case and specific impacts could both reasonably be argued).
6. The Shire cannot compel neighbours to participate in mediation. If after Council has formally invited neighbours to attend mediation and one or more neighbours do not wish to attend, the matter will be determined in accordance with relevant legislation.
7. Where mediation has occurred, the matter will be determined taking into account the outcome of the mediation as well as the statutory obligations of the Shire.
8. Where mediation has occurred, this does not affect the ability of an infringement to be issued or other legal action. Where mediation is proposed, regard is to be given to the statutory time frames associated with infringements and legal action.
9. Where mediation has previously occurred, unless the current matter is significantly different to the previously mediated matter, further mediation will not be offered.

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation			
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 4

DEV48: Extensions of Approvals, Refunding, Waiving, and Reducing Planning and Building Fees	
Management Procedure	Relevant Delegation

Purpose

This policy outlines the circumstances where the Shire may consider an application for the refund, waiving or reduction of planning fees charged in accordance with the *Planning and Development Regulations 2009* and building permit application fees charged in accordance with the *Building Regulations 2012*.

The Schedule of Fees and Charges adopted with the Council's annual budget contains the fees set for the current financial year.

Policy Statement

1. Council does not consider financial hardship, personal or family circumstances to be grounds for the waiving or reduction of planning fees.

2. Waiving of Planning and Building Fees

Building and planning fees will not be waived under any circumstances except with the approval of the Chief Executive Officer.

Shire Statutory Building or Demolition Permit Application fees will not be charged for Shire works on Shire buildings.

3. Reduction of Planning Fees

An application for a reduction in planning fees for development under \$2m by 50% may be approved under the following circumstances:

- (a) Where the development is of less than \$50,000 in value and the application is, in the opinion of the Manager Development Services, similar to a previous application determined during the preceding two (2) years to the point where previous assessment work can significantly contribute to the assessment of the new application.

OR

- (b) Where the applicant is a "not for profit" organisation and has obtained an income tax exemption status from the Australian Taxation Office

OR

- (c) Where the application relates to development of a property listed on the Shire's Local Planning Scheme Heritage List, applicants/owners may have fees reduced where:

- i. The proposed development would not otherwise require a development application if it were a property not listed on the Scheme Heritage List; or
- ii. The sole purpose of the proposed development is to restore or conserve the heritage attributes of a heritage significant building and/or site; or
- iii. Where the proposed development consists solely of the demolition of non-original fabric and which has no adverse impact on the heritage significance associated with the place; or
- iv. The development application involves partial demolition which has no adverse impact on the heritage significance associated with the heritage listed place.

Where an application for a fee reduction is made under (b), (c) or (d) above, the applicant will be required to provide sufficient evidence at the time of submitting the request.

4. Refund of Planning Fees

The Shire will consider a written request for the refund of planning fees where the application is withdrawn prior to a determination being issued only in the following circumstances:

- (a) Where, in the opinion of the Manager Development Services, no assessment work has been undertaken by the Shire and the application is subsequently withdrawn in writing within seven (7) days of the date of application, up to 90% of the application fee may be refunded.
- (b) Where assessment work has commenced by the Shire, a refund of 50% of the application fee may be approved where:
 - (i) The application has not been advertised; and
 - (ii) The application is withdrawn in writing by the applicant within twenty one (21) days of lodgement of the application.

5. Costs and Expenses

The Shire will not waive or reduce any costs or expenses that may be charged to an applicant where these are incurred through the provision of a service under regulation 49 (1) of the *Planning and Development Regulations 2009* regardless of whether a reduced application fee under 3(a), (b), (c) or (d) has been approved.

6. Variations to Planning Approvals

a) Amending or Revoking a Planning Approval

- i. A reduction in fees of 50% shall apply to applications to amend a planning approval. Clause 8.3 of Local Planning Scheme No. 3 requires that Council may, on written application from the owner of the land which planning approval has been granted, revoke or amend the planning approval prior to the commencement of the use or development.

- ii. In determining whether to allow the amendment of a planning approval, Council will consider whether the nature and extent of the proposed amendment is such that the use or development the subject of the planning approval:
 - (a) remains, in substance, the same; or
 - (b) is changed so a new and different use or development is proposed.
- iii. If the nature and extent of the proposed amendments is such that there is a new and different use or development to that which was the subject of the planning approval, Council may refuse to allow amendment of the planning approval.
- iv. If an application to amend planning approval is refused, nothing in this Policy shall preclude the applicant from making, and Council from determining, a new application for planning approval for the use or development the subject of the amendment application.
- v. Where a request to amend a planning approval is approved, a letter will be issued advising the applicant of this. A new approval will not be issued. The original planning approval (including conditions) will remain operative, subject to any amendments approved by Council.

b) Extension of the Term of a Planning Approval

- i. A request to extend the term of a planning approval must be accompanied by a fee equal to 50% of the fee as if the application were a new application under the Shire's Schedule of Planning Fees.
- ii. The ability to renew planning approvals is provided under clause 10.5.2 of the Scheme as a written request for an extension of the term of a planning approval at any time prior to the expiry of the approval period.
- iii. Where a renewal is granted, a period of up to a further two years will be granted.
- iv. In considering a request for renewal of a planning approval under clause 10.5.2 of the Scheme, Council may have regard to the following factors, as well as all matters under clause 10.2 of the Scheme;
 - (a) whether the scheme or a relevant planning policy has changed in a material way since the planning approval was granted;
 - (b) whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and
 - (c) whether a material change has occurred to either the site to which the planning approval relates or the surrounding locality since the planning approval was granted.

- v. Where a request to renew a planning approval is approved, a letter will be issued advising the applicant of this. No new approval will be issued and all other conditions of the approval will remain unchanged.

7. Unauthorised Existing Development

The reduction or refund of planning fees will not under any circumstances apply to applications made under clause 8.4 of Local Planning Scheme No. 3 where a use or development has already been commenced or carried out unlawfully and the purpose of the application is to render that use or development lawful under the Scheme.

8. Building Permit Application Fees

The *Building Regulations 2012* do not make provisions for a building permit to be transferred to another builder and therefore a change in the building contractor requires the issue of a new permit. The Shire will impose the minimum building permit application fee(s) only for the issue of a new permit in this circumstance where:

- (a) following the receipt of a Notice of Secession a landowner nominates a new builder to undertake works that had previously been licensed by the Shire to another builder; and
- (b) in the opinion of the Principal Building Surveyor, the building plans are identical and the act of producing the licence in the new builder's name is an administration issue only, with no reconsideration of the documents being required.

In all other circumstances, the full fee is required to be paid. The Shire will not refund the Building Permit Application fees payable for the issue of the original Permit.

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation			
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 5

DEV23: Pergolas	
Management Procedure	Relevant Delegation

Purpose

To provide guidelines for assessment of pergolas.

Background

Prior to the introduction of the Building Regulations 2012, the Shire of Kalamunda did not require the submission of an application for a building permit to construct a free standing or attached pergola constructed at ground level.

Policy Statement

1. A Building Permit is not required for an open, unroofed, tubular steel or timber pergola (with or without "hit and miss" timber or tubular steel battens, or shade cloth), and either freestanding or attached to the side/rear/front of a Class 1 dwelling building subject to:
 - a. It is no more than 2.4m in height;
 - b. covers an area not exceeding 20m² ; and
 - c. located at ground level
2. Pergolas shall be constructed from new materials, unless otherwise approved by the Principal Building Surveyor.
3. A Building Permit is required for a pergola clad with impervious roof sheeting, (ie. verandah/patio), or a pergola that is not constructed at ground level, (eg balconies or upon an elevated deck), or any pergola in excess of the other parameters listed in point 1. above.

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation	Building Regulations 2012 Schedule 4 Part 2 Table		
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 6

DEV23: Pergolas —Guidelines for Assessment

Management Procedure

Relevant Delegation

Purpose

To provide guidelines for assessment of pergolas.

Background

Prior to the introduction of the Building Regulations 2012, the Shire of Kalamunda did not require the submission of an application for a building permit to construct a free standing or attached pergola constructed at ground level.

Policy Statement

1. A Building Licence **Permit** is not required for an open, unroofed, tubular steel or timber pergola (with or without "hit and miss" timber or tubular steel battens, or shade cloth), located at ground level and either freestanding or attached to the side/rear/front of a **Class 1** dwelling building subject to:
 - i) It is no more than 2.4m in height;
 - ii) covers an area not exceeding 20m²; and
 - iii) located at ground level.
2. Pergolas shall be constructed from new materials, unless otherwise approved by the ~~Manager Building Services~~ **Principal Building Surveyor**.
3. A Building Licence **Permit** is required for a ~~roofed~~ pergola **clad with impervious roof sheeting**, (ie. verandah/patio), or a pergola that is not constructed at ground level, (eg **on** balconies or upon an elevated deck), **or any pergola in excess of the other parameters listed in point 1. above.**

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation	Building Regulations 2012 Schedule 4 Part 2 Table		
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 7

DEV3: Use and Removal of Asbestos	
Management Procedure	Relevant Delegation

Purpose

Purpose: The use of materials containing asbestos has been banned for many years and there are specific requirements for the safe removal and disposal of asbestos products.

Objective: To provide guidelines on use and removal of asbestos cement sheeting and other asbestos containing building products.

Policy Statement

General Construction and Asbestos Products

1. No person shall erect or commence to erect a fence or building or any portion of a fence or building using either new or second-hand materials containing asbestos.

Demolition and Asbestos Products

2. Conditions shall be placed on demolition permits issued by the Shire of Kalamunda as follows:
 - i. A licence is required in Western Australia for an employee to undertake the removal of materials that contain asbestos. Persons or businesses involved in removing more than 10 square metres of bonded (non-friable) asbestos in a workplace must be licenced by Worksafe. Only a licence holder or an employee of a licence holder may carry out this type of work.
 - ii. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act and accompanying Regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002 (2005)].
 - iii. Disposal of materials containing asbestos is to be carried out to the satisfaction of the Shire's Environmental Health Officers and to be in accordance with the Health Act 1911 and other regulations dealing with the safe handling and disposal of asbestos.

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation	<i>Health Act 1911, Building Regulations 2012, Occupational Safety and Health Act</i>		
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 8

DEV3: Use and Removal of Asbestos Cement Sheeting and Asbestos Building Products	
Management Procedure	Relevant Delegation

Purpose

Purpose: The use of materials containing asbestos has been banned for many years and there are specific requirements for the safe removal and disposal of asbestos products.

Objective: To provide guidelines on use and removal of asbestos cement sheeting and other asbestos containing building products.

Policy Statement

General Construction and Asbestos Products

3. No person shall erect or commence to erect a fence or building or any portion of a fence or building using either new or second-hand materials containing asbestos.

Demolition and Asbestos Products

4. ~~An additional condition~~ **Conditions shall** be placed on demolition licences ~~permits~~ issued by the Shire of Kalamunda as follows:
 - iv. **A licence is required in Western Australia for an employee to undertake the removal of materials that contain asbestos. Persons or businesses involved in removing more than 10 square metres of bonded (non-friable) asbestos in a workplace must be licenced by Worksafe. Only a licence holder or an employee of a licence holder may carry out this type of work.**
 - v. **All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act and accompanying Regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002 (2005)].**
 - vi. Disposal of materials containing asbestos is to be carried out to the satisfaction of the Shire's Environmental Health Officers and to be in accordance with the Health Act 1911 and other regulations dealing with the safe handling and disposal of asbestos.

~~(OCM – 16.7.90)~~

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation	<i>Health Act 1911, Building Regulations 2012, Occupational Safety and Health Act</i>		
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 9

DEV14: Earthworks	
Management Procedure	Relevant Delegation

Purpose

To provide guidelines for considerations of applications involving earthworks.

Policy Statement

Where cut and fill is required to produce a platform for building in areas other than sand:

1. The residence shall be constructed entirely on the cut area; or,
2. Where a residence is to be constructed partially on cut and partially on fill, the excavated material is to be placed outside the building area to form batters and embankments and the platform is to be filled with sand, consolidated in even lifts, not exceeding 600mm, to produce a density which will resist seven blows per 300mm of a standard 16mm diameter penetrometer.
3. As an alternative to point 2 above, structural engineered designed and certified pile and beam foundations into natural uncut ground in the fill area are acceptable.
4. Sand pads up to 500mm in height need not be retained at the time of construction of the building, but must be retained within 12 months by a minimum of rock pitching, slabbing or growth of suitable ground cover.
5. Where sand pads extend up to the property boundary, formal retaining walls must be installed prior to the placement of the sand fill. Any boundary retaining wall in excess of 500mm in height above the ground immediately below it will require formal Planning and Building approval.
6. Sand pads in excess of 500mm in height shall require an Engineer's Certificate showing checks made at each 300mm of consolidation and shall be retained before the building exceeds plate height.
7. Method of retention shall be such as to provide that no newly formed embankment shall be more than 1.5m in height unless otherwise approved by the Shire.
8. Method of retention shall be subject to the approval of the Shire's Principal Building Surveyor, or if dispute arises, the Council.

9. The height shall be measured vertically at a horizontal distance of 1800mm from the edge of the building.
10. Variations from this policy to be made only on the receipt of a Consulting Engineer's details and certificates establishing the stability of the compaction and the design.
11. In assessing applications for over-height cut and or fill, consideration shall be given to the impact on adjoining property owners and the aesthetics of the area. Where in the opinion of the Principal Building Surveyor that the impact would be significant, comment shall be sought from affected property owners. If objections are received and an amicable solution cannot be mediated, the application is to be referred to Council for determination.
12. In addition to point 10 above, in Residential and Urban Development zones all applications where the intended finished floor or paving level will exceed 500mm above the natural ground level at the boundary will be assessed in accordance with the provisions of the Residential Design Codes, Part 7.4 Element 7.4.1 Visual Privacy.
13. In other zones where in the opinion of the Principal Building Surveyor significant impact will occur, comment shall be sought from affected property owners. If objections are received and/or the fill exceeds 1.5m in height above the existing ground level and a satisfactory outcome cannot be reached the application is to be referred to Council for determination.
14. The cost associated with the construction of retaining walls is the responsibility of the person or persons changing the natural level of land at the boundary

(Footnote: This policy to be read in conjunction with Environmental Policies ENV2: Environmental Impact – Earthworks and Foundations, ENV6: Hillside Protection – Guidelines for Development, and ENV3: Environmentally Sensitive Areas – Guidelines for Development, in relevant zones).

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation	<i>Residential Design Codes and National construction Code – Building Code of Australia</i>		
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 10

DEV14: Earthworks —~~Guidelines for Assessment~~

Management Procedure

Relevant Delegation

Purpose

To provide guidelines for considerations of applications involving earthworks.

Policy Statement

Where cut and fill is required to produce a platform for building in areas other than sand:

1. The residence shall be constructed entirely on the cut area; or
2. Where a residence is to be constructed partially on cut and partially on fill, the excavated material is to be placed outside the building area to form batters and embankments and the platform is to be filled with sand, consolidated in even lifts, not exceeding 600 mm, to produce a density which will resist seven blows per 300mm of a standard 16mm diameter penetrometer.
3. As an alternative to point 2 above, **structural engineered designed and certified** pile and beam foundations into natural uncut ground in the fill area are acceptable.
4. Sand pads up to ~~600~~ **500**mm in height need not be retained at the time of construction of the building, but must be retained within 12 months by **a minimum of** rock pitching, slabbing or growth of suitable ground cover.
5. Where sand pads extend up to the property boundary, **formal** retaining walls must be installed prior to the placement of the sand fill. **Any boundary retaining wall in excess of 500mm in height, above the ground immediately below it, will require formal Planning and Building approval.**
6. Sand pads in excess of ~~600~~ **500**mm in height shall require an Engineer's Certificate showing checks made at each ~~600~~ **300**mm of consolidation and shall be retained before the building exceeds plate height.
7. Method of retention shall be such as to provide that no newly formed embankment shall be more than 1.5m in height unless otherwise approved by ~~Council~~ **the Shire.**
8. Method of retention shall be subject to the approval of the Shire's **Principal Building Surveyor** ~~Engineer~~, or if dispute arises, the Council.
9. The height shall be measured vertically at a horizontal distance of 1800mm from the edge of the building.
10. Variations from this policy to be made only on the receipt of a Consulting Engineer's details and certificates establishing the stability of the compaction and the design.

11. In assessing application for over-height cut and or fill consideration shall be given to the impact on adjoining property owners and the aesthetics of the area. Where in the opinion of the ~~Manager of~~ **Principal Building Services Surveyor** that the impact would be significant, comment shall be sought from affected property owners. If objections are received **and an amicable solution cannot be mediated**, the application is to be referred to Council for determination.
12. In addition to point 10 above, in Residential and Urban Development zones all applications where the intended finished floor or paving level will exceed 500mm above the natural ground level at the boundary will be assessed in accordance with the provisions of ~~Part 3.8 Element 8 – Overlooking and the Cone of Vision for Privacy Design~~ **the Residential Design Codes, Part 7.4 Element 7.4.1 Visual Privacy.**
13. In other zones where in the opinion of the ~~Manager~~ **Principal Building Services Surveyor** significant impact will occur, comment shall be sought from affected property owners. If objections are received and/or the fill exceeds 1.5m in height above the existing ground level **and a satisfactory outcome cannot be reached** the application is to be referred to Council for determination.
14. **The cost associated with the construction of retaining walls is the responsibility of the person or persons changing the natural level of land at the boundary**

(Footnote: This policy **is** to be read in conjunction with **Environmental** Policies ENV2: Environmental Impact – Earthworks and Foundations, ENV6: Hillside Protection – Guidelines for Development, and ENV3: Environmentally Sensitive Areas – Guidelines for Development, in relevant zones).

Related Local Law			
Related Policies	ENV2: Environmental Impact – Earthworks and Foundations, ENV3: Environmentally Sensitive Areas – Guidelines for Development, in relevant zones, and ENV6: Hillside Protection – Guidelines for Development		
Related Budget Schedule			
Legislation	Health Act 1911 Residential Design Codes, National Construction Code - Building Code of Australia		
Conditions			
Authority			
Adopted	16 March 2009	Next Review Date	

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

22. Annual Caravan Park Licence Renewals

Previous Items	OCM 86/2014
Responsible Officer	Director Development Services
Service Area	Health & Ranger Services
File Reference	LE-LIC-001
Applicant	N/A
Owner	N/A

PURPOSE

1. To approve the renewal of annual Caravan Park Licences for all caravan parks located within the Shire.

BACKGROUND

2. The *Caravan Parks and Camping Grounds Act 1995* (the Act) and the *Caravan Parks and Camping Grounds Regulations 1997* (Regulations) requires that the Local Government annually inspects and licences all caravan parks within its municipality.

DETAILS

3. All Shire Environmental Health Officers are authorised persons under the Act and Regulations to inspect caravan parks but not to issue annual licences.

Currently there are four approved caravan parks operating within the Shire of Kalamunda:

- Discovery Holiday Park 186 Hale Road Forrestfield – approved late 1960's and comprises 186 sites – mix of caravans, park homes and cabins;
- Forrestfield Caravan N Park Home Village 353 Hawtin Road Forrestfield approved in 1968 and comprises 53 park home sites;
- Hillview Lifestyle Village 597 Kalamunda Road High Wycombe approved in 2006 and comprises 272 park home sites; and
- Advent Park 345 Kalamunda Road Maida Vale – approved in 2008 and comprises 35 caravan sites.

STATUTORY AND LEGAL CONSIDERATIONS

4. *Caravan Parks and Camping Grounds Act 1995*
Caravan Parks and Camping Grounds Regulations 1997

POLICY CONSIDERATIONS

5. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

6. Nil.

FINANCIAL CONSIDERATIONS

7. Licence fees are based upon the number of sites and set under the Act and Regulations. The current fee is \$6 per site and the annual fees applicable are as listed below:

- Discovery Holiday Park - licence fee \$1116.
- Forrestfield Caravan N Park Home Village - licence fee \$318.
- Hillview Lifestyle Village - licence fee \$1632.
- Advent Park - licence fee \$210.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.2 To ensure local laws are upheld.

Strategy 6.2.1 Develop, implement and monitor local laws across the Shire to ensure they are relevant and realistic.

SUSTAINABILITY

Social Implications

9. Nil.

Economic Implications

10. Nil.

Environmental Implications

11. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 12.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--------------------------------------------------------|------------|-------------|--------|---------------------------------|
| Compliance – That Council do not approve the licences. | Rare | Minor | Low | Inform Council of requirements. |

OFFICER COMMENT

13. The above four operating caravan parks have been inspected by Shire Officers and have been found to be compliant.

A Councillor asked if the \$6 per site represented an increase, the Director Development Services indicated the figures comes from the State Government who have been petitioned to review their costings as the figure has been static for some time. The Manager Governance & PR added that the Act is under review and should be released shortly.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 22/2014)

That Council:

1. Approves the renewal of the caravan park licences, subject to receipt of the required licence fees, for:
- Discovery Holiday Park, 186 Hale Road Forrestfield.
 - Forrestfield Caravan N Park Home Village, 353 Hawtin Road Forrestfield.
 - Hillview Lifestyle Village, 597 Kalamunda Road High Wycombe.
 - Advent Park, 345 Kalamunda Road Maida Vale.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

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

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

23. Wandoo Road – Footpath and Traffic Treatments

Previous Items	OCM 15/2015
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Services
File Reference	WN-01/GEN
Applicant	N/A
Owner	N/A
Attachment 1	Wandoo Road Concept 1
Attachment 2	Wandoo Road Concept 2
Attachment 3	Wandoo Road Concept 3

PURPOSE

1. For Council to consider the options and cost of concepts prepared for the installation of traffic treatments and a footpath along Wandoo Road, Forrestfield.

BACKGROUND

2. In May 2014, a resident requested the Shire consider the installation of a new footpath in Wandoo Road. This footpath project was added to the Shire's draft Long Term Financial Plan for future scoping, estimating and consideration.
3. In December 2014 the Shire received a Councillor request regarding speeding traffic and to investigate this request traffic counters were installed on Wandoo Road, between Coolabah Way and Holmes Rd.
4. The following motion on notice was endorsed by Council on 23 February 2015:

Requests the Chief Executive Officer to investigate options and cost of traffic control devices for Wandoo Road with a view to inclusion as a project for consideration in the 2015/16 budget.
5. This traffic management project was subsequently added to the Shire's draft Long Term Financial Plan for further scoping, estimating and consideration.

DETAILS

6. During a five year period January 2009 - January 2013 there has been two reported crashes along Wandoo Road, with one crash being minor property damage and other being major property damage.
7. The results of the traffic count taken in December 2014 indicated that 85% speed of the traffic travelling along Wandoo Road was 65km/h. The default speed zone for this built up area is 50km/h. This traffic data also detailed that this section of Wandoo Road has 817 vehicles per day travelling along it.

8. On the 30 December 2014 the Shire forwarded this traffic data to the Local Government Speed Enforcement Program contact at WA Police for review and action.
9. Following the Council resolution, three concept designs for traffic treatments in Wandoo Road have been prepared for consideration:
 - Concept 1 (Attachment 1) installation of new 2.0m wide path and 1.2m median islands.
 - Concept 2 (Attachment 2) installation of new 2.0m wide path and 3 blister island traffic treatments.
 - Concept 3 (Attachment 3) installation of new 2.0m wide path and 3 chicane island traffic treatments.
10. Each concept proposed requires a new 2.0m wide path be located on the eastern side of Wandoo Road to best utilise the existing street lighting and minimise additional costs resulting from increased vegetation clearing and crossover reinstatements. There is also a requirement to undertake drainage upgrade works to accommodate the proposed path.

STATUTORY AND LEGAL CONSIDERATIONS

11. Nil.

POLICY CONSIDERATIONS

12. Several metropolitan local governments utilise modified Austroads Guidelines to inform the assessment and implementation of Local Area Traffic Management (LATM) treatments. This process utilises a multi criteria analysis to provide a point score to proposed traffic treatments to enable prioritisation by Councils.
13. The Shire of Kalamunda evaluates every request on a case by case basis using traffic counts and crash history.

COMMUNITY ENGAGEMENT REQUIREMENTS

14. The three concepts prepared have not been circulated for consultation with the residents of Wandoo Road and the surrounding area.
15. The consultation should ensure there is a general consensus from residents regarding the specific locations of islands that are to be placed adjacent to properties and between accesses.
16. The consultation should ensure that the affected properties are advised of the potential noise and light spill that may result from the installation of LATM treatments.

FINANCIAL CONSIDERATIONS

17. Preliminary estimates have been prepared to include LATM treatments, 2m wide path, street lighting upgrade and modifications to drainage as detailed below, excluding GST:

	Construction Estimate	Power & Lighting Estimate	Total
Concept 1	\$325,915	\$100,000	\$425,915
Concept 2	\$224,405	\$75,000	\$299,405
Concept 3	\$209,740	\$75,000	\$284,740

18. Further detailed survey, design and service location is required to verify the concept estimates.
19. The existing street lighting should be reviewed for compliance with Australian Standard 1158 for road lighting. The upgrade cost of street lighting will be subject to specific lighting design and Western Power installation quotations to confirm estimates.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.6 – To ensure the optimal management of assets delivers continuity of services to the community.
- Strategy 4.6.1 Ensure the Shire has long term asset plans for each of its asset categories and these plans are reviewed regularly.
- Strategy 4.6.2 Develop financially sustainable funding models to ensure the Shire can adequately fund its asset plans.

SUSTAINABILITY

Social Implications

21. Residents in the area surrounding Wandoo Road will have a path connecting them between Lewis Road and Holmes Road, along with traffic treatments to improve traffic safety in this section of Wandoo Road.

Economic Implications

22. There is an existing path along Anderson Road that connects Lewis Road and Holmes Road that meets the network connectivity for this area.

Environmental Implications

23. Each of the concepts requires vegetation clearing to make way for the traffic treatment and path. The quantity of vegetation works will only be available on completion of the detailed survey and design.

RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Speeding vehicles	Likely	Major	High	Local Government Speed Enforcement through WA Police. Provide footpath to separate pedestrians from vehicles.
Traffic/pedestrian crash	Possible	Major	High	Local Government Speed Enforcement through WA Police. Provide footpath to separate pedestrians from vehicles.
Increased vehicle and pedestrian traffic	Possible	Insignificant	Low	Monitor for future action if congestion becomes a significant risk.
Traffic congestion	Rare	Insignificant	Low	Monitor for future action if congestion becomes a significant risk.
Increased lighting spill from lighting upgrade	Likely	Insignificant	Medium	Minimise light spill by designing in accordance with AS1158.
Increased vehicle and traffic noise	Almost Certain	Minor	High	Ensure this is discussed through any community consultation process so residents are informed prior to installation of LATM treatments.

OFFICER COMMENT

25. On low traffic roads, LATM treatments are not always effective in reducing speeding or eliminating the risk of accidents. The installation of LATM treatments has not always been shown to sufficiently modify driver behaviour or address concerns for pedestrians or motorcyclists.
26. The use of LATM treatments within residential areas is shown to have some adverse effects such as:
- A noticeable increase to noise pollution from vehicles braking and accelerating.
 - Issues for commercial vehicles manoeuvring around these treatments.
 - Light spill as a result of additional lighting around the treatments to meet AS1158 compliance.
27. Each LATM treatment is required to be designed to provide safe and suitable access for service vehicles such as rubbish truck, fire truck and bus. Therefore the treatments become less effective for cars and motorcycles.
28. The provision of the path link along Wandoo Road cannot be implemented independently to any LATM scheme for this road as the three concepts require widening to different degrees to accommodate the proposed traffic treatments.
29. Based on experience with the implementation of LATM schemes in residential streets which require a street lighting upgrade, a timeframe of 12 months is required for the community consultation process, report to Council on the preferred treatment from the consultation process and the associated costs, detailed design and documentation and Western Power design and quotation.
30. The preferred option is to include an amount of \$20,000 in the 2015/2016 Capital Works Budget for the community consultation, monitoring of traffic speeds in June and December 2015, Council approval, design/documentation and Western Power design/quotation processes for the construction of a footpath and traffic treatments in Wandoo Road, with further funding listed in 2016/2017 for the implementation of the approved works. It is proposed that an amount of \$425,000 be included as this will accommodate the highest cost concept.
31. This will also allow further investigation and evaluation on the effectiveness of the Local Government Speed Enforcement Program.
32. The Local Government Speed Enforcement Program provides WA Police with traffic data for their review and enforcement activities. This is an effective method to change driver behaviour and reduce speeding on local roads. With a further review to be undertaken each 6-12 months following regular Police attendance.

33. There is a need to develop a consistent approach for the assessment and implementation of LATM treatments. This would take the form of a policy and procedure based on good practice such as is used by other local governments in WA who modify the Austroads guidelines for their particular circumstances.

A Councillor asked if the \$425,000 amount would be to cover concept plan one, rather than two or three, he assumed all three projects will be presented during the consultation period. The Director Infrastructure Services agreed this was the case, but explained it was necessary to have a resolution of council in order to list monies in the 2016/2017 budget, but it will depend on the community consultation as to which plan is used.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 23/2015)

That Council:

1. Supports the construction of footpath along Wandoo Road, Forrestfield to provide pathway connectivity in the area and the implementation of traffic treatments on Wandoo Road to reduce vehicular speeds and improve traffic safety.
2. Notes that an amount of \$20,000 has been included in the draft 2015/2016 Capital Works Program for the community consultation, monitoring of traffic speeds in June and December 2015, Council approval, design/documentation and Western Power design/quotation processes for the construction of a footpath and traffic treatments on Wandoo Road, Forrestfield.
3. Notes that an amount of \$425,000 has been included in the draft 2016/2017 Capital Works Program for the implementation of the approved works in Wandoo Road, noting that this amount may need to be amended when the detailed design and cost estimate are finalised.
4. Note that a separate report will be provided regarding a policy for the investigation and prioritisation of local area traffic management treatments on the Shire's roads.

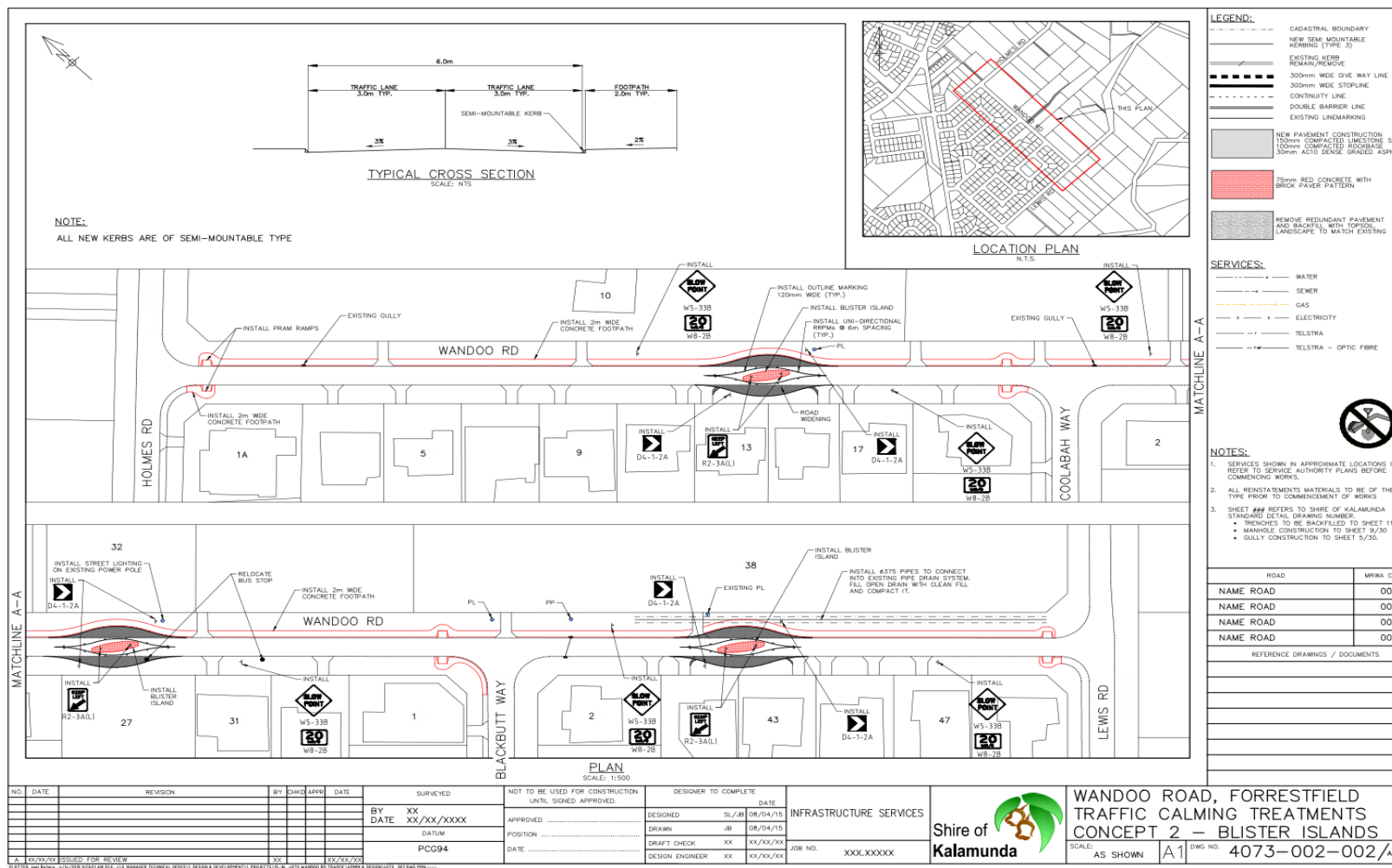
Moved: **Cr Andrew Waddell**

Seconded: **Cr Margaret Thomas**

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

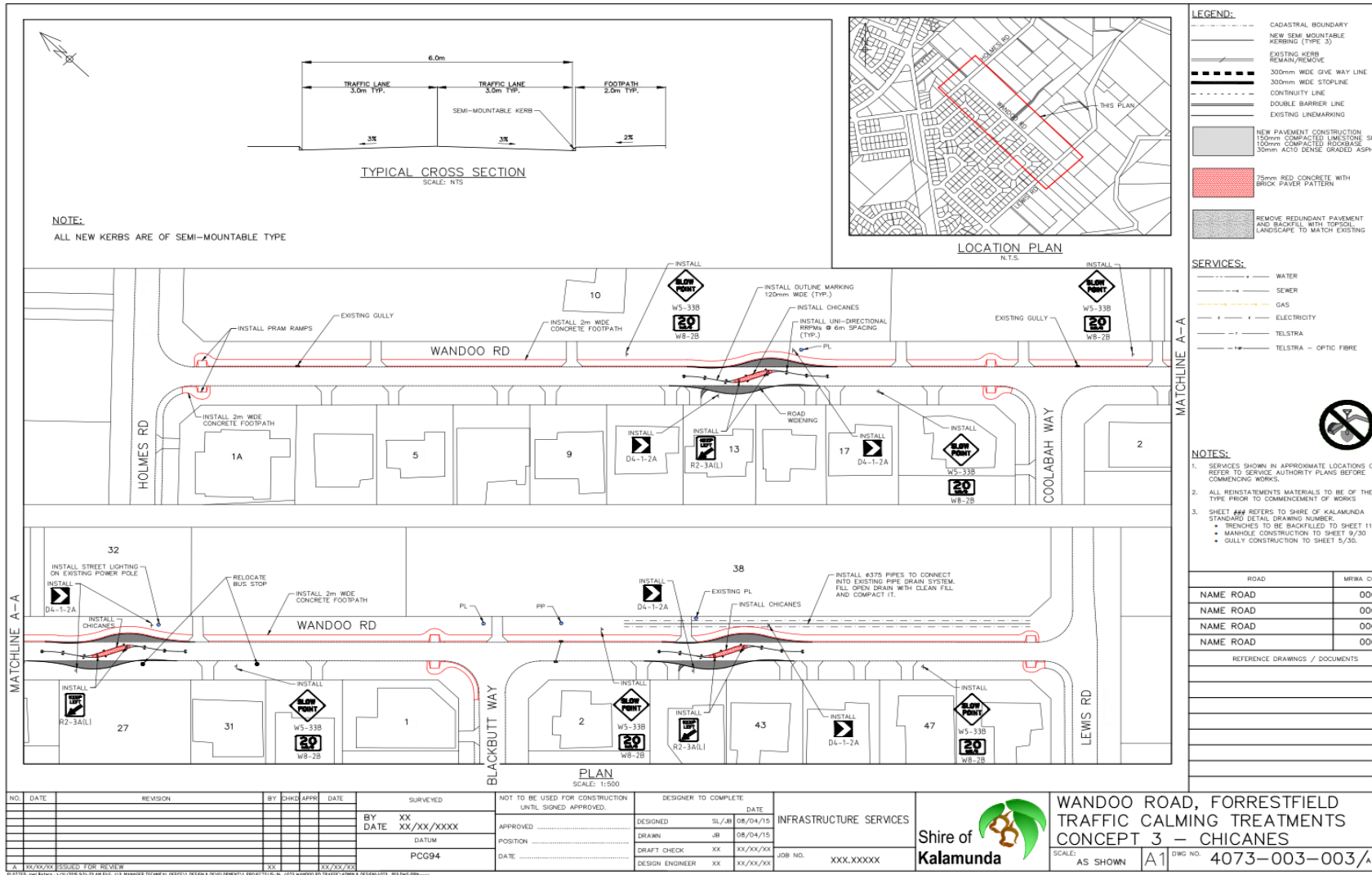
Attachment 2

Concept 2



Attachment 3

Concept 3



10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr Justin Whitten – Business Signage, Forrestfield

Q. A local business is setting up signage on the corner of Hartfield Road and Hale Road, Forrestfield, please could this be investigated as it is causing a sight problem for traffic.

A. This will be investigated.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Item D&I 15, 13 April 2015. Proposed Eight Multiple Dwellings Lot 19 (20) Recreation Road, Kalamunda

Q. A Councillor asked if the Shire of Kalamunda was to adopt a Parking Policy for multiple dwellings would the State Government's Residential Design Codes prevail, this question was taken on notice.

A. Only certain provisions of the Residential Design Codes (R-Codes) can be modified through the use of a Local Planning Policy without formal endorsement of the Western Australian Planning Commission (WAPC). Clause 6.3.3 of the R-Codes relating to Parking is one provision that is unable to be readily modified, particularly where it increases the minimum number of parking bays required in a development. However the R-Codes do specify that a Local Planning Policy can modify other deemed-to-comply requirements where it can be demonstrated to the satisfaction of the WAPC that the amendment meets certain criteria.

In respect to parking, it is unlikely that a Local Planning Policy could be implemented with the support of the WAPC which varies the deemed-to-comply requirements of the R-Codes to increase the minimum number of bays required, particularly given a core planning principle for multiple dwelling development is to facilitate dwelling density near alternative transport modes and reduce reliance on cars.

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 6.49pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2015