

# Development & Infrastructure Services Committee Meeting

Minutes for Monday 12 August 2013

**CONFIRMED**



**shire of  
kalamunda**

## INDEX

1.0	OFFICIAL OPENING .....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED.....	3
3.0	PUBLIC QUESTION TIME.....	4
4.0	PETITIONS/DEPUTATIONS .....	4
5.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
6.0	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	4
7.0	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	4
8.0	DISCLOSURE OF INTERESTS.....	4
9.0	REPORTS TO COUNCIL .....	5
46.	APPLICATION TO KEEP MORE THAN TWO DOGS – LOT 1037(30) APRICOT STREET, FORRESTFIELD.....	6
47.	APPLICATION TO KEEP MORE THAN TWO DOGS – LOT 501(263) LESMURDIE ROAD, LESMURDIE.....	10
48.	NAMING OF THE PORTION OF RESERVE 29673 - 39 SANDERSON RD, LESMURDIE.....	14
49.	PROPOSED PEDESTRIAN ACCESS WAY CLOSURE – HALLEENDALE ROAD AND LAWNBROOK ROAD WEST, WALLISTON .....	17
50.	AMENDMENT No. 54 TO LOCAL PLANNING SCHEME No. 3 – LOT 601 (17A) MEAD STREET, KALAMUNDA – REZONE FROM PUBLIC PURPOSE TO DISTRICT CENTRE.....	25
51.	AMENDMENT TO LOCAL PLANNING SCHEME No. 3 – ADDITIONAL USE (ART GALLERY) – LOT 800 (10) STIRK STREET, KALAMUNDA.....	34
52.	DETAILED AREA PLAN – LOT 805 (47) HARDEY EAST ROAD, WATTLE GROVE .....	40
53.	LOT 408 (23) KENNETH ROAD, HIGH WYCOMBE - MODIFICATION TO STRUCTURE PLAN - HIGH WYCOMBE URBAN AREA 2.....	48
54.	CONSIDERATION OF TENDERS - CONSTRUCTION OF SEWER PRESSURE MAIN ABERNETHY ROAD, FORRESTFIELD (T1307) .....	57
55.	PROPOSED PYLON AND STREET NAME SIGNAGE – THE INTERSECTIONS OF ABERNETHY ROAD AND DUNDAS ROAD, AND KALAMUNDA ROAD AND WITTENOOM ROAD, HIGH WYCOMBE.....	62
10.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	71
11.0	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	71
12.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	71
13.0	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....	72
14.0	MEETING CLOSED TO THE PUBLIC.....	72
15.0	CLOSURE .....	72

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## MINUTES

### 1.0 OFFICIAL OPENING

The Chairman opened the meeting at 6.31pm and welcomed Councillors and Staff.

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

#### 2.1 Attendance

##### Councillors

Margaret Thomas	(Chairman) North Ward
Simon Di Rosso	North Ward
Allan Morton	South West Ward
Geoff Stallard	South East Ward
John Giardina	South East Ward
Frank Lindsey	South East Ward
Martyn Cresswell	North West Ward
Dylan O'Connor	North West Ward
Bob Emery	North West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Acting Director Development & Infrastructure Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Sam Assaad	Manager Infrastructure Operations
Nicole O'Neill	Public Relations Coordinator
Kristy McGuire	Acting Governance Officer

**Members of the Public** 0

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Sue Bilich	(Shire President) North Ward
Noreen Townsend	South West Ward
Justin Whitten	South West Ward

#### 2.3 Leave of Absence Previously Approved

Nil.

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### 3.0 PUBLIC QUESTION TIME

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

3.1 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 8 July 2013 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### 6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil.

### 7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 **54. Consideration of Tenders - Construction of Sewer Pressure Main Abernethy Road, Forrestfield (T1307)** – Confidential Attachment – Tender Evaluation Report.

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

### 8.0 DISCLOSURE OF INTERESTS

#### 8.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

8.1.1 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.

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

**46. Application To Keep More Than Two Dogs – Lot 1037(30) Apricot Street, Forrestfield**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Health & Ranger Services
File Reference	RA-ANC-011: ICS-58061
Applicant	AM Carnicelli
Owner	SD Carnicelli & AMJ Alleyne

**PURPOSE**

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

**BACKGROUND**

2. The applicant at Lot 1037 (30) Apricot Street, Forrestfield has recently applied to Council requesting permission to keep more than two dogs on the property.

**DETAILS**

3. The applicant is requesting approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Staffy X Bull Mastiff	M	Yes	Black	Hercules	15-2614	8	Kalamunda
2.	Husky	F	No	White & Grey	Coda	13-4063	4	Kalamunda
3.	English X Neo Mastiff	M	No	Tan	Maximus	13-4064	6 months	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

**STATUTORY AND LEGAL CONSIDERATIONS**

5. The property at Lot 1037 (30) Apricot Street, Forrestfield is 600sqm and is zoned Urban.
6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.

7. Clause 3.2 of the Local Law reads:

**“3.2 Limitation on the number of dogs**

1. This clause does not apply to premises which have been –
  - (a) licensed under part 4 as an approved kennel establishment; or
  - (b) granted an exemption under Section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.”

8. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

**POLICY CONSIDERATIONS**

9. Nil.

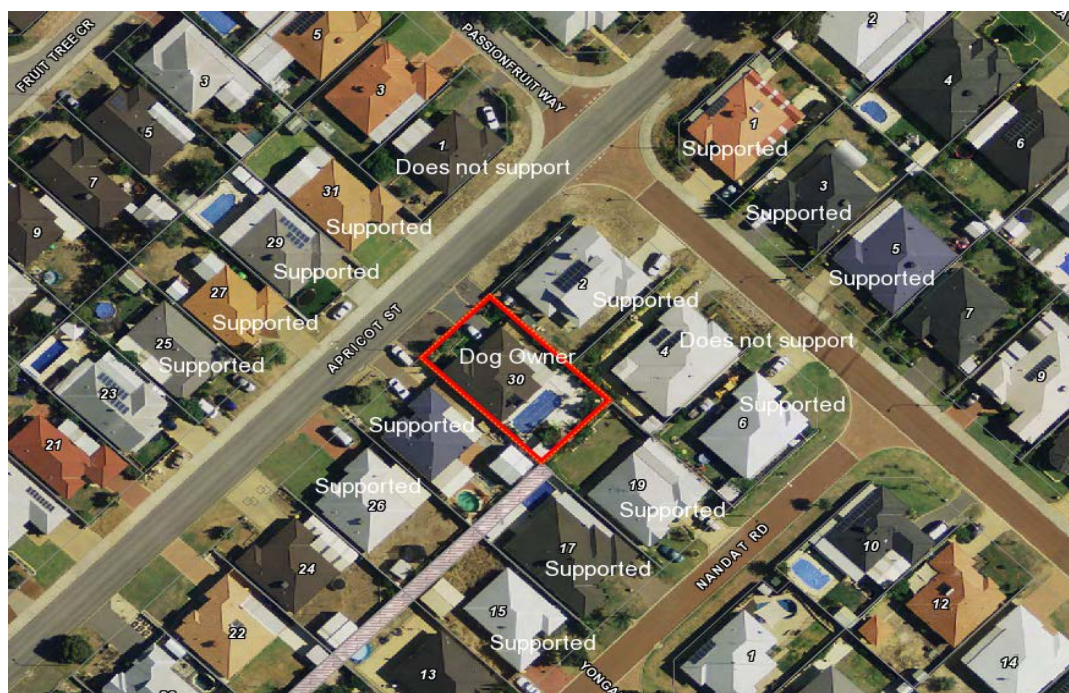
**COMMUNITY ENGAGEMENT REQUIREMENTS**

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant’s property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.

11. There are sixteen adjoining properties within the vicinity of the applicant’s property that may be directly affected as shown in the Location Map below. The occupants of these properties have been contacted by the attending Ranger, fourteen properties have supported the application and two do not support the application.

**Location Map**

12.



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## FINANCIAL CONSIDERATION

13. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 1.5 - To provide a safe environment for the entire community to enjoy.

Strategy 1.5.1 Provide support for community safety through education, awareness raising programs and a responsive Ranger service.

## SUSTAINABILITY

### Social Implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

### Economic Implications

16. Nil.

### Environmental Implications

17. Nil.

## RISK MANAGEMENT CONSIDERATIONS

18. It is the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.

19. It is, therefore, considered there is minimal risk associated with the approval of this application.

## OFFICER COMMENT

20. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions, or
  - b. Council may refuse permission to keep more than two dogs.



21. As part of the assessment process, officers have recorded that one unsubstantiated barking dog complaint has been received against this property and these dogs.
22. Two residents have not supported the application. The reasons specified are that there are too many dogs in the area and the property is not big enough for the dogs.
23. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

*A Councillor queried if the Shire should support the application if there have been previous complaints regarding barking from these dogs. He believed that three dogs on a 600sqm block seemed quite small. With one of the objections being from a direct neighbour and the previous noise complaints, he believes that the Shire should make further enquiries into the reasoning behind the request for three dogs.*

*A Councillor requested clarification on the previous complaint made in relation to the barking of the dogs from the property. Acting Director Development & Infrastructure Services advised that he would investigate and report back to Council.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 46/2013)**

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant exemption to the applicant at Lot 1037 (30) Apricot Street Forrestfield to keep three dogs on this property.

Moved: **Cr John Giardina**

Seconded: **Cr Bob Emery**

Vote:

<b>For</b>	<b>Against</b>
Cr John Giardina Cr Frank Lindsey Cr Geoff Stallard Cr Martyn Cresswell Cr Bob Emery Cr Dylan O'Connor Cr Margaret Thomas	Cr Allan Morton Cr Simon Di Rosso  <b>CARRIED (7/2)</b>

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

**47. Application To Keep More Than Two Dogs – Lot 501(263) Lesmurdie Road, Lesmurdie**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Health & Ranger Services
File Reference	RA-ANC-011: ICS-58714
Applicant	VE Pestana
Owner	IG & VE Pestana

**PURPOSE**

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

**BACKGROUND**

2. The applicant at Lot 501 (263) Lesmurdie Road, Lesmurdie has recently applied to Council requesting permission to keep more than two dogs on the property.

**DETAILS**

3. The applicant is requesting approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Kelpie X	M	Yes	Brown	Axle	14-1729	6 ½	Kalamunda
2.	Staffy x Bull Terrier	M	Yes	White and Tan	Brutus	14-2277	6 ½	Kalamunda
3.	Jack Russell x Shihtzu	M	Yes	White and Tan ears	Optimus Prime	15-2668	5	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

**STATUTORY AND LEGAL CONSIDERATIONS**

5. The property at Lot 501 (263) Lesmurdie Road, Lesmurdie is 3,095sqm and is zoned Residential.
6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.

7. Clause 3.2 of the Local Law reads:

**“3.2 Limitation on the number of dogs**

1. This clause does not apply to premises which have been –
  - (a) licensed under part 4 as an approved kennel establishment; or
  - (b) granted an exemption under Section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.”

8. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

**POLICY CONSIDERATIONS**

9. Nil.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.

11. There are seven adjoining properties within the vicinity of the applicant's property that may be directly affected as shown in the Location Map below. The occupants of these properties have been contacted by the attending Ranger, four properties have supported the application, two have not responded and one did not support the application.

**Location Map**

12.



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## FINANCIAL CONSIDERATION

13. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 1.5 - To provide a safe environment for the entire community to enjoy.

Strategy 1.5.1 Provide support for community safety through education, awareness raising programs and a responsive Ranger service.

## SUSTAINABILITY

### Social Implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

### Economic Implications

16. Nil.

### Environmental Implications

17. Nil.

## RISK MANAGEMENT CONSIDERATIONS

18. It is the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.

19. It is, therefore, considered there is minimal risk associated with the approval of this application.

## OFFICER COMMENT

20. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions, or
  - b. Council may refuse permission to keep more than two dogs.
21. As part of the assessment process, officers have recorded that no formal complaints have been received against this property or these dogs.

22. One resident has not supported the application due to ongoing barking problems.
23. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 47/2013)**

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant exemption to the applicant at Lot 501 (263) Lesmurdie Road, Lesmurdie to keep three dogs on this property.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

**48. Naming of the Portion of Reserve 29673 - 39 Sanderson Rd, Lesmurdie**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	SN-01/039
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To endorse the naming of the portion of Reserve 29673 at 39 Sanderson Road, Lesmurdie as "Willoughby Park".
2. Local resident Barrie Oldfield recently registered a Friends Group with the Shire as the "Friends of Willoughby Reserve". The aim of the group is to preserve and maintain this naturally vegetated reserve. As the Friends Group coordinator, Mr Oldfield has requested this reserve be registered as "Willoughby Park".

**BACKGROUND**

**3. Land Details:**

Land Area:	2,732sqm
Local Planning Scheme Zone:	Public Open Space
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**



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## DETAILS

5. The park to be named has an area of 2,732sqm and forms part of Reserve 29673. It is located on the corner of Sanderson and Willoughby Roads, Lesmurdie and abuts the Sanderson Road shopping centre. This reserve has 85 species of native plants that have been photographed and captured in a book provided to the Shire by Mr Oldfield.
6. A request for preliminary approval of the name "Willoughby Park" has been sent to Landgate's Geographic Names Committee. The Geographic Names Committee advised that they have no issue with the park being named after the street on which it is located.

## STATUTORY AND LEGAL CONSIDERATIONS

7. Nil.

## POLICY CONSIDERATIONS

8. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

9. The Friends Group responsible for this park have suggested the name "Willoughby Park". Landgate advised that advertising for public comment is not required if a park is named after an adjacent road.

## FINANCIAL CONSIDERATION

10. A park sign will be required to be displayed on site. The cost is expected to be approximately \$500 and will come out of the operational budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 1.8 – Support local community groups to grow, prosper and shape the future of Kalamunda.

Strategy 1.8.3 Proactively investigate opportunities that facilitate the establishment and/or growth of local community groups.

## SUSTAINABILITY

### Social Implications

12. Nil.

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### **Economic Implications**

13. Nil.

### **Environmental Implications**

14. Nil.

### **RISK MANAGEMENT CONSIDERATIONS**

15. Nil.

### **OFFICER COMMENT**

16. The naming of this reserve as Willoughby Park encourages the friend group's sense of ownership and advancement toward future security and protection of this site. On this basis it is recommended that the reserve name be endorsed.

*A Councillor queried if there was any impact on providing regular maintenance or improvements if the bushland is formally changed to a Reserve or a Park. The Acting Director Development & Infrastructure Services confirmed that there is no material difference and this would not prevent any works being completed on the land.*

<b>Voting Requirements: Simple Majority</b>
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### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 48/2013)**

That Council:

1. Endorses the naming of the portion of Reserve 29673 at 39 Sanderson Road, Lesmurdie as "Willoughby Park".
2. Forwards the name to Geographic Names Committee at Landgate for their approval.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**



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

**49. Proposed Pedestrian Access Way Closure – Halleendale Road and Lawnbrook Road West, Walliston**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	HL-02/GEN
Applicant	A Musca
Owner	N/A
Attachment 1	Photograph of the Pedestrian Access Way from Lawnbrook Road West
Attachment 2	Photograph of the Pedestrian Access Way from Halleendale Road
Attachment 3	Submission Table

**PURPOSE**

- To consider a request to close the pedestrian access way (“PAW”) abutting Lots 105 (51) and 31 (53) Halleendale Road and Lot 103 (76) Lawnbrook Road West, Walliston. Refer to (Attachments 1 and 2).

**BACKGROUND**

- Land Details:**

Land Area:	207sqm
Local Planning Scheme Zone:	Residential R10
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

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4. The PAW is approximately 70m from the Halleendale Road and Lawnbrook Road West intersection, is opposite the Lesmurdie Club, and contains no utility mains.
  5. A gate exists across the PAW towards the Halleendale Road end. It is not known who installed the gate.
  6. A bus and cycle route exists along Lawnbrook Road West.
  7. No requests to close the PAW have previously been received by the Shire.
  8. The owners of 53 Halleendale Road have advised that they are prepared to purchase the PAW.

## **DETAILS**

9. The Shire has received a request to close the PAW between Halleendale Road and Lawnbrook Road West from the owner of Lot 31 (53) Halleendale Road.
10. The only purpose of the PAW is to provide pedestrian access from Halleendale Road and Lawnbrook Road West. However the PAW is poorly designed and does not serve a useful purpose. As is evident from the photographs (Attachments 1 and 2) it contains overgrown vegetation making it difficult for pedestrians to access.

## **STATUTORY AND LEGAL IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

### **Designing Out Crime Strategy**

12. The Designing Out Crime Strategy (“the Strategy”) is a crime prevention strategy which aims to reduce opportunities for crime through the design and management of the built environment.
13. The poorly lit PAW provides the potential for anti-social behaviour.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

14. The proposed closure was advertised to the adjoining landowners and referred to the utility providers. A sign was also placed at both ends of the PAW.
15. During the advertising period one objection and six non-objections were received. Refer to the Submission Table (Attachment 3).
16. The submitter who objected to the proposed closure did so because they believed that the PAW should be maintained and made available for the public to use due to the number of residences in the locality.

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## FINANCIAL CONSIDERATION

17. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

## SUSTAINABILITY

### Sustainability Implications

#### Social Implications

19. Closing the PAW would reduce the potential for anti-social behaviour to occur along the PAW. Given the condition of the PAW, it is considered unlikely that it is used by the public.

#### Economic Implications

20. Nil.

#### Environmental Implications

21. Nil.

## RISK MANAGEMENT CONSIDERATIONS

22.

Risk	Likelihood	Consequence	Action/Strategy
Residents being disadvantaged by the closure of the PAW.	Low	High	Bus routes are provided within walking distance of the PAW. Alternative pedestrian access to Halleendale Road and Lawnbrook Road provided in close proximity to the PAW.
Opportunities for minimising designing out crime lost if the PAW closure does not proceed.	Low	Medium	Ensure Council and the WAPC are fully aware of the planning merit of the proposed closure.

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## OFFICER COMMENT

23. The PAW is overgrown and therefore provides limited pedestrian access to Halleendale Road and Lawnbrook Road West. No utility mains exist along the PAW.
24. It is considered unlikely that the closure of the PAW would increase the walking distance to the bus and cycle routes with the bus stop being located approximately 240 metres from the PAW, and the proximity of the PAW to the intersection of Halleendale Road and Lawnbrook Road West.

*A Councillor queried the possibility of this being approved by Department of Planning as they are well known for not supporting these requests. The Acting Director Development & Infrastructure Services believed that this would be approved due to the limited development options in the area.*

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 49/2013)

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way abutting Lots 105 (51) and 31 (53) Halleendale Road and Lot 103 (76) Lawnbrook Road West, Walliston, be supported as it is not considered to be of importance in the local pedestrian/cyclist network.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Attachment 1**

Proposed Pedestrian Access Way Closure –  
Halleendale Road and Lawnbrook Road West, Walliston

**Photograph of the Pedestrian Access Way from Lawnbrook Road West**



**Attachment 2**

Proposed Pedestrian Access Way Closure –  
Halleendale Road and Lawnbrook Road West, Walliston

**Photograph of the Pedestrian Access Way from Halleendale Road**



**Attachment 3**

Proposed Pedestrian Access Way Closure –  
 Halleendale Road and Lawnbrook Road West, Walliston

**Submission Table**

Submission		Details	Comments
1.	Howard John Ginbey PO Box 192 Kalamunda WA 6076	<p>Objection</p> <p>Given the number of residences in Halleendale Road since residential subdivisions in the area it is appropriate and relevant that Pedestrian Access Ways be properly marked and maintained and be available for the use by existing local residents and future local residents.</p>	Noted.
2.	Andrew Musca 53 Halleendale Road Walliston WA 6076	<p>No objection</p> <p>We request the PAW to be closed. Will pay full width to closure off the PAW or half if other parties are interested.</p>	Noted.
3.	Western Power Locked Bag 2520 Perth WA 6001	<p>No objection</p> <p>However, there are overhead power lines and/or underground cables adjacent to or traversing the property.</p>	Noted.
4.	ATCO Gas Australia 12-14 The Esplanade Perth WA 6000	<p>No objection</p>	Noted.

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5.	Telstra PO Box 102 Toormina NSW 2452	No objection	Noted.
6.	Water Corporation 629 Newcastle Street Leederville WA 6007	No objection	Noted.
7.	Tanya Gilders 33 Halleendale Road Walliston WA 6076	No objection  a) We have lived at 33 Halleendale Road for four years and have not been aware of a pedestrian access way located on Halleendale Road.  b) As a result of this notification we observed the access way and found it to be blocked by a fence/gate and unusable. We are therefore unable to provide an answer as we have never been able to use it.	a) Noted.  b) Noted.



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

**50. Amendment No. 54 to Local Planning Scheme No. 3 – Lot 601 (17A) Mead Street, Kalamunda – Rezone from Public Purpose to District Centre**

Previous Items	OCM 19/2013
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-LPS-003/054
Applicant	Gray and Lewis Land Use Planners
Owner	Landcorp

Attachment 1	Existing and Proposed Scheme Zoning Maps
Attachment 2	Old Road Board Street Block Master Plan
Attachment 3	Submission Table

**PURPOSE**

1. To consider submissions received and whether to adopt Amendment No. 54 to Local Planning Scheme No. 3 ("the Scheme") to rezone Lot 601 (17A) Mead Street, Kalamunda, from Local Reserve Public Purpose - Community to District Centre. Refer to (Attachment 1).

**BACKGROUND**

2. **Land Details:**

Land Area:	3,096sqm
Local Planning Scheme Zone:	Local Reserve Public Purpose - Community
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

- 3.



- 
4. The subject property contains the former Police Traffic office and Radio Station and is adjacent to the Perth Transport Authority bus terminus. Mead Street forms the southern boundary of the Kalamunda Town Centre.
  5. In February 2013, Council resolved (En Bloc Resolution OCM 02/2013) to adopt the Old Road Board Street Block Master Plan Option 1 – Short Term (“Master Plan”) (Attachment 2). Council also resolved to consider a longer term option for the site which proposes the relocation of the bus terminus and discussion with the Perth Transport Authority regarding their lease arrangement with the Shire. The future positioning of the bus terminus will have no impact on the proposed rezoning of the subject lot.
  6. The adopted Master Plan identifies the property as being suitable for mixed use development with an area at the rear for associated car parking. This could incorporate residential and/or commercial uses with limited retail with an active street frontage.
  7. In March 2013, Council resolved (En Bloc Resolution OCM 19/2013) to initiate Amendment No. 54 to the Scheme for the purpose of public advertising.

#### **DETAILS**

8. The applicant has proposed to rezone the property from Local Reserve Public Purpose – Community to District Centre.
9. Under a District Centre zone, uses such as Community Purpose, Consulting Rooms, Office, Shop and various types of residential development, amongst others, can be considered on the property. The overall height of the building would be at the discretion of Council, but could potentially be up to three stories in height.

#### **STATUTORY AND LEGAL IMPLICATIONS**

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

10. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
11. Clause 4.2.3 (Objectives of the Zones – Commercial Zones) of the Scheme states that the objectives of District Centre zoned areas are the following:
  - a. To promote, facilitate and strengthen the District Centres as the major foci of activity, particularly for shopping, business, professional, civic, cultural, entertainment facilities and related employment opportunities.
  - b. Provide for medical and other health related services.
  - c. Allow for the establishment of uses which would co-exist with the District Centre's activities whilst recognising a limited level of residential activities in the District Centre.

- d. Achieve safety and efficiency in traffic and pedestrian circulation.
  - e. Ensure that the scale, size, design and location of buildings are compatible with the existing development in the District Centre.
12. Although not mentioned, the District Centre zone does allow for consideration of Residential land uses. Notwithstanding the Old Road Board Street Block Master Plan provides for residential / commercial development.

### **Local Planning Strategy**

13. The Local Planning Strategy ("Strategy") identifies the Kalamunda Town Centre as the primary activity centre for the Shire, and outlines the following actions and strategies, amongst others:
- Encourage a range of activities, including residential, to ensure vibrancy.
  - Ensure business needs are recognized through land use planning and parking provision.
  - Provide for future commercial development of an appropriate type and scale to compliment 'village' theme.

### **POLICY IMPLICATIONS**

#### **Old Road Board Street Block Master Plan**

14. The Master Plan is a strategic planning tool that will guide future development consistent with the values, concerns and visions expressed by the community and embraced by the Council for the next 20 years.
15. The Master Plan identifies the subject property as being suitable to be redeveloped for mixed use purposes residential / commercial with limited retail with an area at the rear for car parking purposes.

#### **Directions 2031 and Beyond**

16. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
17. It encourages more consolidated urban areas within walking distance of activity centres.
18. It promotes higher densities and urban fill opportunities in areas close to activity nodes, promoting the need to cater for future population growth, housing affordability and maximise use of existing infrastructure.

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## **WA Planning Commission Development Control Policy 1.6 – Planning to Support Transit Use and Transit Orientated Development**

19. Development Control Policy 1.6 – Planning to Support Transit Use and Transit Orientated Development (“Policy”) encourages the integration of land use and transit facilities.
20. The Policy encourages residential development within walking distances of 5 to 7 minutes, or 400 metres, of transit facilities due to benefits such as:
  - a. The potential to reduce car dependence.
  - b. To increase accessibility for those without access to private vehicles.
  - c. To reduce congestion on the road network and the demand for new road space.
  - d. To reduce fuel consumption and air pollution.
  - e. To provide quality diverse and affordable forms of development.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

21. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*. This included a local public notice in a paper circulating the District, a sign being erected on both street frontages of the property, and the proposal being referred to affected landowners and service providers for comment.
22. During the advertising period one objection which provided comments on the proposed amendment was received. Refer to the Submission Table (Attachment 3).
23. The comments provided did not relate directly to the proposal, rather concerns regarding pedestrian safety and vehicle access surrounding the subject site.

### **FINANCIAL CONSIDERATION**

24. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

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

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

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

### Social Implications

26. If the amendment and subsequently future commercial uses are approved, it may provide employment opportunities and housing choice for the local population.

### Economic Implications

27. Nil.

### Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 29.

Risk	Likelihood	Consequence	Action/Strategy
Minister for Planning may decide not to support the amendment.	Low	Medium	Ensure the WA Planning Commission is fully briefed on the planning merits of this proposal.

## OFFICER COMMENT

30. The property has been identified under the Old Road Board Street Block Master Plan as being suitable for mixed use purposes typically residential / commercial with some retail with an area at the rear for associated car parking.
31. The proposed District Centre zone represents an extension of the Kalamunda Town Centre zone which will allow for a similar range of land use activities in close proximity to transport and community related facilities.
32. Importantly the zoning would allow for medium density residential development of between R30 to R60, which will complement the range of densities that will be covered as part of the Local Housing Strategy for the Kalamunda area serviced by main sewer.
33. If the amendment is approved, issues relating to the appearance and location of future buildings on the property, amongst others, will be dealt with at the development application stage.
34. The proposal may result in the development of apartment style housing in the town centre as distance from the rest of the Kalamunda residential area which is characterised by single residential dwellings.

*Manager of Governance noted an error in the Officer Recommendation, point 1. The Amendment No should be 54 not 52. The Recommendation was changed accordingly.*

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 50/2013)**

That Council:

1. Notes the submission received in response to Amendment No. **54** to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO. 3  
AMENDMENT NO. 54

Resolved that the Council in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

1. Rezoning Lot 601 (17A) Mead Street, Kalamunda, from Public Purpose – Community to District Centre.

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.

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

Moved: **Cr Frank Lindsey**

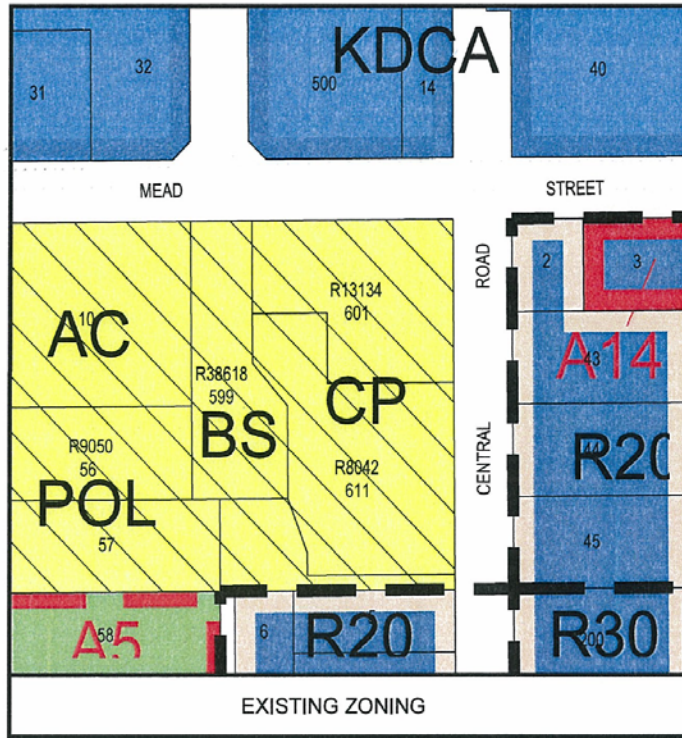
Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Attachment 1**

Amendment to Local Planning Scheme No. 3 – Rezone from Public Purpose to District Centre Lot 601 (17A) Mead Street, Kalamunda

**Existing and Proposed Scheme Zoning Maps**



**LEGEND**

**LOCAL SCHEME RESERVES**

- PUBLIC PURPOSES DENOTED AS FOLLOWS:**
- AC AGED CARE
  - BS BUS STATION
  - CP COMMUNITY PURPOSE
  - POL POLICE STATION

**ZONES**

- DISTRICT CENTRE
- MIXED USE
- SERVICE STATION
- PRIVATE CLUBS & INSTITUTIONS

**OTHER**

- R15 R CODES
- A1 ADDITIONAL USES
- KDCA SCA - KALAMUNDA TOWN CENTRE DESIGN CONTROL AREA (SEE SCHEME TEXT)



↑ N

SCALE: 1:2000

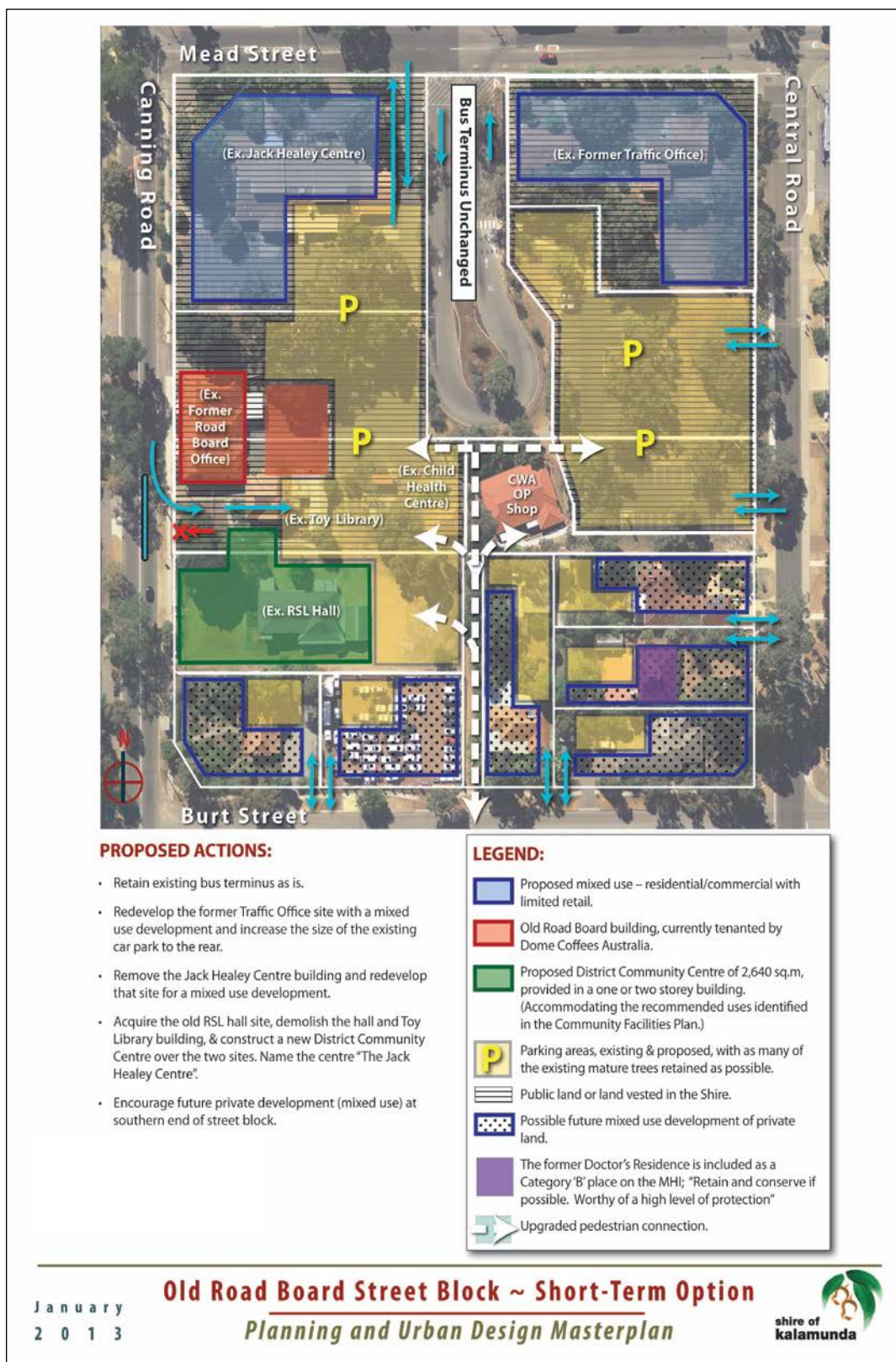
DATE: 08.06.2012

Amendment No.

## Attachment 2

Amendment to Local Planning Scheme No. 3 – Rezone from Public Purpose to District Centre  
Lot 601 (17A) Mead Street, Kalamunda

### Old Road Board Street Block Master Plan





**Attachment 3**

Amendment No. 54 to Local Planning Scheme No. 3

Lot 601 (17A) Mead Street, Kalamunda - Rezone from Public Purpose to District Centre

**Submission Table**

	<b>Details</b>	<b>Comment</b>	<b>Staff Comment</b>
1.	D Wollen 245 Grove Road LESMURDIE WA 6076	<p>Objection</p> <p>a) Until the recent developments of the Dome coffee shop and its one way access to its rear carpark from Canning Road, this lane way was only an access to the car park of the Jack Healey Centre and the infant health clinic. It is narrow and has no footpaths.</p> <p>b) Crossing Mead Street for pedestrians has become a hazard now for those who are aged and use public transport.</p> <p>c) The traffic along Canning Road and Mead Street has increased dramatically since the new developments.</p>	<p>a) Noted. However vehicular access to the subject property is shown on the adopted Old Road Board Street Block Master Plan as coming off Central Road onto a car parking area at the rear of the property. Not via the access lane currently used by Dome café and the Jack Healey Centre.</p> <p>b) Noted.</p> <p>c) Noted. Any potential issues relating to traffic volumes will be dealt with at the development application stage if the amendment is approved by the Minister for Planning.</p>

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

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

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-LPS-003
Applicant	R Antonuik
Owner	R Antonuik

Attachment 1 Preliminary Internal Ground Floor Plan

**PURPOSE**

- To consider whether to initiate an amendment to Local Planning Scheme No. 3 (“the Scheme”) to include an Additional Use of Art Gallery on Lot 800 (10) Stirk Street, Kalamunda. Refer to (Attachment 1).

**BACKGROUND**

**2. Land Details:**

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

**Locality Plan**

**3.**



- 
4. In April 2010, planning approval was issued to build eight multiple dwellings to a maximum height of three storeys, with undercroft car parking, on the property.
  5. Properties to the north and west contain single dwellings and are also zoned Residential under the Scheme. Opposite the property, on the southern side of Stirk Street are commercial properties which form part of the Kalamunda Town Centre.
  6. Approval has previously been granted for the Additional Use of Art Gallery nearby on Lot 1 (55) Railway Road, Kalamunda.

## DETAILS

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

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

*It has an 88m<sup>2</sup> floor area ideal for exhibiting, provides 60m<sup>2</sup> of display wall area, plus up to 32m<sup>2</sup> of flexible wall area which can be suspended from the steelwork, and 25m<sup>2</sup> of storage/office/washroom area. The layout provides stable conditions, humidity, temperature, and situated away from direct sunlight.*

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

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

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

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

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## STATUTORY AND LEGAL IMPLICATIONS

### Local Planning Scheme No. 3

11. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
12. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.
13. The use Art Gallery is defined under Schedule 1 (Land Use Definitions) of the Scheme as being:  
  
*"A place open to the public where the predominant use is the sale and display of artwork."*
14. Under Table 1 (Zoning Table) of the Scheme the use Art Gallery is listed as an 'X' use in the Residential zone, meaning the use is not permitted.

## POLICY IMPLICATIONS

15. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

16. If the amendment is initiated by Council, it would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.
17. The amendment would be required to be advertised in the form of a notice being published in a district newspaper, advertised to nearby landowners and referred to government agencies for comment. The applicant would also be requested to arrange for a sign advertising the proposal to be erected on the subject property.

## FINANCIAL CONSIDERATION

18. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

19. *Kalamunda Advancing: Strategic Community Plan to 2023*  
  
OBJECTIVE 2.1 - To stimulate active participation of the broader community in artistic practice through collaborative cultural development.

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

## SUSTAINABILITY

### Social Implications

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

### Economic Implications

22. Nil.

### Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

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

## OFFICER COMMENT

25. If the amendment is approved, it would still be necessary for the applicant to seek planning consent prior to the use being undertaken.
26. Matters regarding car parking, vehicular volumes and the hours of operation, amongst others, will be taken into consideration at the development application stage if the amendment is approved. The provision of adequate on-site parking will in particular be considered at the development stage to ensure a workable design.

27. Art Galleries can be found in a range of locations including residential where typically they have minimal amenity impact given the nature of their operation. In this instance, however, the residential location of the Gallery is seen as ideally located given its commercial interface with the Kalamunda Town Centre. On this basis it is recommended that the proposed scheme amendment be initiated by Council.

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 51/2013)**

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, for the purpose of advertising 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:

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

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

Moved: **Cr Simon Di Rosso**

Seconded: **Cr Frank Lindsey**

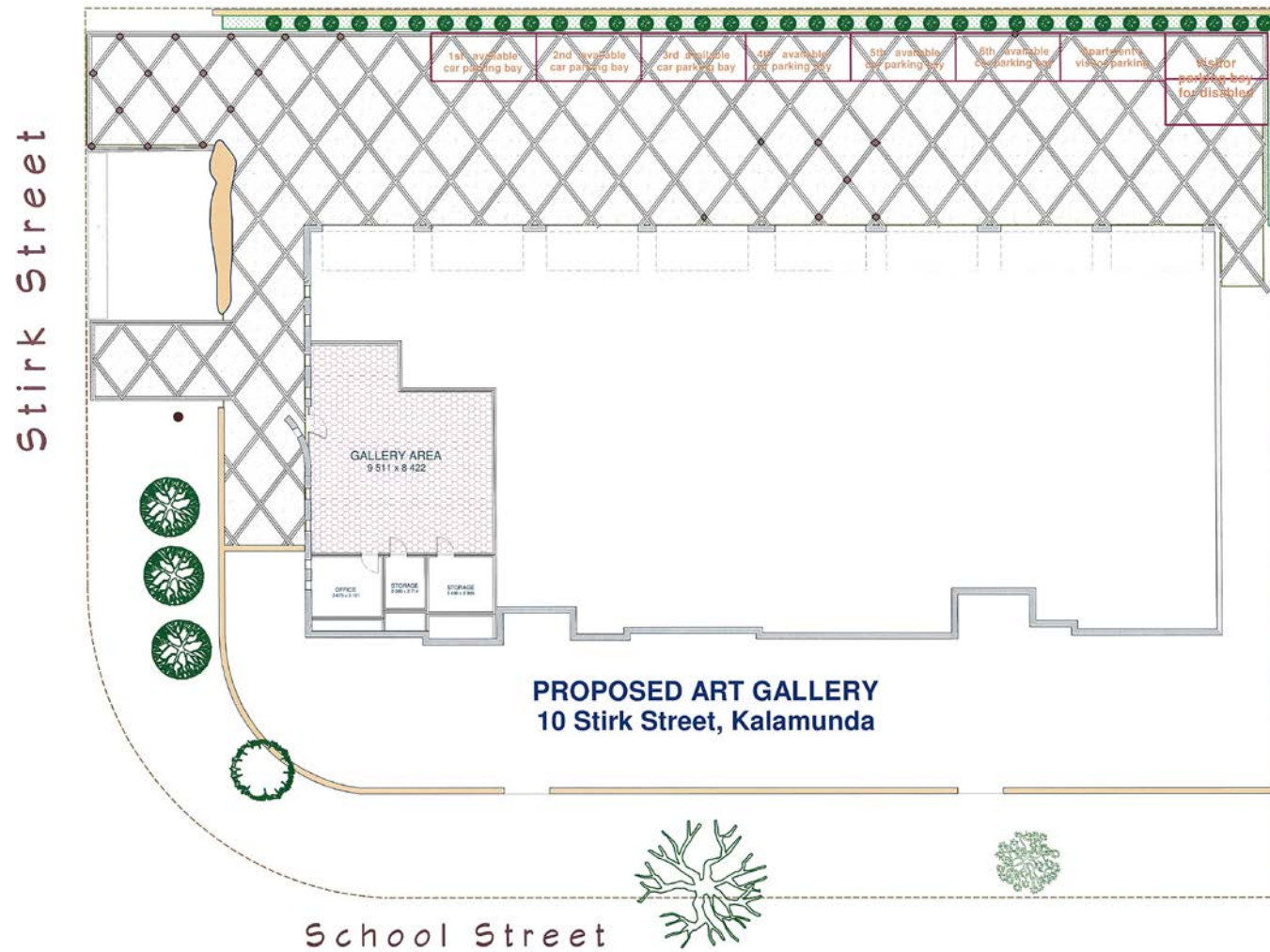
Vote: **CARRIED UNANIMOUSLY (9/0)**

**Attachment 1**

Amendment to Local Planning Scheme No. 3 – Additional Use (Art Gallery) –

Lot 800 (10) Stirk Street, Kalamunda

**Preliminary Internal Ground Floor Plan**



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

**52. Detailed Area Plan – Lot 805 (47) Hardey East Road, Wattle Grove**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	142870
Applicant	Gray & Lewis Land Use Planners
Owner	G Walker
Attachment 1	Existing Wattle Grove Cell 9 Structure Plan
Attachment 2	Proposed Detailed Area Plan
Attachment 3	Approved Subdivision Plan

**PURPOSE**

- To consider a Detailed Area Plan (“DAP”) for Lot 805 (47) Hardey East Road, Wattle Grove. Refer to (Attachments 1 and 2).

**BACKGROUND**

**2. Land Details:**

Aggregate Land Area:	3,220sqm
Local Planning Scheme Zone:	Urban Development
Wattle Grove Cell 9 Structure Plan:	Residential R20
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

- 





4. The Wattle Grove Cell 9 Structure Plan (“the Structure Plan”) was adopted by Council in 2000 and endorsed by the WA Planning Commission (“Commission”) in March 2001.
5. The property is vacant, has frontage onto Hardey East Road and adjoins a Primary Road Reserve for Tonkin Highway.
6. In May 2011, the Commission approved an application to subdivide the property into 6 freehold lots ranging from 526sqm to 585sqm. The approval has yet to be implemented. Refer to the Approved Subdivision Plan (Attachment 3).
7. A condition of the Commission’s approval was that a DAP be prepared to address and implement the requirements stipulated in State Planning Policy 5.4 – Road and Rail Transportation Noise and Freight Consideration in Land Use Planning (“the Policy”).

## **DETAILS**

8. A DAP is a document that provides design and development standards which enhance, elaborate or expand on the provisions already required under a Structure Plan or the Residential Design Codes.
9. The DAP established the planning requirements to ensure compliance with State Planning Policy 5.4 Road and Rail Transportation Noise and Freight Consideration in Land Use Planning. Specifically the DAP will include the following requirements:
  - Uniform fencing along the rear boundary to Tonkin Highway.
  - Noise installation measures in the home design show as minimum 6mm window glazing, closed eaves and no external doors.
  - Mechanical ventilation / air conditioning to ensure windows can be closed to achieve indoor noise standards.
10. No concept plans are currently available which show the built form on the proposed freehold lots.

## **STATUTORY AND LEGAL IMPLICATIONS**

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

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

## **POLICY IMPLICATIONS**

### **State Planning Policy 5.4 – Road and Rail Transportation Noise and Freight Consideration in Land Use Planning**

16. The policy aims to promote a system in which sustainable land use and transport are mutually compatible. It seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost of transport infrastructure.
17. The Policy also aims to provide a standardised and consistent framework for the consideration and management of the impacts of transport noise and freight operations when dealing with new noise-sensitive development in the vicinity of existing or future major transport. The Policy does this primarily by:
  - Identifying the situations in which it would be appropriate to assess proposals for transport noise impacts.
  - Establishing noise criteria to be used in the assessment of these proposals.
  - Identifying measures that can be adopted to reduce road and rail transport noise in these instances.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

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

## **FINANCIAL CONSIDERATION**

19. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

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

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## SUSTAINABILITY

### Social Implications

21. The DAP gives rights and obligations to landowners in respect to a number of design parameters, such as noise reduction measures. Identification of these issues prior to development will reduced potential conflicts between landowners at the building stage and minimise the amount of consultation that would otherwise be required.

### Economic Implications

22. Nil.

### Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Action/Strategy
Council may not support the DAP.	Low	High	The planning report outlines the requirements/ provisions of the DAP to mitigate noise impacts from Tonkin Highway.

## OFFICER COMMENT

25. The DAP has been requested by the Commission as a condition of the subdivision approval for the property. The intent of the DAP is to ensure that future residential development on the lots abutting Tonkin Highway are afforded the appropriate level of protection from noise impacts of vehicle movements along Tonkin Highway.
26. Having regard to the above it is considered that the proposed measures included in the DAP satisfy the Policy criteria and are considered acceptable.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 52/2013)**

That Council:

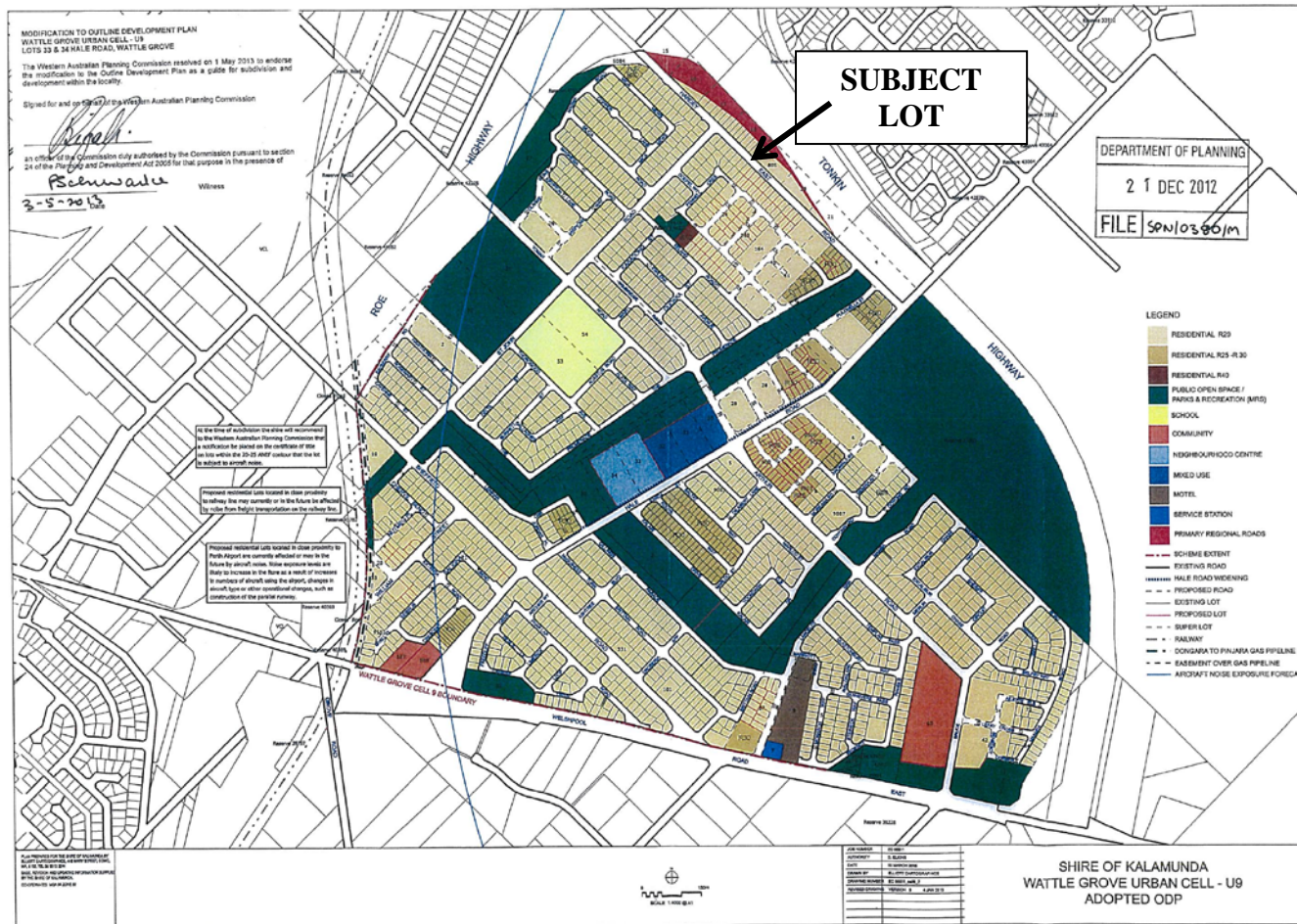
1. Approves the Detailed Area Plan for Lot 805 (47) Hardey East Road, Wattle Grove.
2. Forwards the Detailed Area Plan to the WA Planning Commission for its information.

Moved: **Cr Geoff Stallard**

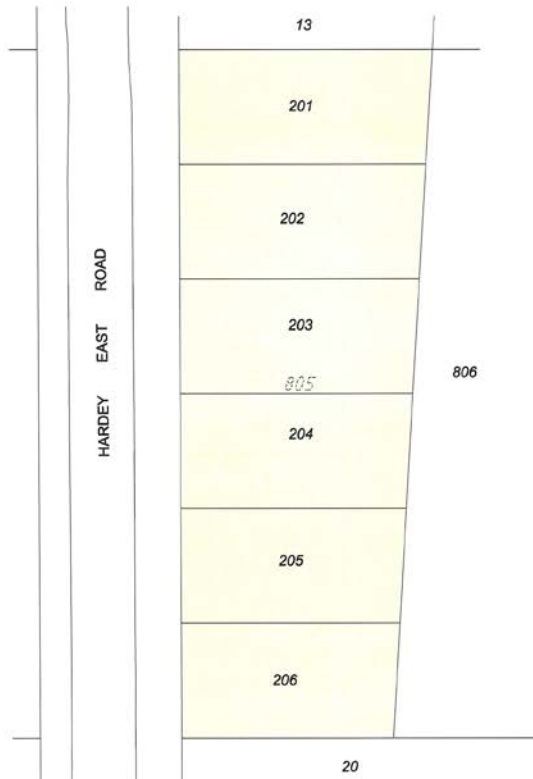
Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Attachment 1**  
Detailed Area Plan –  
Lot 805 (47) Hardey East Road, Wattle Grove  
**Existing Wattle Grove Cell 9 Structure Plan**



**Attachment 2**  
Detailed Area Plan –  
Lot 805 (47) Hardey East Road, Wattle Grove  
**Proposed Detailed Area Plan**



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

LEGEND:  
[Yellow box] LOTS SUBJECT TO DAP

MANAGER DEVELOPMENT SERVICES - SHIRE OF KALAMUNDA DATE

DETAILED AREA PLAN  
LOT 805 (No. 47) HARDEY EAST ROAD, WATTLE GROVE  
SHIRE OF KALAMUNDA

JOB REFERENCE: 100924

DATE: 21st JUNE 2013

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**LOT 805 (No. 47) HARDEY EAST ROAD, WATTLE GROVE**

**DETAILED AREA PLAN OF PROPOSED LOTS 201 TO 206 - NOISE ATTENUATION**

TO ACHIEVE COMPLIANCE WITH STATE PLANNING POLICY 5.4 ROAD AND RAIL TRANSPORTATION NOISE AND FREIGHT CONSIDERATION IN LAND USE PLANNING A COMBINATION OF QUIET HOUSE DESIGN AND PRACTICAL BARRIERS IS PROPOSED TO ATTENUATE NOISE TO THE RESIDENCE ADJACENT TO TONKIN HIGHWAY.

**1. PRACTICAL BARRIER**

THE DEVELOPER HAS CONSTRUCTED UNIFORM FENCING (COLORBOND) ALONG THE REAR BOUNDARY OF THE LOTS ABUTTING LOT 806 IN SATISFACTION OF CONDITION 10 (UNIFORM FENCING) OF THE WAPC APPROVAL (No. 142870). THE DEVELOPER IS NOT REQUIRED BY THE WAPC APPROVAL TO CONSTRUCT A NOISE WALL AND UNDERSTANDS THAT THE DESIGN, LOCATION AND CONSTRUCTION OF ANY FUTURE PRACTICAL BARRIER WILL BE BY MAIN ROADS WA

**2. 'QUIET HOUSE' DESIGN PACKAGE - NOISE LEVELS WITHIN THE MARGIN**

THE FOLLOWING NOISE INSULATION PACKAGE IS DESIGNED TO MEET THE INDOOR NOISE STANDARDS FOR RESIDENTIAL DEVELOPMENTS IN AREAS WHERE NOISE LEVELS EXCEED THE NOISE TARGET BUT ARE WITHIN THE LIMIT.

Area type	Orientation	Package measures
<b>Indoors</b>		
Bedrooms	Facing Tonkin Highway corridor	<ul style="list-style-type: none"> <li>• 6mm (minimum) laminated glazing</li> <li>• Fixed, casement or awning windows with seals</li> <li>• No external doors</li> <li>• Closed eaves</li> <li>• No vents to outside walls / eaves</li> <li>• Mechanical ventilation / airconditioning 1</li> </ul>
	Side-on to Tonkin Highway corridor	<ul style="list-style-type: none"> <li>• 6mm (minimum) laminated glazing</li> <li>• Closed eaves</li> <li>• Mechanical ventilation / airconditioning</li> </ul>
	Away from Tonkin Highway corridor	No requirements
Living and work areas 2	Facing Tonkin Highway corridor	<ul style="list-style-type: none"> <li>• 6mm (minimum) laminated glazing</li> <li>• Fixed, casement or awning windows with seals</li> <li>• 35mm (minimum) solid core external doors with acoustic seals 3</li> <li>• Sliding doors must be fitted with acoustic seals</li> <li>• Closed eaves</li> <li>• No vents to outside walls / eaves</li> <li>• Mechanical ventilation / airconditioning</li> </ul>
	Side-on to Tonkin Highway corridor	<ul style="list-style-type: none"> <li>• 6mm (minimum) laminated glazing</li> <li>• Closed eaves</li> <li>• Mechanical ventilation / airconditioning</li> </ul>
	Away from Tonkin Highway corridor	No requirements
Other indoor areas	Any	No requirements

- See section on Mechanical ventilation/airconditioning for further details and requirements below.
- These deemed-to-comply guidelines adopt the definitions of indoor spaces used in AS 2107-2000. A comparable description for bedrooms, living and work areas is that defined by the Building Code of Australia.
- Glazing panels are acceptable in external doors facing the Tonkin Highway corridor. However these must meet the minimum glazing requirements

**Mechanical ventilation/airconditioning**

Mechanical ventilation or airconditioning may be required to ensure that windows can be closed in order to achieve the indoor noise standards.

In respect to such requirements, it should be noted that:

- evaporative airconditioning systems will not meet the requirements for the Package because windows need to remain open;
- refrigerative airconditioning systems need to be designed to achieve fresh air ventilation requirements;
- air inlets need to be positioned facing away from the Tonkin Highway corridor where practicable;
- ductwork needs to be provided with adequate silencing to prevent noise intrusion.

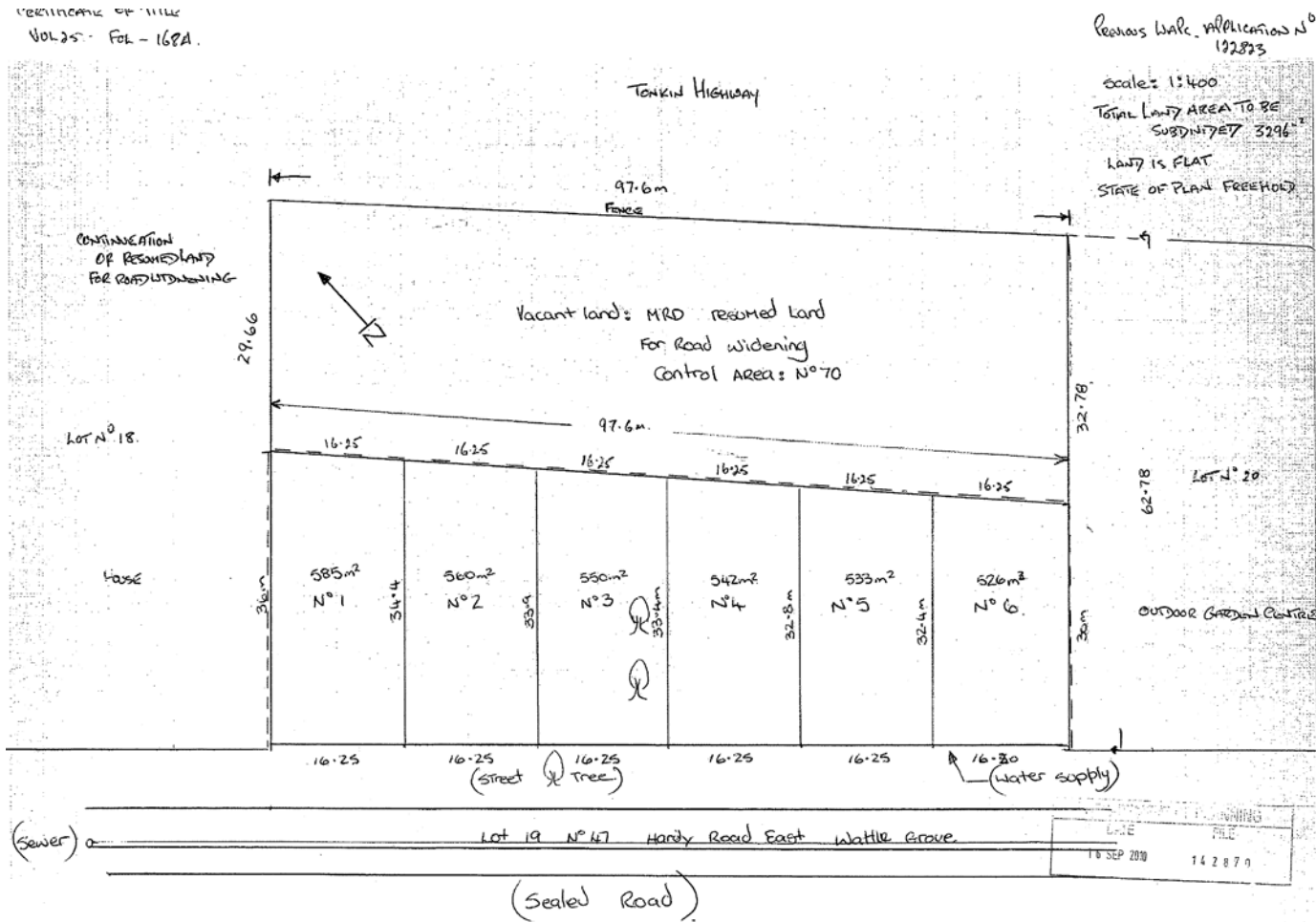
**3. NOTIFICATION TO THE PROSPECTIVE PURCHASERS**

3.1 A SECTION 70A NOTIFICATION IS TO BE PLACED ON THE TITLE OF EACH LOT COVERED BY THIS DETAILED AREA PLAN ADVISING THAT FUTURE DWELLINGS MAY BE AFFECTED BY TRAFFIC NOISE FROM TONKIN HIGHWAY.

**4. ADVICE NOTE**

- 1 VARIATIONS TO ANY PROVISION CONTAINED IN THIS DETAILED AREA PLAN WILL ONLY BE CONSIDERED BY THE SHIRE WHERE THE APPLICANT CAN DEMONSTRATE AT THE BUILDING LICENCE APPLICATION STAGE THAT THE OBJECTIVES AND INTENT OF THE RELEVANT PROVISIONS CAN STILL BE ACHIEVED.
- 2 THE NOISE ATTENUATION MEASURES REQUIRED TO BE INCORPORATED IN THE DESIGN OF DWELLINGS SHALL BE SHOWN ON THE PLANS SUBMITTED FOR A BUILDING LICENSE.

**Attachment 3**  
Detailed Area Plan –  
Lot 805 (47) Hardey East Road, Wattle Grove  
**Approved Subdivision Plan**



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

**53. Lot 408 (23) Kenneth Road, High Wycombe - Modification to Structure Plan - High Wycombe Urban Area 2**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-002/165
Applicant	Statewest Planning
Owner	Hillcrest Investments Pty Ltd

Attachment 1	Adopted Structure Plan
Attachment 2	Modified Structure Plan
Attachment 3	Indicative Lot Layout
Attachment 4	Submission Table

**PURPOSE**

- To consider a proposal to modify the High Wycombe Urban Area U2 Structure Plan ("Structure Plan") to facilitate the subdivision of Lot 408 (23) Kenneth Road, High Wycombe.

**BACKGROUND**

- Land Details:**

Land Area:	1,089sqm
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**





- 
4. The Structure Plan for High Wycombe Urban Area U2 was adopted by the WA Planning Commission in November 2006. Refer (Attachment 1) for adopted Structure Plan.
  5. Lot 408 was originally retained to accommodate an existing dwelling when the original parent lot was subdivided. The dwelling was removed in 2006 and the site has been vacant since.

## **DETAILS**

6. The modification to the Structure Plan proposes to change the density of Lot 408 from R20 to R30. Refer to proposed Modified structure plan (Attachment 2) and the indicative lot layout (Attachment 3) that can be achieved by the proposed modification.
7. Overall, the new proposal will facilitate the subdivision of the property into three lots which will result in an overall increased yield of one lot within the area.
8. The reasons for the requested modification are:
  - The lot is significantly larger than the adjoining R20 lots and the lot is abutting a large R30 lot at 25 Kenneth Road.
  - The lot has two street frontages which will allow for better streetscapes and increased passive surveillance.
  - To allow for effective maximisation of space to accommodate the growing population within Perth. This is consistent with State Planning Strategy *Directions 2031 and beyond*.
9. No plans showing the appearance and layout of the future development on the proposed lots are currently available.

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. The design and assessment of structure plans are dealt with under the provisions of Clause 6.2 Development Areas of Local Planning Scheme No.3, in particular Clause 6.2.5 Change or Departure from Structure Plan. This modification has been assessed under the provision of Clause 6.2.5.1. as a minor change or departure from Structure Plan.
11. The Shire is to forward a copy of the minor amendment to the WA Planning Commission for their noting.

## **POLICY CONSIDERATIONS**

12. *Liveable Neighbourhoods* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

13. The modification was advertised to the surrounding landowners for a period of 14 days. Due to the minor nature of the modification and little perceived impact to the area, the modification was not advertised in a paper circulating the area.
14. During advertising two non-objections and one comment were received.
15. The comment raised issues regarding the potential additional access to the Kenneth Road roundabout. The submitter requested that all access to any development from the proposed lots be from Treen Close and traffic calming devices be implemented leading up to the roundabout in order to slow traffic down.

## FINANCIAL CONSIDERATIONS

16. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing: Strategic Community Plan to 2023*  
  
OBJECTIVE 4.1 – To ensure land use plans provide long term sustainable population growth.  
  
Strategy 4.1.1. Develop, implement and review strategic land-use plans and policies which guide the location and sustainability of industrial, commercial and residential areas within the Shire.  
  
OBJECTIVE 4.2 – To effectively plan for the diverse range of housing stock that will be required to meet the social and economic needs of the Shire's changing demographics.  
  
Strategy 4.2.2. Facilitate the delivery of suitable housing options for the aged population and people with special needs through a range of smaller and affordable homes and unit dwellings.

## SUSTAINABILITY

### Social Implications

18. Diverse land sizes should promote a mix of housing choice and allow for more dynamic community mix. Walking distance to bus stops, local schools and shops is likely to promote more social interaction.

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### **Economic Implications**

19. A need for varied land hold sizes and prices is well documented. A development like this satisfies this criterion in the area that shows a sustained growth in demand for land.

### **Environmental Implications**

20. Urban infill is considered to be appropriate tool for reducing ecological footprint and a more efficient use of land and services.

### **RISK MANAGEMENT CONSIDERATIONS**

21. Considering the minor nature of the risk, no risk management table has been included.

### **OFFICER COMMENT**

22. *Directions 2031 and beyond* emphasises a need to limit urban expansion at the urban periphery. Increasing residential densities however in existing urban areas that can sustain the increase and can provide necessary infrastructure is encouraged.
23. The proposed modification facilitates the development of 23 Kenneth Road which is uncharacteristically large in size for the area. This in turn will create more opportunities for affordable housing in the area.
24. The proposal is consistent of the intent of allowing for a mix of residential densities located in close proximity of Public Open Space, commercial facilities and public transport all of which are provided for in the High Wycombe Shopping Centre area and its environs.
25. Issues raised regarding appropriate access to the subject site can be assessed at the subdivision or development application stage, through appropriate design or lot layout.
26. Having regard to the above it is recommended that the proposed modification be adopted.

*A Councillor requested clarification as to whether this stage of the application was for discussion on detailed designs, access points and overflow parking or will that come later. If so, would that also come to Council for approval.*

*The Acting Director Development & Infrastructure Services advised that this stage is purely on the Structure Plan and the next stages would be subdivision and then the dwelling application. In which case staff would be ensuring that they comply with the Residential Design Codes, and this would more than likely be approved under Delegated Authority.*

<b>Voting Requirements: Simple Majority</b>
---

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 53/2013)**

That Council:

1. Adopts the minor modification to the adopted Structure Plan for High Wycombe Urban Area U2 to allow for the change in density of Lot 408 (23) Kenneth Road from R20 to R30.
2. Forwards the modified Structure Plan to the WA Planning Commission for its information.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Attachment 1**

Modification to Structure Plan- High Wycombe Urban Area 2  
Lot 408 (23) Kenneth Road, High Wycombe  
**Adopted Structure Plan**

Signed for and on behalf of the Western Australian Planning Commission:

*S. Wood*

an officer of the Commission duly authorised by the Commission pursuant to Section 24 of the Planning and Development Act 2005.

*N. Hull* Witness

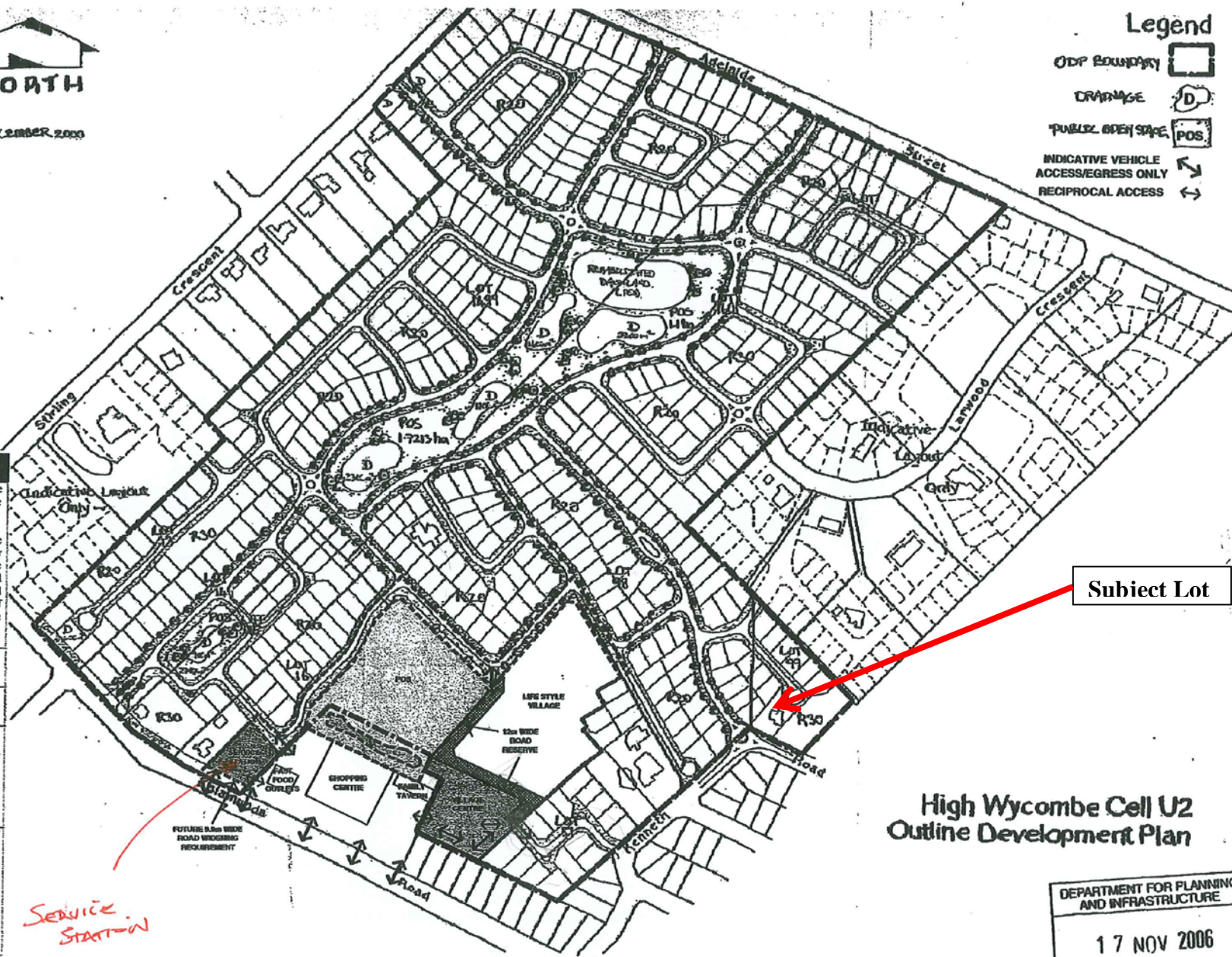
*29 November 2006* Date



**Legend**

ODP BOUNDARY	
DRAINAGE	
PUBLIC OPEN SPACE	
INDICATIVE VEHICLE ACCESS/EGRESS ONLY	
RECIPROCAL ACCESS	

Lot Particulars	Permitted Uses, Desired Development	Notes/Conditions
Lot 16 on Diagram 29157. Swan Location 1360.	Service Station, Convenience Store, Fast Food Outlet*.	*A Fast Food Outlet shall be incidental to the predominant use of a Service Station.  Lot 16 is subject to a 9.9 metre road widening requirement for Kalamunda Road, across the frontage of Lot 16. Such road widening requirements will need to be taken into account as part of any future development/subdivision applications.
Lot 49 on Diagram 40814. Swan Location 1327.	Public Open Space.	
Reserve 47766 (Lot 15401) on Deposited Plan 39533.	Public Open Space.	
Lot 9001 on Deposited Plan 43865 (and amendments thereto)	Lifestyle Village*	*Development of the Lifestyle Retirement Village (over 55s) may be developed at a density of 'R30'.
All land parcels mentioned above.	All uses not mentioned shall not be permitted unless the discretion of Council has been exercised and such uses proposed are consistent with the "Town Centre" concept supported by Council at the Ordinary meeting held on 20 September 2004.	The payment of cash-in-lieu of public open space, equivalent to 5,305m <sup>2</sup> as per the Deed of agreement entered into between the proponent and the Western Australian Planning Commission under cover of subdivision application 121144, shall be satisfied as per the requirements of the Deed.



**High Wycombe Cell U2  
Outline Development Plan**

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE  
17 NOV 2006  
FILE 808/21241/2

**PROPOSED MODIFIED U2 OUTLINE DEVELOPMENT PLAN  
LOTS 16, 49, 9001 AND RESERVE 47766 (LOT 15401) KALAMUNDA ROAD  
HIGH WYCOMBE**

COPYRIGHT RESERVED BASEPLAN COURTESY OF SHIRE OF KALAMUNDA



SCALE:  
1:5,000  
@ A3

DATE:  
2 November 2006  
FILE:  
061102 455 ODP.dwg

**PLANNING SOLUTIONS**

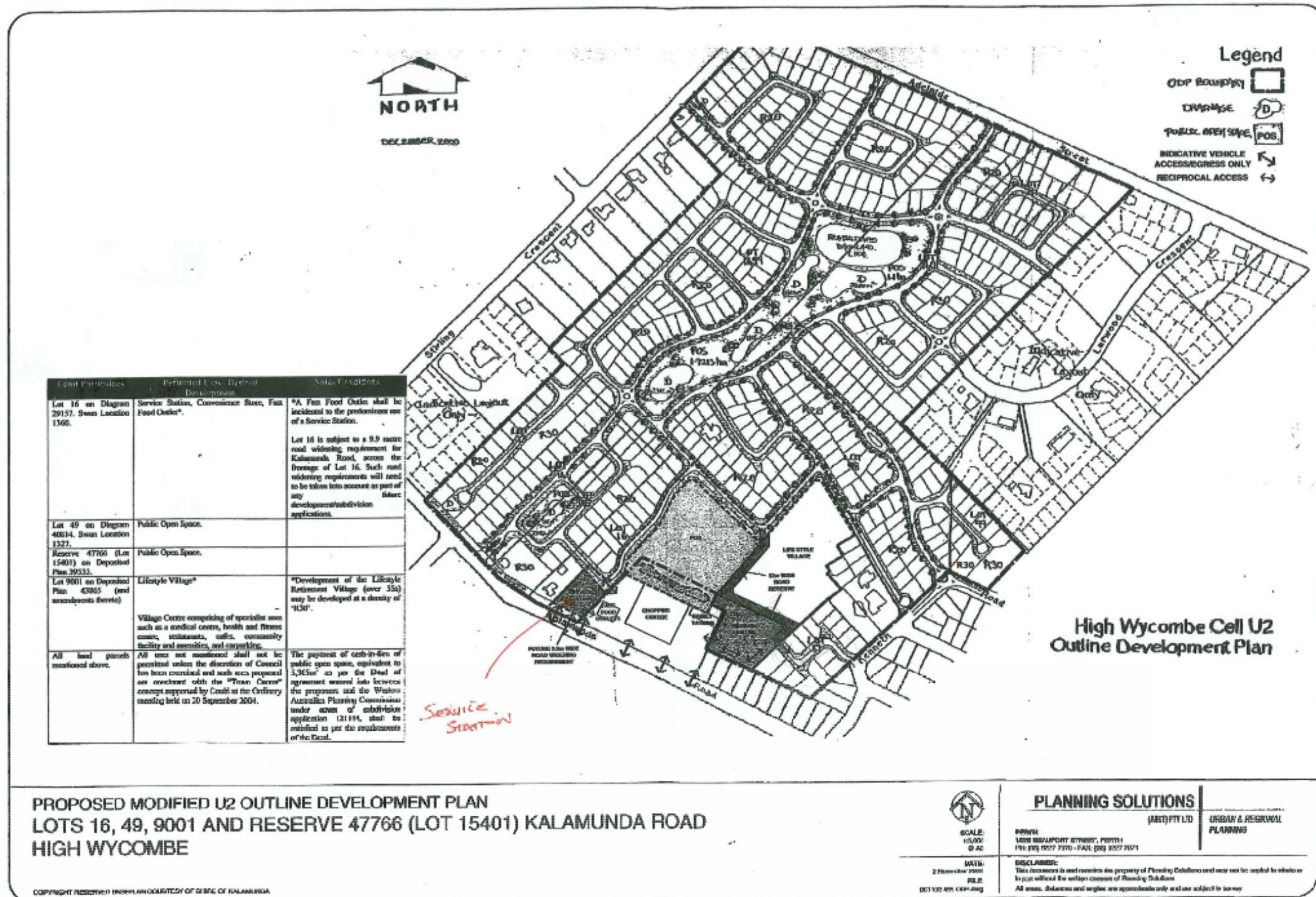
(AUSTRALIA) PTY LTD URBAN & REGIONAL PLANNING

PERTH:  
1255 BEAUFORT STREET, PERTH  
PH: (08) 9227 7870 - FAX: (08) 9227 7871

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**Attachment 2**

Modification to Structure Plan- High Wycombe Urban Area 2  
Lot 408 (23) Kenneth Road, High Wycombe  
**Modified Structure Plan**

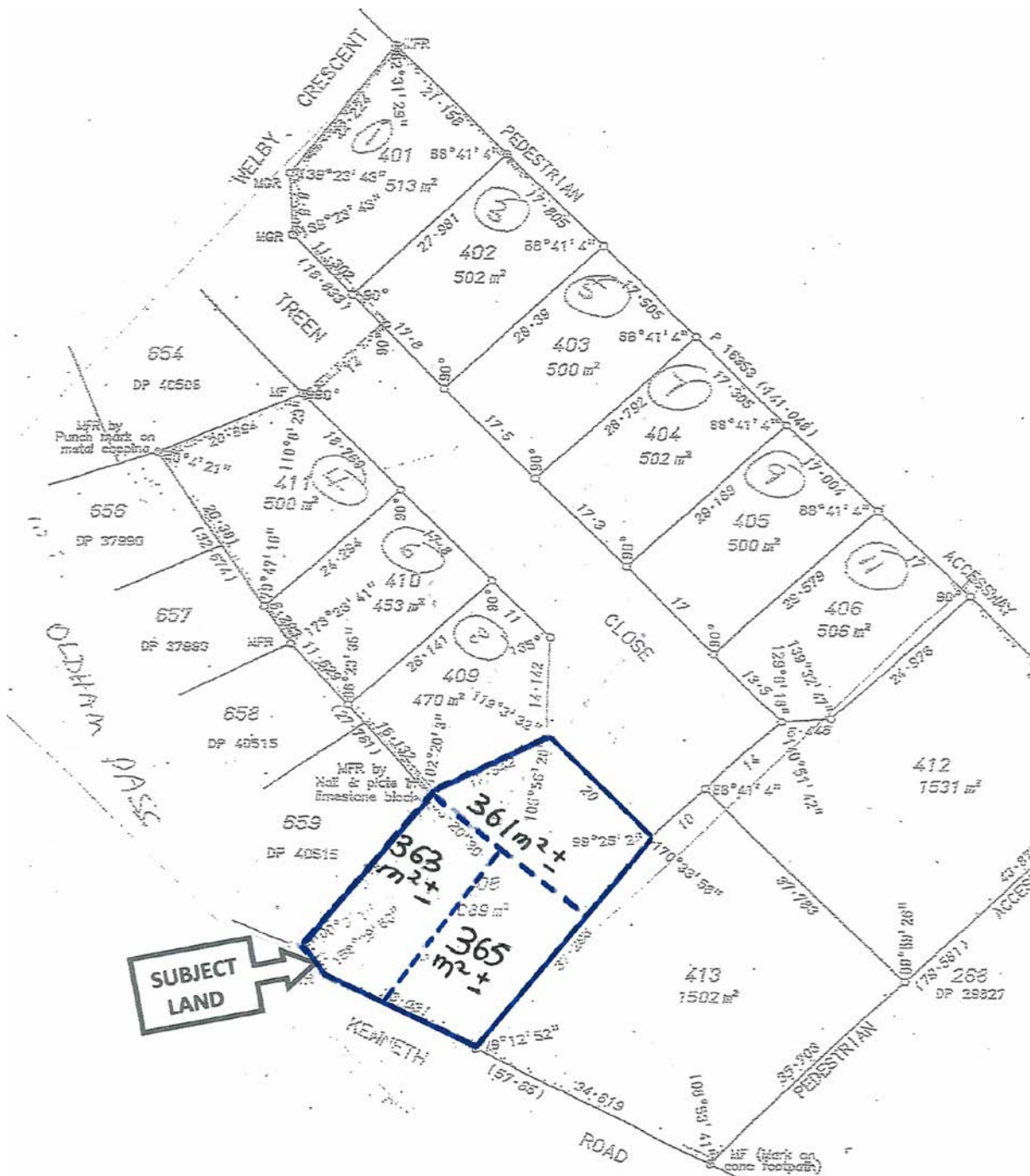


### Attachment 3

Modification to Structure Plan- High Wycombe Urban Area 2

Lot 408 (23) Kenneth Road, High Wycombe

### Indicative Lot Layout



**Attachment 4**

Modification to Structure Plan- High Wycombe Urban Area 2

Lot 408 (23) Kenneth Road, High Wycombe

**Submission Table**

Submission		Details	Comments
1.	Anthony Franks 58 Kidman Avenue SOUTH GUILFORD WA 6055	No objection	Noted.
2.	Derek Green 7 Treen Close HIGH WYCOMBE WA 6057	No objection	Noted.
3.	L J & M A Casey 22 Kenneth Road HIGHW CYOMBE WA 6057	<p>Comment</p> <p>We have no issue with the density change from R20 to R30. We do however have concerns relating to access to the lot. With the increase in lot numbers there could potentially be three additional driveways accessing Kenneth Road all within the roundabout. This is a very busy intersection.</p> <p>We would request that all access to the proposal be through Treen Close and consideration be given to slow points leading to the roundabout in order to slow the traffic down, making the intersection safer for all road users.</p>	<p>Noted.</p> <p>Issues raised regarding appropriate access to the subject site can be assessed at the subdivision or development application stage, through appropriate design or lot layout.</p>



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

**54. Consideration of Tenders - Construction of Sewer Pressure Main Abernethy Road, Forrestfield (T1307)**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Infrastructure Operations
File Reference	T1307
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Confidential Attachment -Tender Evaluation Report <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting”.</i>

**PURPOSE**

1. To consider awarding the Tender for the Construction of Sewer Pressure Main Abernethy Road, Forrestfield.

**BACKGROUND**

2. The Tender for the Construction of Sewer Pressure Main Abernethy Road Forrestfield (T1307) was advertised in the West Australian on Saturday 26 May 2013 and closed at 2.00pm, Wednesday 19 June 2013.
3. The construction of the Sewer Pressure Main is required to facilitate the duplication of Abernethy Road between Kalamunda Road and Dundas Road.

**DETAILS**

4. The scope of this tender is for the construction of a new sewer pressure main along Abernethy Road.
5. The tenders were assessed on 1 July 2013 by a panel consisting of:
  - Coordinator Works
  - Coordinator Design & Survey
  - Drainage Supervisor
6. The assessment was overseen by the Coordinator Procurement Services.
7. All responses were assessed against compliance and qualitative criteria to ensure best value for the Shire.

8. Table of scores

<b>Tenderer</b>	<b>Total Weighted Score</b>
Redline	79.90
Densford Civil	58.02
Pipeline Technics	50.23

9. Redline tendering was assessed as the best value tender. Reference checks have been undertaken and confirm that this contractor has a history of satisfactory performance.

### **STATUTORY AND LEGAL CONSIDERATIONS**

10. *Section 3.57 of Local Government Act 1995. Part 4 of the Local Government (Functions and General) Regulations 1996.*

### **POLICY CONSIDERATIONS**

11. Policy C-PP01 – Purchasing has been followed and complied with.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

12. Nil.

### **FINANCIAL CONSIDERATION**

13. There is \$1,700,000 allocated in the 2013/2014 budget under Abernethy Road duplication that is proposed to fund both the Sewer construction and road duplication.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

14. *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 4.6.2            Develop financially stable funding models to ensure the Shire can adequately fund its asset plans.
- OBJECTIVE 4.7 – To ensure the selection, maintenance, inspection, renewal and disposal of all categories of assets within the Shire is managed efficiently.
- Strategy 4.7.1            Maintain, refurbish or upgrade existing infrastructure, including public buildings, parks, reserves, local roads, footpaths, cycle ways, verges and drainage networks to encourage increased utilisation and extension of asset life.

## SUSTAINABILITY

### Social Implications

15. Nil.

### Economic Implications

16. During the construction phase of this project suitable worksite traffic management will be in place. As a result, minor traffic delays may occur.

### Environmental Implications

17. Nil.

## RISK MANAGEMENT CONSIDERATONS

18.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Action/Strategy</b>
<b>Project Risk</b> Potential for project to be cancelled.	Medium	High	<ol style="list-style-type: none"> <li>1. Project planning has been undertaken.</li> <li>2. Funding body has been kept informed.</li> <li>3. Project is high priority for MRRG and likely to be approved in future if required.</li> </ol>
<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Action / Strategy</b>
<b>Project Costs</b> Potential for project to exceed approved funding.	Medium	High	<ol style="list-style-type: none"> <li>1. Tender for sewer relocation has been advertised and responses assessed.</li> <li>2. Water Corporation has confirmed requirements.</li> <li>3. Funding body has been kept informed.</li> <li>4. Additional work is underway on planning road construction stage to confirm required budget.</li> </ol>

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## OFFICER COMMENT

19. The construction of this Sewer Pressure Main will make way for the planned duplication of Abernethy Road between Dundas Road to Kalamunda Road.
20. The construction plans for the duplication of Abernethy Road are nearing completion, with detailed road construction costs to be reviewed against the remaining funds prior to commencing the road construction.
21. It is expected that the cost for both stages of the project will be available shortly. If necessary, the road works can be resubmitted for funding approval.

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 54/2013)

That Council:

1. Approves the appointment of Redline Contracting as the preferred Contractor to carry out the construction of the Abernethy Road Sewer Pressure Main at the tendered price of \$902,214.47 excluding GST.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Confidential Attachment 1**  
Supplied under separate Cover

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

**55. Proposed Pylon and Street Name Signage – The Intersections of Abernethy Road and Dundas Road, and Kalamunda Road and Wittenoom Road, High Wycombe**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	BU-SGN-001
Applicant	Directional Systems Australia Pty Ltd
Owner	N/A
Attachment 1	Site Plan for the proposed signage at the Kalamunda Road and Wittenoom Road intersection
Attachment 2	Elevation of the proposed signage at the Kalamunda Road and Wittenoom Road intersection
Attachment 3	Site Plan for the proposed signage at the Abernethy Road and Dundas Road intersection
Attachment 4	Elevation of the proposed signage at the Abernethy Road and Dundas Road intersection

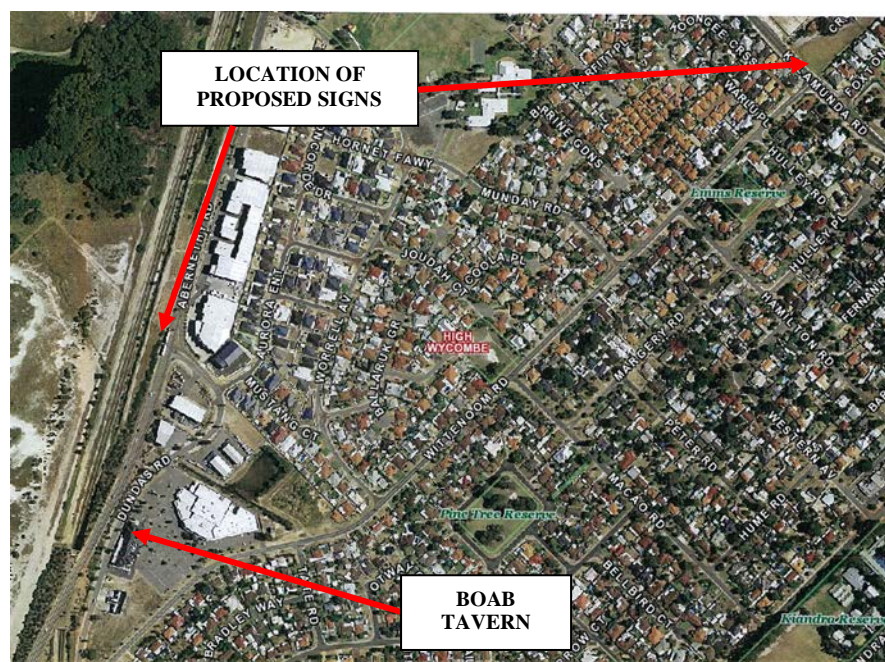
**PURPOSE**

1. To consider an application to install a pylon sign and street name signage which includes the Shire of Kalamunda emblem and a sign advertising the Boab Tavern and Bottlemart, at the intersections of Kalamunda Road and Wittenoom Road, and Abernethy Road and Dundas Road, High Wycombe. Refer to (Attachments 1 to 4).

**BACKGROUND**

**Locality Plans**

- 2.



3. In October 2012, the Shire received requests from the applicant to install a pylon sign and street name sign at the intersections of Kalamunda Road and Wittenoorn Road, and Kalamunda Road and Abernethy Road, High Wycombe.
4. Both proposals were referred to Main Roads WA for comment due to their location within an Other Regional Road Reserve (a blue road) under the Metropolitan Region Scheme ("MRS").
5. Subsequently amended plans were submitted for the proposed signage at Kalamunda Road and Abernethy Road to be relocated to the Abernethy Road and Dundas Road intersection.

## DETAILS

6. It is proposed that a pylon sign and street name sign on the same pier, be installed at the intersections of Kalamunda Road and Wittenoorn Road, and Abernethy Road and Dundas Road, High Wycombe.
7. Details of the application are as follows:
  - The signs are proposed to be located within the Road Reserve so as not to obstruct pedestrian movement and/or the sightlines of road users.
  - The pylon sign structures are to be 5.3m in height above ground level.
  - The pylon signs are to be 1.88sqm in area, advertise the Boab Tavern and Bottlemart, and at the top include the Shire of Kalamunda emblem.
  - At 2.75m above ground level is proposed to be a street name sign.
  - The suburb name within which the proposed signage is located is to be on the support pier.

## STATUTORY AND LEGAL IMPLICATIONS

### Signs Local Law

8. The Signs Local Law ("Local Law") defines a pylon sign as being:

*"A sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills may be added."*
9. Clause 3.1.1 of the Local Law stipulates:

*3.1.1 Subject to the provisions of the following sub-by law no person shall erect, make or maintain a sign or advertising device and the owner or occupier of premises shall not suffer or permit a sign or advertising device to remain on those premises so as to be visible from a street, reserve or other public place, except pursuant to a licence issued under these by-laws.*

10. A pylon sign and street name sign are not listed as being exempt from the requirements under Clause 3.1.2 of the Local Law.
11. The following are the requirements stipulated under the Local Law for pylon signs:

	<b>Local Law Requirement</b>	<b>Proposed</b>
Height above natural ground level	6m Maximum	5.3m
Height of signage above natural ground level	2.75m Minimum	2.75m
Width of signage	2.5m Maximum	1.55m
Area of signage	4sqm Maximum	1.88sqm

### **Metropolitan Region Scheme**

12. Local governments have delegation to determine applications for signage within an Other Regional Road Reserve under the MRS except where the proposal is deemed to be in the public interest.

### **POLICY IMPLICATIONS**

13. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

14. There is no requirement for the proposal to be advertised to the public, however it was referred to Main Roads WA because of their proposed location within an Other Regional Road Reserve under the MRS.
15. Main Roads WA have no objection to the proposed signage being installed at the intersections of Kalamunda Road and Wittenoom Road, and Abernethy Road and Dundas Road, High Wycombe.

### **FINANCIAL CONSIDERATION**

16. Nil.



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## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.5 – To create a desirable and recognisable image for the Shire.

Strategy 4.5.1 Support the creation and ongoing maintenance of quality streetscapes particularly at Shire entry points and along major arterial roads.

## SUSTAINABILITY

### Social Implications

18. Allowing for advertising for community benefit will help promote a vibrant community.

### Economic Implications

19. Nil.

### Environmental Implications

20. The proposed signage will assist the proponent in attracting customers to the Boab Tavern and Bottlemart.

## RISK MANAGEMENT CONSIDERATIONS

21. Nil.

## OFFICER COMMENT

22. Acknowledging the proposal's compliance with the local law and requirements of Main Roads WA, consideration should be given to the design of the sign and importantly the inclusion of the Shire corporate style and whether this is appropriate for the Shire of Kalamunda moving forward.
23. If supported, the design of the sign in its present form could establish a precedent for similar requests from other businesses in the Shire before any consideration has been given to adopt a strategic approach to the issue. The preparation of a signage strategy would establish the corporate style / design to be included on such signs moving forward.
24. Having regard to the above, it is recommended that the proposed sign be refused and that consideration be given to preparing a signage strategy which provides the strategic direction necessary for the consideration of such signs in the future.
25. As an interim measure it is recommended that the applicant be allowed to erect a directional sign displaying the name "Tavern" at the location proposed.

26. It should be noted that the proposed locations are subject to a 10m road widening requirement which will require at some point the relocation of the directional signs.

*A Councillor sought clarification of the difference between this application and the approval of other signs of similar style. The Acting Director Development & Infrastructure Services confirmed that the Shire is looking for additional time, approximately two to three months, to work towards a Policy or amendment to the Signs Local Law in relation to the use of the Shire's logo on signage, as there currently is none.*

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION (D&I 55/2013)**

That Council:

1. Refuses the application to install a pylon sign and street name signage which includes the Shire of Kalamunda emblem and a sign advertising the Boab Tavern and Bottlemart, at the intersections of Kalamunda Road and Wittenoom Road, and Abernethy Road and Dundas Road, High Wycombe, for the following reason.
  - a. The sign design may establish precedence for similar signs displaying the Shire of Kalamunda corporate styling prior to the Shire of Kalamunda adopting a sign strategy which will provide direction on such matters.
2. Approve the installation of a directional sign with the wording "Tavern" to comply with the Australian Standards at the intersection of Kalamunda Road and Wittenoom, and Abernethy and Dundas Road, High Wycombe.

Moved: **LAPSED**

Seconded:

Vote:

*Due to a request from the applicant, the staff have proposed an amended motion.*

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 55/2013)**

That Council:

1. At the request of the applicant approves the withdrawal of the application for the installation of Pylon and Street Name Signage.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Bob Emery**

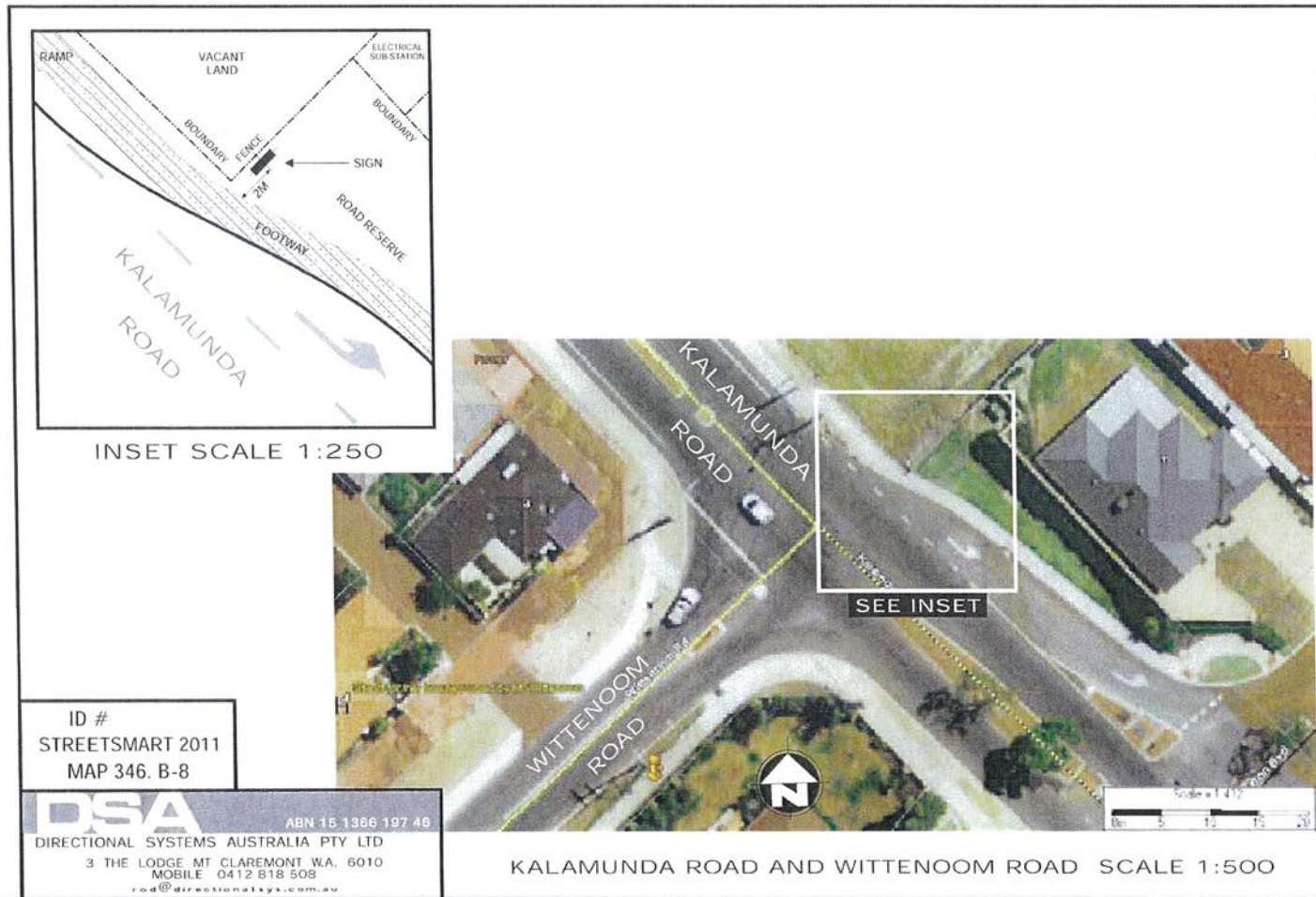
Vote: **CARRIED UNANIMOUSLY (9/0)**

### Attachment 1

Proposed Pylon and Street Name Signage –

The Intersections of Abernethy Road and Dundas Road, and Kalamunda Road and Wittenoom Road, High Wycombe

### Site Plan for the proposed signage at the Kalamunda Road and Wittenoom Road intersection

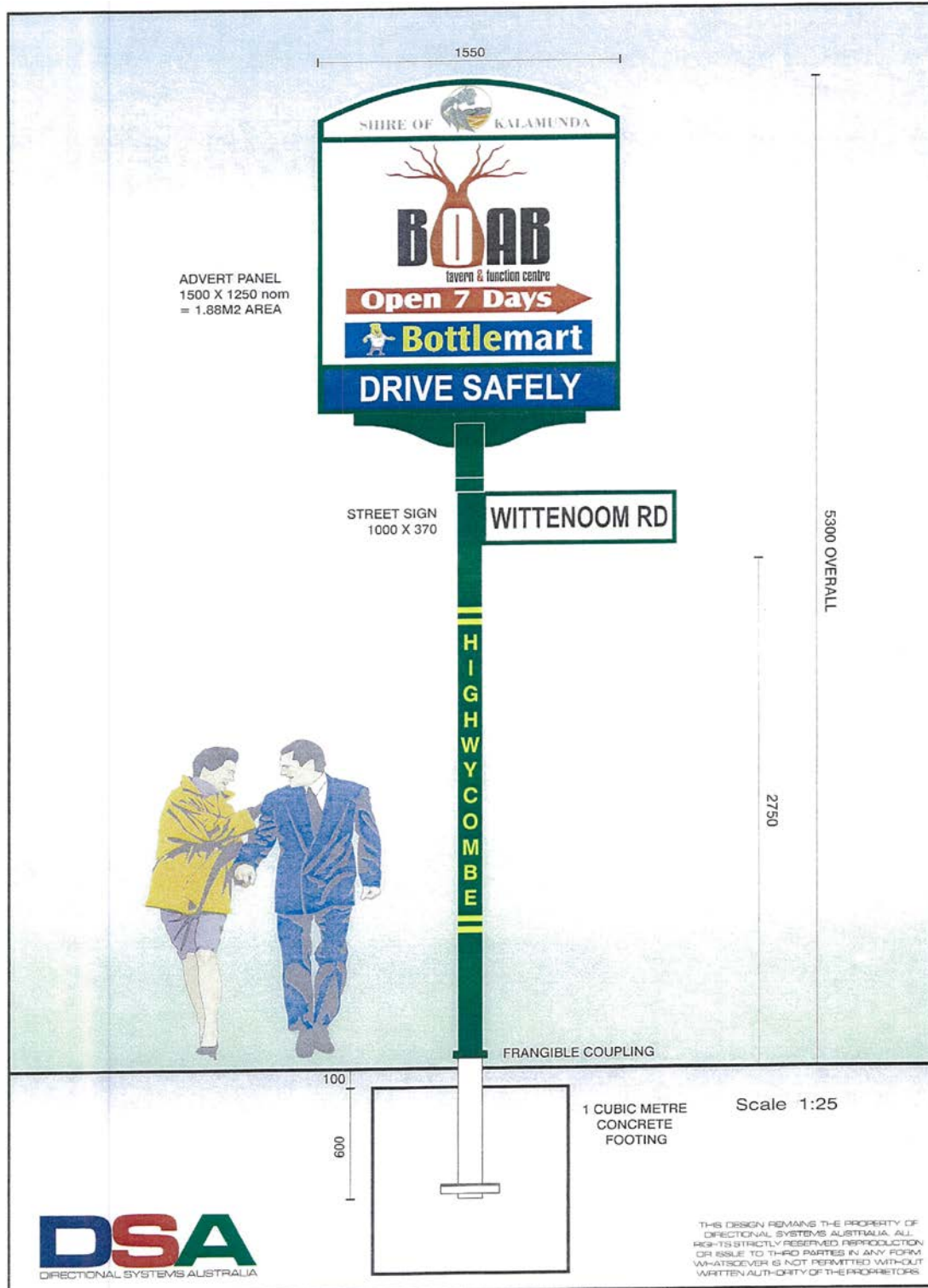


## Attachment 2

Proposed Pylon and Street Name Signage –

The Intersections of Abernethy Road and Dundas Road, and Kalamunda Road and Wittenoom Road, High Wycombe

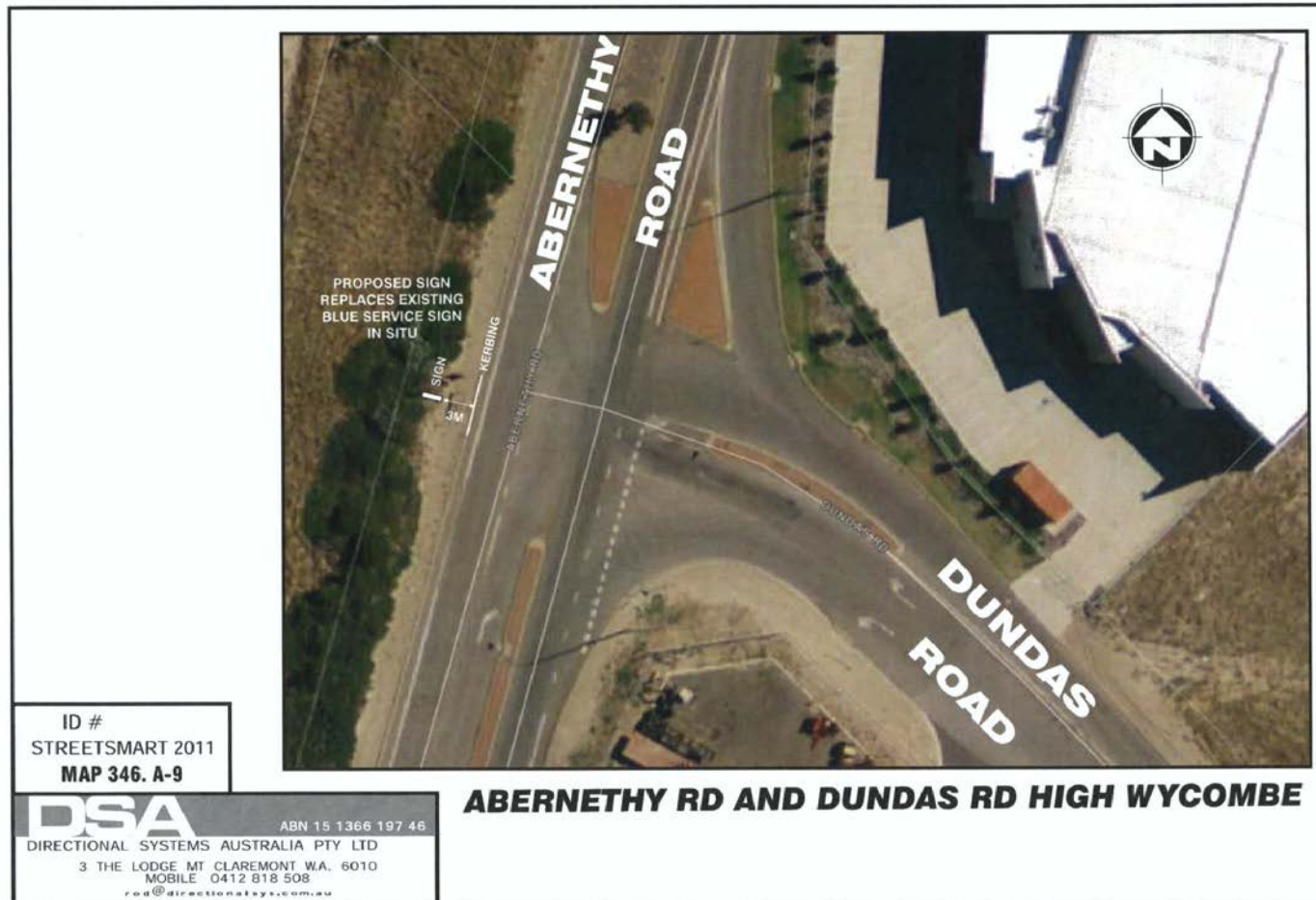
### Elevation of the proposed signage at the Kalamunda Road and Wittenoom Road intersection



### Attachment 3

Proposed Pylon and Street Name Signage –

The Intersections of Abernethy Road and Dundas Road, and Kalamunda Road and Wittenoom Road, High Wycombe  
**Site Plan for the proposed signage at the Abernethy Road and Dundas Road intersection**

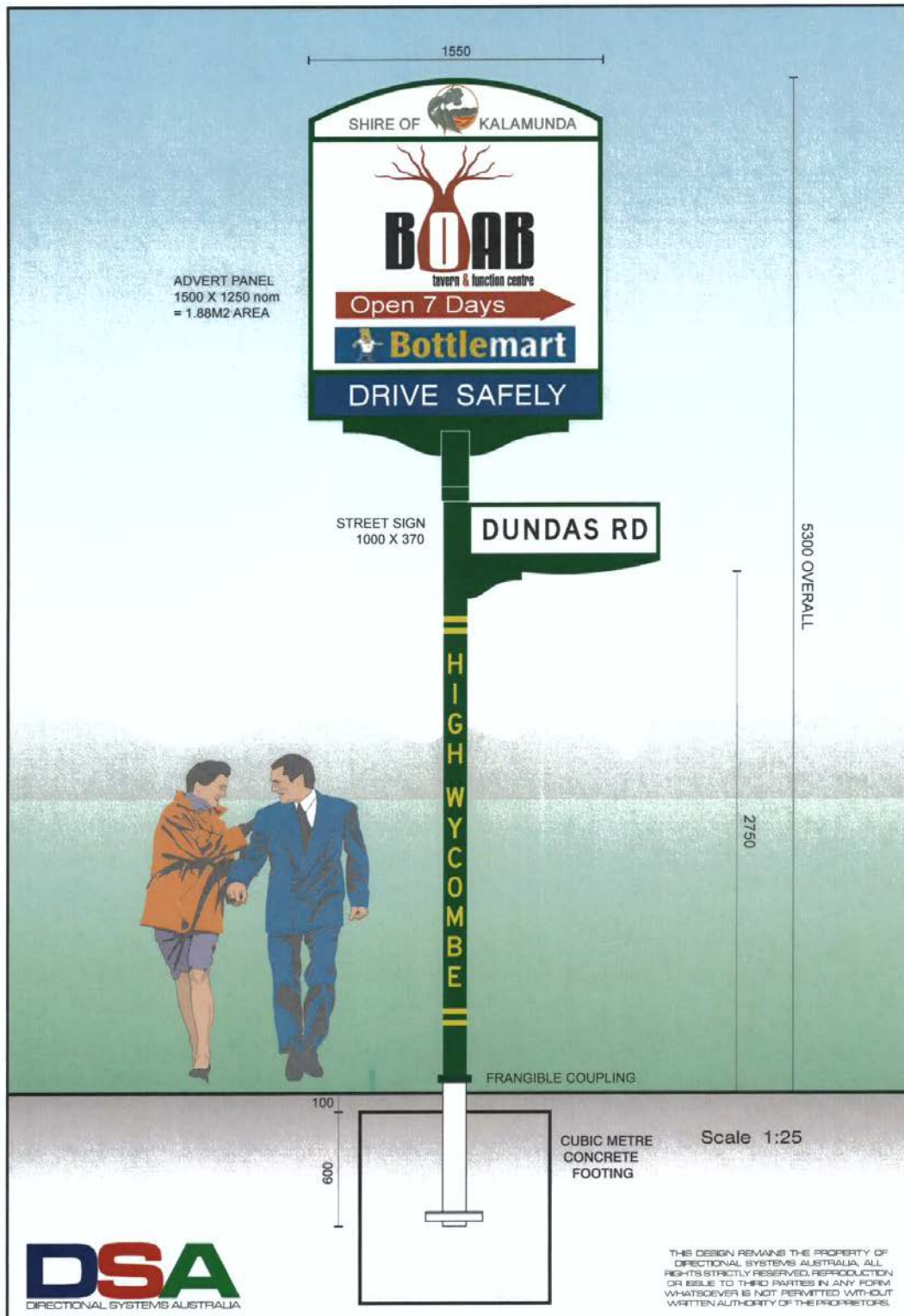


### Attachment 4

Proposed Pylon and Street Name Signage –

The Intersections of Abernethy Road and Dundas Road, and Kalamunda Road and Wittenoom Road, High Wycombe

### Elevation of the proposed signage at the Abernethy Road and Dundas Road intersection



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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Stallard was concerned that we were contemplating using our logo on signs promoting businesses, especially those advertising alcohol. Have we been doing this in the past? Does this mean that we are supporting/promoting the business?

The Acting Director Development & Infrastructure Services advised he was not aware of many applications, hence why the Shire is now undertaking a review of the Local Law and our policy regarding the use of the Shire's logo on signage.

11.2 Cr Emery requested a follow up on Mr Sebel and the verge tree.

The Chief Executive Officer advised that an email was sent 12 August 2013 to Cr Emery explaining that she had contacted the Shire's Public Liability Insurer regarding the matter. The insurer had advised that as the tree is naturally occurring, and it is not dangerous, that the Shire should not be attending to the tree in question.

The issue with the tree is the honkey nuts, which fall into Mr Sebel's driveway where he parks his car. The tree is also listed on the significant tree register, which means that it is an environmentally significant tree. Shire officers cannot override this policy, only Elected Members can move a motion to have the tree removed. If this was the case, the Shire would recommend that the tree be removed in its entirety rather than the Shire maintaining it, because as soon as the Shire touches the tree we are committed to forever maintaining that tree as it no longer remains a naturally occurring tree.

11.3 Cr Emery would like an update on the Public Access Way situation in Sparrow Court / Parrot Court. The laneway is right by Fleming Reserve and is constantly vandalised. Council had recommended closure to the Commission quite some time ago. Are we able to write to the Commission to confirm when this closure will take place?

Manager Development Services advised that a meeting was held with Planning Commission staff recently regarding the lack of response on this issue, and others. The Planning Commission are aware of the time they are taking, indicating it is a resourcing issue and are looking to find a solution to quicken the process. The Shire will make contact again with the Commission and see where they stand on the matter now.

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

12.1 Nil.

**13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING 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 Chairman declared the meeting closed at 7.02pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2013