

Development & Infrastructure Services Committee Meeting

Minutes for Monday 3 December 2012



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Committee Chairman, Cr Margaret Thomas sent apologies for this meeting; the Deputy Committee Chairman, Cr John Giardina was unwell and did not wish to Chair the meeting.

The Shire President opened the meeting at 6.30pm, and welcomed Councillors, Staff and the Press. The Committee Members had no objection to him being the Presiding Person for this meeting and he continued in the Chair.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(Shire President) (A/Presiding Person)	North Ward
Sue Bilich		North Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Justin Whitten		South West Ward
Geoff Stallard		South East Ward
John Giardina		South East Ward
Frank Lindsey		South East Ward
Martyn Cresswell		North West Ward
Dylan O'Connor		North West Ward
Bob Emery		North West Ward

Members of Staff

Clayton Higham	Acting Chief Executive Officer
Rhonda Hardy	Director Corporate & Community Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Sam Assad	Manager Infrastructure Operations
Michelle Clark	Executive Assistant to the CEO
Meri Comber	Governance Officer

Members of the Public 0

Members of the Press 1

2.2 Apologies

Councillors

Margaret Thomas	North Ward
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2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 Australian Constitution Act 1901 – Will Of The People Demand For Public Works

A demand for public works with respect to a reserve in Pinker Crescent, Maida Vale, with the signatories of 23 nearby residents supporting the demand was received by the Development & Infrastructure Services Committee.

4.2 Residents of Sparrow and Parrot Courts Requesting Closure of Public Access Way

A Petition, with 26 signatories, sent to the Shire via Andrew Waddell MLA requesting that the Public Access Way between Sparrow and Parrot Courts be closed was received by the Development & Infrastructure Services Committee.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 5 November 2012 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Justin Whitten**

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

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Shire of Kalamunda Certificate for Outdoor Air Quality

The Presiding Person invited Cr Morton to give details of an award presented to the Shire of Kalamunda. Cr Morton stated that the Shire of Kalamunda had won the Outdoor Air Quality category in the 2012 Local Governments Children's Environment and Health Report Card Project Award and he had received the Certificate on behalf of the Shire.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 **108. Tender RFT 1208 – Mowing Turf Grasses on Reserves**
(Confidential Attachment 1)

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".*

7.2 **109. Tender RFT 1209 – Chemical Treatment of Unwanted Vegetation** (Confidential Attachment 1)

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.

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

97. Delegation and Authorisations – *Building Act 2011*

Previous Items	OCM 32/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	LE-ACT-005
Applicant	N/A
Owner	N/A

Attachment 1 BLD 1 – Delegation – Building Services

PURPOSE

1. To amend the Shire's Delegation Register – Delegation Number BLD1, to permit all the Shire's Building Surveyors to issue building related Permits.

BACKGROUND

2. The *Building Act 2011* commenced on 2 April 2012. This Act repealed the existing provisions of the *Local Government (Miscellaneous Provisions) Act 1960* that pertained to building control and the delegation to authorised officers. As all delegations under the existing Act were also repealed, new delegations are needed to be authorised to carry out the functions and duties of the *Building Act 2011*.

DETAILS

3. The delegation of authorised officers to issue Permits as approved at Council's Ordinary Council Meeting in April 2012 only authorises the Principal Building Surveyor to issue and sign Permits relating to Building matters. The proposed amendment to the Delegation Policy will authorise all Building Surveyors to sign building related Permits.
4. There is no requirement under the *Building Act 2011* for the person who is authorised to issue the permit to hold any formal building qualifications. Essentially the issuance of the permit is an administrative function and delegation can be granted to any member of staff to perform the function of signing and issuing the permit.
5. The rationale behind this is that a suitably qualified and Registered Building Surveyor Practitioner must sign the Certificates of Design Compliance, Building Compliance and Construction Compliance.
6. The Shire Building Surveyor who processes the applications and issues the appropriate Certificate will also determine what conditions of approval are to be imposed on the permit.

STATUTORY AND LEGAL IMPLICATIONS

7. Section 96(3) *Building Act 2011* – delegation to authorised officers.
8. Section 127 *Building Act 2011* – delegation of powers and duties to an employee of the Shire.
9. Variation to Delegation BLD1: Building Matters – Permits, Certificates, and Orders.

POLICY IMPLICATIONS

10. Delegation Register – BLD1. Building Matters – Permits, Certificates and Orders.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. *Shire of Kalamunda Strategic Plan 2009 - 2014*

Strategy 5.1.2	Regularly review the organisation's governance structure, policies and procedures in response to changing circumstance.
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Sustainability Implications

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. Varying the delegation to include all Building Surveyors employed by the Shire will mean more efficient use of resources and allow the Principal Building Surveyor to better manage the Building Services area with regard to strategic planning and management.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 97/2012)

That Council:

1. Adopts the following varied delegation and authorisations as shown in BLD 1 - Delegation – Building Services (Attachment 1).

Moved: **Cr Bob Emery**

Seconded: **Cr Geoff Stallard**

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

Attachment 1

BLD1: DELEGATIONS – Building Services				
<i>Building Act 2011</i>	<i>Section</i>	<i>Type</i>	<i>Authorised Person</i>	<i>Delegated persons</i>
Delegation	s127, s20, s21, s22 s58	Delegation from Council to an employee of the Shire	CEO	To an employee of the Shire of Kalamunda in accordance with section 5.36 of the <i>Local Government Act 1995</i>
Granting and refusing to grant: Building, Occupancy, and Demolition Permits	s20, s21, s22 s58	Granting of and the Refusal to grant a Building or Demolition Permit for <i>certified and uncertified applications, and also Occupancy Permits</i>		Principal Building Surveyor Senior Building Surveyor Building Surveyor Assistant Building Surveyor
Granting and refusing to issue Certificates	s58,	Building Approval Certificate		As above.
Extending times	s65	Consider extending the period of duration of an Occupancy Permit or Building Approval Certificate		Principal Building Surveyor
Building Orders	s110	Issue Building Orders		Principal Building Surveyor
Building Orders - Swimming Pool Fencing	s110	Issuing Building Orders pertaining to swimming pool security fencing		All Building Surveyors, Swimming Pool Inspector, Compliance Officers
Revoke Building Orders	s117	Revoking Orders		Principal Building Surveyor

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

98. Proposed Local Planning Policy - Signage on Private Property

Previous Items	OCM 141/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	OR-CMA-16
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Local Planning Policy DEV 42 – Signage on Private Property

PURPOSE

1. To consider proposed Local Planning Policy DEV 42 – Signage on Private Property (“Policy”) and whether to advertise. Refer to proposed Local Planning Policy DEV 42 - Signage (Attachment 1).

BACKGROUND

2. Local Planning Scheme No. 3 (“the Scheme”) foreshadows the development of policies to guide decision-making.
3. The Policy Register is being reviewed and, where considered necessary, new policies are being presented for Council consideration.
4. Currently no location or structural requirements exist for signage which falls on private property and requires planning approval.
5. The Shire is currently reviewing the Signs Local Law however this shall only apply to signage on Shire property and public areas that are under the control, care and management of the Shire.
6. The proposal was considered at the Ordinary Council meeting on 19 November 2012 where it was resolved to defer the matter to the December Development & Infrastructure meeting to enable the Policy to be considered in conjunction with the following reports:
 - The Review of the Shire of Kalamunda’s Signs Local Laws.
 - Amendment to Local Planning Scheme No. 3 - Modifications to Exempted Advertisements (Schedule 5).

DETAILS

7. To consider the proposed Policy and whether to advertise for public comment.
8. The Policy stipulates the locational and structural requirements for signage on private property.
9. There have been a number of recent enquiries regarding the proliferation of election signage in the Shire. The proposed Policy includes provisions to control the display of posters or signs on behalf of candidates of political parties.

10. The Shire sought legal advice in response to claims from a political party that Election signage is exempt from requiring approval from the Shire. The Shire was advised by its Solicitor that it has the responsibility to ensure that all signage on private property complies with the relevant legislation, and therefore is based on the current Scheme requirement. Planning consent is required for Election signage not exempt under the Scheme.
11. The Policy will be used in conjunction with the Scheme when assessing what impact signage will have on the amenity of an area.
12. The Signage Local Law is in the process of being reviewed and will deal with signage on land owned and/or under the care and control of the Shire. This will be brought to Council under a separate report.
13. In November 2012, Council resolved (Resolution OCM 141/2012) to defer the proposed Policy with the intention of making changes in the interim.

STATUTORY AND LEGAL IMPLICATIONS

14. The Shire may prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area.
15. A Local Planning Policy is not part of the Scheme and does not bind the Council in its decision making, however, Council is to have due regard to the Policy when making a decision.
16. Schedule 5 (Exempted Advertisements) of the Scheme will be amended to reflect when election, political and community event signs are exempt from requiring planning consent. A separate report has been prepared on this for Council's consideration, which will also include definitions for election and community event signage.

POLICY IMPLICATIONS

17. If Council adopts the Policy it will be included in the Shire's Policy Register.

PUBLIC CONSULTATION/COMMUNICATION

18. The Scheme prescribes the procedure for advertising a Local Planning Policy. It will be necessary to advertise the Policy once a week for two consecutive weeks in a newspaper circulating the District with a submission period of 21 days. The Policy will also be on display at the Administration office.
19. Following the advertising period, the proposed Policy will be presented to Council for consideration of adoption, with or without modification.

FINANCIAL IMPLICATIONS

20. There will be a cost involved in advertising the proposed Policy, this is however, covered in the Development Services budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

21. The proposed Policy stipulates the Shire requirements which will be applied so that the amenity of an area is not significantly impacted by proposed signage on private property.

Sustainability Implications

Social Implications

22. Nil.

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

OFFICER COMMENT

25. The proposed Policy will assist in the procedural and governance aspects of the Shire's development control responsibilities when development consent is sought for signage which falls on private land. It is therefore recommended that the proposed Policy be advertised for public comment.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 98/2012)

That Council:

1. Endorses the draft Local Planning Policy DEV 42 – Signage on Private Property for the purpose of advertising, in accordance with Clause 2.4 of Local Planning Scheme No. 3 (Attachment 1).

Moved: **Cr Frank Lindsey**

Seconded: **Cr Allan Morton**

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

Attachment 1

REGISTER OF COUNCIL POLICIES



Title:	Signage on Private Property		
LPP No.:	DEV 42		
Date Adopted:		Date Last Reviewed:	
Related Policies	Nil.		
Legislation	Shire's Local Planning Scheme No. 3		
	<p>1. BACKGROUND</p> <p>1.1 The purpose of this Policy is to ensure that the display of advertisements on private property within the Shire of Kalamunda does not adversely impact on the amenity of surrounding land while providing appropriate exposure for businesses, activities or services.</p> <p>1.2 Planning approval is required for all types of signage which is not exempted under Schedule 5 (Exempted Advertisements) of Local Planning Scheme No. 3.</p> <p>2. Advertisement Sign</p> <p>The term 'advertising sign' has the same meaning as 'advertisement' in Schedule 1 of The Shire of Kalamunda Local Planning Scheme (the Scheme) as follows: Advertisement: means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.</p> <p>3. ASSESSMENT CRITERIA</p> <p>3.1 Standards</p> <p>Unless otherwise stated, all advertisement signs shall:</p> <ol style="list-style-type: none"> Not pose a threat to public safety or health and shall not have any sharp or pointed projections below a height of 2.75 metres from ground level; Not extend beyond any property boundary of a lot, overhang or encroach onto any reserve, Shire verge or road reserve; Only advertise events, services or products associated on the lot where it is to be located; Not be in any position where it obstructs the view from a street or site lines for vehicles entering and departing the subject lot on which the sign is placed; and If illuminated: <ol style="list-style-type: none"> use a low level of illumination and not cause a nuisance, by way of light spillage, to abutting sites. not comprise of flashing, pulsating, chasing or running lights. not interfere with or be likely to be confused with traffic control signals. have a minimum clearance of 2.75 metres from ground level. 		

3.2 Display Home Signs

Display home signs shall:

- a) be provided in a ratio not exceeding 2m² per house in a centre with no individual sign exceeding 4m²; overall height of sign not to exceed 4m;
- b) not be illuminated after 9.00 pm; and
- c) be approved for a period not exceeding twelve months at any one time.

3.3 Hoardings

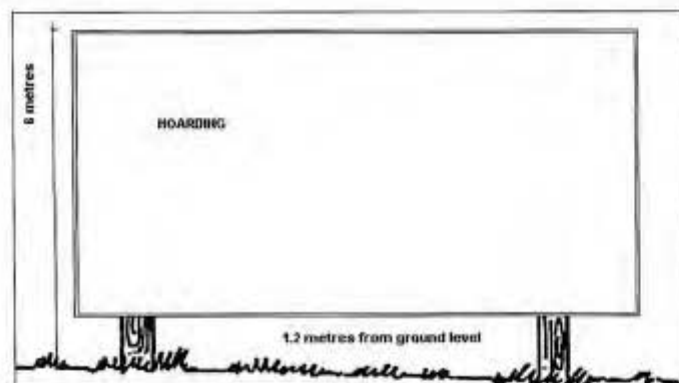
3.3.1 Hoardings shall not:

- a) be erected in a residential area;
- b) except with the specific approval of the Shire, be erected within 15m of any street or other public place and in any case not closer than its own height to a street or public place; and
- c) be of greater area than 22m².

3.3.2 A licence issued in respect of a hoarding is valid in terms of the licence for a period to be set by the Shire, up to ten years.

3.3.3 The licence fee for a hoarding is an annual licence fee and is payable annually so long as the hoarding is maintained with the approval of the Shire.

Example Only



3.4 Horizontal Signs

3.4.1 A horizontal sign shall:

- a) afford a minimum headway of 2.75m;
- b) be fixed parallel to the wall of the building to which it is attached; and
- c) conform as to depth to the following table –

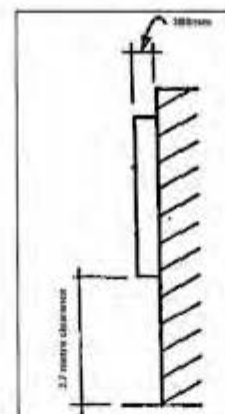
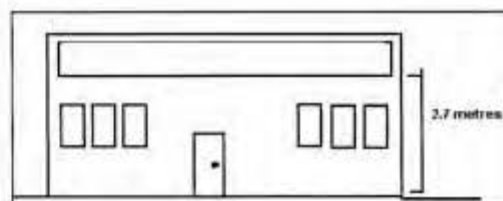
Minimum Distance of Sign above street			Maximum Depth of Sign
	Less than	7.5 m	600 mm
7.5 m	to	9 m	750 mm
9 m	to	12 m	1 m

The increase above 12m should be 150mm in depth for each 300mm in height to a maximum of 4.5m;

- d) not project more than 600mm from the wall to which it is attached; and

- e) not be within 600mm of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 225mm wide and projects at least 25mm in front of and 75mm above and below the sign.
- 3.4.2 Notwithstanding the provisions of paragraph (c) of this policy 3.6.1, the Shire may permit an increase of not more than fifty per cent of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.
- 3.4.3 There shall be not more than one line of horizontal signs facing any one street on any building.
- 3.4.4 The name of the building, owner or occupier may be shown on the facade of a building but:
- unless otherwise specifically approved by the Shire, only one such name shall be placed on any facade;
 - the letters of the name shall not exceed 1.2m in height;
 - the letters shall be of metal or other incombustible material; and
 - the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the Shire.

Example Only



3.5 Illuminated Signs

Every illuminated sign shall:

- have any boxing or casing in which it is enclosed constructed of incombustible material;
- have its electrical installation constructed and maintained to the satisfaction of the State Energy Commission or the appropriate electricity supply authority and in accordance with the S.A.A. Code 3000 - 1976.
- be maintained to operate as an illuminated sign; and
- not have a light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.

3.6 Information Panels

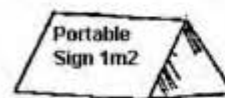
The Shire may provide information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

3.7 Portable Signs -

A portable sign shall -

- a) Not exceed 1 metre in height;
- b) Not exceed 1 metre in area;
- c) Be placed so not to be hazardous to, or impede vehicular traffic or pedestrian traffic;
- d) Be sound construction and maintained in good condition; and
- e) Be so constructed or anchored to prevent them becoming hazardous during strong winds.

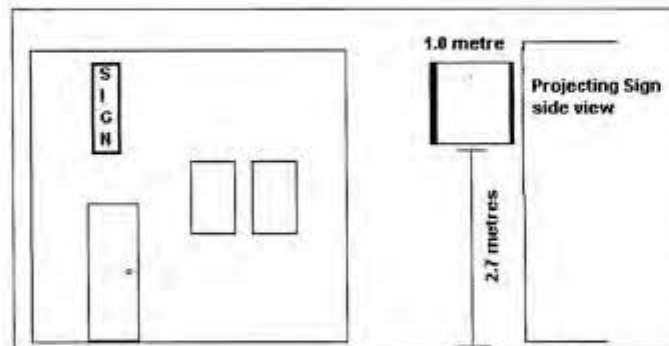
Example Only



3.8 Projection Signs

- 3.8.1 No person shall project by light any sign being a photographic or other image which can be seen from any street, way, footpath, or other public place onto any building, screen or structure without a written licence issued by the Shire, nor without the consent of the owner of the building or structure.
- 3.8.2 No licence shall be issued by the Shire for a projection sign:
 - a) unless the building, screen or structure onto which it is proposed to project such sign or signs is specified in the application for such licence;
 - b) in respect of any such sign which when projected onto a building, screen or structure is more than 12m in width or 12m in height; and
 - c) unless the licence specifies the building, screen or structure onto which such sign may be projected.
- 3.8.3 Where it is proposed to project such signs onto a building, screen or structure in a series the Shire may issue one licence in respect of all the signs in that series provided that no sign or signs other than that or those in respect of which a licence has been issued shall be projected.
- 3.8.4 Where a licence has been issued by the Shire pursuant to this policy the sign or signs in respect of which it has been issued shall not be projected onto any building, screen or structure not specified in such licence.
- 3.8.5 The owner or occupier of any building, screen or structure shall not permit any sign or signs to be projected onto the same unless a licence has been issued pursuant to this policy.

Example Only



3.9 Pylon Signs

3.9.1 A pylon sign shall:

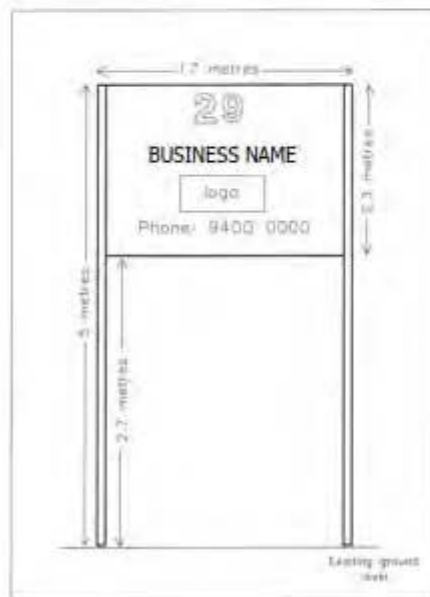
- a) have a minimum clearance of 2.75m
- b) not be more than 6m above the level of the ground immediately below it except in central business areas or large shopping complexes, as determined by the Shire;
- c) not exceed 2.5m measured in any direction across the face of the sign or have a greater superficial area than 4m² - except in central business areas or large shopping complexes, as determined by the Shire; such signs when erected must comply with the following -
 - i. be the motif or emblem of the centre.
 - ii. only one such sign on any development.
 - iii. not exceed 10m² on any face.
 - iv. not be erected within a distance equal to its own overall height from any street or right of way.
- d) not project more than 1m over any street;
- e) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- f) where a pylon sign is supported on two or more piers or columns the space between the piers or columns shall not be wholly or partly filled in with any material below 2.75m above ground level;
- g) not be within 1.8m of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right of way, when the Shire may authorise the erection of the sign at a lesser distance than 1.8m; and
- h) not have any part thereof less than 6m from any part of another sign erected on the same lot.

3.9.2 Where more than one pylon sign is proposed to be erected on a lot on which unit factories or small shops are erected or are to be erected the Shire may require all the pylon signs to be incorporated into one sign complying with the following:

- a) initial approval is to be given to the pylon sign framework together with one or more sign infills;
- b) an application is to be submitted and approval given for each additional infill;

- c) all infills are to be of an equal size and space is to be provided for one infill for each shop or unit on the lot;
- d) where the Shire requires signs to be combined the total area of the infill signs specified under policy 5.11.1; and
- e) may be increased by up to 50 per cent, i.e. to a maximum of 6m².

Example Only



3.10 Roof Signs

3.10.1 A roof sign shall:

- a) not at any point be within 4m of the ground;
- b) not extend laterally beyond the external walls of the building; and
- c) comply as regards height above ground and height of sign with the following table:

Height of Main Building above Ground Level at Point where Sign is to be fixed.		Maximum Height of Sign	
4 m	and under	5 m	1.25 m
5 m	and under	6 m	1.8 m
6 m	and under	12 m	3 m
12 m	and under	18 m	5 m
18 m	and under	24 m	6 m
24 m	and upwards		7 m

3.10.2 When ascertaining the height of the main building above ground level for the purpose of this policy, any part of the roof at the point where the sign is to be erected that is provided solely for the purpose of architectural decoration shall be disregarded.

Example Only



3.11 Tethered Signs

3.11.1 Tethered Signs shall:

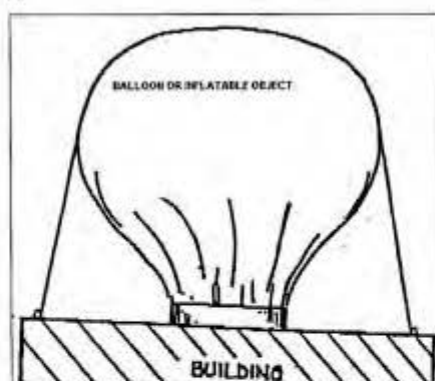
- a) be located wholly within the boundaries of the lot;
- b) have a maximum vertical dimension of 0.75 metres and a maximum area of 2sqm;
- c) not be greater than 8m from natural ground level;
- d) be limited to a maximum of one sign per street frontage on any one lot; and
- e) not be within 10m of a pylon sign.

3.11.2 Notwithstanding the provisions of sub-clause 3.11.1, tethered signs which consist of balloon type or inflatable objects shall:

- a) not exceed 7m in diameter or 9m in height; and
- b) not be displayed for more than 14 days in aggregate for any one calendar year.

Furthermore, the applicant is required to provide to the Shire prior to erecting such a sign, a certificate from a Structural Engineer certifying that the connection of the balloon type object to the building or lot is of a structurally sound design.

Example Only



3.12 Tower Signs

A tower sign shall not, unless otherwise specially approved by the Shire -

- a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- b) if illuminated, be a flashing sign;
- c) exceed in height one-sixth of the height of the mast, tower or chimney stack on which it is placed;
- d) exceed in width the width or diameter of the mast, tower or chimney stack on which it is placed; and
- e) extend laterally beyond any part of the mast, tower or chimney stack on which it is placed.

3.13 Verandah Signs

3.13.1 Signs Above Verandah Fascia's

Signs comprising free standing lettering only may be erected above the outer fascia of a verandah parallel to the kerb, if the lettering does not exceed 400mm in height and is mounted on a base of at least 75mm in width.

3.13.2 Signs on Verandah Fascia's

A sign fixed to the outer or return fascia of a verandah -

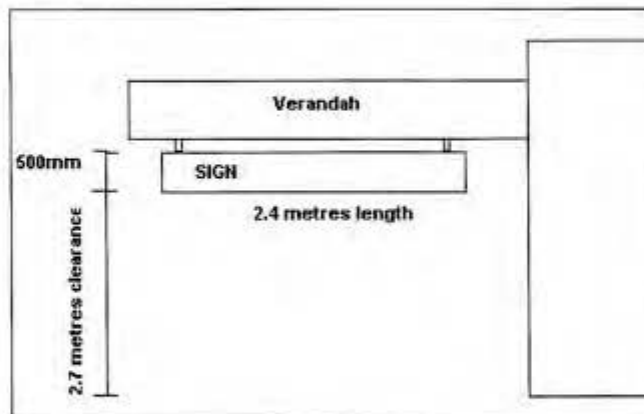
- a) shall not exceed 600mm in depth;
- b) shall not project beyond the outer metal frame or surround of the fascia; and
- c) if an illuminated sign may be of changing colours but shall not emit a flashing light.

3.13.3 Signs under Verandahs

A sign under a verandah shall -

- a) afford a headway of at least 2.75m or, when approved by the Shire, 2.4m;
- b) not exceed 2.4m in length or 500mm in depth;
- c) not weigh more than 50 kg;
- d) not, if it exceeds 300mm in width, be within 1.4m, or where it does not exceed 600mm in width be within 1m of the side wall of the building, measured along the front of the building before which it is erected;
- e) not, if it exceeds 300mm in width, be within 2.75m, or where it does not exceed 300mm in width be within 1.75m of another sign under that verandah;
- f) be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection where the sign may be placed at an angle with the wall so as to be visible from both streets;
- g) be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign; and
- h) not be constructed of shatterable material.

Example Only



3.14 Vertical Signs

3.14.1 A vertical sign shall -

- a) afford a minimum headway of 2.75m;
- b) subject to 5.17.2, not project more than 1m from the face of the building to which it is attached;
- c) subject to 5.17.3, not be within 1.75m of either end of the wall to which it is attached;
- d) be of a height of at least twice its width;
- e) not project more than 1m above the top of the wall to which it is attached nor more than 1m back from the face of that wall;
- f) not be within 4m of another vertical sign on the same building;
- g) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls so as to be visible from both streets; and
- h) except with special permission of the Shire not exceed 1m in width exclusive of the back projection.

3.14.2 Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building which is situated less than 3 metres from the side wall of the first building, the sign may project 500mm further than the distance prescribed by paragraph (b) of 5.17.1 or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.

5.14.3 Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right of way, the Shire may authorise the affixing of the sign.

3.15 Window

Window Signs shall not cover more than 50% of the glazed area of any one window or exceed 10.0m² in area in aggregate per tenancy on a lot whichever is greater.

3.16 Election and Political Signs

For Federal, State and Local Government elections and candidates for any elected office, Council supports the controlled display of posters or signs on behalf of candidates or political parties that comply with the following criteria:

- (a) Approval for the sign has been granted under Local Planning Scheme No. 3 unless otherwise exempt under Schedule 5.
- (b) The sign may only be placed on private property and only where permission is given for the sign to be there by the landowner.
- (c) Only one election sign is permitted per property.
- (d) Signs should not exceed 6sqm in area.
- (e) Signs will only be approved for the period following the issue of the writs for a State or Federal election, or 37 days before a local election in accordance with Section 4.49(a) of the *Local Government Act 1995*, and will be required to be removed within 14 days after the relevant election day.
- (f) Signs must be placed such that they do not compromise the safety of pedestrians and/or do not obstruct the view of drivers.
- (g) Signs are not permitted in or on a vehicle, trailer or caravan parked at the same location for more than 24 hours.
- (h) Signs must not be internally or indirectly illuminated, move, flash, rotate or reflect so as to be a distraction to drivers.
- (i) The landowner or party responsible for the sign must maintain the sign and ensure that pedestrian and driver safety is maintained while the sign is in place.

4. VARIATION OF STANDARDS

If it is established to the satisfaction of the Shire that a particular standard or provision contained within this Policy is unreasonable or undesirable in the particular circumstances of the case, the Shire may at its discretion, vary the standard or provision.

The Shire may only vary a standard or provisions where it is satisfied that:

- (a) Approval of the variation will not set an undesirable precedent;
- (b) The applicant demonstrates exceptional circumstances warranting support for a variation; and
- (c) Approval of the application is in accordance with variations to site and development requirements contained within the Shire of Kalamunda Local Planning Scheme No. 3 (Section 5.6).

Applications for variation of standards shall include a sign strategy for the whole of the subject site.

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

99. Review of the Shire of Kalamunda's Sign Local Law

Previous Items	OCM 93/2011
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	Nil
Applicant	N/A
Owner	N/A
Attachment 1	Current Signs Local Law (1980) As Amended
Attachment 2	Proposed New Signs Local Law

PURPOSE

1. To consider a new Signs Local Law ("the Local Law"). Refer to the Current Signs Local Law (Attachment 1) and the proposed New Signs Local Law (Attachment 2).

BACKGROUND

2. The current Local Law was published in the Government Gazette on 22 July 1980.
3. In 2007 the Local Law was reviewed by the Shire but did not proceed due to legislative requirements regarding the Local Law not differentiating between signage proposed on land in the private and public domain.
4. Section 3.16 of the *Local Government Act 1995* requires that local laws be reviewed within a period of eight years from the day on which the local law came into effect. As such, the Shire's Local Law is due for review.
5. In May 2010, the Department of Local Government advised the Shire that:

"Local laws, if made under the Local Government Act 1995, must be for signs and devices that are only on local government property and public areas that are under the control, care and management of the local government, and must be of a non-planning and non-development nature".
6. In July 2011, Council resolved (OCM 93/2011) to defer a decision to amend the Local Law until a Councillor Briefing Forum was undertaken to further brief Council. A Councillor Briefing Forum was held in August 2011, therefore the proposed modified Local Law is forwarded to Council for consideration.

DETAILS

7. The draft Sign Local Law has removed definitions, design and construction standards for signs. This has been done principally as the existing Local Law was at the time developed to control signage on private and public land.

8. The draft Local Law effectively excludes private signage being located on public land (with the exception of minor community related signage) and as such, the design and construction standards are redundant. These standards will generally be replicated in the Signage on Private Property Policy.
9. The proposed Local Law only applies to signage on Shire property and public areas that are under the control, care and management of the Shire. Refer to the Proposed New Signs Local Law (Attachment 2).
10. Signage on private property will be dealt with in accordance with Local Planning Scheme No. 3 and a proposed Signage Local Planning Policy, a report for which will be presented to Council separately for consideration.

STATUTORY AND LEGAL IMPLICATIONS

11. Where a local law is proposed, a local government is required to follow the procedure prescribed in Section 3.12 of the *Local Government Act 1995* pertaining to making local laws.
12. The Shire is required to undertake the following tasks:
 - Give state wide public notice that it is proposing a new Local Law. This notice is to include a summary of the purpose and effect of the Local Law, and details of where the proposed Local Law may be inspected and obtained.
 - Give a copy of the proposed Local Law and a notice referred to in the previous task, to the Minister for Local Government.
 - Provide a copy of the proposed Local Law to any person requesting it.
 - Publish the notice referred to in the first task as if it were a local public notice.

POLICY IMPLICATIONS

13. Nil.

PUBLIC CONSULTATION/COMMUNICATION

14. Should Council grant approval, pursuant to Section 3.12 of the *Local Government Act 1995*, to give State wide public notice of its intention to amend the Local Law, submissions regarding the proposed Local Law may be made to the Shire for a period of not less than six weeks after the State wide public notice of the Shire's intent to introduce the Local Law is published.
15. At the close of the submission period a further report would be presented to Council recommending that Council either make the proposed Local Law or propose amendments.

FINANCIAL IMPLICATIONS

16. Funding for publishing a State wide public notice advising that Council is proposing the Local Law is included in the Shire's current budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

OFFICER COMMENT

21. The proposed Local Law is in response to the Department of Local Government's decision to remove the regulation of signage on private property from the Local Law.
22. The proposed Local Law will assist in the procedural and governance aspects of the Shire's development control responsibilities over public land.
23. The Local Law outlines the requirements for signage in the public realm (such as pylon and direction signs), and fines for not obtaining Shire approval for signage.
24. It is therefore recommended that Council grant approval, pursuant to Section 3.12 of the *Local Government Act 1995*, to give State wide public notice of it proposing the Local Law.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 99/2012)

That Council:

1. Pursuant to Section 3.12 of the *Local Government Act 1995*, give State wide public notice that a Signs Local Law is proposed for the Shire of Kalamunda (Attachment 2) with the purpose and effect of this local law to:

Purpose: Provide for the regulation, control and administration of signage throughout the Shire of Kalamunda.

Effect: Establish the requirements with which any person intending to erect signage on Shire property and public areas that are under control and management of the Shire of Kalamunda must comply.

Moved: **Cr Bob Emery**

Seconded: **Cr Justin Whitten**

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

Attachment 1

Please note – this version includes the following amendments:
gazetted on 2 April 1982 (shown in green)
gazetted on 19 November 1982 (shown in pink)
gazetted on 19 September 2001 (shown in blue)

LOCAL GOVERNMENT ACT 1960-1980

Western Australia

Municipality of the Shire of Kalamunda

By-laws Relating to Signs, Hoardings and Bill Posting.

IN pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Kalamunda hereby records having resolved on 9 June 1980, to revoke the adoption of the Signs, Hoardings and Bill Posting By-laws as published in the *Gazette* dated 1 May 1970 and as amended by notices in *Gazettes* dated 30 May 1975 and 3 August 1979, and to make and submit for confirmation of the Governor, the following By-laws: -

1. CITATION

These by-laws may be cited as the Shire of Kalamunda Signs, Hoarding and Bill Posting By-laws.

2. INTERPRETATION

2.1 In these by-laws, unless the context otherwise requires,

"Act" means the Local Government Act 1995 (as amended);

"advertising device" means any object on which words or numbers or figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event or undertaking or any product or thing whatsoever, and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product or undertaking;

"Authorised Officer" means an employee of the Shire of Kalamunda;

"bill posting" means the sticking or posting of any bill, or painting, stencilling, placing, sticking, posting or affixing of any advertisement on any building, structure, fence, wall, hoarding, signpost, pole, blind, or awning or on any tree, rock or other like place or thing so as to be visible to any person in a street, public place, reserve or other land, and "bill post" has a like meaning;

"Building Surveyor" means Council's Building Surveyor appointed pursuant to the "Act";

"Community Association" means an institution, association, club, society or body, whether incorporated or not, the objectives of which are of charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions;

"Council" means the Council of the Shire of Kalamunda;

"development sign" means a sign or signs erected on an area of land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of approval of the sign(s);

"direction sign" means a sign erected in a street or public place to indicate the direction to another place but does not include any such sign erected or affixed by the Council or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Traffic Act;

"display home sign" means a sign erected on a lot on which a house or other residential building is erected or to be erected which has been approved by the Council as a display home under a Town Planning Scheme of the Council;

"Election Sign" means a bill, poster, placard or advertisement relating to any election or a prospective or forthcoming election of Parliament or the Commonwealth, or the State or municipal elections and to a referendum, but does include a sign erected by Council for public information;

"fly posting" without limiting the generality of the provisions in these by-laws relating to bill posting means advertising by means of more than one poster placed on fences, wall, trees, rocks and any like places, or things without authority, and "fly post" has a like meaning;

"hoarding" means a detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of section 377 of the Local Government (Miscellaneous Provisions) Act; this shall include a poster panel, wall panel or an illuminated panel;

"horizontal sign" means a sign fixed parallel to the wall of a building to which it is attached with its largest dimension horizontal;

"illuminated sign" means a sign that is so arranged as to be capable of being lighted either from within or without the sign by artificial light provided, or mainly provided, that that purpose;

"information panel" means a panel used for displaying Government and Local Authority notices, functional and dated announcements of a religious, educational, cultural, recreational or similar character, general information for the benefit of the public and travellers and general commercial advertising;

"institutional sign" means a sign erected or placed on any land or building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature;

"Planning Approval" means approval by the responsible authority under any Town Planning Scheme controlling land development and use within the district;

"portable sign" means a sign -

- (a) located wholly within the boundaries of land owned or occupied by a person who erected or who has maintained the sign;
- (b) only advertising a product or service available within the boundaries of the land upon which the sign is erected;
- (c) not exceeding a height of 1 metre measured above the level of the ground immediately below it;
- (d) not exceeding 0.6m^2 in area;
- (e) placed so as not to cause interference or hazard to vehicular traffic or cause any interference or hazard to or impede pedestrians; and
- (f) secured to prevent movement by wind;

"projection sign" means a sign that is made by the projection of light on a wall or similar structure.

"pylon sign" means 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;

"roof sign" means a sign erected on the roof of a building;

"rural producer's sign" means a sign erected on land zoned "Rural" and which -

- (a) does not project more than 900mm over a street alignment as defined in the Act;
- (b) does not exceed 1m^2 in area;
- (c) does not exceed 3 metres in height above the level of the ground immediately below it; and
- (d) only advertises goods or products produced, grown or lawfully manufactured upon the land within the boundaries of which the sign is located;

"sale sign" means a sign indicating that the premises whereon it is affixed are for sale, for setting or to be auctioned;

"semaphore sign" means a sign affixed and supported at, or by, one of its ends only;

"sign" includes a signboard or any message, direction or representation whatsoever displayed on a building or structure, a portable sign, an airborne device anchored to any land, building or thing, or a bunting sign and a clock other than a clock which is built into a wall and does not project beyond the face of the wall, or flags and bunting which carry no written message;

"sign infill" means a panel, which can be fitted into a pylon sign framework;

"tower sign" means a sign affixed to or placed on a chimney stack or an open structural mast or tower;

"Town Planning Scheme" means the Town Planning Scheme of the Shire of Kalamunda;

"verandah", for the purpose of these by-laws, includes cantilever awnings, cantilever verandahs and balconies whether over public streets and ways or over private land;

"verandah signs" includes signs above verandah fascias, signs on verandah fascias and signs under verandahs;

"vertical sign" means a sign attached to a building in which the vertical dimension exceeds the horizontal dimension exclusive of the back projection;

"wall panel" means a panel used for displaying a posted or painted advertisement; it is affixed to or adjoining the wall of business premises or erected on the forecourt of such business premises.

- 2.2 Words and expressions used have the same respective meaning as is given in the Act.

3. LICENCES

3.1 Licences and Exemptions

- 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.

- 3.1.2 The following are exempt from the requirements of these by-laws:

- (a) a sign erected or maintained pursuant to any Act having operation within the State;
 - (b) a sale sign not exceeding 1m² in area;
 - (c) a plate not exceeding 0.2m² in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
 - (d) a direction sign;
 - (e) signs of use solely for the direction and/or control of people, animals and/or vehicles or to indicate the name and/or street number of a premises, providing the area of any such sign does not exceed 0.2m²;
 - (f) advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
 - (g) The name and occupation of any occupier of business premises painted on a window or wall of those premises;
 - (h) signs within a building unless such signs are deemed to be objectionable by the Council;
 - (i) signs not larger than 0.7m x 0.9m on advertising pillars or panels approved by or with the consent of the Council for the purpose of displaying public notices for information;
 - (j) building name signs on residential flats or home units where they are of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
 - (k) newspaper posters.
- 3.1.3 Every licence that is granted shall exist subject only to the provisions of these by-laws.
- 3.1.4 Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws the Council may refuse a licence if;
- (a) the sign or hoarding would, in its opinion, increase the number or variety of signs so as to become too numerous or various to be acceptable to residents in the area or be

- injurious to the amenity or natural beauty or safety of the area; or
- (b) the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.

3.2 Revocation of Licences

The Council may, without derogation of any penalty to which that person may be liable, by notice in writing revoke the licence;

- (a) where anything purporting to be done pursuant to a licence issued under these by-laws is not done in conformity with the licence or with these by-laws or is so altered that, in the opinion of Council, it is objectionable or contravenes By-law 3.1.4; or
- (b) where the licensee is guilty of an offence against these by-laws.

3.3 Inspection of Licences

- 3.3.1 A licensee shall, on demand by an officer of the Council, produce his licence for inspection.
- 3.3.2 Every licensed sign or hoarding shall bear on its face (bottom left hand corner as viewed) in clearly legible figures the number of the licence under which it is erected or displayed.

3.4 Applications for Licences

- 3.4.1 An application for a licence under these by-laws shall be made in the form of an application set out in the First Schedule hereto.
- 3.4.2 An application for the first issue of a licence in respect of a sign shall be accompanied by duplicate plans drawn to a scale of not less than 1 to 50 showing the size, position, design and inscription to appear thereon, the method of construction and fixing of the sign for which the licence is sought the setbacks from the street, way, footpath or other public place or lot boundaries where applicable or alternatively such information as Council may require.
- 3.4.3 An application for the first issue of a licence in respect of a roof sign or a special pylon sign shall be accompanied by a

certificate from an architect or structural engineer certifying that the building or structure upon which it is proposed to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design.

3.4.4 An applicant for a licence shall furnish in writing such further particulars as may be required by the Building Surveyor.

3.4.5 If so required by the Council an applicant for a licence in respect of an illuminated sign shall produce to the Council a written consent to the erection of the sign, signed by or on behalf of the person or body having for the time being the management of traffic control lights within the district of the Shire of Kalamunda.

3.4.6 Subject to By-law 3.2 and except where otherwise stated in these by-laws a licence issued pursuant to the by- laws remains valid until an alteration is proposed to be made to the structure or area of the sign in respect of which it is issued and in that event the licensee shall apply for a new licence.

3.5 Licence Fees

A licence shall be issued upon payment of the appropriate fee, set out in the Second Schedule to these by-laws, only, but the payment of a licence fee pursuant to any by-laws that were in operation prior to the coming into operation of these by-laws is deemed to be a payment for the purpose of this by-law.

3.6 Special Permits

3.6.1 Notwithstanding anything contained in these by-laws, the Council may, by permit under the hand of the Building Surveyor, allow the display of advertisements for Community Associations such as churches, theatres and other places of public entertainment, election notices or of advertisements of meetings or other matters of public interest upon such terms and for such period as the Council may in each case decide.

3.6.2 The Council may revoke any such permit at any time without assigning any reason for such action.

3.6.3 Upon the expiration or revocation of a permit issued under this by-law, the person to whom it was issued shall forthwith remove the advertisement to which it relates and failure so to remove the advertisement is an offence.

3.7 Public Liability Insurance and Indemnity

Where required by the local government, the owner of a sign shall provide public liability insurance cover and enter into an agreement with the local government, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or

thing performed or erected under permit, issued in accordance with this local law, or as a result of the holding of the event.

4. GENERAL

4.1 Restrictions

A sign shall not be erected or maintained;

- (a) so as to obstruct the view from a street or public place or traffic in any street or public place;
- (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the Traffic Act 1919 or the Traffic Regulations;
- (c) except with the specific approval of the Council on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building;
- (d) on any land that is zoned in a Town Planning Scheme as residential or used for residential purposes other than a site of lawful non-conforming use other than residential unless specifically permitted in these by- laws;
- (e) on any building of which the stability is, in the opinion of the Building Surveyor, likely to be affected by the sign;
- (f) as a movable sign in a street or public place, unaffixed to a building;
- (g) on a light or power pole without the approval of the relevant authority responsible for the erection of that pole;
- (h) in any position where it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty;
- (i) (a) On land zoned or used for residential purposes unless it is a sale sign or a sign authorised under Council's Town Planning Scheme;
- (j) in any position where, in the opinion of Council, the advertisement will be out of harmony with the

surroundings in the locality in which the advertisement is proposed to be exhibited or where Council considers it will be undesirable for reasons to be stated by the Council.

4.2 Inscriptions on Signs

Except in the case of a hoarding or direction sign, signs generally shall only display one or more of the following -

- (a) the name of one or more of the occupiers of the premises;
- (b) details of the business or businesses carried on in the premises;
- (c) details of the goods sold in the premises to which it is affixed and nothing more;
- (d) any other matter specifically approved by the Council.

4.3 Existing Signs

4.3.1 If a licence or permit for a sign or advertising device was issued under a previous By-Law or Local Law of the Shire of Kalamunda, without a limitation as to time and the sign or advertising device does not comply with the provisions of these Local Laws, if any alteration is proposed to be made to the structure, area or message of it, the sign or advertising device shall be made to comply with the provisions of this Local Law.

4.3.2 Where an existing sign fails to conform to the requirements of these by-laws a person receiving a direction from Council to remove the sign shall remove it immediately upon receiving the direction. A person receiving such a direction may within 24 days of his receipt thereof appeal to the Council.

4.4 Fixing of Signs

Every sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the Building Surveyor, and shall be safely maintained.

4.5 Headroom

Every sign shall, unless otherwise permitted by the Surveyor, be so fixed as to provide a clear headway thereunder of not less than 2.75m.

4.6 Obstruction to Doors etc

A sign shall not be erected so as to obstruct access to or from any door, fire escape or window, other than a window designed for the display of goods.

4.7 Glass in Signs

Glass shall not be used in the face of any sign excluding the means of illumination.

4.8 Readily Combustible Material

Except in the case of hunting and flags or posts securely affixed to a signboard or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to any sign.

4.9 Signs to be Kept Clean

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.

4.10 Bill Posting

A person shall not bill post within the district of the Shire of Kalamunda except on a hoarding approved for the purpose by the Council of the Shire.

4.11 Fly Posting

4.11.1 A person shall not fly post at any place or location within the district of the Shire of Kalamunda.

4.11.2 When an offence against these by-laws has occurred in respect of fly posting, any person authorising the advertisement shall be deemed to be the person who committed the offence if within seven days of being requested to do so he fails to identify the person he employed or authorised to display the bills, the subject of the offence.

5. REQUIREMENTS FOR PARTICULAR SIGNS

5.1 Clocks

A clock shall:

- (a) if suspended under a verandah or in an arcade, have its centre coinciding with the centre line of the footway thereunder;
- (b) comply as regards size with the following table –

Height of Bottom of Clock above Footway			Maximum Diameter or Width of Clock Face and Depth of Clock including lettering
2.75 m	and under	4 m	300 mm
4 m	and under	6 m	750 mm
6 m	and under	12 m	1 m
12 m	and over		1.5 m

- (c) be fixed either parallel or at right angles to the wall to which it is attached;
- (d) not project from the wall to which it is attached -
 - (i) if parallel to the wall, more than 2m;
 - (ii) if at right angles to the wall, more than 2m;
- (e) afford a minimum headway of 2.75m;
- (f) be maintained so as to show the correct time;
- (g) be illuminated from sunset to midnight; and
- (h) if fitted with chimes, not be permitted to strike between midnight and seven a.m.

5.2 Development Signs

Development signs shall:

- (a) only be erected where more than ten subdivisional lots are to be produced in the development or the stage of development being advertised;
- (b) only be erected in the ratio of 1m² of area per hectare of the total land to be subdivided up to a maximum 50m² with no individual sign exceeding 20m²;
- (c) be removed from the site within two years or when 80 per cent of the lots in the subdivision or stage being advertised have been sold, whichever is the sooner.

5.3 Direction Signs on Street Poles

A direction sign attached to a pole in a street shall not exceed 200mm in depth or 1.2 metres in length with a headroom of 2.75m.

5.4 Display Home Signs

Display home signs shall:

- (a) be provided in a ratio not exceeding 2m^2 per house in a centre with no individual sign exceeding 4m^2 ; overall height of sign not to exceed 4m;
- (b) not be illuminated after 9.00 p.m.
- (c) be approved for a period not exceeding twelve months at any one time.

5.5 Hoardings

5.5.1 Hoardings shall not:

- (a) be erected in a residential area;
- (b) except with the specific approval of Council, be erected within 15m of any street or other public place and in any case not closer than its own height to a street or public place;
- (c) be of greater area than 22m^2 .

5.5.2 A licence issued in respect of a hoarding is valid in terms of the licence for a period to be set by the Council, up to ten years.

5.5.3 The licence fee for a hoarding is an annual licence fee and is payable annually so long as the hoarding is maintained with the approval of the Council.

5.6 Horizontal Signs

5.6.1 A horizontal sign shall:

- (a) afford a minimum headway of 2.75m;
- (b) be fixed parallel to the wall of the building to which it is attached;
- (c) conform as to depth to the following table –

Minimum Distance of Sign above street			Maximum Depth of Sign
	Less than	7.5 m	600 mm
7.5 m	to	9 m	750 mm
9 m	to	12 m	1 m

The increase above 12m should be 150mm in depth for each 300mm in height to a maximum of 4.5m;

- (d) not project more than 600mm from the wall to which it is attached; and
- (e) not be within 600mm of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 225mm wide and projects at least 25mm in front of and 75mm above and below the sign.

5.6.2 Notwithstanding the provisions of paragraph (c) of sub-bylaw 5.6.1, the Council may permit an increase of not more than fifty per cent of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

5.6.3 There shall be not more than one line of horizontal signs facing any one street on any building.

5.6.4 The name of the building, owner or occupier may be shown on the facade of a building but:

- (a) unless otherwise specifically approved by the Council, only one such name shall be placed on any facade;
- (b) the letters of the name shall not exceed 1.2m in height;
- (c) the letters shall be of metal or other incombustible material; and
- (d) the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the Council.

5.7 Illuminated Signs

Every illuminated sign shall:

- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;
- (b) have its electrical installation constructed and maintained to the satisfaction of the State Energy Commission or the

appropriate electricity supply authority and in accordance with the S.A.A. Code 3000 - 1976.

- (c) be maintained to operate as an illuminated sign; and
- (d) not have a light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.

5.8 Information Panels

The Council may provide information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

5.9 Institutional Signs

Institutional signs shall not exceed 0.5m² in area except with the approval of the Council but in any case shall not exceed 2m².

5.10 Projection Signs

5.10.1 No person shall project by light any sign being a photographic or other image which can be seen from any street, way, footpath, or other public place onto any building, screen or structure without a written licence issued by the Council, nor without the consent of the owner of the building or structure.

5.10.2 No licence shall be issued by the Council for a projection sign:

- (a) unless the building, screen or structure onto which it is proposed to project such sign or signs is specified in the application for such licence;
- (b) in respect of any such sign which when projected onto a building, screen or structure is more than 12m in width or 12m in height;
- (c) unless the licence specifies the building, screen or structure onto which such sign may be projected.

5.10.3 Where it is proposed to project such signs onto a building, screen or structure in a series Council may issue one licence in respect of all the signs in that series provided that no sign or signs other than that or those in respect of which a licence has been issued shall be projected.

5.10.4 Where a licence has been issued by the Council pursuant to this by-law the sign or signs in respect of which it has been issued shall not be projected onto any building, screen or structure not specified in such licence.

- 5.10.5 The owner or occupier of any building, screen or structure shall not permit any sign or signs to be projected onto the same unless a licence has been issued pursuant to this by-law.

5.11 Pylon Signs

5.11.1 A pylon sign shall:

- (a) not have any part thereof less than 2.75m or more than 6m above the level of the ground immediately below it except in central business areas or large shopping complexes, as determined by Council;
- (b) not exceed 2.5m measured in any direction across the face of the sign or have a greater superficial area than 4m² - except in central business areas or large shopping complexes, as determined by Council; such signs when erected must comply with the following -
 - (i) be the motif or emblem of the centre;
 - (ii) only one such sign on any development;
 - (iii) not exceed 10m² on any face;
 - (iv) not be erected within a distance equal to its own overall height from any street or right of way;
- (c) not project more than 1m over any street;
- (d) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- (e) where a pylon sign is supported on two or more piers or columns the space between the piers or columns shall not be wholly or partly filled in with any material below 2.75m above ground level.
- (f) not, as to any part thereof, project over any street at a height of less than 2.75m;
- (g) not be within 1.8m of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right of way.

when the Council may authorise the erection of the sign at a lesser distance than 1.8m;

- (h) not have any part thereof less than 6m from any part of another sign erected on the same lot.

5.11.2 Where more than one pylon sign is proposed to be erected on a lot on which unit factories or small shops are erected or are to be erected Council may require all the pylon signs to be incorporated into one sign complying with the following -

- (a) initial approval is to be given to the pylon sign framework together with one or more sign infills;
- (b) an application is to be submitted and approval given for each additional infill;
- (c) all infills are to be of an equal size and space is to be provided for one infill for each shop or unit on the lot;
- (d) where Council requires signs to be combined the total area of the infill signs specified under sub-bylaw 5.11.1 (b) may be increased by up to 50 per cent, i.e. to a maximum of 6m².

5.12 Roof Signs

5.12.1 Approval for the erection of a sign on a roof of a building shall be granted by resolution of the Council only and where approval has been so granted a roof sign shall:

- (a) not at any point be within 4m of the ground;
- (b) not extend laterally beyond the external walls of the building;
- (c) comply as regards height above ground and height of sign with the following table -

Height of Main Building above Ground Level at Point where Sign is to be fixed.			Maximum Height of Sign
4 m	and under	5 m	1.25 m
5 m	and under	6 m	1.8 m

6 m	and under	12 m	3 m
12 m	and under	18 m	5 m
18 m	and under	24 m	6 m
24 m	and upwards		7 m

- 5.12.2 When ascertaining the height of the main building above ground level for the purpose of this by-law, any part of the roof at the point where the sign is to be erected that is provided solely for the purpose of architectural decoration shall be disregarded.

5.13 Sale Signs

Subject to a licence issued under these by-laws and the exemption of signs less than $1m^2$ in area, a person may erect a sale sign not exceeding $10m^2$ in area as follows -

- (a) in respect of an auction sale if it is erected not more than twenty-eight days before the date on which the auction sale is to be held. Such sign shall be removed not later than forty-eight hours after the sale and the failure to do so shall be an offence;
- (b) in respect of the sale of subdivisional land where less than ten subdivisional lots are to be produced in the development or the stage of the development being advertised if it is proposed that such sign will not be permitted to remain for a period exceeding six months and no other sign advertising the sale of the same land or any part thereof will be erected within a period of one year from the erection of the said sign, except a sale sign not exceeding $1m^2$. It shall be an offence to permit the sign to remain for more than six months or to erect or suffer or permit to be erected another sign advertising the sale of the land or any part thereof while the first sign remains in place;
- (c) advertising that flats and dwelling units in a building erected or to be erected on the land on which the sign is situated are or will be available for letting or for purchase if such sign is not erected or allowed to remain upon the land before the date of issue of the building licence in

respect of such building or after three months following the completion of the said building. It shall be an offence to erect or allow such a sign to remain on land in breach of the provisions of this paragraph.

5.14 Semaphore Signs

5.14.1 A semaphore sign shall -

- (a) afford a minimum headway of 2.75m;
- (b) be fixed at right angles to the wall to which it is attached;
- (c) not project more than 1m from the point of attachment nor be of greater height at any point than 1m;
- (d) be fixed over or adjacent to the entrance to a building; and
- (e) not be approved under or over any verandah.

5.14.2 Not more than one semaphore sign shall be fixed over or adjacent to any one entrance to a building.

5.15 Tower Signs

A tower sign shall not, unless otherwise specially approved by Council -

- (a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- (b) if illuminated, be a flashing sign;
- (c) exceed in height one-sixth of the height of the mast, tower or chimney stack on which it is placed;
- (d) exceed in width the width or diameter of the mast, tower or chimney stack on which it is placed; or
- (e) extend laterally beyond any part of the mast, tower or chimney stack on which it is placed.

5.16 Verandah Signs

5.16.1 Signs Above Verandah Fascias

Signs comprising free standing lettering only may be erected above the outer fascia of a verandah parallel to the kerb, if the

lettering does not exceed 400mm in height and is mounted on a base of at least 75mm in width.

5.16.2 Signs on Verandah Fascias

A sign fixed to the outer or return fascia of a verandah -

- (a) shall not exceed 600mm in depth;
- (b) shall not project beyond the outer metal frame or surround of the fascia; and
- (c) if an illuminated sign may be of changing colours but shall not emit a flashing light.

5.16.3 Signs on Verandah Fascias (Theatre)

5.16.3.1 An illuminated sign fixed to the outer fascia of a theatre verandah shall -

- (a) not be constructed or erected unless plans and specifications thereof and structural details of the verandah have been submitted to and the plans of the sign approved by the Council;
- (b) be so constructed that its bottom edge is not lower than the bottom edge of the fascia or its top edge not higher than the top edge of the fascia;
- (c) not in any event exceed 1.2m in height.

5.16.3.2 Where such a sign is to be fixed to the outer fascia of a theatre verandah which has already been constructed at the time that this by-law comes into force, the outer face of the sign shall not be less than 150mm from a line drawn vertically from the kerb line of the footpath beneath such verandah.

5.16.3.3 Where such a sign is to be fixed to the outer fascia of a theatre verandah constructed after this by-law comes into force, the outer face of the sign shall not be less than 600mm from a line drawn vertically from the kerb line of the footpath beneath such verandah.

5.16.4 Signs under Verandahs

A sign under a verandah shall -

- (a) afford a headway of at least 2.75m or, when approved by the Council, 2.4m;

- (b) not exceed 2.4m in length or 500mm in depth;
- (c) not weigh more than 50 kg;
- (d) not, if it exceeds 300mm in width, be within 1.4m, or where it does not exceed 600mm in width be within 1m of the side wall of the building, measured along the front of the building before which it is erected;
- (e) not, if it exceeds 300mm in width, be within 2.75m, or where it does not exceed 300mm in width be within 1.75m of another sign under that verandah;
- (f) be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection where the sign may be placed at an angle with the wall so as to be visible from both streets;
- (g) be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign;
- (h) not be constructed of shatterable material.

5.17 Vertical Signs

5.17.1 A vertical sign shall -

- (a) afford a minimum headway of 2.75m;
- (b) subject to sub-bylaw 5.17.2, not project more than 1m from the face of the building to which it is attached;
- (c) subject to sub-bylaw 5.17.3, not be within 1.75m of either end of the wall to which it is attached;
- (d) be of a height of at least twice its width;
- (e) not project more than 1m above the top of the wall to which it is attached nor more than 1m back from the face of that wall;
- (f) not be within 4m of another vertical sign on the same building;

- (g) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls so as to be visible from both streets; and
- (h) except with special permission of the Council not exceed 1m in width exclusive of the back projection.

5.17.2 Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building which is situated less than 3 metres from the side wall of the first building, the sign may project 500mm further than the distance prescribed by paragraph (b) of sub-bylaw 5.17.1 or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.

5.17.3 Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right of way, the Council may authorise the affixing of the sign at paragraph (c) of sub-bylaw 5.17.1.

5.18 Portable Signs -

A portable sign shall -

- (a) Not exceed 1 metre in height;
- (b) Not exceed 1 metre in area
- (c) Be placed so not to be hazardous to, or impede vehicular traffic or pedestrian traffic;
- (d) Be sound construction and maintained in good condition;
- (e) Be so constructed or anchored to prevent them becoming hazardous during strong winds.

6. OFFENCES

- 6.1 Every person who erects or authorises or permits to be erected a sign, or a hoarding which does not comply with, or erects or authorises or permits to be erected a sign or a hoarding in a manner contrary to the provisions of these by-laws, commits an offence.
- 6.2 Where by these by-laws it is required that a person obtain a licence to erect or maintain a sign or hoarding, every person who erects or maintains a sign or a hoarding without a licence or in respect of which the licence has expired or been cancelled commits an offence.
- 6.3 Neither the owner nor the occupier of any land or premises shall permit a sign or hoarding to remain thereon unless such sign or hoarding complies with these by-laws.
- 6.4 Without prejudice to the preceding provisions of this by-law the Council may serve on the owner or occupier of any premises on which any sign is

erected, affixed or maintained, contrary to these by-laws, notice to remove the sign within such time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this sub-bylaw commits an offence.

7. REMOVAL AND DISPOSAL

7.2 The Council may remove to a place appointed by the Council any sign, advertisement, advertising device, hoarding or signboard placed on or erected on any street, way, footpath or other public place unless so placed or erected pursuant to these by-laws. The Council may without being liable in damages or otherwise dispose of any of the things mentioned above and reinstate the street, way, footpath or public place at the expense of the person or persons responsible for the deposit thereon or the injury thereto and recover the amount of the expense from him in a Court of competent jurisdiction.

6.6 The Council, or any person acting under the authority of the Council, may remove from private property any hoarding or any bill, placard or advertisement which is attached to, painted, stencilled, placed, stuck, posted or affixed on a hoarding and which in the opinion of the Council is dangerous or objectionable and the Council may recover the expenses of the removal from the owner of the property in a Court of competent jurisdiction.

8. PENALTIES

Any person who is guilty of an offence against these by-laws is liable to:

- (a) a penalty not exceeding five hundred dollars (\$500); or
- (b) a daily penalty, during the breach, of up to fifty dollars (\$50).

9. RIGHTS OF APPEAL

Where any provision is made for the granting, issuing or giving of any licence, authorisation, registration, approval or consent or the like under these Local Laws, or for the refusal, refusal of renewal, or cancellation of the same, or for the imposition of conditions, then the rights of objections and appeal and the procedures associated with them provided for in Part 9 Division 1 of the Act shall apply, together with the relevant provision of the Local Government (Functions and General) Regulations 1996.

Dated this 22nd day of July, 1980.

The Common Seal of the Shire of Kalamunda was hereunto affixed in the presence of

S.P. WILMOTT, President
E.H. KELLY, Shire Clerk

First Schedule

Shire of Kalamunda

APPLICATION FOR LICENCES - SIGNS AND HOARDINGS

Name of Owner/Occupier of land on which sign is to be erected:

Submitted by.....

Address for correspondence.....

I/we hereby apply for a licence to erect and/or maintain a.....

sign on Lot.....House No.

Street.....

in accordance with the attached plan and details in duplicate.

Signature of Applicant.....

Date.....

Shire of Kalamunda

SIGN LICENCE

No.....Date.....

This licence is granted to.....

of

in respect of a

on premises known as.....

.....
in accordance with Application No.and subject to the by-laws of the
Municipality. This licence shall remain valid unless any alteration is made to the
sign, then in such event the licensee must apply for a new licence. If this licence is
issued in respect of a hoarding, the licence expires on.....19.....

.....
Building Surveyor.

Second Schedule

Scale of Fees

Pylon or Tower Sign - \$10.00

Oversized Pylon or Tower Sign - \$1.00 per M² (minimum \$10.00)

Illuminated Sign -

On roof - \$1.00 per M2 (minimum \$10.00)

Other - \$10.00

Development Signs - \$1.00 per M2 (minimum \$10.00)

Rural Producers Signs - \$10.00

Sign Panel - \$10.00

Hoardings - \$25.00 per annum

Any other sign - \$10.00.

Attachment 2

LOCAL GOVERNMENT ACT 1995

SHIRE OF KALAMUNDA

SIGNS LOCAL LAW 20XX

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kalamunda resolved on [date to be inserted] to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Kalamunda Signs Local Law 20XX.

1.2 Application

This local law shall apply throughout the district of the Shire of Kalamunda.

1.3 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.4 Repeal

The *Shire of Kalamunda Signs, Hoarding and Bill Posting By-laws*, published in the *Government Gazette* of 10 April 1981, and the amendments to these by-laws published in the *Government Gazette* on 2 April 1982, 19 November 1982 and 19 September 2001, are hereby repealed.

Licence fees & charges

All licence fees and charges applicable under this local law shall be as determined by the local government from time to time, in accordance with sections 6.16 to 6.19 of the Act.

PART 2 - REQUIREMENT

A person shall not display a sign that is on local government property and public areas that are under the control, care and management of the Shire of Kalamunda, with the following exceptions:

The Local Government may permit the following signs to be erected:

Community Association Signs

A Community Association means an institution, association, club, society or body, whether incorporated or not, the objectives of which are of charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions.

Non-Permanent Community Association Signs

The Local Government may permit the erection of a Community Association sign advertising a community event, such as a fete, fair, show, sporting club recruitment or other transient event, subject to:

- a) the sign (s) not being erected any earlier than three weeks prior to the event;
- b) the sign (s) being removed within one week of the event having occurred.
- c) the sign (s) not exceeding 1m² in area;
- d) the sign (s) not being located in such a way that will impede pedestrian movement or interfere with traffic sight lines.

Permanent Community Association Signs

The Local Government may permit the permanent erection of a Community Association sign subject to application on the prescribed form, and:

- a) the sign (s) not exceeding 1m² in area;
- b) the sign (s) not being located in such a way that will impede pedestrian movement or interfere with traffic sight lines.

PART 3 - ENFORCEMENT - NOTICES AND REMOVAL OF SIGNS

3.1 Removal of signs from public property

- (1) The local government or an authorised person may remove to a place appointed by the local government any sign, advertisement, advertising device, hoarding or signboard, placed or erected on any thoroughfare, footpath or other public place under the care, control or management of the local government.
- (2) Where a sign, advertisement, advertising device, hoarding or signboard is removed to an appointed place in accordance with subclause (1), and where it is possible to identify the name of the owner of the sign or device, a notice shall be served on the owner advising –
 - (a) the location of the place to where the sign has been removed;
 - (b) that the sign may be collected during such hours and on payment of such fees and charges as may be specified in the notice; and

- (c) that the sign may be disposed of by the local government if not collected within 7 days of the service of the notice.

3.2 Notice of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a sign, the local government may give a notice in writing to the owner of the land on which the sign is erected, or to the licensee of the sign ('notice of breach').
- (2) A notice of breach shall –
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner or licensee is required to remedy the breach within 14 days from the giving of the notice.

3.3 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

PART 5 - OFFENCES AND PENALTIES

5.1 Offences and penalties

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

5.2 Modified penalties

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount appearing in the final column of Schedule 3 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

5.3 Form of notices

For the purposes of this local law –

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is to be in the form of Form 1 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;

- (b) the form of the infringement notice given under section 9.16 of the Act is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (c) the form of the withdrawal of infringement notice referred to in section 9.20 of the Act is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

5.4 Objections and appeals

When the local government makes a decision under this local law as to whether it will give a person a notice under clause 7.2, the provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

Dated: 20XX.

The Common Seal of the Shire of Kalamunda was affixed by authority of a resolution of the Council in the presence of –

DONALD McKECHNIE, Shire President.
JAMES TRAIL, Chief Executive Officer.

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

100. Amendment to Local Planning Scheme No. 3 – Modifications to Exempted Advertisements Schedule

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

PURPOSE

1. To consider whether to initiate an Amendment to Local Planning Scheme No. 3 ("the Scheme") to insert new provisions into Schedule 5 (Exempted Advertisements) and new definitions in Schedule 1 – Dictionary of Defined Words and Expressions.

BACKGROUND

2. In November 2012, at the Development & Infrastructure Committee meeting Council considered the draft Local Planning Policy DEV 42 – Signage on Private Property ("Policy") for the purpose of advertising. The matter was subsequently deferred to the December Development and Infrastructure Services Committee meeting to enable it to be considered with this report and the Signs Local Law report.
3. Council identified the need for provisions to be included in the Scheme for community event signs, such as for fetes and markets and provide greater clarity as to when they would require planning approval for signs proposed to be erected on private property.
4. In response to a number of recent enquiries regarding the proliferation of election and political signage on private properties in the Shire, the Policy included provisions to control the display of posters or signs on behalf of candidates of political parties.

DETAILS

5. It is proposed that Schedule 5 (Exempted Advertisements) of the Scheme be modified to include the following provisions for political signs, and community event signs:

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAX SIZE
Political Signs	One sign per property displayed for the period following the issue of the writs for a State or Federal election, or 37 days before a local election in accordance with Section 4.49(a) of the <i>Local Government Act 1995</i> . The sign will be required to be removed no later than 14 days after the relevant election.	1sqm
Community Association Event Signs displayed no earlier than three weeks prior to the event.	One sign per property displayed no earlier than three weeks prior to the event.	1sqm

6. Signs which do not comply with these provisions will require planning consent prior to be erected on any private property.
7. The proposed scheme amendment does not apply to signs on public land i.e. road reserves and other land under the control of local government which are controlled under the Signs Local Laws.
8. It is also proposed to include the follow definitions in Schedule 1 - Dictionary of Defined Words and Expressions:

“Community Association ” means an institution, association, club, society or body, the objective of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions”

“Political Sign” means a sign which displays, or makes reference to, matters of a political nature and/or promotes sitting members, candidates, or potential candidates, for the Parliament of the Commonwealth or the State, or for the Council of the Local Government but does not include a sign erected by the Local Government for public information.

STATUTORY AND LEGAL IMPLICATIONS

9. 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.
10. Schedule 5 (Exempted Advertisements) of the Scheme stipulates the types of advertisements which are exempt from requiring planning consent.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. If Council decides to approve the amendment, then ultimately it will be determined by the Minister for Planning. If the matter proceeds to the Minister's determination, there is no Right of Review (appeal), irrespective of the Minister's decision.
13. Should Council initiate the amendment, the formal advertising (which will last 42 days) will involve a local public notice in a paper circulating the District.

FINANCIAL IMPLICATIONS

14. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

15. Political and community event signs not exempt from requiring planning consent will be required to comply with the proposed draft Local Planning Policy DEV 42 which stipulates the Shire requirements which will be applied so that the amenity of an area is not impacted by proposed signage on private property.

Sustainability Implications

Social Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

OFFICER COMMENT

19. Until such time as the Scheme amendment is adopted by the Minister for Planning all political signs will require approval from the Shire.
20. The inclusions of political signs in Schedule 5 will preclude all signs not exceeding one sqm from requiring planning approval. The amendment will however restrict the period of time the signs can be displayed for. This will ensure the signs are removed in a timely manner.

21. In respect to Community Signs, Schedule 5 of the Scheme identifies signage associated with meeting halls and public assembly as being exempt from requiring planning approval. It is, however, considered that the wording could be interpreted as including Community Signs. To ensure greater clarity it is recommended that Community Signs be included as a separate land use development in Schedule 5 of the scheme.
22. The proposed provisions will assist with the Shire's development control responsibilities and provide greater clarity to the elected members and the community in respect to Political and Community Signs. It is therefore recommended that Council initiates the amendment.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 100/2012)

That Council:

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

PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO.		
Resolved that Council, in pursuance of Part 5 of the <i>Planning and Development Act 2005</i> , amends the above Local Planning Scheme as follows:		
(a) Modify Schedule 5 (Exempted Advertisements) of Local Planning Scheme No. 3 to include the following provisions for election, political and community event signs:		
LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAX. SIZE
Political Signs	One sign per property displayed for the period following the issue of the writs for a State or Federal election, or 37 days before a local election in accordance with Section 4.49(a) of the <i>Local Government Act 1995</i> . The sign will be required to be removed no later than 14 days after the relevant election.	1sqm
Community Event Signs	One sign per property displayed no earlier than three weeks prior to the event.	1sqm

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.

(b) Modify Schedule 1 (Dictionary of Defined Words and Expressions) by inserting the following definitions:

“Community Association ” means an institution, association, club, society or body, the objective of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions”

“Political Sign” means a sign which displays, or makes reference to, matters of a political nature and/or promotes sitting members, candidates, or potential candidates, for the Parliament of the Commonwealth or the State, or for the Council of the Local Government but does not include a sign erected by the Local Government for public information.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

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

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

101. Modification to the Wattle Grove Cell 9 Structure Plan – Lot 34 (338) and Lot 33 (332) Hale Road, Wattle Grove

Previous Items	OCM 03/2012, OCM 08/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	HL-01/332
Applicant	Gray & Lewis Land Use Planners
Owner	Hale 338 Pty Ltd, WA Land Holdings Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Existing Wattle Grove Cell 9 Structure Plan
Attachment 3	Proposed Wattle Grove Cell 9 Modified Structure Plan

PURPOSE

1. To consider a proposal to modify the Wattle Grove Cell 9 Structure Plan ("Structure Plan") to allow Lot 34 (338) and Lot 33 (332) Hale Road, Wattle Grove, to be changed from Neighbourhood Centre to Commercial. Also to change the rear portion of Lot 33 (332) Hale Road, Wattle Grove, from Public Open Space to Commercial, retaining a 11m wide portion of Public Open Space along the rear boundary. Refer to (Attachments 1 to 3).

BACKGROUND

2. Land Details:

Land Area: Lot 33 Lot 34	1.06ha 2.62ha
Local Planning Scheme Zone:	Urban Development
Wattle Grove Cell 9 Structure Plan:	Neighbourhood Centre
Metropolitan Region Scheme Zone:	Urban

3. The properties contain a single dwelling and associated outbuildings which are proposed to be demolished.
4. Surrounding properties contain single dwellings and outbuildings. The properties adjoining the rear and south west (side) boundaries are public open space.
5. The Structure Plan was adopted by Council in 2000 and endorsed by the WA Planning Commission in March 2001.
6. In August 2012, Council resolved (En Bloc Resolution OCM 99/2012) to adopt a modification to the Wattle Grove Cell 9 Structure Plan to change a portion of the rear of Lot 34 from Public Open Space to Neighbourhood Centre,

retaining an 11m wide portion of Public Open Space along the rear boundary. This is yet to be endorsed by the WA Planning Commission.

DETAILS

7. It is proposed to modify the Structure Plan to allow Lot 34 (338) and Lot 33 (332) Hale Road, Wattle Grove, to be changed from Neighbourhood Centre to Commercial. Also to change a rear portion of Lot 33 (332) Hale Road, Wattle Grove, from Public Open Space to Commercial, retaining a 11m wide portion of Public Open Space along the rear boundary.
8. An 11m wide portion of public open space is proposed to be retained along the rear boundary of the property.
9. No Neighbourhood Centre zoning exists in Local Planning Scheme No. 3 (the "Scheme") therefore no provisions exist which stipulates which land uses can be considered on Neighbourhood Centre properties. Whereas such provisions exist in the Scheme for properties zoned Commercial.

STATUTORY AND LEGAL IMPLICATIONS

10. The property is zoned Urban Development under Local Planning Scheme No. 3, the objectives of which are the following:
 - *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*
11. The property is identified as being "Neighbourhood Centre" on the Structure Plan.
12. If changed to Commercial, residential development and commercial uses such as offices, shops and residential uses can be considered on the properties subject to obtaining approval from the Shire.
13. The Scheme stipulates that where a designation is shown on a Structure Plan, the permissibility of the use would be as if the land is zoned for that purpose.
14. Table 1 (Zoning Table) of the Scheme does not include the zoning Urban Development, and therefore does not stipulate which uses are permissible in that zoning. However, since the Structure Plan was adopted it has been the intention that the property be developed for commercial facilities serving the local area.
15. The adopted structure plan identifies a maximum retail floor space of 4,500sqm in the Wattle Grove centre. Given the population catchment for the Cell 9 Urban area, it is considered unlikely that this amount of floor space will be required. Therefore other land use opportunities need to be considered. In this regard the change to commercial will allow residential land uses to be considered.

16. The design and assessment of structure plans are dealt under Clause 6.2 – *Development Areas* of the Scheme. In particular, Clause 6.2.3 (Preparation of Structure Plans) and Clause 6.2.4 (Adoption and Approval of Structure Plans).
17. Subclause 6.2.5.1 (Change or Departure from Structure Plan) of the Scheme stipulates that Council may adopt a minor change to or departure from a Structure Plan if, in its opinion, the change or departure does not materially alter the intent of the Structure Plan.
18. If adopted by Council, the modified structure plan will be forwarded to the WA Planning Commission for endorsement. In the event that the WA Planning Commission refuses the modification, there is a right of review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Liveable Neighbourhoods (January 2009)

19. *Liveable Neighbourhoods (January 2009)* ("the Policy") 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.
20. The Policy requires commercial uses to be integrated into central locations to provide improved environmental, economic and social outcomes.

Directions 2031 and Beyond

21. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area, the objectives of which include the following:
 - Reducing greenhouse emissions.
 - Encourage reduced vehicle use.

PUBLIC CONSULTATION/COMMUNICATION

22. The proposal was advertised for 42 days in accordance with the provisions of the Scheme. This involved a notice in a newspaper circulating the District, a sign being erected on the property and the proposal being referred to nearby landowners for comment.
23. During the advertising period no submissions were received.

FINANCIAL IMPLICATIONS

24. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

25. The proposed modification is consistent with the intent of the Structure Plan in providing for commercial activities in close proximity to residential areas.

Sustainability Implications

Social implications

26. If the proposed modification is endorsed, future development on the property will provide an opportunity for residential development adjacent to the shopping centre and public open space.

Economic Implications

27. If the proposed modification is endorsed, future development will allow for local employment opportunities.

Environmental Implications

28. Nil.

OFFICER COMMENT

29. An 11m wide portion of public open space is proposed to be retained along the property for pedestrian access purposes and to act as a buffer between future commercial uses on the property and the public open space on the property at the rear. The reduced area of public open space does not impact on the requisite 10% for Cell 9.
30. The proposed change from Local Neighbourhood Centre to Commercial for the subject lots is consistent with the intent of *Directions 2031 and Beyond* and the draft Liveable Neighbourhood Policy (January 2009). Importantly, the Commercial zone is defined in the Scheme and therefore identifies which land uses can be considered, including the introduction of residential land uses over the subject lots.
31. Considering the above, it is recommended that Council adopts the modified Structure Plan.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 101/2012)

That Council:

1. Adopts the proposed modification to the Wattle Grove Cell 9 Structure Plan to change Lot 34 (338) and Lot 33 (332) Hale Road, Wattle Grove, from Neighbourhood Centre to Commercial. Also to change a rear portion of Lot 33 (332) Hale Road, Wattle Grove, from Public Open Space to Commercial, retaining a 11m wide portion of Public Open Space along the rear boundary.
2. Forwards the modified Wattle Grove Cell 9 Structure Plan to the WA Planning Commission for endorsement.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

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

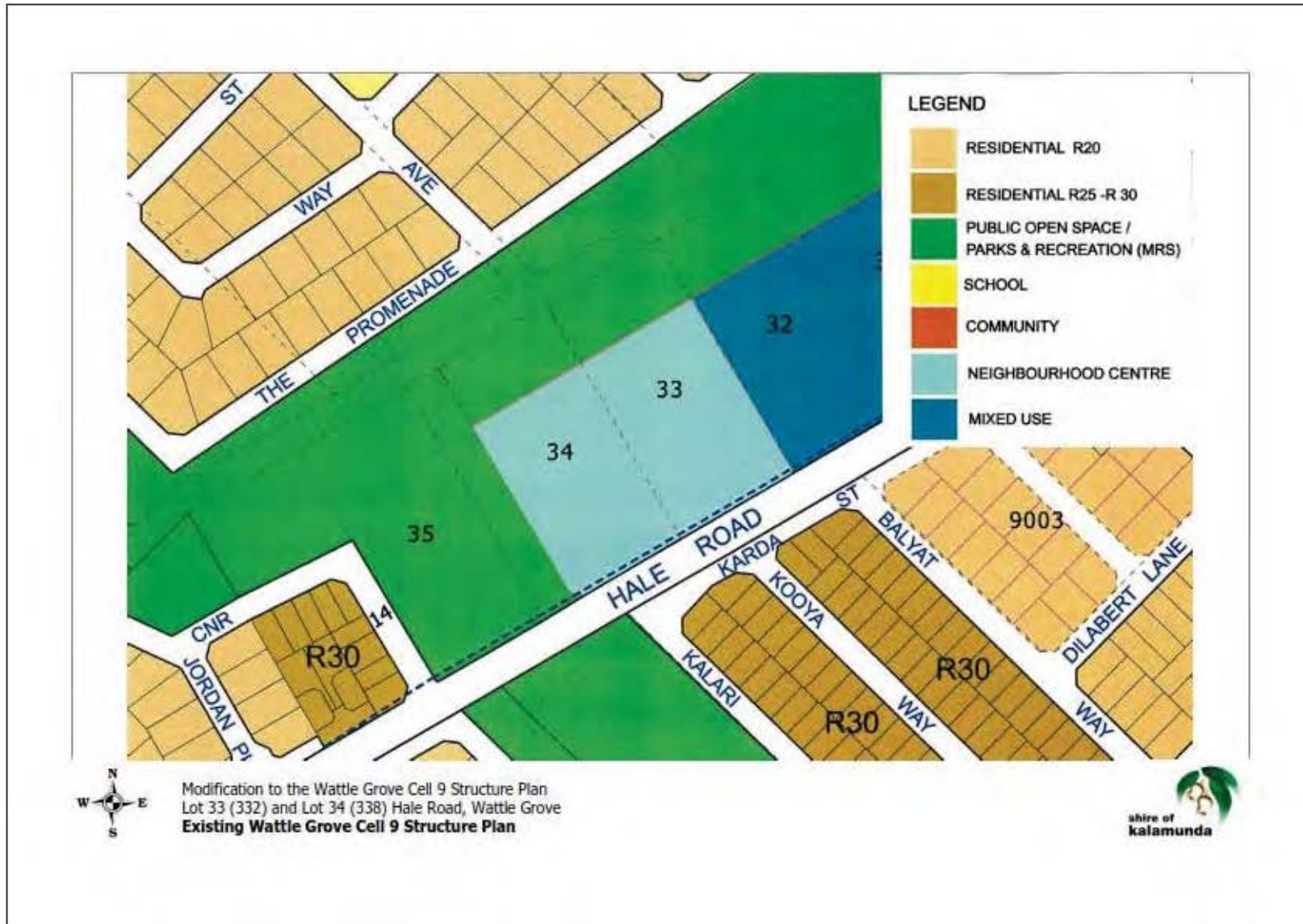
Attachment 1



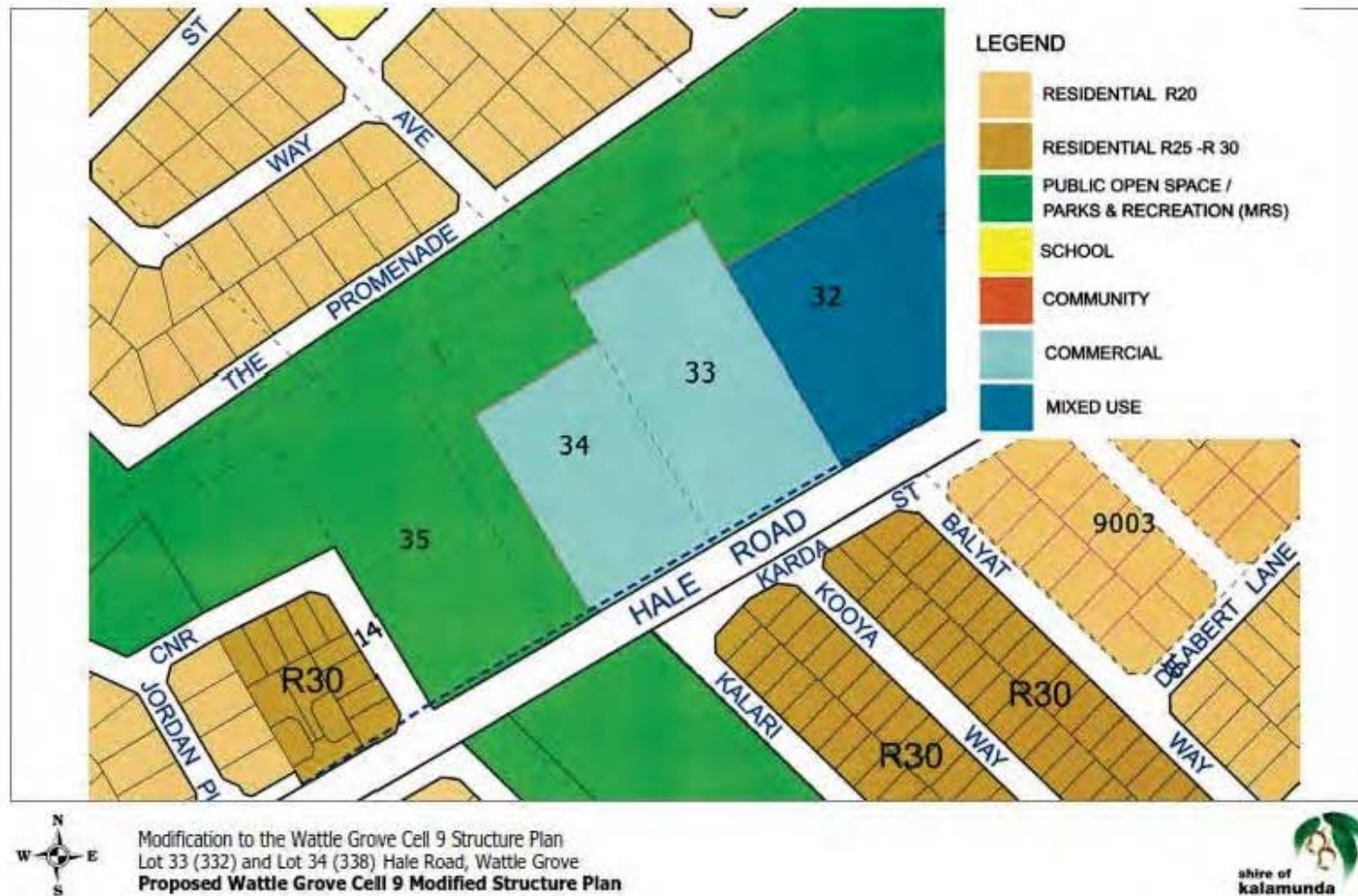
Modification to the Wattle Grove Cell 9 Structure Plan
Lot 33 (332) and Lot 34 (338) Hale Road, Wattle Grove
Locality Plan



Attachment 2



Attachment 3



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

102. Amendment No. 50 to Local Planning Scheme No. 3 – Modifications to the Site Requirements Table

Previous Items	OCM 106/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-LPS-003/050
Applicant	N/A
Owner	N/A
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Adopted Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan
Attachment 3	Modified Site Requirements Table
Attachment 4	Submission Table

PURPOSE

1. To consider submissions received and decide whether to adopt Amendment No. 50 to Local Planning Scheme No. 3 (the “Scheme”) to insert new provisions into Table 2 (Site Requirements) of the Scheme for the Industrial Development zone.

BACKGROUND

2. In July 2012, Council adopted the Draft Forrestfield/High Wycombe Industrial Area Structure Plan – Stage 1 (the “Structure Plan”). Refer to (Attachment 1 and 2).
3. The Structure Plan was prepared in conjunction with the Draft Industrial Design Guidelines (“the Guidelines”) with the aim to of promoting industrial development of a high quality. The Guidelines were adopted by Council in August 2012.
4. In August 2012, Council resolved (Resolution OCM 106/2012) to initiate Amendment No. 50 to the Scheme.

DETAILS

5. It is proposed that Table 2 (Site Requirements) of the Scheme be modified to include provisions for the Industrial Development Zone. Refer to (Attachment 3).
6. Table 2 is proposed to be modified so as to be consistent with the principles of the Guidelines and the Structure Plan for Stage 1.

STATUTORY AND LEGAL IMPLICATIONS

7. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
8. Table 2 (Site Requirements) of the Scheme stipulates the minimum setbacks for structures and buildings from lot boundaries, the maximum plot ratio, the maximum site coverage and minimum landscaping strip width in various zones, which cannot be varied unless otherwise approved by Council.
9. Clause 2.3.1 (Relationship of Local Planning Policies to the Scheme) of the Scheme stipulates that if a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

POLICY IMPLICATIONS

Forrestfield/High Wycombe Industrial Area Design Guidelines

10. The Guidelines aim to complement the strategic importance of the Forrestfield/High Wycombe Industrial Area's location, and to encourage design features, construction quality and landscaping of a high standard which will ensure the locality is a sought-after location for business relocation, and a prestigious industrial address.
11. To this end, the Guidelines and Structure Plan propose the following development standards which vary from those applied to the light and general industrial zone under the Scheme:

Minimum Front Setback – 20m
Minimum Side Setback – 10m
Minimum landscape strip – 6m (except lots fronting Sultana Road West then a 8m landscape strip shall apply).
12. The proposed front and side boundary setbacks will encourage development that is well designed with functional and efficient buildings and site layouts. The landscaping requirements will promote the development of quality attractive landscaping and streetscape and afford residents on the northern side of Sultana Road West and appropriate buffer to their properties.

PUBLIC CONSULTATION/COMMUNICATION

13. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District and the proposal being referred to all landowners within Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area.
14. During the formal advertising period one objection, and three non-objections, (one of which provided comment), were received by the Shire. Refer to the Submission Table (Attachment 4).

FINANCIAL IMPLICATIONS

15. Costs associated with the preparation of the document and public consultation/advertising were met through the Development Services budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. The proposed Forrestfield/ High Wycombe Industrial Area is consistent with the Economic and Employment Lands Strategy – Non Heavy Industry (2012) which identifies the Forrestfield /High Wycombe Industrial Area as a priority Industrial site.
17. It is a recommendation of the Draft Local Planning Strategy that industrial development in the Forrestfield/High Wycombe Industrial area be environmentally designed to manage the potential impact on the amenity of adjacent areas.

Sustainability Implications

Social Implications

18. A high standard of development and landscaped areas will result from the proposed Scheme provisions, which is consistent with the objectives of the Guidelines and recommendations of the Draft Local Planning Strategy.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

OFFICER COMMENT

21. The proposed provisions are consistent with those stipulated in the Draft Industrial Design Guidelines and the adopted Forrestfield/High Wycombe Industrial Area Structure Plan - Stage 1, and will assist with the Shire's development control responsibilities. It is therefore recommended that Council adopts the amendment without modification.
22. In response to the comments raised in the non-objection this matter is being dealt with through the Structure Plan process.
23. Considering the above, it is recommended that Council adopts the amendment.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 102/2012)

That Council:

1. Notes the submissions received in response to Amendment No. 50 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modifications, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 50</p>

<p>Resolved that Council, in pursuance of Part 5 of the <i>Planning and Development Act 2005</i>, amends the above Local Planning Scheme as follows:</p>
--

- | |
|---|
| <p>(a) Modify Table 2 (Site Requirements) of Local Planning Scheme No. 3 to include provisions for the Industrial Development zone.</p> |
|---|

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

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

Attachment 1



Attachment 3

Local Planning Scheme No. 3 Amendment
Modifications to the Site Requirements Table
Modified Site Requirements Table

Zones	SETBACKS				SITE REQUIREMENTS		
	Front	Minor Street	Side	Rear	Site Coverage	Plot Ratio	Landscaping Strip (Road Frontage)
Industrial Development	20m ⁽¹⁾	10m ⁽²⁾	At the discretion of Council ⁽³⁾	At the discretion of Council ⁽³⁾	60%	0.5	6m 8m along properties with frontage onto Sultana Road West

⁽¹⁾ Berkshire Road, Milner Road and Sultana Road West

⁽²⁾ All other roads (Nardine Close, Ashby Close and the future unnamed Road Reserve)

⁽³⁾ Proponents of new developments are encouraged to set back buildings a minimum of 3m from both the side and rear boundaries to assist with natural light penetration and natural cross-flow ventilation.

Attachment 4

Local Planning Scheme No. 3 Amendment No. 50 – Modifications to the Site Requirements Table Submission Table

	Details	Comment	Staff Comment
1.	N and M Taddei 21 Nardine Close HIGH WYCOMBE WA 6057	<p>Objection</p> <p>a) We are disappointed that Sultana Road West is being regarded as a major road as we own a corner block (Lot 200 Milner Road) which means a 20m setback on both street frontages.</p> <p>b) Part of Sultana Road West is adjacent to Stage 2 of the proposed Forrestfield/High Wycombe Industrial Area which has already been developed with far less setbacks. Let's keep it consistent.</p>	<p>a) Noted, however the setbacks proposed as part of the amendment are consistent with those shown on the Stage 1 Structure Plan adopted by Council.</p> <p>b) A Structure Plan for Stage 2 is currently being prepared by a Planning Consultant on behalf of the affected landowners and therefore no setbacks have been adopted by Council to date. It is however anticipated that the street setbacks for this area will be similar to those required in Stage 1.</p>
2.	D Kelly 17 Ashby Close FORRESTFIELD WA 6058	<p>Non-objection</p> <p>Road access to 17 Ashby Close is not shown on the Draft Structure Plan, and are the costs for providing road access to these properties been considered.</p>	<p>The Structure Plan for Stage 1 has been amended to reflect a requirement for a single shared industrial battle axe driveway to accommodate the subject lot. Further discussions will be held with the WA Planning Commission regarding the suitability of this arrangement and whether a formal road access</p>

			is required. Development costs for either option will be included once a decision is made. In the event that the lots in question are amalgamated then there will be no requirement for road access.
3.	K McDonald 221 Berkshire Road FORRESTFIELD WA 6058	Non-objection	Noted.
4.	U Tunhla Tisarana Buddhist Association of Australia 21 Ashby Close FORRESTFIELD WA 6058	Non-objection	Noted.

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

103. Child Care Premises Extension – Lot 15 (185) Maida Vale Road, High Wycombe

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	MD-03/185
Applicant	Childcare Communities Pty Ltd
Owner	Childcare Communities Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Floor Plan
Attachment 4	Elevations

PURPOSE

1. To consider a planning application to construct an extension to the rear of an existing child care premises at Lot 15 (185) Maida Vale Road, High Wycombe. Refer to (Attachments 1 to 4).
2. The applicant is seeking dispensation from Council for the required number of car parking bays on site.

BACKGROUND

3. Land Details:

Land Area:	1,140sqm
Local Planning Scheme Zone:	Urban Development
Metropolitan Region Scheme Zone:	Urban

4. The property contains a child care premises and associated car parking, has frontages to Maida Vale Road and Milner Road, and is shown on the High Wycombe Urban Area U4 Structure Plan as being Residential R20.
5. In September 2010, approval was granted for an extension to the rear of the child care premises which was to be used as an additional kitchen by the occupants.
6. The extension has not substantially commenced and therefore the approval has expired and is invalid.

DETAILS

7. Details of the application are as follows:
 - An extension is proposed to be constructed at the rear of the existing child care premises.

- The extension is proposed to be used as a baby nursery instead of the additional kitchen approved previously.
- The existing building will continue to be used as an out of school care facility which operates between 7.00am and 8.15am, and 3.00pm and 6.00pm Monday to Friday.
- Children using the out of school care facility are dropped off and collected from the property by their parents, and the applicant provides a bus service which drops off and collects the children from school.
- The baby nursery is proposed to operate between 8.00am and 5.00pm Monday to Friday.
- The operating hours of the baby nursery and out of school care facility will therefore coincide by 15 minutes in the morning and two hours in the afternoon.
- The applicant has advised that at any one time there will be three staff on site.
- If approved, the building will be designed to cater for up to 50 children and 12 babies.
- Seven car parking bays exist on site and no additional car parking bays are proposed.

STATUTORY AND LEGAL IMPLICATIONS

8. The car parking requirements for the use Child Care Premises stipulated under Table 3 (Car Parking Requirements) of Local Planning Scheme No. 3 ("Scheme") are as follows:

Scheme Parking Requirements	Number of Children and Babies	Bays Required	Bays Provided
1 bay per staff member, plus 1 bay for every 10 children.	62	6.2 bays minimum	7 bays
	Number of Staff		
	3	3 bays minimum	
Total		9 bays minimum	7 bays

9. If the application was approved by Council there will be a shortfall of two car bays on site.
10. Clause 5.8.2 of the Scheme stipulates that Council may, at its discretion, apply a greater or lesser requirement for parking than that stipulated in the Scheme, if the proposed use is likely to demand a greater or lesser need for car parking bays, having regard to the scale and nature of the intended use.
11. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including:

- The compatibility of the development within its settings.
- The likely effect of the scale and appearance of the proposal.
- Whether the proposed means of access and egress from the property are adequate.

12. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

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

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

State Planning Policy 3.1 – Residential Design Codes

14. State Planning Policy 3.1 – Residential Design Codes (“R Codes”) stipulates the following requirements for properties with a density coding of R20, which are applicable to the proposed extension:

	R Codes Requirement	Proposed
Open Space	50% minimum	46%
Secondary Street Setback	1.5m minimum	4m
Boundary Setback – Walls with no Major Openings. Wall height of 3.5m or less and a wall length of up to 16m.	1.5m minimum	Nil and 12.5m
Overshadowing	25% of an adjoining property maximum	3%
Maximum Building Height: Top of External Wall Top of Pitched Roof	6m 9m	2.4m 4.5m

-
15. The R Codes stipulate the overlooking only occurs where major openings and unenclosed outdoor active habitable spaces (balconies, verandahs, terraces or other outdoor living areas) have a floor area more than 0.5m above natural ground level and which overlook any part of an adjoining residential property.
16. The performance criteria under Clause 6.2.1 (Setback of Buildings Generally) of the R Codes stipulates that the building setbacks can be varied subject to ensuring the buildings:
- a. Contribute to the desired streetscape.
 - b. Provide adequate privacy and open space.
 - c. Allow safety clearances for easements for essential service corridors.
17. Clause 2.5.4 of the R-Codes stipulates that a Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the Scheme or a local planning policy.

PUBLIC CONSULTATION/COMMUNICATION

18. The proposal was advertised for 14 days to affected property owners for comment in accordance with Clause 9.4.1 of the Scheme due to the extension being proposed to have a nil setback in lieu of 1.5m from the rear boundary. One non objection was received.

FINANCIAL IMPLICATIONS

19. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

20. Nil.

Sustainability Implications

Social Implications

21. The provision of a baby nursery addition to the child care premises will enable parents who have work commitments to use the facility.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.

OFFICER COMMENT

State Planning Policy 3.1 - Residential Design Codes

24. The proposal complies with the R Code requirements with the exception of the proposed rear boundary setback.
25. The extension is proposed to have a nil setback in lieu of 1.5m from the rear boundary.
26. The proposed setback variation is considered acceptable as it satisfies the performance criteria of the R Codes, and complies with the acceptable criteria of the R Codes in terms of building height, overlooking and overshadowing.
27. It is also not uncommon for properties in the locality to have boundary walls of a similar scale due to the size of the lots and the dwellings on them.
28. No objections were received during advertising regarding the proposed setback variation.

Local Planning Scheme No. 3

29. The proposal complies with the Scheme requirements with the exception of the car parking requirements.
30. Seven car bays are proposed to be available on site in lieu of the nine car bays required by the Scheme for an operation of this size.
31. The Scheme allows Council to consider a lesser parking requirement if, in its opinion, the proposed use is likely to demand a lesser need for parking bays having due regard to the nature of the intended use and potential impact on future development of the locality.
32. The proposed shortfall in car parking is considered insignificant considering that the hours of operation for the baby nursery and out of school care facility coincide, and parents will be parked on site when dropping off and collecting the children, only for a short period of time.
33. Considering the above, it is recommended that Council approves the application.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 103/2012)

That Council:

1. Approves the application dated 11 October 2012 for an extension to the existing child care premises at Lot 15 (185) Maida Vale Road, High Wycombe, subject to the following conditions:
 - a. The provision and maintenance of a total of seven car spaces including a minimum of one disabled bay.
 - b. All car parking being contained on site.
 - c. All car parking bays and vehicle access ways being maintained by the landowner to the satisfaction of the Shire.
 - d. The external colour and material details of the proposed extension blending with existing development on the property.
 - e. Colour and material details of the proposed extension are to be submitted to and approved by the Shire prior to the building licence being issued.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

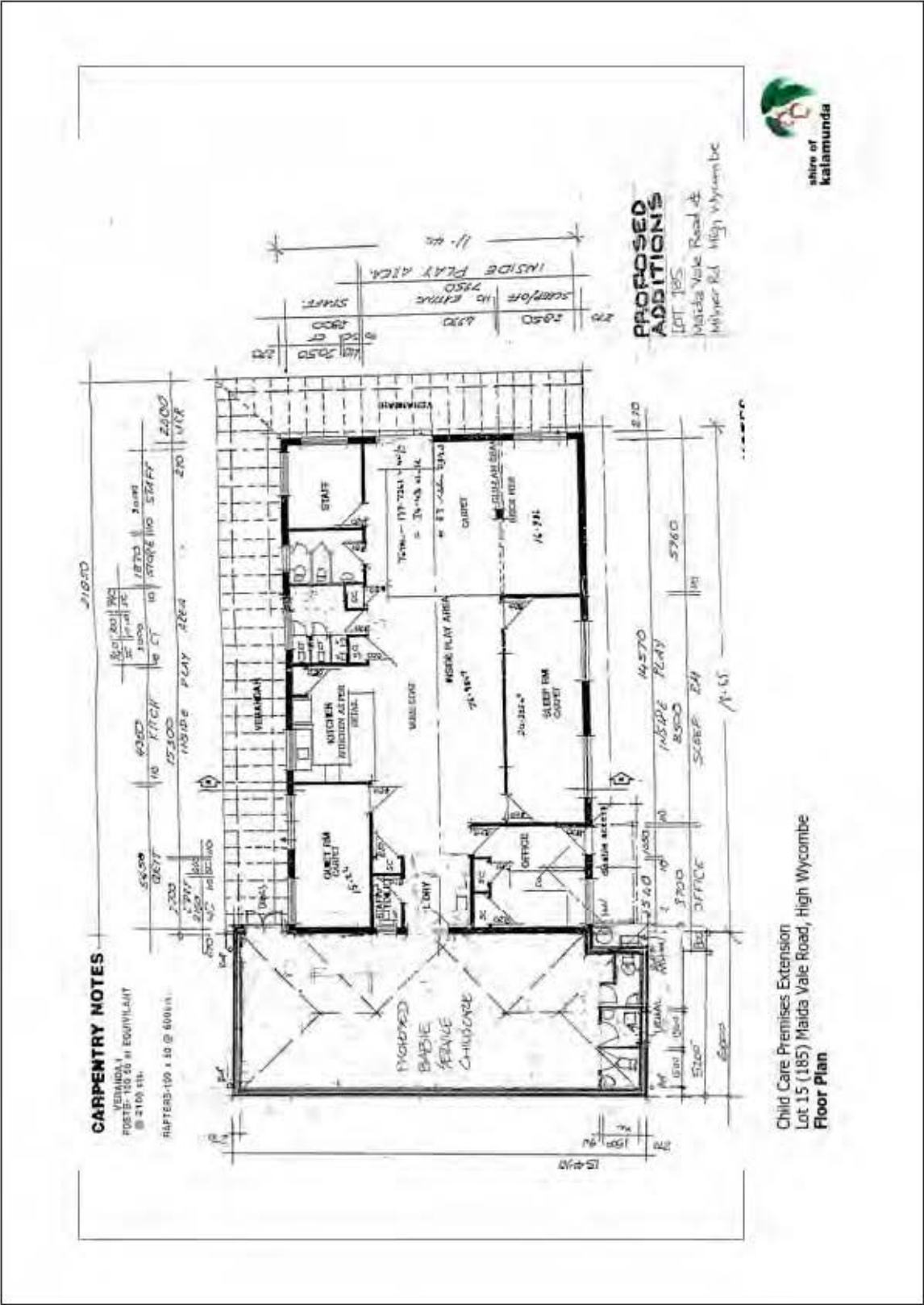
Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

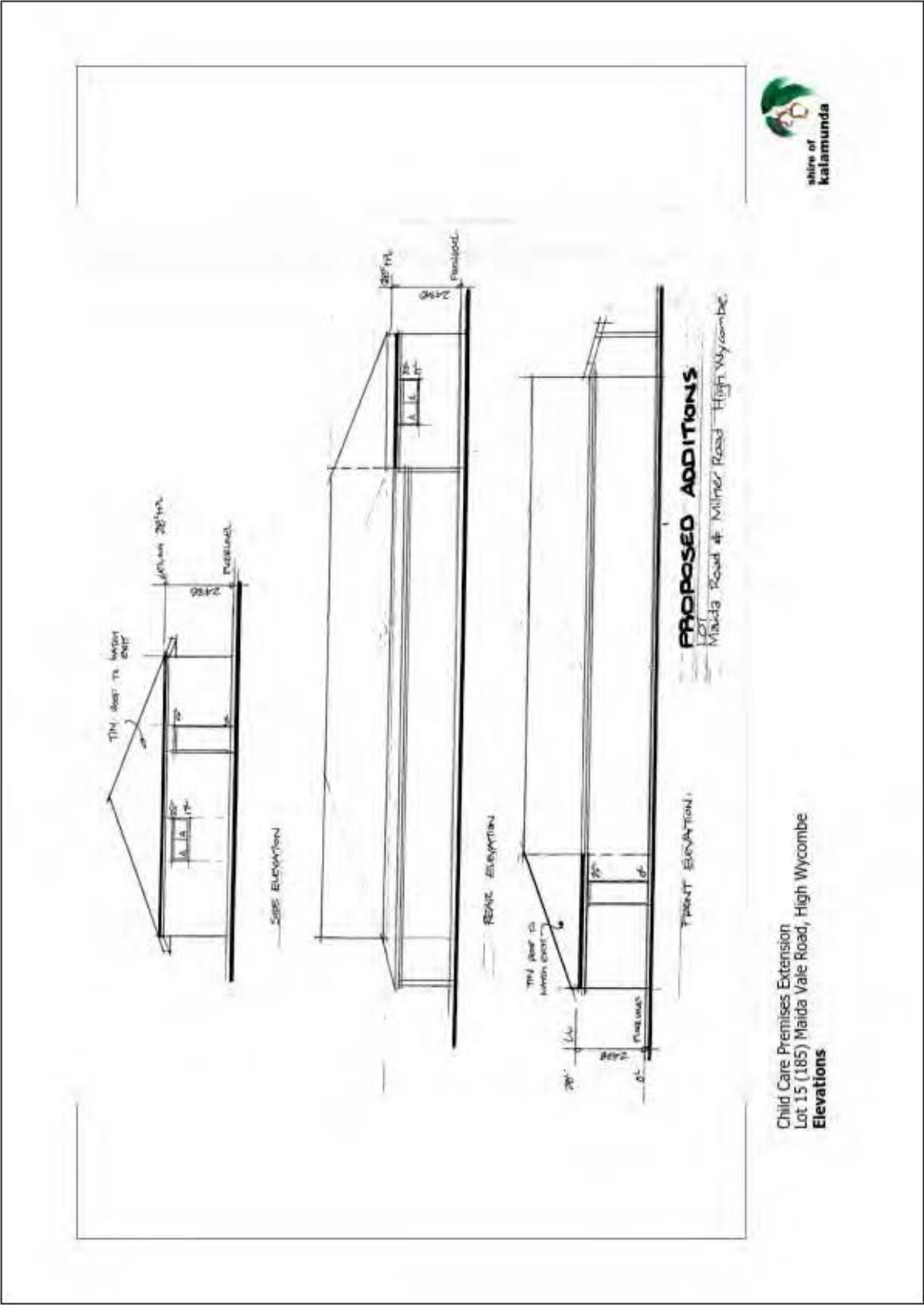


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Attachment 3



Attachment 4



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

104. Detailed Area Plan – Lot 24 (48) and 163 (40) Hardey East Road, Wattle Grove

Previous Items	OCM 108/2012
Responsible Officer	Director of Development & Infrastructure Services
Service Area	Development Services
File Reference	100829
Applicant	Gray & Lewis Land Use Planners
Owner	D and M Cook
Attachment 1	Locality Plan
Attachment 2	Existing Wattle Grove Cell 9 Structure Plan
Attachment 3	Detailed Area Plan
Attachment 4	Approved Subdivision Plan
Attachment 5	Photograph of the Existing Kelang Road Streetscape

PURPOSE

1. To consider a Detailed Area Plan ("DAP") for Lots 24 (48) and 163 (40) Hardey East Road, Wattle Grove. Refer to (Attachments 1 to 3).

BACKGROUND

2. Land Details:

Land Area:	2.62ha
Local Planning Scheme Zone:	Urban Development
Wattle Grove Cell 9 Structure Plan:	Residential R20
Metropolitan Region Scheme Zone:	Urban

3. The Wattle Grove Cell 9 Structure Plan ("the Structure Plan") was adopted by Council in 2000 and endorsed by the WA Planning Commission in March 2001.
4. The property contains a single dwelling and associated outbuildings, and has frontage onto Hardey East Road, Fennel Crescent and Kelang Road.
5. In October 2011, the WA Planning Commission approved an application to subdivide the property into 65 freehold lots ranging from 432sqm to 1,124sqm, with the existing dwelling being retained. The approval has yet to be implemented. Refer to the Approved Subdivision Plan (Attachment 4).
6. Surrounding properties are identified on the Structure Plan as being Residential R20 and public open space, and the Wattle Grove Primary School is nearby. Refer to the photograph of the existing Kelang Road streetscape (Attachment 5).

7. In September 2012, Council resolved (En Block Resolution OCM 108/2012) to defer the DAP to a future meeting to allow the applicant opportunity to address the Shire concerns regarding the DAP. The concerns relate to the need for a DAP in this location. Subsequently the Shire held a meeting with the applicant regarding the DAP, however its concerns regarding the need for the DAP remain.

DETAILS

8. The DAP expands on design provisions contained in the Cell 9 Structure Plan.
9. The following variations are proposed to the Residential Design Code ("the R-Codes") requirements:

	R-Code Requirements for Development on Properties with an R20 Density Coding	Variations proposed in the DAP
Minimum Open Space	50%	35%
Primary Street Setback	6m minimum, or a 6m average, the closest point of any building to the front boundary being a minimum of 3m when averaged.	3m Minimum 6m Maximum No average front setback
Maximum Boundary Wall Height	3m	3.5m
Minimum Side Setback for Single Storey Dwellings Containing a Wall with Major Openings	1.5m for walls 3.5m or less in height, and 9m or less in length. 1.8m for walls up to and including 4m in height and 9m or less in length.	1m

10. No concept plans are currently available which show the built form and building footprints proposed on the parent lot.
11. The DAP has not been requested by the Shire or the WA Planning Commission as a condition of the subdivision approval for the property.
12. The south west area of the property has been excluded from the DAP as a request to modify the Structure Plan has been received, to increase the residential density coding of this portion. A separate report on this proposal has been prepared for Council's consideration.

13. In support of the proposed DAP, the applicant has advised the following:

"The location of existing roads and adjoining lot boundaries has largely determined the proposed road locations and accordingly lot depths. You will note that the depth of many of the lots are in the 27 -28m range compared with the more standard depth of 30 -32m. By the time a standard front setback is applied to these shallower lots, the depth of the building envelope is fairly limited.

To address this issue we are seeking a reduction in the front setbacks to the primary street down to a minimum of 3.0m. A reduced front setback does in fact create a more intimate streetscape and manageable front yards. Not all purchasers will want to reduce to the minimum but the DAP does at least provide the opportunity to vary the front setback to accommodate a reasonably sized dwelling within a similar depth to a conventional 30m deep lot.

Going hand in hand with the reduced front setbacks we are also seeking a reduced area of open space. The minimum courtyard dimensions specified under the Codes would be maintained and we are also specifying the location of such courtyard area should have regard to solar orientation (located on the northern or eastern boundary). The problem we have with lots getting smaller and smaller, is that purchasers still have an expectation that they can still have relatively large house. The only way to accommodate such expectation is to slightly reduce the area open space. This should be acceptable providing it does not adversely impact upon the amenity of adjoining residents. again in most case, the purchaser will not reduce the open space to the 35% proposed but it does at least provide the opportunity to do so. In many other estates similar variations to the open space provisions of the Codes is allowed."

STATUTORY AND LEGAL IMPLICATIONS

14. Under the provisions of Local Planning Scheme No. 3 ("the Scheme") the property is zoned Urban Development.
15. The Scheme objectives of the Urban Development zone are as follows:
- *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*
16. 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.
17. Council is to either approve the DAP with or without conditions, or refuse to approve the DAP.
18. If approved by Council, the DAP will be forwarded to the WA Planning Commission for endorsement. In the event that Council or the WA Planning Commission refuses the DAP, there is a right of review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

State Planning Policy 3.1 – Residential Design Codes

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

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

22. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

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

Sustainability Implications

Social Implications

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

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

OFFICER COMMENT

27. The DAP has not been requested by the Shire or the WA Planning Commission as a condition of the subdivision approval for the property. Minor variations to the requirements of the R-Codes were requested by the developer and considered by the staff.

Minimum Open Space

- 28. A variation to the minimum open space requirements of the R-Codes has been sought to allow for a minimum of 35% open space in lieu of the acceptable 50% for R20 development as stipulated by the R-Codes.
- 29. The proposed variation represents a 30% reduction in the minimum amount of open space required by the R-Codes for properties with a density coding of R20. By way of comparison, properties with a minimum of 35% open space is what would normally be expected on properties with a density coding of greater than R60. The variation is therefore not supported.

Front Setback

- 30. A variation to the front setback requirement of the R-Codes for properties with a density coding of R20 has been sought to allow for a minimum front setback of 3m in lieu of 6m, and a maximum front setback of 6m. The front setback will not be able to be averaged.
- 31. Currently the R-Codes stipulate that a minimum front setback of 6m is acceptable for properties with a density coding of R20, which can be reduced by up to 50%, being 3m, when the front setback is averaged.
By way of comparison, properties with a minimum front setback of 3m are normally expected on properties with a density coding of greater than R60. The variation is therefore not supported.

Side Setbacks for Walls with Major Openings

- 32. The applicant has requested that the minimum side setback for a wall with major openings be reduced from 1.5m or 1.8m to 1.0m. Considering that the lots in this subdivision are between 15m to 24m wide, and that future development is proposed to occupy up to 65% of the lots and have a minimum front setback of 3m, this request is considered unreasonable and is therefore not supported.

Maximum Boundary Wall Height

- 33. A variation to the maximum boundary wall height requirement of the R-Codes has been sought to allow for a maximum boundary wall height of 3.5m in lieu of 3m considered acceptable under the R-Codes for R20 development.
- 34. This variation is considered to be minimal as currently the R-Codes stipulate that a boundary wall on a property with a density coding of R20 can be up to 3m. It should also be noted that only one boundary wall is permitted on a side boundary. The proposed variation is therefore considered acceptable.

35. Having regard to the above it is recommended that Council refuses the DAP for the following reasons:

- With the exception of the proposed provision relating maximum boundary wall heights, the built form and appearance of the future development the proposed variations would allow for are those typically found on properties with a residential coding of R60 or greater. As such, it would not preserve the local amenity and streetscape.
- The property's location, being within an established residential area, and the size of the proposed lots on the property, means that a DAP is not considered necessary, and would set an undesirable precedence in other established residential areas.
- The subdivision does not present any attribute or constraint in its design that would necessitate the need for design considerations not already applicable in the R-Codes.
- Having differing design requirements for a portion of the estate which differ from the balance of similar zoned property may cause confusion and expectations for similar design dispensations.

A Councillor asked if there was a right of appeal for the applicant if this proposition is refused by the Shire of Kalamunda. Through the Chair the Manager of Planning & Development Services, Andrew Fowler-Tutt confirmed that if this decision was not supported by the Planning Commission then the matter could be taken to the State Administrative Tribunal.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 104/2012)

That Council:

1. Refuses the Detailed Area Plan for Lot 24 (48) and 163 (40) Hardey East Road, Wattle Grove, as it would provide for a built form and appearance that is not in keeping with the surrounding Residential coding of predominantly R20.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Dylan O'Connor**

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

Attachment 1



Attachment 2



Attachment 3



DEPARTMENT OF PLANNING
DATE: 14.03.09 FILE: 14.03.09

HARDEY EAST ROAD

EXISTING SUBDIVISION

INDICATIVE LAYOUT

EXISTING SUBDIVISION

APPROVED SUBDIVISION PLAN
LOTS 24 & 163 HARDEY EAST ROAD
WATTLE GROVE

DATE: 14.03.09
SCALE: 1:1000 (A3)

LOT SUBDIVISION
Total No. of Lots: 163
Total Area: 1.0000 Ha (2.4719 Acres)

LOT SUBDIVISION
Total No. of Lots: 163
Total Area: 1.0000 Ha (2.4719 Acres)

DATE: 14.03.09
SCALE: 1:1000 (A3)

GRAY & LEWIS
LAND USE PLANNING

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Attachment 5



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

105. Wattle Grove Village Centre Design Guidelines

Previous Items	
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-STU-030
Applicant	N/A
Owner	Various
Attachment 1	Locality Plan
Attachment 2	Design Guidelines
Attachment 3	Submission Table

PURPOSE

1. To consider adopting Design Guidelines (the “Guidelines”) for the Wattle Grove Village Centre.

BACKGROUND

2. The proposed Guidelines apply to Lots 30 to 34 Hale Road, Wattle Grove.
3. The Village Centre site is bordered to the north by a Public Reserve and to the south by Hale Road. To the east, it is bordered by the future extension of Arthur Road. Lot 35 to the west of the site has been purchased by the Shire and will form a part of the Reserve for Recreation for the area. Refer (Attachment 1.).
4. Lots 30 and 31 are currently occupied by the “Trees R Green” garden centre and associated car parking. Lots 32 to 34 contain single dwellings, some of which are currently being used as commercial premises. Lots 33 and 34 both have current approvals for the development of separate shopping centres.
5. Lots 33 and 34 are also currently subject to proposed modifications to the Structure Plan in order to reduce the area required for the Public Open Space to the north of the site.
6. The transfer of Lot 30 abutting Lot 34 to the Crown for road widening purposes is in the process of being completed and the ownership over that land will allow for improved access to the future Village Centre and the adjoining Public Open Space.
7. The Shire is currently in negotiations with the owner of “Trees R Green” to purchase the land necessary for the extension of Arthur Road. The purchase will be financed through the Cell 9 Scheme.

DETAILS

8. The Guidelines incorporate a concept master plan which is intended to guide future development of the subject lots. The concept plan establishes key

“non-negotiables” in respect to land use, intended road layout and landscaping (Attachment 2).

9. The objective of the Guidelines is to allow the Shire of Kalamunda to oversee the development of a high standard, attractive, functional and sustainable commercial centre, offering ease of access to both customers and suppliers. It is hoped this will attract a range of businesses eager to locate within the area.
10. The Guidelines will provide clear and readily understandable criteria aimed at ensuring a consistently high standard of development is achieved. New development should result in a pleasant working environment, attractive streetscapes and contribute to the protection of value in business investment within the area.

STATUTORY AND LEGAL IMPLICATIONS

11. Clause 6.4 of Local Planning Scheme No.3 (the Scheme) specifies the process for adoption of design guidelines for development areas as identified under the Clause 2.2 of the Scheme (Local Planning Policies).

POLICY IMPLICATIONS

12. Where the guideline provisions are inconsistent with the Scheme, the Scheme will prevail. Local Government will have due regard to the provisions of the Guidelines and their objectives before making determination on any application in this area.

PUBLIC CONSULTATION/COMMUNICATION

13. In accordance with the Clause 2.4 of the Scheme, the Guidelines were advertised by notice in the local paper for two consecutive weeks and copies of the document were provided for inspection in the Shire offices, local libraries and on the Shire's website. Public consultation started on 16 May 2012 and concluded on 5 June 2012.
14. The Guidelines were advertised in conjunction with the Village Centre Concept Master Plan.
15. Six submissions were received. three submissions were from the owners of the land within the village centre and the other three were from the residents of Wattle Grove (refer attachment 3).
16. The residents from the surrounding areas were generally supportive of the plan, with some concerns over the safety within the development across the road from the village centre and queries regarding the development of child care centre and a medical centre within the Village Centre.
17. The owners of the land within the future Village Centre raised a number of issues primarily related to the Concept Master Plan which comprises part of the Guidelines. The concerns raised are summarised as follows:

- Concern that there was not enough flexibility in the plan in terms of land use and residential density and type.
- Concerns regarding the economic viability relating to the amount of commercial land use allocation within the centre and the amount of public land (additional roads and POS) required.
- Principally developers raised issues regarding the inflexibility of the Concept Master Plan for the Village Centre in terms of allocated land uses, residential densities and configuration and the amount of public roads and additional Public Open Space that the Plan proposes.

FINANCIAL IMPLICATIONS

18. Consultant's fees and advertising for the Guidelines have been financed through the Cell 9 Developer Contribution Scheme.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. Adopting a document such as the Guidelines will aid the developers as well as the Shire staff in preparation and assessment of the development applications relating to the Village Centre site. Considering that the ownership over the site is fragmented and that the development will not happen at the same time, setting out general principles of overall development will hopefully ensure a good quality, uniformed and harmonious final product.

Sustainability Implications

Social Implications

20. Approximately 65% of the Urban land in Cell 9 has been developed. The development of the Village Centre, with its predicted commercial and community uses will provide the vibrant hub for the local residents, with the variety of shops, areas where they can meet, walk through and recreate. The aim of the Guidelines is to ensure that the social interaction is done in the safe, functional and aesthetically pleasing surroundings.

Economic Implications

21. The Guidelines will ensure that the standard of development of the Village Centre is high which in turn will attract businesses and insure their economic viability.

Environmental Implications

22. An arborist study was commissioned in order to identify mature trees that might be incorporated in the future development of the site. The study made recommendations that were used in the drafting of the Concept Master Plan.

OFFICER COMMENT

23. The Guidelines and associated Concept Plan are intended to provide guidance in respect to the built form, landscaping and land use to ensure a consistently high standard of development is achieved in the centre.
24. It is important to note that the Guidelines and adopted Concept Plan do not presume the in-depth understanding of the current economic rationale in regards to the viability of any commercial development on the Village Centre site. They simply propose a possible and preferred style of development on the site.
25. The Shire acknowledges the possibility that the land allocation for commercial uses might be too large and that as the Village Centre develops, some of the lots might be developed solely for residential uses. This assumption is now incorporated in the Guidelines text.
26. Considering that currently approved design of the Shopping Centre on Lot 34 Hale Road already shows departure from the Concept Master Plan, it is understood that the plan will be expected to be followed as a guide, mainly to satisfy some general design principles around land use, vehicle circulation and landscaping.
27. Having regard to the above, it is recommended that the draft Guidelines be adopted for the Wattle Grove Village Centre.

A Councillor requested confirmation that these Guidelines were as presented at a Forum to Councillors some months ago. Through the Chair, the Manager Development & Infrastructure confirmed that they were essentially the same as presented at that Forum.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 105/2012)

That Council:

1. Adopts the Design Guidelines for the Wattle Grove Village Centre comprising Lots 30-34 Hale Road, Wattle Grove, as per (Attachment 2).

Moved: **Cr Allan Morton**

Seconded: **Cr Noreen Townsend**

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

Attachment 1



Attachment 2



Wattle Grove Village Centre Design Guidelines

PREPARED BY OLK & ASSOCIATES FOR THE SHIRE OF KALAMUNDA
MARCH 2012

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IMAGE 01 Cell 9, Kalamunda Shire Precinct Plan

Wattle Grove Village Centre Design Guidelines

1. INTRODUCTION

Wattle Grove is a rapidly growing suburb located in the Shire of Kalamunda. It is well connected to other regions of Perth due to its proximity to Roe Highway and Tonkin Highway.

The majority of Wattle Grove properties contain rural and small scale commercial activities. Low and medium density residential development exists in the area bound by Tonkin Highway, Roe Highway and Welshpool Road East—which is zoned Urban Development under Local Planning Scheme 3.

The Urban Development zone is known as the Cell 9 Wattle Grove Structure Plan (Image 01) and has become a hive of activity as land is subdivided and houses are built.

The Shire of Kalamunda recognises the need to meet the increasing demands of this growing community. A new Village Centre will provide services of benefit to all residents while making a positive contribution socially and economically to the area.

2. A VISION FOR WATTLE GROVE

The Shire of Kalamunda has a vision for Wattle Grove as a safe, clean and healthy place to live and work with a diversity of people and lifestyles. The new Village Centre will serve as a vibrant hub and commercial centre for the Wattle Grove community contributing positively to the area socially and economically.

A diverse mix of new commercial, retail and residential components should be included to ensure the success of the development. The street layout will accommodate all modes of transport and maximise the community's access to a variety of services and facilities while minimising the need for car travel. By increasing the mix of uses within the centre, the vibrancy and economic viability of the Village Centre is also increased.

Providing higher density housing in the Village Centre will give people the opportunity to live within walking distance of a wide range of services. Such housing will also provide natural surveillance of the streets and public spaces outside of business hours and improve the overall safety and viability of the development.

A Concept Master Plan has been prepared for future development in the Village Centre. The plan is for guidance only and for which the same will have a due regard when assessing applications in the area it incorporates, in conjunction with all other statutory planning requirements—such as the Shire's Local Planning Scheme—relating to building development, design and construction.

The Concept Master Plan and Design Guidelines will help regulate the future development of the Village Centre to ensure a high quality of built form, landscaping and traffic flow.

3. WATTLE GROVE VILLAGE CENTRE DESIGN CONTROL AREA

Lots 30 to 34 Hale Road have been designated as the Wattle Grove Village Centre Design Control Area. Development within the area shall be subject to the Design Guidelines outlined in this document.

These Design Guidelines are to be used in conjunction with Shire of Kalamunda Local Planning Scheme, the purpose of which is to establish a set of Design Principles which will serve to control the appearance, scale and quality of development within the Village Centre and ensure a high standard of built form which is in keeping with the local character for all to enjoy.

The Guidelines have been structured as follows:

- **Opening Statement** – outlining the principle of each Guideline.
- **Guideline Objective** – describes the main objective which must be met.
- **Recommended Design Approach** – describes the best approach to take in order to meet the objective.

The objectives set out in this document should underline all planning decisions made within the Village Centre to ensure continuity is achieved across all new development. With a set of common objectives to guide, overall harmony can be achieved which will benefit the whole community.

In considering a proposed development in the Wattle Grove Village Centre Design Control Area, local government shall have regard to, and may impose conditions relating to matters outlined under Clause 10.2 of the Shire's Local Planning Scheme:

- (a) building materials and colour;
- (b) size, height, bulk and roof pitch;
- (c) setback and positioning on the lot;
- (d) architectural style and design details;
- (e) function;
- (f) relationship to surrounding development;
- (g) other characteristics as considered relevant.

Buildings should be designed to compliment the scale and character of surrounding developments. Quality landscaping shall enhance the appearance of all proposed development and designed following water-sensitive design principles.

All new development shall be governed by the Shire of Kalamunda's Local Planning Scheme No. 3 in conjunction with the design guidelines, and any applicable state and/or local planning policies.





IMAGE 03 Aerial photo of Wattle Grove Village Centre Site



IMAGE 05 Wattle Grove Village Centre Site - Views



IMAGE 04 Map of existing local amenities
 ● Forestfield Forum and Surrounds ● Beauty/Hair Salons ● Real Estate Agencies
 ● Foodworks and Surrounds ● Restaurants/Cafes/Fast Food ● Community Centres
 ● Seckenham IGA and Surrounds ● Medical Centres ● Site Boundary
 ● Liquor ● Child Care Centres



IMAGE 06 Wattle Grove Village Centre Site - Traffic Flow

4. SITE CONTEXT AND ANALYSIS

The context refers to the current physical and socio-economic surroundings and the preferred future form and outcome. Aspect, orientation, climatic conditions, traffic, community and existing local amenities all need to be considered for any future development. New investment development should make a positive contribution to the local character and to the precinct in general.

These Design Guidelines apply to Lots 30 to 34 Hale Road. The area has been designated The Wattle Grove Village Centre Design Control Area.

- Lots 30 and 31 are currently occupied by the 'Trees A Green' Garden Centre and associated car parking.
- Lots 32 to 34 contain single dwellings, some of which are currently being used as commercial premises.

The Village Centre site is bordered to the north by a Public Reserve which is currently in very poor condition, and to the south by Hale Road which is a busy 2-lane road linking Welshpool Road East and Kalamunda Road. Lot 35 to the west of the site has been allocated as a future recreational Reserve.

A proposed new link road to the east of the site and a proposed pedestrian link bridge across the brook will provide an important connection between The Promenade and Arthur Road. It will also provide a link for the new Village Centre to the surrounding residential lots and the new Wattle Grove primary school.

Given the current nature of land ownership within the site, with several different owners of single title lots, it is likely that staged development will take place. If lots are developed separately they should adhere to the overall objectives of the Concept Master Plan and allow for future shared use of amenities such as access roads and parking.



IMAGE 07 Examples of suitably scaled built form for the Village Centre

5. GUIDELINES

5a. BUILT FORM

The site consists of five separate 1-hectare lots with a single residence or commercial building on each. These buildings are generally in a rundown condition and in need of upgrade. Typical existing built form for the surrounding area is single storey residential development on low to medium density sites most of which are new homes. A new development "The Lakes" comprising of 90 cottage lots from 300m² to 450m² has been developed on the south side of Hale Road.

GUIDELINE OBJECTIVE

- To promote a high standard of design within the Village Centre with attractive, well designed buildings which are functional, efficient and aesthetically pleasing
- To encourage a diversity of housing types and apartment living options
- To encourage new development which is contemporary but compatible with established built form in the area in terms of scale, proportion and materials
- To encourage commercial development that is easily adaptable to a variety of uses over time without loss of architectural integrity.
- To ensure visual continuity between all new development within the site
- To ensure new development meets or exceeds all relevant Local, State and Federal Government Regulations with regard to building design
- To ensure that development creates a safe environment both at day time and night time for building occupiers, residents, visitors and pedestrians through the principles of "designing out crime"
- Ensure that service areas are functional and adequate but do not have negative visual impact on the development

RECOMMENDED DESIGN APPROACH

- Medium density single or double storey housing is deemed appropriate with three storey apartment blocks to the rear of the site
- A range of housing options should be provided with various lot densities, dwelling sizes and types
- Houses should be designed to front onto the Reserve for maximum security and to avail of the northerly aspect
- Where traditional roof forms are used, roof pitch should be consistent between new and established buildings in the area
- New development should not create large blank walls, large service areas or co-located or continuous garage doors. Consideration should be given to stencils and art work for any blank walls which are unavoidable
- Large or visually dominating expanses of metal sheeting when used as wall cladding will not be acceptable
- In areas where buildings have frontage to the street roller doors will not be acceptable
- Buildings should have compatible scale and proportion to each other
- Buildings with frontage onto Hale Road should have consistent setbacks in accordance with Scheme requirements
- Buildings are to assume a streetscape presentation to Hale Road, the new Reserve on Lot 35, the new link road to the East and the Reserve to the north
- All retail and commercial facades should be articulated to add variety and interest
- All new developments shall be subject to approval by the Shire of Kalamunda and designed to comply with the Residential Design Codes of Australia and Local Planning Scheme
- Development of both residential and commercial components on each lot should be encouraged
- Development of a supermarket with associated specialty retail units including a café with outdoor dining and frontage to Hale Road
- Development of a variety of commercial businesses with frontage to Hale Road
- The Village Centre should have good connection with the surrounding community through physical and visual links
- Views across the site to public Reserves should be provided.



IMAGE 08 Landscaping should be used to screen parking areas and provide shade



IMAGE 09 Pedestrian routes should be clearly delineated from parking areas

5b. TRAFFIC, PARKING AND PEDESTRIAN ACTIVITY

Car parking is often poorly designed creating unpleasant and sometimes unsafe environments. Parking must be available for the Village Centre to remain viable and should be directly linked to the buildings it serves by safe pedestrian routes.

GUIDELINE OBJECTIVE

- To establish a primary road network through the Village Centre with clear delineation of hierarchy over local or secondary roads
- To establish access to the Village Centre from Hale Road, the proposed new link road to the east and the new road to the west
- To minimise the impact on existing traffic on Hale Road by controlling the number and location of crossovers
- To limit the visual impact of parking and encourage other modes of transport within the Village Centre
- To provide safe and convenient parking in the Village Centre and encourage single parking destinations through grouping of development types
- To encourage a pedestrian friendly environment and ensure pedestrian and cyclist safety within the Village Centre
- To ensure safe and efficient access for service and delivery vehicles

RECOMMENDED DESIGN APPROACH

- Parking areas and landscaping strips should be used to provide a visual and sound buffer between commercial development and residential areas
- All service areas should be gated or screened from the public realm
- All service roads to commercial components should be concealed by vegetation and screen walls
- Crossovers onto Hale Road should be kept to a minimum to reduce traffic impact
- Road Reserves within the site shall be restricted in accordance with the provisions of "Liveable Neighbourhoods."
- Shorter roads will be encouraged to help reduce traffic speed and add visual interest
- Where possible car parking should be retained centrally to allow for a more engaging streetscape off Hale Road and to provide ample street frontage for all future commercial and retail development
- Landscaping should be used to visually break up parking areas, provide shade in carpark and act as a buffer between the development and Reserve at the rear
- Commercial activities that use footpaths such as café tables, product displays or promotions should use designated locations only and not restrict the primary function of pedestrian spaces as access ways
- Parking areas located where passive surveillance can occur will be encouraged
- Parking areas should be well lit and clearly signposted
- Suitable bicycle parking should be provided at retail and commercial developments
- The existing community should be linked to the new Village Centre by a series of clearly defined pedestrian routes which should be well lit and include public seating at suitable intervals
- The construction of a new footbridge across the public Reserve brook will be encouraged
- There should be clear delineation between roads, parking areas and footpaths
- Footpaths should be designed to encourage easy and safe pedestrian and cyclist access within the Village Centre and improve connectivity to nearby residential lots.



IMAGE 10 Native species should be used for landscaping



IMAGE 11 Planting can be used to soften large expanses of fencing or screen areas of low visual quality

5c. LANDSCAPE AND PUBLIC OPEN SPACE

The quality of the public environment has a significant impact on the social, cultural and economic life and safety of a community. Landscape and public open space design are important elements in the Wattle Grove Village Centre Development.

The Shire intends to upgrade the existing Public Reserve behind the site with extensive new landscaping, footpaths, public seating and lighting which will transform this Reserve into a safe and inviting public amenity linking other green spaces in the surrounding area.

The proposed new recreational Reserve on Lot 35 will also be landscaped to create an attractive public open space.

An independent Arborist was employed to prepare a tree survey and tree assessment report for the site. These documents are available for public viewing at the Shire of Kalamunda. Existing trees of good quality as noted in this report should be preserved where possible.



IMAGE 12 Footbridges can be used to provide pedestrian connections

GUIDELINE OBJECTIVE

- To ensure a high quality landscaping solution is included as part of all new development
- To ensure consistency between landscaping on individual lots
- To provide safe and attractive Public Open Space overlooked by residential elements
- To maintain a green belt behind the commercial area to serve as a buffer between commercial and residential elements, and development and the Reserve along the rear.

RECOMMENDED DESIGN APPROACH

- Tree planting should be used to visually reinforce spatial structure and movement system of roads and footpaths
- Passive recreation should be encouraged in landscaped buffer strips
- Landscaping should be used to provide shade and visual amenity to pedestrian and parking areas and any area of low visual quality
- Landscaping should be predominantly hardy, drought tolerant, native species of local provenance which will maximise habitat and wildlife corridor potential
- Landscaping should be used to screen service areas and service roads and to visually break up large expanses of parking
- Landscaping strips should be used as a visual and sound buffer between commercial and residential components
- A detailed landscaping plan which includes botanical plant names, plant locations and plant numbers and which is drawn to scale should accompany all Development Applications.

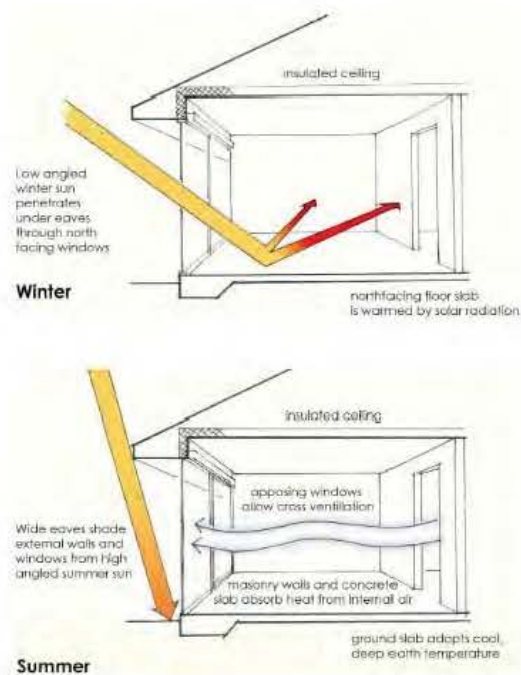


IMAGE 13 Winter and Summer diagrams illustrating the principles of passive solar design

5d. SUSTAINABILITY

The principle of environmental sustainability is to minimise the impact that buildings and related infrastructure have on the environment through all phases of development.

GUIDELINE OBJECTIVE

- To ensure that new development contributes positively to a sustainable future through thoughtful design and management
- To ensure maximum efficiency of land use
- To ensure future development incorporates a range of ecologically sustainable and water sensitive design initiatives
- To ensure new development meets or exceeds all relevant Local, State and Federal Government Regulations with regard to energy and water conservation, building design and waste management

RECOMMENDED DESIGN APPROACH

- All buildings should meet or exceed the minimum energy ratings and building performance standards specified in the Building Codes of Australia
- Use of sustainable building materials with low embodied energy or durable materials which can be recycled will be encouraged
- Pollution of soil, air and water during construction and operational phases of development should be minimised
- All buildings should be designed and orientated to make maximum use of natural daylight and solar energy for illumination and heating
- Selection and installation of energy and water efficient systems and fixtures will be encouraged
- The use of grey water recycling systems will be encouraged
- Thermal performance of buildings should be optimised by using adequate roof, ceiling and wall insulation
- Cross ventilation and roof ventilation for passive cooling will be encouraged
- West facing glazing should be minimised and adequate sun shading provided
- Use of light coloured roofing materials will be encouraged.



IMAGE 14 Signage should be consolidated to avoid visual clutter



IMAGE 15 Public spaces should be well lit using contemporary lighting solutions



IMAGE 16 Existing Wattle Grove public furniture



IMAGE 17 There should be visual continuity between all public furniture, lighting and signage

5e. SIGNAGE, PUBLIC FURNITURE AND PUBLIC LIGHTING


The location, size, shape and colour of signage, public furniture and public lighting can either enhance or detract from the visual appearance of the Village Centre. Visual consistency is important if signage is not to intrude on the scenic qualities of the area. Too many signs competing for attention create visual clutter and ineffective advertising.

GUIDELINE OBJECTIVE

- To create a comprehensive signage system for the Wattle Grove Village Centre
- To ensure visual continuity between all signage, public furniture and lighting
- To ensure signage is integrated into building design and improves the overall appearance and legibility of the streetscape

RECOMMENDED DESIGN APPROACH

- Size and height of signs will be regulated
- The number of signs will be limited
- Illumination of signs will be discouraged
- Where developments comprise multiple tenancies, signage should be consolidated into a single sign with no more than one pylon sign for each building entrance and vehicle entrance
- Signage should be integrated into overall building form and architectural style where possible
- All signage to be contemporary in design and approved by the Shire of Kalamunda
- All signage, public furniture and fencing to be vandal resistant and match material selection requirements
- All public furniture and lighting to be contemporary in design and approved by the Shire of Kalamunda
- All signage, public furniture and lighting to be consistent between individual lot developments
- All fencing should be designed to comply with the Residential Design Codes of Western Australia and the requirements of the Shire of Kalamunda
- Landscaping should be used to visually soften large expanses of fencing
- All public furniture to be located so as to allow for adequate passive surveillance.



Base colours - main building colours

Feature colours - contrast colours for feature elements

Highlight colours - limit to minor elements and trims

5f. MATERIALS AND FINISHES

OBJECTIVE

- To encourage the use of a variety of high quality, durable materials and finishes which are suitable for the area
- To ensure visual consistency and harmony between individual buildings within the Village Centre

RECOMMENDED DESIGN APPROACH

- A schedule of proposed colours and finishes is to be included with any Development Application
- All external facades are to include articulation, visual detailing and quality finishes
- All new development should incorporate a mix of approved materials to create a harmonious architecture for the whole precinct
- A suggested colour palette has been included as part of these guidelines. This should be used as a guide for colour selections for future development
- Justification needs to be provided for a single wall material, and will only be considered where its visual impact is minimal.

The following materials are deemed appropriate for the development:

Walls:

- Face brick in approved colours
- Rendered masonry in approved colours
- Concrete tilt panels for commercial and retail elements in suitably scaled modules with stencilling and artwork as appropriate
- Timber or aluminium framed glazing in suitably scaled panels
- Stone cladding in local coffee-rock or other suitable approved stone
- Residential garage doors should not be heavily profiled and are to be a simple design which will not dominate the front of the house

Paving:

- All paving which is visible from the street including driveways should be in natural earth tones with plain finish
- All driveway crossovers from boundary to kerb must match street finish.

Dual-Use Footpaths:

- Use different colours along path to differentiate between cyclist and pedestrian portions

Roofs:

- Colorbond roof sheeting in approved colours – custom orb profile for residential elements
- Parapet walls will be considered for commercial buildings
- Awnings and canopies will be essential components for commercial and retail elements


The following materials are deemed inappropriate for the development:


- Large panels of glazing or curtain walling
- Large panels of tilt up concrete
- Large areas of aluminium wall tiles or metal cladding
- Reflective glass
- Face blockwork

IMAGE 18 Suggested colour palette for new development

Wattle Grove Village Centre Design Guidelines

P 11





architecture planning design
olk + associates
t 08 9293 0298
f 08 9293 0540
38 carrington road
kalamunda wa 6006

6. THE DEVELOPMENT PROCESS AND RESIDENTIAL DESIGN CODES

All new development on the proposed Village Centre site will require planning approval from the Shire of Kalamunda.

The first step in the development process is obtaining Development Approval. Working with a design professional such as an Architect can facilitate this process and ensure that design drawings comply with the Residential Design Codes, the National Construction Code, all relevant Australian Standards, Local Planning Scheme and Local Planning Policies.

Once Development Approval has been granted a Building Licence must be obtained before construction can commence. Application for Building Licence must include amongst other things detailed design drawings and certified Structural Engineers details.

The Residential Design Codes, also known as the R-Codes, were developed by the Western Australian Planning Commission (WAPC) with the aim of providing "a sound, stable and uniform basis for shaping residential development across the State, delivering attractive streetscapes and maintaining liveable neighbourhoods." The codes apply to all residential development including residential components of mixed use developments.

The R-Coding provides a guide to the maximum density of development within a zone. For example, R20 generally indicates a density of 20 dwellings units per hectare (an average of 500m² per dwelling). This rule of thumb is a guide only and other controls do apply.

- **R25** – R25 and below is considered low density
- **R30** – R30 to R60 is considered medium density
- **R60** – Above R60 is considered high density

The R40 and R60 areas shown on the Master Plan would allow for either grouped and/or multiple dwellings with an average lot size of 220sqm or 180sqm, or a plot ratio of 0.6 or 0.7, the heights of which will comply with the Residential Design Codes. The variety of housing types and built form will ensure streetscape variety, while compliance with the Guideline for Materials and Finishes will ensure visual continuity.



R25 - R30



R35



R60

IMAGE 19 Examples of different housing density options

Attachment 3

Wattle Grove Village Centre Design Guidelines and Masterplan Submission Table

Submission	Details	Comments
1. J Wu 19 Karda Street Wattle Grove WA 6107	1. The main concern is the safety issue. There is a boundary wall along Karda Street which should be extended to prevent people from accessing the properties.	1. The fact that the new commercial centre is accessible to pedestrians from the area you are referring to is seen as an advantage, not as a potential security issue.
2. L, S & S Masek 4 Quokka Street Wattle Grove WA 6107	<ol style="list-style-type: none"> 1. We have noticed the child care centre and medical centre have disappeared from the plans, which is a big disappointment. 2. There needs to be provision for these services and they need to be purpose built and must be incorporated into the master plan. 3. A child care and medical centre will be very useful for the residents in Wattle Grove. 4. The proposed road linking Hale Road to The Promenade needs to be given top priority, as this will serve as a vital link between the areas North and South of Hale Road. Without proper access from both sides of Wattle Grove, the Village Centre will not be easily accessible for residents without resorting to car usage. 	<ol style="list-style-type: none"> 1. Both, child care centre as well as medical centre is part of the future plan for this location. 2. Noted. 3. Noted. 4. The Shire is currently working on acquiring the land necessary for the extension of Arthur Road.
3. Dynamic Planning and Developments N Theo Director PO Box 525 North Perth WA 6906	<ol style="list-style-type: none"> 1. By way of background, Dynamic Planning and Developments acts on behalf of Everdew Pty Ltd, the registered proprietor of Lot 33 Hale Road, Wattle Grove. 2. The design versus economic viability factors are not considered to be harmonious and will only result in a stagnation of development on the ground. 3. There are serious flaws in the Design Guidelines 	<ol style="list-style-type: none"> 1. Noted. 2. The design is only conceptual and provided as a guide in respect to the land use, circulation areas and landscaping. 3. The Design Guidelines will allow for the departure from the draft Concept Plan. 4. It is also acknowledged that the two approved development applications for Lots 33 and 34 for a shopping centre,

Shire of Kalamunda

		<p>ability to recognise economic demands of urban development.</p> <p>4. To depict design on the subject site that is considered to be a significant departure from a typical Neighbourhood Centre undermines our client's reason to acquire the subject site.</p> <p>5. The Design Guidelines should pay due regard to the planning approval granted by Council on 20 February 2012 for a Neighbourhood Centre, by depicting the approved design and uses.</p> <p>6. If the Design Guidelines are intended to be non-statutory, this should be explicitly stated and departure from the Concept Master Plan should be openly catered for and addressed.</p> <p>7. Should the Design Guidelines have intent to be applied in a statutory manner, we submit that the current Design Guidelines impact on the subject site and undermine the ODP's designation for the site as a Neighbourhood Centre.</p> <p>8. Whilst the designation of 'Commercial' uses fronting Hale Road is sensible from a planning principle, the economic reality questions whether sufficient traffic volumes exist on Hale Road in the short, medium and long term to provide the foundation for such uses to be viable. It is submitted that such Design Guidelines should not be promoting a certain land use type unless there is economic justification and rationale supporting such land use.</p> <p>9. The Design Guidelines suggest that Multiple Dwellings are appropriate to be located to the north-western portion of the subject site however construction of Multiple Dwellings requires significant capital outlay which carries high risk from a developer's perspective. The Design Guidelines should not dictate the market's preferred land use form.</p> <p>10. The Design Guidelines require 15m wide public</p>	<p>already form some departure from the Concept Plan.</p> <p>5. See comment 4.</p> <p>6. See comment 3.</p> <p>7. There are no statutory implications resulting from the guidelines.</p> <p>8. The Design Guidelines do not presume the in-depth understanding of the current economic rationale in regards to the viability of any commercial development on the village centre site. They simply propose a possible and preferred style of development on the site. Considering that current approved development applications on two lots already show some departure from the master plan, it is understood that the concept Master Plan will be expected to be followed loosely and that the plan itself will not be adopted independently of the Design Guidelines document, therefore shifting focus on the guidelines.</p> <p>9. See comment 8.</p> <p>10. See comment 8.</p> <p>11. See comment 8.</p> <p>12. Rear portions of land are designated for POS under the Structure Plan for Cell 9.</p> <p>13. The local neighbourhood classification is proposed to be changed to commercial to allow for more flexibility in the range of land uses to be considered.</p> <p>14. Land for the POS as designated under the Structure Plan for Cell 9 will be compensated through the Scheme. The Concept Master Plan is for guidance only and individual property owners at the development stage will make a decision on inclusion of public roads or open space</p>
--	--	---	---

		<p>road reserves with service roads being 6m wide, which has major consequences to the viability of a development. If the Shire insists on public roads on private land, to facilitate a benefit for the wider public, then such roads should be subject to a cost contribution agreement with the Shire being a party to contributing costs.</p> <ol style="list-style-type: none"> 11. The Design Guidelines intent to provide east-west vehicular permeability through public roads consumes a significant amount of developable area, which has significant detrimental impacts affecting the commercial viability of development. 12. The rear portions of Lots 30-34 Hale Road are designated as public open space under the ODP. This is a significant loss of developable land which compromises the economic viability of development. 13. The Design Guidelines' wording presents concerns that alternative land uses may not be favoured and it is submitted that they should be clearer in how departures will be dealt with. 14. Should the Design Guidelines impose the need for public asset items such as public roads and public open space, then appropriate compensation to the relevant effected owner is warranted. 	<p>in their plans, if it suits their development needs. There will be no compensation for land not designated for compensation under the Cell 9 Scheme.</p>
4.	<p>Land West Estate Agency D Blowes PO Box 4383 Victoria Park WA 6979</p>	<ol style="list-style-type: none"> 1. The land of Lot 33 Hale Road was bought by us with the intention of building a shopping centre, of which we have planning approval. We are actively seeking to proceed with that DA, but the ODP does not show that. 2. Even if we didn't build the shopping centre, we wish to keep our commercial land use and approved area of retail to use for something else, like a tavern, which has been shown on an earlier ODP as an option. 3. If there was no ability to find viable commercial options for the site, our application would likely be 	<ol style="list-style-type: none"> 1. The Concept Plan is a guide only and not binding on the proposed location of the commercial land uses such as the shopping centre. 2. See comment 1. 3. The Concept Plan identifies residential land uses as an option for the site. 4. Lot 33 Hale Road is currently subject of the modification to Cell 9 Structure Plan to modify the POS area to the North. 5. The flexibility in terms of the type of residential development will be

		<p>for a mixed use development at a single storey R40/60 coding but that is yet to be determined.</p> <ol style="list-style-type: none"> 4. Could the Shire please confirm the proposed area set aside for POS along the rear boundary, as I was under the impression that the distance from the creek to our new proposed boundary was less than what seems to be shown on the Master Plan. 5. An R60 apartment site is shown over some of the POS, but I oppose to the restriction to building apartment blocks and request flexibility be given to allow for development up to R60. 6. I understand that the proposed new pedestrian link across the brook was moved to lot 34 or onto the reserve. 7. The ODP shows mixed business use along the front of all the properties where there is no shopping centre, which seems excessive. As a result the ODP should have a residential only version. 8. The green belt along the middle providing a buffer between the proposed mixed use and the residential area is spectacular overkill. This alone makes any of the lots unviable to develop. 	<p>incorporated in the Design Guidelines text.</p> <ol style="list-style-type: none"> 6. The position of the pedestrian link across the brook has not been determined yet. 7. We acknowledge that the market reality might result in further development in this area being purely residential. The assessment of the future development applications will be considered on their merit. 8. The Master Plan is conceptual only and together with the Design Guidelines presents a vision for the village centre for Wattle Grove. We acknowledge that there might be some departures from the plan which we are prepared to consider, as long as they don't substantially change the intent and main principles of the plan.
5.	Dev West Group Chad Ferguson PO Box 860 Subiaco WA 6904	<ol style="list-style-type: none"> 1. The planning officers have advised us that the public open space in the previous version of the draft structure plan would be removed and a child care and medical centre be supported. 2. We believe the public open space allocated for the site is excessive, as we have already conceded an additional 3 metres at the front of the site. 3. The existing development approval on the site does not appear to have been taken into consideration during the structure planning process. 4. The footprint of the approved development is very close to the boundary of the proposed public open space, leaving only a narrow sliver of developable 	<ol style="list-style-type: none"> 1. Public Open Space to the North of lots 33 and 34 is currently subject to an application for modification of the Structure Plan in order for it to be reduced, not removed. 2. See comment 1. 3. Concept Master Plan is conceptual only and meant to guide development. It is acknowledged that there will be departures from this. 4. Refer comments to 3. 5. Noted. 6. A minimum 11m Public Open Space strip will be required as part of any future

		<p>land. This land would be so narrow that it would be impossible to build functional buildings on the site.</p> <p>5. Adequate POS exists in the locality and is sufficient to meet amenity, drainage and the passive recreational needs of the residents in the locality. The water course could be redesigned as a living stream.</p> <p>6. The drainage planning commissioned by the Shire does not contemplate the inclusion of POS at the rear of Lot 34 Hale Road.</p> <p>7. The properties at the rear of the centre will be subject to engine and reversing noise from trucks, which is a common source of complaints.</p> <p>8. Higher density development is not financially viable, which will lead to apartment sale prices that are comparable to houses.</p> <p>9. Walk up apartments reduce the costs to a certain extent however the inconvenience of this style of living impacts on sales prices and therefore the viability of such projects.</p> <p>10. The proposed medical and childcare uses are more appropriate and more complementary to a shopping centre.</p> <p>11. Residential zoning is an appropriate use within the master plan area, but the area further east of Lot 34 Hale Road is more appropriate than the area behind the supermarket.</p>	<p>development of the site.</p> <p>7. Noted. Such issues can be addressed through appropriate design and orientation of buildings.</p> <p>8. The flexibility in terms of the type of residential development will be incorporated in the Design Guidelines text.</p> <p>9. See comment 8.</p> <p>10. Noted.</p> <p>11. Noted.</p>
6.	D Curnow 18 William Street Wattle Grove WA 6107	<p>1. I live in Wattle Grove and I cannot contain my delight at these excellent future plans; every aspect of both plans will bring nothing but positives to the area.</p>	<p>1. Noted.</p>

Copies of submissions may be made available to Councillors.

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

106. Dedication of Land for the Perth Airport and Freight Access Project

Previous Items	Nil
Responsible Officer	Director of Development & Infrastructure Services
Service Area	Engineering Services
File Reference	ILT-134893
Applicant	Main Roads Western Australia
Owner	N/A
Attachment 1	Request Letter from MRWA 24 October 2012
Attachment 2	Line Plan of requested dedication
Attachment 3	Aerial photograph showing location

PURPOSE

1. To consider a request for Local Authority concurrence to the dedication of land as road for the Perth Airport and Freight Access Project.

BACKGROUND

2. On 2 July 2012, the Shire received a letter requesting the Shire as Local Authority to provide its concurrence to the dedication of land at the intersection of Tonkin Highway and Abernethy Road as road for the Perth Airport and Freight Access project ("PAFA").
3. On 24 October 2012 a further letter was received regarding the dedication of land with an updated drawing of the land, shown as (Attachment 1).

DETAILS

4. The subject land is located at the corner of Tonkin Highway and Abernethy Road. The land is owned privately. The land is shown in (Attachments 2 and 3).
5. As the Local Authority for part of the land, the Shire needs to provide its concurrence to the dedication of this land for road purposes.

STATUTORY AND LEGAL IMPLICATIONS

6. The *Land Administration Act 1997* requires Local Authority concurrence be given for the dedication of land as road.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Main Roads will indemnify the Shire for any costs and charges relating to the dedication action.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

10. Nil.

Sustainability Implications

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

OFFICER COMMENT

14. The land is required for Main Roads to undertake works as part of the PAFA project.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 106/2012)

That Council:

1. Provides a letter to Main Roads WA with the following statement:
Council at its meeting of 17 December 2012 concurred with the dedication of the land, the subject of Main Roads Drawing numbered 1260-032 as road under Section 56 of the Land Administration Act 1997.
2. Includes a copy of the council minutes relating to the concurrence with the letter to Main Roads WA.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

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

Attachment 1



Enquiries: Jane Hogg on 9323 4315
Our Ref: 12/458
Your Ref:



ABN: 90 680 578 624

24 October 2012

Chief Executive Officer
Shire of Kalamunda
PO Box 42
KALAMUNDA WA 6926

Dear Sir

GATEWAY WA – PERTH AIRPORT AND FREIGHT ACCESS PROJECT

I refer to the attached copy of Main Roads letter dated 2 July 2012 regarding Local Authority concurrence to the dedication action for the above project.

The dedication action referred to Main Roads drawing 1260-008-1. However, the drawing has been amended to drawing 1260-032 to show the land required from Lot 13563 in more detail.

As Lot 13563 falls within the boundary of the Shire of Kalamunda, it would be appreciated if Council could consider the matter at its next meeting and provide the following statement in its letter of concurrence to satisfy State Land Services requirements:

"Council at its meeting of xxxx 20 xx concurred to the dedication of the land, the subject of Main Roads Drawing numbered 1260-032 as road under Section 56 of the Land Administration Act"

In addition, State Land Services require a copy of the Council meeting minutes relating to the concurrence.

Main Roads will indemnify Council against all costs and charges that relate to this dedication action.

If you require any further information please contact me on 9323 4454.

Yours faithfully

Lloyd Jones
ACQUISITION MANAGER
PROPERTY MANAGEMENT BRANCH

Enc



Enquiries: Jane Hogg on 9323 4315
Our Ref: 12/458
Your Ref:



ROADS TO YOUR FUTURE

2 July 2012

Chief Executive Officer
Shire of Kalamunda
PO Box 42
KALAMUNDA WA 6926

Dear Sir

GATEWAY WA – PERTH AIRPORT AND FREIGHT ACCESS PROJECT

As you may be aware, Main Roads Western Australia is planning for a major upgrade to improve the safety and efficiency of the road network servicing Perth Airport and Kewdale freight precinct.

The Gateway WA Perth Airport and Freight Access project focuses on the stretch of Tonkin Highway between the Great Eastern Highway and Roe Highway, as well as Leach Highway from Orrong Road to the Perth Airport.

To accommodate the works it is necessary to acquire the land shaded on Main Roads Drawing 1260-008-1. To enable the land to be dedicated as road reserve it is a requirement of the Land Administration Act that Local Authority concurrence be given to the dedication action.

It would be appreciated if Council could consider the matter at its next meeting and provide the following statement in its letter of concurrence to satisfy State Land Services requirements:

"Council at its meeting of xxxx 20 xx concurred to the dedication of the land, the subject of Main Roads Drawing numbered 1260-008-1 as road under Section 56 of the Land Administration Act".

In addition, State Land Services require a copy of the Council meeting minutes relating to the concurrence.

Main Roads will indemnify Council against all costs and charges that relate to this dedication action.

If you require any further information please contact me on 9323 4346.

Yours faithfully

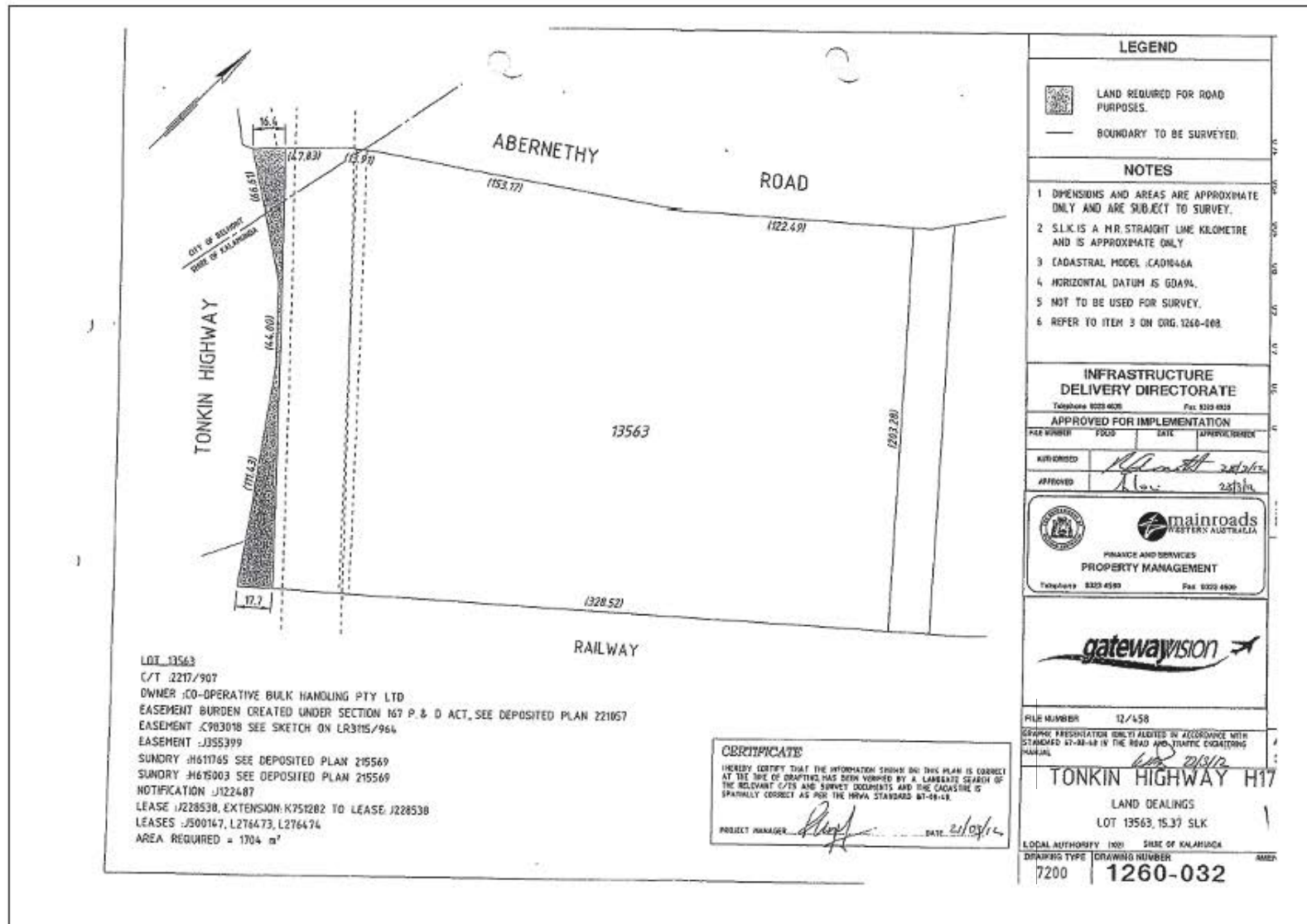
John Elphick
PRINCIPAL ACQUISITION MANAGER

Enc

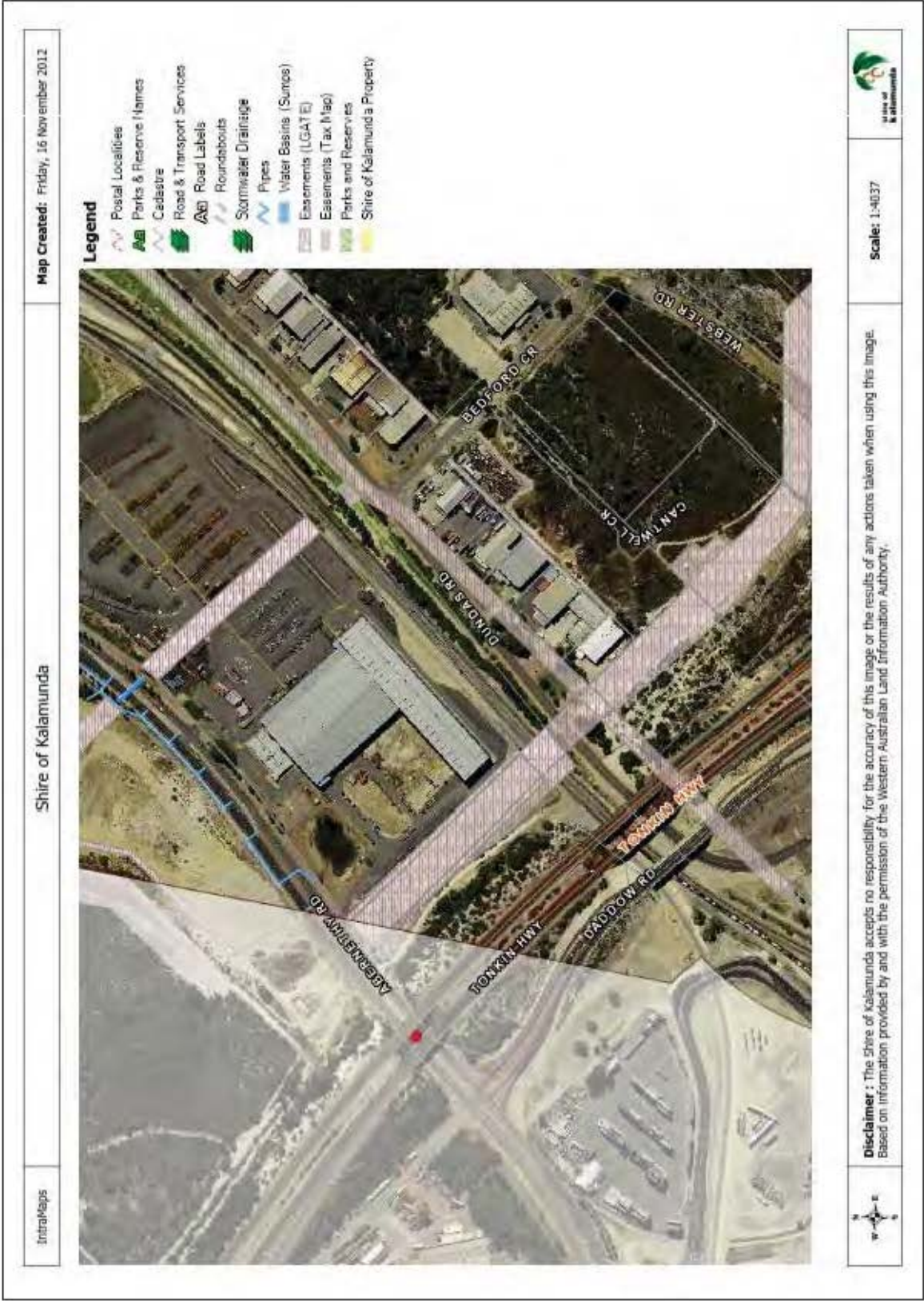
COPY

Don Atkin Centre, Waterloo Crescent, East Perth or PO Box 6202 EAST PERTH Western Australia 6003
Telephone: 138 138 Facsimile: (08) 9323 4000 TTY: (08) 9428 2200
Email: enquiries@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au

Attachment 2



Attachment 3



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

107. Forrestdfield/High Wycombe Industrial Area Stage 1– Adoption of Developer Contribution Rate

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-STU-028
Applicant	N/A
Owner	N/A
Attachment 1	Forrestdfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Forrestdfield/High Wycombe Industrial Area Stage 1 Local Structure Plan Map
Attachment 3	Adopted Scheme Provisions for Developer Contribution Items
Attachment 4	Proposed Developer Contribution Cost Schedule

PURPOSE

18. To consider the adoption of the Developer Contribution Rate for the Forrestdfield/High Wycombe Industrial Area – Stage 1, to apply from 1 January 2013.

BACKGROUND

19. In November 2011, the Minister for Planning approved Amendment No. 34 to Local Planning Scheme No. 3 (the “Scheme”) to rezone the land bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497, 498 and 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestdfield, from Special Rural to Industrial Development. The subject area represents Stage 1 of the proposed Forrestdfield/High Wycombe Industrial Area (“Stage 1”). Refer to (Attachment 1).
20. In July 2012, Council resolved to endorse a Structure Plan for Stage 1 of the Forrestdfield/High Wycombe Industrial Area, which, amongst other matters, identifies the developer contribution items relevant to the structure planning area. Refer to the Forrestdfield/High Wycombe Industrial Area Stage 1 Local Structure Plan Map (Attachment 2).
21. In August 2012, Council resolved to adopt Amendment No. 48 to the Scheme, which amongst other provisions, proposed that Developer Contribution Items for Stage 1 be inserted under Part 3 of Schedule 11 (Development Areas) in the Scheme. Refer to the Proposed Developer Contribution Items (Attachment 3). The proposed Developer Contribution Cost Schedule (Attachment 4), establishes the cost contribution and apportionment for each landowner.
22. Prior to properties being redeveloped and/or amalgamated, landowners within the development area will be required to make a proportional contribution to

the cost of common infrastructure such as road upgrades and modifications, land acquisition for road Reserves, dual use paths and administration costs of the sharing arrangements.

23. It is also proposed that provisions on the administration of development contribution areas be included under clause 6.5 and Schedule 11 of the Scheme.

DETAILS

24. No contribution rate for the Forrestfield/High Wycombe Industrial Area Stage 1 has previously been adopted by Council.
25. In November 2012, Savills Australia undertook a valuation of land required to be purchased by the Scheme for road reserves. The report recommended that a land valuation rate of \$250.00 per sqm be adopted.
26. The following is a summary of the preliminary cost estimates for road and drainage improvements, land acquisition and associated administrative costs for Stage 1 of the Forrestfield/High Wycombe Industrial Area:

Road	Preliminary Improvement Cost Estimate
Berkshire Road	\$901,300
Dundas Road	\$630,400
Milner Road	\$1,184,600
Nardine Close	\$5,269,858
New Road	\$3,426,822
Ashby Close	\$1,838,086
Sultana Road West	\$2,425,900
Bush Forever Lots	\$74,550
Consultancy costs associated with development of the Industrial Area framework	\$150,000
Total Preliminary Improvement Cost Estimate	\$15,901,516
Contribution Rate \$ per sqm	\$23.030

27. The preliminary cost estimates in respect to land acquisition included in the above total cost estimate figure is as follows:

Land required for Road Reserve	17,310sqm
Preliminary cost	\$4,327,433

28. The principal cost estimates include the following:

- The extension of Nadine Road through to Ashby close, the creation of a new road linking Sultana Road West and Berkshire Road and the closure of Milner Road at the intersection with Berkshire Road.

- The upgrading of the Berkshire and Dundas Road intersection.
- Widening of the carriage way along Berkshire Road, Milner Road, Nadine Close and Sultana Road West.
- The provision of drainage swales within all existing and proposed new roads and the relocation of the existing drainage pits.
- Provision of pedestrian footpaths and dedicated cycle lanes where appropriate.
- Provision of street trees to all existing and proposed new roads and the construction of two landscaped entry statements on Berkshire Road.

29. The cost estimates do not include any provision to assist with the upgrading of the Berkshire Road and Roe Highway intersection.

STATUTORY AND LEGAL IMPLICATIONS

30. Scheme Amendment 48 will introduce Developer Contribution Items for Stage 1 to be inserted under Part 3 of Schedule 11 (Development Areas) in the Scheme.
31. State Planning Policy 3.6 Developer Contributions for Infrastructure establishes the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas.

POLICY IMPLICATIONS

32. Nil.

PUBLIC CONSULTATION/COMMUNICATION

33. Nil.

FINANCIAL IMPLICATIONS

34. The Developer Contribution Scheme for Stage 1 of the Forrestfield/High Wycombe Industrial Area will be cost neutral to the Shire.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

35. The Forrestfield/High Wycombe Industrial Area has been identified as a strategically important industrial area for both State and Local government. As such the area has been identified under the *Economic and Employment Lands Strategy – Non Heavy Industry April 2012*.

Sustainability Implications

Social Implications

36. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social impacts are minimised and that benefits are maximised.

Economic Implications

37. Nil.

Environmental Implications

38. The cost estimates include the provision of new fencing along the Nadine Close extension and Sultana Road West frontages adjacent to the Bush Forever lots. The new fencing will afford the environmentally significant site a greater level of protection.

OFFICER COMMENT

39. The WA Planning Commission has advised that the structure plan and Scheme amendment developer contribution plan for Stage 1 of the industrial area should be approved by the end of December 2012. This will enable the Shire to receive applications in January 2013 for industrial development over the site. The development approval process will be conditional on the payment of the developer contribution applicable at the recommended rate of \$23.030.
40. Scheme Amendment 48 will establish the administrative provisions necessary to guide and implement the development contribution plan, including legal, accounting, planning, engineering and other professional advice. The Shire will be responsible for the management of the developer contribution scheme and in particular the review of the developer contribution rate for Stage 1 of the industrial area on an annual basis.
41. The development of the industrial area will be dependent in part to the extent to which industry is prepared to acquire single or preferable multiple lots to enable the extension of Nardine Close through to Ashby Road. The construction of the road and drainage infrastructure will be critical in ensuring the industrial area is developed in a timely manner.

Councillors requested confirmation that all the Shire's costs would be covered by the Developers; this was confirmed through the Chair by Manager Development & Planning Services who said the Shire had carried out a very comprehensive analysis of the State Planning Policy relevant to development contributions.

A Councillor asked that should the timeframe be extended will the Shire be in a position to cover all its costs? Through the Chair, the Manager Development & Planning Services responded that all the infrastructure works have been carefully costed and calculated and contingencies have been included. This scheme will be reviewed at least annually; therefore, any increase in costs associated with materials or land values can be factored in with the contribution rate for Stage 1.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 107/2012)

That Council:

1. Adopts the Developer Contribution Rate of \$23.030 plus GST per sqm for Stage 1 of the Forrestfield/High Wycombe Industrial Area effective from 1 January 2013.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

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

Attachment 1



Forrestdale/High Wycombe Industrial Area – Adoption of Cell Infrastructure Contribution Rate
Forrestdale/High Wycombe Industrial Area Locality Plan



Attachment 3

Forrestfield/High Wycombe Industrial Area – Adoption of Cell Infrastructure Contribution Rate

Proposed Development Contribution Area Provisions

6.5 DEVELOPMENT CONTRIBUTION AREAS (DCA)

6.5.1 Interpretation

In clause 6.5 unless the context otherwise requires –

'Administrative costs' means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

'Administrative items' means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

'Cost apportionment schedule' means a schedule prepared and distributed in accordance with clause 6.5.10.

'Cost contribution' means the contribution to cost of infrastructure and administrative costs.

'Development contribution area' means an area shown on the scheme map as DCA with a number and included in schedule 11.

'Development contribution plan' means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6 of the scheme (as incorporated in schedule 11 to this scheme).

'Development contribution plan report' means a report prepared and distributed in accordance with clause 6.5.10.

'Infrastructure' means the standard infrastructure items (services and facilities set out in appendix 1 of State Planning Policy 3.6 'Development Contributions for Infrastructure') and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of State Planning Policy 3.6 'Development Contributions for Infrastructure'.

'Infrastructure costs' means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

'Owner' means an owner of land that is located within a development contribution area.

6.5.2 Purpose

The purpose of having development contribution areas is to –

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that the cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of infrastructure.

6.5.3 Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

6.5.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 12 as part of this scheme.

6.5.5 Subdivision, strata subdivision and development

Refuse to approve a development application solely for the reason that a development contribution plan is not in effect, and/or no contribution has been received for the provision of infrastructure.

6.5.6 Guiding principles for development contribution plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles –

- (a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

- (b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

- (c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency

Development contribution should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

(h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

6.5.7 Recommended content of development contribution plans

The development contribution plan is to specify –

- (a) The development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

6.5.8 Period of developer contribution plan

A development contribution plan shall specify the period during which it is to operate.

6.5.9 Land Excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for –

- (a) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;
- (b) existing open public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan, is to be excluded.

6.5.10 Development contribution plan report and cost apportionment schedule

- 6.5.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.
- 6.5.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.
- 6.5.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.5.11.

6.5.11 Cost contributions based on estimates

- 6.5.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.
- 6.5.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government –
 - (a) in the case of land to be acquired, in accordance with clause 6.5.12; and
 - (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

- 6.5.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested.
- 6.5.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government -
- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
 - (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- 6.5.11.5 Where an owner's cost contribution is adjusted under clause 6.5.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- 6.5.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
- 6.5.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined -
- (a) by any method agreed between the local government and the owner; or
 - (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

6.5.12 Valuation

- 6.5.12.1 Clause 6.3.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

- 6.5.12.2 In clause 6.5.12 -

- (a) on the basis that there are **no buildings, fences or other improvements** of a like nature in the land;
- (b) on the assumption that **any rezoning necessary** for the purpose of development has come into force; and
- (c) taking into account the **added value of all other improvements** on or appurtenant to the land.

'Value', in all other development contribution plans, means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction

for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 13. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

'Valuer' means a licensed valuer agreed by the local government and the owner, or where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6.5.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the

6.5.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value sit be determined -

or (a) By any method agreed between the local government and the owner;

(b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

6.5.13 Liability of cost contributions

6.5.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan contained in the provisions of clause 6.3.

6.5.13.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of -

- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
- (b) the commencement of any development on the owner's land within the development contribution area;
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
- (d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

6.5.13.3 Notwithstanding clause 6.5.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or commercial building associated with that first single house or commercial building on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

- 6.5.13.4 Where a development contribution plan expires in accordance with clause 6.3.8, an owner's liability to pay the owner's cost contribution under the development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

6.5.14 Payment of cost contribution

- 6.5.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by -
- (a) cheque or cash;
 - (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
 - (c) the provision of physical infrastructure;
 - (d) some other method acceptable to the local government; or
 - (e) any combination of these methods.
- 6.5.14.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.
- 6.5.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing the owner of such discharge if requested by the owner.

6.5.15 Charge on land

- 6.5.15.1 The amount of any cost contribution for which an owner is liable under clause 6.5.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.
- 6.5.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.5.15.1 to permit dealing and may then re-lodge the caveat to prevent further dealings.
- 6.5.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.5.15.

6.5.16 Administration of funds

6.5.16.1 The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid.

The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

6.5.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.5.16.1 is to be applied in the development contribution area to which the reserve account relates

6.5.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts being available.

6.5.17 Shortfall or excess in cost contributions

6.5.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may -

- (a) make good the shortfall;
- (b) enter into agreements with owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution, but nothing in paragraph 6.5.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

6.5.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

6.5.18 Powers of the local government

The local government in implementing the development contribution plan has the power to -

- (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance

with the law and for such purpose may make such agreements with other owners as it considers fit.

6.5.19 Arbitration

Subject to clauses 6.5.12.3 and 6.5.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

Attachment 4

Road	Lot Number	Lot Area m ²	Road Reserve m ²	Net Lot Area m ²	Contribution rate on Gross Area Rates/m ²	Developer Contribution	Road Reserve Cost	Net Developer Contribution
Blackburn Rd	8	11,306		11,306	\$23.03	\$260,372.90	\$ -	\$ -260,373
	9	10,441		10,441	\$23.03	\$240,452.28	\$ -	\$ -240,452
	11	10,397	340	10,057	\$23.03	\$239,436.97	\$ 85,000	\$ -154,436
	12	10,032		10,032	\$23.03	\$231,033.06	\$ -	\$ -231,033
	13	10,008		10,008	\$23.03	\$230,480.45	\$ -	\$ -230,480
	21	10,032		10,032	\$23.03	\$231,033.06	\$ -	\$ -231,033
	18	10,008		10,008	\$23.03	\$230,480.45	\$ -	\$ -230,480
	25	10,000		10,000	\$23.03	\$230,296.21	\$ -	\$ -230,296
	22	10,000		10,000	\$23.03	\$230,296.21	\$ -	\$ -230,296
	14	10,000		10,000	\$23.03	\$230,296.21	\$ -	\$ -230,296
	17	10,000		10,000	\$23.03	\$230,296.21	\$ -	\$ -230,296
	547	40,570		40,570	\$23.03	\$934,311.74	\$ -	\$ -934,312
	223	10,139		10,139	\$23.03	\$233,497.33	\$ -	\$ -233,497
	222	10,150		10,150	\$23.03	\$233,570.66	\$ -	\$ -233,571
	8	15,946	3296	12,650	\$23.03	\$439,622.17	\$ 624,000	\$ -184,378
Milton Road	67	9,149		9,149	\$23.03	\$210,696.01	\$ -	\$ -210,696
	68	9,812		9,812	\$23.03	\$227,337.69	\$ -	\$ -227,338
	63	10,817	873	9,943	\$23.03	\$229,111.41	\$ -233,125	\$ -33,013
	62	10,813	833	9,980	\$23.03	\$229,065.36	\$ -233,125	\$ -34,060
	61	10,815	873	9,942	\$23.03	\$229,065.36	\$ -233,125	\$ -34,060
	60	10,817	833	9,984	\$23.03	\$229,111.41	\$ -233,125	\$ -34,014
	204	9,527		9,527	\$23.03	\$219,403.20	\$ -	\$ -219,403
	203	9,527		9,527	\$23.03	\$219,403.20	\$ -	\$ -219,403
	202	9,627		9,627	\$23.03	\$221,706.17	\$ -	\$ -221,706
	201	9,627		9,627	\$23.03	\$221,706.17	\$ -	\$ -221,706
	200	9,619		9,619	\$23.03	\$221,521.93	\$ -	\$ -221,522
Marine Close	205	9,760		9,760	\$23.03	\$224,769.10	\$ -	\$ -224,769
	206	9,568		9,568	\$23.03	\$220,301.16	\$ -	\$ -220,301
	207	9,567		9,567	\$23.03	\$220,304.29	\$ -	\$ -220,304
	208	9,565		9,565	\$23.03	\$220,276.33	\$ -	\$ -220,276
	209	9,563		9,563	\$23.03	\$220,232.27	\$ -	\$ -220,232
	210	9,562		9,562	\$23.03	\$220,209.24	\$ -	\$ -220,209
	211	9,560		9,560	\$23.03	\$220,163.18	\$ -	\$ -220,163
	212	9,559		9,559	\$23.03	\$220,117.12	\$ -	\$ -220,117
	217	9,822	380	9,442	\$23.03	\$218,173.91	\$ 72,500	\$ -145,674
	218	9,823	344	9,479	\$23.03	\$228,219.97	\$ 241,000	\$ -22,780
Brash Forester	223	10,139		10,139	\$23.03	\$233,497.33	\$ -	\$ -233,497
	221	10,133		10,133	\$23.03	\$233,465.81	\$ -	\$ -233,466
	220	10,150		10,150	\$23.03	\$233,570.66	\$ -	\$ -233,571
	16	10,296		10,296	\$23.03	\$237,112.98	\$ -	\$ -237,113
	15	10,296		10,296	\$23.03	\$237,112.98	\$ -	\$ -237,113
	23	10,293	287	10,006	\$23.03	\$237,049.95	\$ 73,325	\$ -163,724
	24	10,295	344	9,951	\$23.03	\$237,049.95	\$ 210,663	\$ -26,386
	19	10,286	1168	9,118	\$23.03	\$216,882.69	\$ 292,000	\$ -75,117
	20	10,262	1168	9,094	\$23.03	\$216,329.97	\$ 292,000	\$ -85,670
	1	10,266	1168	9,118	\$23.03	\$216,882.69	\$ 292,000	\$ -75,117
	2	10,262	1168	9,094	\$23.03	\$216,329.97	\$ 292,000	\$ -85,670
	3	10,061	1052	9,009	\$23.03	\$211,701.02	\$ 512,975	\$ -301,274
Ashby Close	10	10,353		10,353	\$23.03	\$238,425.67	\$ -	\$ -238,426
	4	10,855	2083	8,772	\$23.03	\$249,986.54	\$ 520,750	\$ -270,763
	7	11,434		11,434	\$23.03	\$263,350.69	\$ -	\$ -263,351

	0	14,307		14,307	\$23.03	\$329,484.79	\$	-	\$	329,485
Ballina Road West	81	9,568		9,568	\$23.03	\$220,347.42	\$	-	\$	220,347
	10	9,569		9,569	\$23.03	\$220,370.45	\$	-	\$	220,370
	80	9,566		9,566	\$23.03	\$220,361.36	\$	-	\$	220,361
	216	9,569		9,569	\$23.03	\$220,370.45	\$	-	\$	220,370
	215	9,569		9,569	\$23.03	\$220,370.45	\$	-	\$	220,370
	214	9,568		9,568	\$23.03	\$220,347.42	\$	-	\$	220,347
	213	9,569		9,569	\$23.03	\$220,347.42	\$	-	\$	220,347
	220	9,822		9,822	\$23.03	\$226,196.94	\$	-	\$	226,197
	219	9,823		9,823	\$23.03	\$226,219.97	\$	-	\$	226,220
	221	5,153		5,153	\$23.03	\$118,671.64	\$	-	\$	118,672
	222	4,583		4,583	\$23.03	\$105,544.71	\$	-	\$	105,545
Bush Forever	497	40,544			\$23.03		\$	-	\$	-
Bush Forever	498	40,519			\$23.03		\$	-	\$	-
Bush Forever	499	40,519			\$23.03		\$	-	\$	-
	50	10,895		10,895	\$23.03	\$250,907.72	\$	-	\$	250,908
	51	12,279		12,279	\$23.03	\$282,780.72	\$	-	\$	282,781
	52	12,901		12,901	\$23.03	\$297,105.15	\$	-	\$	297,105
Total Area (m2)		106481m2 Excluding Bush for Ever area				Total				
(m2)		842,879	17110				\$	4,327,433	\$	11,857,584
					Total Cost land and construction	\$	15,901,516			
Net Lot Area (incl Road Reserve)(m2)				674,305						
Land cost for Road Reserve:										
Development construction cost:										
Total Cost (land and construction)										
Bld = increase in lot area										

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

108. Tender RFT1208 – Mowing Turf Grasses on Reserves

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Infrastructure Operations
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Tender Evaluation Report RFT1208 <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 contract within the scope of works for Mowing Turf Grasses on Reserves as per request for Tender RFT1208. Refer to (Attachment 1).

BACKGROUND

2. The Shire undertakes scheduled mowing of reserves as a core function of its reserve maintenance program.
3. This work has been undertaken under tender since 2009. The previous tender was held by Lochness Landscape Services for three years.
4. The tender was advertised in the West Australian on 8 September 2012 and the advertising period closed on 26 September 2012.
5. The following tenders were received:
 - Turfworks Proprietary Limited PL
 - Lochness Landscape Services
 - Gro-Turf PL
 - Activ Property Care
 - Lovegrove Turf Services
6. The tenders were assessed according to the Shires tendering Guidelines including an assessment of compliance, qualitative and pricing criteria. The assessment determines the most advantageous outcome to the Shire.

DETAILS

7. All submissions met the compliance criteria and were further assessed upon the qualitative and pricing criteria.

8. The tender assessment summary is:

Tenderer	Weighted Qualitative Score	Weighted Price Score	Total Score	Rank
Turfworks PL	32.4	60.0	92.4	1
Lochness Landscape Services	34.1	53.4	87.5	2
Gro-Turf PL	34.1	39.6	73.7	3
Lovegrove Turf Services	31.2	32.4	63.6	4
Activ Property Care	34.9	21.6	56.5	5

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

10. Policy PUR1 – Purchasing Policy has been followed and complied with.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. The tender will have a life of three years with no options.
- 13.. The cost of this activity is included in the approved 2012/13 parks maintenance budget.
14. The cost of providing this service is \$130,000 in 2012/13.
15. Annual increases are permitted under the terms of the tender. The estimated total cost of the tender over its life is \$405,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. Nil.

Sustainability Implications

Social Implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

OFFICER COMMENT

20. All tenderers had qualitative scores of 78% or higher, three had scores of 85% or more.
21. There were significant differences in the price score, ranging from 36% to 100%.
22. The tender evaluation process indicated that Turfworks PL provides the most advantageous outcome for the Shire.

The Presiding Person confirmed with Councillors that they did not wish to discuss the confidential attachment to this item; it was therefore dealt with in sequence and did not go behind closed doors.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 108/2012)

That Council:

1. Endorses the recommendation of the Tender Evaluation Panel to award the tender RFT1208 for Mowing of Turf Grasses on Reserves to Turfworks PL.

Moved: **Cr Justin Whitten**

Seconded: **Cr Bob Emery**

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

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

109. Tender RFT1209 – Chemical Treatment of Unwanted Vegetation

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Infrastructure Operations
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Tender Evaluation Report RFT1209 <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 contract within the scope of works for Chemical Treatment of Unwanted Vegetation as per request for Tender RFT1209. Refer to (Attachment 1).

BACKGROUND

2. The Shire undertakes chemical spraying of road verges, medians, paths and other areas as a core function of the reserve, road verge, public accessway and traffic island maintenance
3. This work has been undertaken under tender since 2009. The current tender is held with Supa Pest and Weed Control.
4. The tender was advertised in the West Australian on 8 September 2012 and the advertising period closed on 26 September 2012.
5. The following tenders were received:
 - Natural Area Management and Services
 - Website Weed & Pest PL
 - Lovegrove Turf Services
6. The tenders were assessed according to the Shires tendering Guidelines including an assessment of compliance, qualitative and pricing criteria. The assessment determines the most advantageous outcome to the Shire

DETAILS

7. All submissions met the compliance criteria and were further assessed upon the qualitative and pricing criteria.

8. The tender assessment summary is:

Tenderer	Weighted Qualitative Score	Weighted Price Score	Total Score	Rank
Website Weed & Pest PL	34.0	60.0	94.0	1
Lovegrove Turf Services	33.7	46.2	79.9	2
Natural Area Management and Services	32.4	26.4	58.8	3

STATUTORY AND LEGAL IMPLICATIONS

9. Nil.

POLICY IMPLICATIONS

10. Policy PUR1 – Purchasing Policy has been followed and complied with.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. The tender will have a life of three years with no options.
13. The cost of this activity is included in the approved 2012/13 parks maintenance budget.
14. The cost of providing this service is estimated at \$95,000 for 2012/13.
15. Annual increases are permitted under the terms of the tender. The estimated total cost of the tender over its life is \$295,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. Nil.

Sustainability Implications

Social Implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. The chemicals used in the provision of this service are a non-residual product, such as Glyphosate which is a salt based chemical.
20. All tender submissions confirmed that Australian Standards were met and contractors implemented appropriate Quality Control procedures that met the Shires requirements.

OFFICER COMMENT

21. All tenderers had qualitative scores of 81% or higher.
22. There were significant differences in the price score, ranging from 44% to 100%.
21. The tender evaluation process indicated that Website Weed & Pest PL provides the most advantageous outcome for the Shire.

The Presiding Person confirmed with Councillors that they did not wish to discuss the confidential attachment to this item; it was therefore dealt with in sequence and did not go behind closed doors.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 109/2012)

That Council:

1. Endorses the recommendation of the Tender Evaluation Panel to award the tender RFT1209 for Chemical Treatment of Unwanted Vegetation to Website Weed & Pest PL.

Moved: **Cr Justin Whitten**

Seconded: **Cr Martyn Cresswell**

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

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr Bob Emery – EMRC Zone Meeting Information

Q. Cr Bob Emery had recently attended the EMRC Zone Meeting and asked if it be noted that at this meeting a representative from the Director General's Department suggested that any significant payments or capital expenditure should be discussed with neighbouring councils prior to any commitment?

A. The Presiding Person thanked Cr Bob Emery for this information.

11.2 Cr Dylan O'Connor – Petitions

Q. May Councillors have a copy of the two Petitions presented this evening?

A. The Presiding Person requested these be forwarded to all Councillors.

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 The Shire President informed the Councillors that the President and Chief Executive Officer from the Shire of Mundaring had asked to meet with the Acting Chief Executive Officer; this meeting had taken place on 28 November 2012. They had put forward a proposition to investigate the joining of the Hills Shires. A request to view each other's financial positions and explore possibilities was underway. The Shire President, at the request of a Councillor confirmed that he would continue to give feedback regarding these exploratory talks.

13.2 The Shire President informed the Councillors that he and the Acting Chief Executive Officer were going to visit the Local Government Department to discuss issues with them and find their views and if they have any Agenda for the Shire of Kalamunda. He will report back the result of this meeting at the Special Council Meeting on 5 December 2012.

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 7.00pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2012