
Shire of Kalamunda

Special Council Meeting Minutes

Monday 23 April 2012

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MINUTES

1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.30pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(Chairman, Shire President)	North Ward
Margaret Thomas		North Ward
Sue Bilich		North Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Geoff Stallard		South East Ward
John Giardina		South East Ward
Martyn Cresswell		North West Ward
Bob Emery		North West Ward
Dylan O'Connor		North West Ward

Members of Staff

James Trail		Chief Executive Officer
Rhonda Hardy		Director Corporate and Community Services
Andrew Fowler-Tutt	A/Director	Development and Infrastructure Services
Darrell Forrest		Manager Governance
Kanwal Singh		Manager Technical Services
David Tomlinson	A/Manager	Development Services
Nina Lytton		Coordinator Strategic Planning
Meri Comber		Governance Officer

Members of the Public 5

Members of the Press Nil

2.2 Apologies

Councillors

Frank Lindsey	South East 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 Meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

4.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

4.1 Nil.

5.0 DISCLOSURE OF INTERESTS**5.1 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*.)

5.1.1 Nil.

5.2 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.

5.2.1 Nil.

6.0 REPORT 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.

02. Draft Structure Plan – Stage 1 of the Forrestfield/High Wycombe Industrial Area

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-STU-028
Applicant	Shire of Kalamunda
Owner	Various
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Existing Local Planning Scheme No. 3 Zoning Map
Attachment 3	Draft Stage 1 Structure Plan

PURPOSE

- To consider whether to endorse a draft Structure Plan (“the Plan”) for land bound 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, Forrestfield for the purpose of public advertising. The subject area represents Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area (“Stage 1”). Refer to the Forrestfield/High Wycombe Industrial Area Locality Plan (Attachment 1).

BACKGROUND

2. Land Details:

Aggregate Land Area:	c. 60 ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Region Scheme Zone:	Urban

- In November 2011, the Minister for Planning approved Amendment No. 34 to Local Planning Scheme No. 3 (“the Scheme”) to rezone Stage 1 from Special Rural to Industrial Development.
- Stage 1 is shown as being a Development Area (“DA”) on the Scheme Zoning Map. Refer to the Existing Local Planning Scheme No. 3 Zoning Map (Attachment 2).
- The Draft Forrestfield/High Wycombe Industrial Area Design Guidelines (“the Guidelines”) are being prepared so that new development, which Table 1 (Zoning Table) of the Scheme stipulates can be considered on properties

zoned Industrial Development. The intent of the design guidelines is to ensure the proposed industrial area in respect to Built form and landscaping is developed to a high standard, is attractive and functional.

6. Amendments to the Scheme are also being prepared to include developer contribution provisions for Stage 1, under part 6 of the Scheme and Part 3 of Schedule 11 (Development Areas) of the Scheme, and to modify Table 1 (Zoning Table) of the Scheme to show which land uses will be permissible in the Industrial Development zone subject to planning and building approval being obtained from the Shire.

DETAILS

7. A Draft Structure Plan is proposed for Stage 1 which will allow for the orderly and proper planning of the area by establishing the overall design principles for the area. Refer to the Draft Structure Plan (Attachment 3).
8. The objectives of the Structure Plan are:
- To provide for a structure plan layout that optimises the existing road layout and existing services infrastructure.
 - To ensure that industrial development does not adversely impact on the amenity and safety of adjoining land uses.
 - To provide a Structure Plan layout that meets the needs of landowners, allowing flexibility in the design of sites and future subdivision and development of industrial land.
9. The Draft Structure Plan will permit the development and subdivision (minimum lot size of 1ha) of the land for light industrial purposes, typically logistics and transport related activities.
10. The Structure Plan identifies the preferred land use arrangements and associated lot sizes and configurations, future road layout, traffic management measures and developer contribution items relevant to the structure planning area. The design elements include:
- Subdivision – No subdivision of lots less than 1 hectare will be permitted and no battle axe subdivisions or development of land accessing battle axe legs will be accepted unless provided for in the Structure Plan.
 - Development Criteria – Land use permissibility, built form, vehicle access, landscaping and design guidelines.

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11. A number of detailed investigations have been undertaken as part of the preparation of the Structure Plan in regards to environmental, hydrology, transport and servicing considerations. Further detailed investigations will be undertaken as part of the preparation of subsequent plans of subdivision and/or development proposals.
 12. The draft structure plan has been prepared in conjunction with the draft Forrestfield/High Wycombe industrial guidelines with the aim to promote a high quality industrial development.

STATUTORY AND LEGAL IMPLICATIONS

13. Section 6.2.4 of the Scheme stipulates the procedure to be followed when preparing a Structure Plan. If Council resolves to adopt the proposed amendment, then ultimately it will be determined by the WA Planning Commission.
14. Clause 4.2.4 (Industrial Zones) stipulates that the following are objectives of the Industrial Development zone:
 - To provide for orderly and proper planning through the preparation and adoption of a Structure Plan establishing the overall design principles for the area.
 - To permit the development of the land for industrial purposes and for commercial and other uses normally associated with industrial development.
15. Existing approved land uses on properties zoned Industrial Development which were approved under the provisions for the previous Special Rural zoning, will be permitted to remain, subject to complying with the conditions of approval, as non-conforming uses.
16. Clause 4.8 of the Scheme stipulates that a non-conforming use can continue indefinitely, but if the development was not used for a period exceeding 6 months or is destroyed to more than 75% of its value, then it loses its non-conforming use status and would be required to comply with the requirements of the new zoning.
17. Clause 6.2.2 of the Scheme stipulates that the purpose of DAs is the following:
 - “(a) To identify areas requiring comprehensive planning prior to subdivision and development; and*
 - (b) To coordinate subdivision, land use and the development in areas requiring comprehensive planning.”*

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18. Clause 6.2.2.1 of the Scheme stipulates that the Shire requires a Structure Plan for a DA, or for any particular part or parts of a DA, before recommending subdivision or approving development of land within the DA.
 19. Schedule 11 of the Scheme describes the DAs and sets out the purpose and particular requirements that may apply to the DA.
 20. Landowners are not permitted to subdivide or develop land which falls within a DA without paying the Developer Contribution in accordance with Schedule 11 of the Scheme.

POLICY IMPLICATIONS

Draft Structure Plan Preparation Guidelines (August 2011)

21. The draft Structure Plan has been prepared in accordance with local structure plan requirements of the WA Planning Commission's Draft Structure Plan Preparation Guidelines ("the Guidelines").

PUBLIC CONSULTATION/COMMUNICATION

22. Section 6.2.4 of the Scheme stipulates the procedures relating to preparing Structure Plans. If Council decides to approve the proposal, then ultimately it will be determined by the WA Planning Commission. If the matter proceeds to the Minister's determination, there is no Right of Review (appeal), irrespective of the Minister's decision.
23. Should Council endorse the draft Structure Plan, the formal advertising (which will last 21 days) will involve a local public notice in a paper circulating the District and letters being sent to all affected landowners within Stage 1 of the Forrestfield/High Wycombe Industrial Area.
24. A copy of the Structure Plan will also be forwarded to the WA Planning Commission for its information in accordance with clause 6.2.4.6 of the Scheme.

FINANCIAL IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

26. Stage 1 is referenced in the State Government's Key Strategic Policy document Directions 2031 and Beyond (2010) and was originally identified under the Kewdale Hazelmere Integrated Master Plan (2006) as future

development areas given their key strategic location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and key road freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway.

27. It is understood that the Forrestfield/High Wycombe Industrial area has been included as a key strategic Industrial site in the soon to be released draft Industrial Development Strategy (2010).

Sustainability Implications

Social Implications

28. The planned development of Stage 1 for industrial land use activity through the preparation of a Structure Plan will enable some landowners to progress with the development of the land independently of others.

Economic Implications

29. The planned industrial area will have economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.

Environmental Implications

30. Lots 497, 498, 499 and a portion of Lots 1 and 2 Sultana Road West are identified as Bush Forever area and therefore set aside for Regional Park. Those lots have been excluded from the proposed Industrial Development Zone.

OFFICER COMMENT

31. The draft Structure Plan is consistent with Amendment No. 34 to Local Planning Scheme No. 3 and the Scheme objectives of the Industrial Development zone.
32. The draft Structure Plan has been prepared in accordance with local structure plan requirement Guidelines and represents an appropriate strategic response to maximising new opportunities for strategically located Industrial land.
33. The draft structure plan for stage 1 represents the first of three stages for the Forrestfield/High Wycombe Industrial area. The Plan has been prepared in response to the Shire's intent to oversee the development of a high standard sustainable industrial area which will attract a range of business activities keen to locate in a key strategic industrial location.
34. In light of the above, it is recommended that Council endorses the draft structure plan for the purpose of public advertising.

COMMITTEE RECOMMENDATION TO COUNCIL (SCM 02/2012)

That Council:

1. Endorses the Draft Structure Plan (Attachment 3) for Stage 1 of the Forrestfield/High Wycombe Industrial Area for the purpose of public advertising.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Dylan O'Connor**

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

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

03. Amendment to Local Planning Scheme No. 3 - Provisions Relating to Developer Contributions, Modifications to the Zoning Table and Additional Land Use Definitions

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-LPS-003
Applicant	N/A
Owner	N/A
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Modified Zoning Table
Attachment 3	Developer Contribution Items
Attachment 4	Proposed Developer Contribution Cost Schedule
Attachment 5	Proposed Development Contribution Area Provisions

PURPOSE

- To consider whether to initiate an Amendment to Local Planning Scheme No. 3 ("the Scheme") to insert provisions relating to:
 - Developer contribution items for Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area.
 - A new Industrial Development zone and land use permissibility into Table 1 (Zoning Table) of the Scheme.
 - Additional land use definitions into Schedule 1 (Land Use Definitions) of the Scheme.

Refer to the Forrestfield/High Wycombe Industrial Area Locality Plan (Attachment 1).

BACKGROUND

- In November 2011, the Minister for Planning approved Amendment No. 34 to the Scheme to rezone the land bound 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, Forrestfield, from Special Rural to Industrial Development. The subject area represents Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area ("Stage 1").
- Amendment No. 34 to the Scheme required Schedule 11 (Development Areas) of the Scheme to be modified to include the following provision so that

Stage 1 became a Development Area (DA 1), thus, allowing specific developer contribution provisions to be included:

"Part 3 – Forrestfield/ High Wycombe Industrial Area DA1.

In respect of the Industrial Development zone generally bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, identified as Development Area 1, the structure plan for this area is to ensure that general and heavy industrial uses are not permitted."

DETAILS

4. It is proposed that Table 1 (Zoning Table) of the Scheme be modified to include the Industrial Development zone and the land uses Logistics Centre and Research and Technology Premises. Refer to the Modified Zoning Table (Attachment 2).
5. It is proposed that the following land use definitions be included in Schedule 1 (Land Use Definitions) of the Scheme:

"Logistics Centre -

means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for:

- (a) *the work of administration or accounting;*
- (b) *the provision of amenities for employees, incidental to any of those logistics operations.*

Research and Technology Premises -

Means premises used for the purpose of scientific research related to electronics, computer hardware peripherals, computer software, scientific instrumentation, optics research and development, medical research and development, radio and telecommunications, fibre optics componentry, advanced materials research and development, aerospace componentry, biotechnology development, robotics development and the like which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour or any other form of air pollution or the escape of any liquid or other solid wastes from the land."

6. It is 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.
7. Prior to properties being redeveloped and/or amalgamated, landowners within DA1 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 costs to administer the cost sharing arrangements.

8. 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. Refer to the proposed Development Contribution Area provisions (Attachment 5).
9. The Developer Contribution Item table established the infrastructure and administrative items to be costed as part of the Developer Contribution Plan.

STATUTORY AND LEGAL IMPLICATIONS

10. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
11. Table 1 (Zoning Table) of the Scheme indicates, subject to the various provisions of the Scheme, the uses permitted in the Shire in the various zones.
12. Schedule 11 of the Scheme describes the DAs and sets out the purpose and particular requirements that may apply to the DA.
13. Landowners are not permitted to subdivide or develop land which falls within a DA without paying the Developer Contribution in accordance with Schedule 11 of the Scheme.
14. Part 6 – Special Control Areas of the Scheme establishes Development Areas on the scheme maps as “DA” with a number and included in Schedule 11.

POLICY IMPLICATIONS

State Planning Policy No. 3.6 – Development Contributions for Infrastructure

15. State Planning Policy No. 3.6 – Development Contributions for Infrastructure (“the Policy”) sets out the principles underlying development contributions and the form, content and process for the preparation of a development contribution plan (“DCP”).
16. The Policy stipulates that DCPs do not have effect until they are incorporated into a local planning scheme and require that:

“There is adequate consultation with the owners affected by the development contribution plan and with the wider community, as part of the local planning scheme amendment process.”

PUBLIC CONSULTATION/COMMUNICATION

17. 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.
18. 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 and letters being sent to all affected landowners within Stage 1 of the Forrestfield/High Wycombe Industrial Area.

FINANCIAL IMPLICATIONS

19. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development and Infrastructure Services budget.
20. The Shire will administer costs associated with the Developer Contribution Plan and this will be included in the Developer Contribution costing to be met by the developers.
21. The financial risks associated with establishing and implementing DCAs needs to be carefully considered and appropriately managed to ensure there is no financial liability to Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

22. Nil.

Sustainability ImplicationsSocial Implications

23. It is important that developer contributions are easily understandable by all stakeholders in terms of what they are. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social impacts are minimised and that benefits are maximised.
24. A timely and coordinated approach to the delivery of infrastructure can assist with meeting the needs of the community and businesses, both existing and into the future.

Economic Implications

25. The planned industrial area will have economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.
26. Developer contribution arrangements (DCAs) have the potential to have a significant impact on the financial position of various stakeholders and the viability of development projects. The financial implications and risks for Council are significant. Local Governments are required to effectively 'underwrite' contribution arrangements and from time to time, make good short falls that have resulted from the operation of a DCA.

Environmental Implications

27. Lots 497, 498, 499 and a portion of Lots 1 and 2 Sultana Road West are identified as Bush Forever area and therefore set aside for Regional Park. Those lots have been excluded from the proposed Industrial Development Zone.

OFFICER COMMENT

28. The proposed amendment is consistent with State Planning Policy No. 3.6 – Development Contributions for Infrastructure. The administrative provisions proposed under clause 6.5 of the scheme will establish the purpose of the Developer Contribution Area and importantly the guiding principles, thus ensuring there is a need and nexus, transparency, equity and accountability in the administrative process. The contribution costing identified in Attachment 4 does not form part of the scheme provision, but once adopted by Council they will be subject to an annual review in accordance with Clause 6.5 of the Scheme. A valuation will be undertaken to confirm the current estimates identified in Attachment 4 to determine the value of the land to be acquired. A separate report will be brought to Council following the finalisation of the amendment seeking Council endorsement of the cost contribution.
29. The land uses which are proposed to be permissible under Table 1 of the Scheme for the proposed Industrial Development zoning will not have a detrimental impact on the environment and the amenity of nearby residents.
30. In determining the land uses that should be permissible in the Industrial Development zone and the level of permissibility (permitted, discretionary etc.), the following issues were taken into account:
- The intent and object of the zone.
 - The compatibility of each of the land uses within the Industrial Development zone.

- The amenity expectations of the Industrial Development zone.
31. The proposed permissible land uses are also consistent with the objectives of the Industrial Development zoning.
32. The proposed amendment will assist with the Shire's development control responsibilities and the administration of the cost sharing arrangement, it is therefore recommended that Council initiates the amendment.

COMMITTEE RECOMMENDATION TO COUNCIL (SCM 03/2012)

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

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

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

- (a) Modify Table 1 (Zoning Table) of Local Planning Scheme No. 3 to include the Industrial Development zone, and the land uses Logistics Centre and Research and Technology Premises
- (b) Insert the following land use definitions into Schedule 1 (Land Use Definitions) of the Scheme:

“Logistics Centre -

means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for:

- (a) *the work of administration or accounting;*
- (b) *the provision of amenities for employees, incidental to any of those logistics operations.*

Research and Technology Premises -

Means premises used for the purpose of scientific research related to electronics, computer hardware peripherals, computer software, scientific instrumentation, optics research and development, medical research and development, radio and telecommunications, fibre optics componentry, advanced materials research and development, aerospace componentry, biotechnology development, robotics

development and the like which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour or any other form of air pollution or the escape of any liquid or other solid wastes from the land."

- (c) Insert the Developer Contribution Items table for Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area under Part 3 of Schedule 11 (Development Areas) of Local Planning Scheme No. 3.
- (d) Insert the Development Contribution Area provisions under clause 6.5 of Local Planning Scheme No. 3.

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

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

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

7.0 MEETING CLOSED TO THE PUBLIC

7.1 Nil.

8.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 6.35pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2012