

Development & Infrastructure Services Committee Meeting

Minutes for 9 November 2015

CONFIRMED



**shire of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	6
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	6
3.0	PUBLIC QUESTION TIME	7
4.0	PETITIONS/DEPUTATIONS	7
5.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	7
6.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	8
7.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	8
8.0	DISCLOSURE OF INTERESTS.....	8
9.0	REPORTS TO COUNCIL	9
	45. PROPOSED MODIFICATION TO LOCAL DEVELOPMENT PLAN – LOT 26 (119) SHEFFIELD ROAD, WATTLE GROVE	10
	46. DRAFT PLANNING POLICIES – EFFLUENT DISPOSAL FOR ANCILLARY ACCOMMODATION, CARETAKERS DWELLINGS AND AGRI-TOURISM IN THE MIDDLE HELENA DRINKING WATER CATCHMENT	17
	47. REVIEW OF PLANNING, BUILDING AND COUNCIL POLICIES.....	34
10.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	22
11.0	QUESTIONS BY MEMBERS WITHOUT NOTICE	22
12.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	23
13.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	23
14.0	MEETING CLOSED TO THE PUBLIC.....	23
15.0	CLOSURE	23

MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.33pm, and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Andrew Waddell JP	(Shire President) North West Ward
Sara Lohmeyer	North West Ward
Dylan O'Connor	North West Ward
Sue Bilich	North Ward
Simon Di Rosso	(Presiding Member) North Ward
Michael Fernie	South East Ward
John Giardina	South East Ward
Geoff Stallard	South East Ward
Allan Morton	South West Ward
Brooke O'Donnell	South West Ward
Noreen Townsend	South West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Gary Ticehurst	Director Corporate Services
Sam Assaad	Acting Director Infrastructure Services
Darrell Forrest	Manager Governance & PR
Gerard Thomas	Manager Technology & Corporate Support
Kerry Fryers	Manager Community Care
Peter Hayes	Internal Auditor
Nina Lytton	Acting Manager Development Services
Daniel Nelson	Coordinator Project Delivery
Donna McPherson	Executive Research Officer to Chief Executive Officer
Nicole O'Neill	Public Relations Coordinator
Meri Comber	Governance Officer

Members of the Public 2

Members of the Press 0

2.2 Apologies

Councillors

Tracy Destree	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.

Dick Lovegrove, Wattle Grove

Q1. At the last Council meeting I asked if it was the official policy of this Council for any of the three urban expansion areas currently being considered to be promoted one before another and I was informed it was not. As the North Forresterfield area has been promoted who instigated this?

A1. Director Development Services indicated a request was received from the Chairman of the West Australian Planning Commission to progress planning of the area in response to the investment in rail infrastructure.

Q2. When was this received?

A2. This question was taken on notice.

Q3. How did the Council become involved in hiring a private Town Planner and how much has been spent by the Shire for this Town Planner to date?

A3. This question was taken on notice by the Director Development Services who indicated a response would appear in the next Agenda for the Development & Infrastructure Services Committee. He added that the Shire of Kalamunda usually also sends a personal response to the questioner between now and the next Committee Meeting.

Q4. A strip of land sold recently on Hawtin Road zoned as R20, with the current push for in-fill development, is an increase in zoning likely to be viewed favourably for this land if the owners were to approach Council?

A4. Director Development Services clarified that the land in question had been owned by Western Power, he indicated it is currently zoned urban development with a notional structure plan over a portion of the site which does show R20 development. If a developer was to come back with a new plan this would need to be assessed and any decision would be made by the State Government and not the Shire who could only make a recommendation.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 14 September 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

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

- 5.1 That the Minutes of the Special Development & Infrastructure Services Committee Meeting held on 19 October 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Andrew Waddell**

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

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

- 6.1 The Presiding Member informed Councillors an Audit & Risk Committee Meeting would be held on Monday 16 November 2015 commencing at 6.00pm.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

- 8.1.1 Nil.

8.2 Disclosure of Interest Affecting Impartiality

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

8.2.1 Nil.

9.0 REPORTS TO COUNCIL

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

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

45. Proposed Modification to Local Development Plan – Lot 26 (119) Sheffield Road, Wattle Grove

Previous Items	OCM 06/2015
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	147772
Applicant	Auguste Properties
Owner	Unicorn Super Pty Ltd
Attachment 1	Proposed Modified Local Development Plan
Attachment 2	Approved Local Development Plan (OCM 06/2015)

PURPOSE

1. To consider the adoption of a modified Local Development Plan (LDP) (previously known as a Detailed Area Plan) for Lot 26 (119) Sheffield Road, Wattle Grove. Refer to (Attachment 1).

BACKGROUND

2. Land Details:

Land Area:	6,654.4sqm
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban
Structure Plan Zone:	Residential R20

3. The site has in recent years been subject to three separate subdivision applications with the Western Australian Planning Commission (WAPC), which are detailed as follows:
 1. 147772 – A five (5) lot freehold subdivision approved by the WAPC on 11 July 2013.
 2. 402-13 – A further five (5) lot survey strata subdivision application approved by the WAPC on 11 July 2013 with access via an internal driveway.
 3. 149587 – A two (2) lot freehold subdivision approved by the WAPC on 20 May 2014, which comprised the existing dwelling fronting Sheffield Road.
4. Each of the abovementioned applications were approved by the WAPC and included a condition which required the preparation of a LDP to address and implement the requirements of the WAPC's 'Quiet House Design Guidelines', due to the site's proximity to potential noise nuisances (Roe Highway, Perth Airport flight paths and rail line).

5. In February 2015, Council considered and approved a LDP for the first of the three subdivisions listed above (WAPC Application 147772). The LDP was adopted and referred to the WAPC for its information.

Locality Plan

- 6.



7. The property falls within the Wattle Grove Cell 9 Structure Plan, contains a single dwelling and an easement for the Parmelia High Pressure Gas Pipeline. The site is bounded by Roe Highway and a Railway Reserve to the west, and Public Open Space to the south.

DETAILS

8. A LDP is a document that provides design and development requirements in addition to or in replacement of those already required under a Structure Plan or the Residential Design Codes (R-Codes). These requirements may be more or less restrictive than the prevailing standards, in this instance the R-Codes. No variations are proposed to the R-Codes requirements and the LDP only references matters relative to noise attenuation.
9. The LDP is largely similar to the LDP approved by Council at its Ordinary Meeting in February 2015. However, the LDP has been modified to reflect the revised lot layout as a result of further subdivision of the lots (as detailed above).
10. The LDP continues to address the design elements approved under the existing LDP, as follows:
 - Dwelling construction standards and outdoor living area location;
 - Window and door opening locations;
 - Notification requirements for prospective purchasers; and

- A practical barrier incorporating a 2.4m high fence along the western boundary and north-western boundary of proposed lot 65 (survey-strata lots 1-5).

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

11. The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) were gazetted on 25 August 2015 and will take full effect on 19 October 2015, replacing the *Town Planning Regulations 1967*. The Regulations incorporate 'deemed provisions' for Local Planning Schemes, which will have automatic effect and may be enforced under the Shire's Local Planning Scheme No. 3 (Scheme) once operative.
12. The provisions of the Regulations for LDPs will effectively replace Clause 6.2.6 (Detailed Area Plans) of the Scheme.
13. Under the Regulations, a LDP is defined as follows:
"Local Development Plan means a plan setting out specific and detailed guidance for a future development including one or more of the following –
(a) Site and development standards that are to apply to the development;
(b) Specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.
14. In making a decision in relation to the LDP, Council is required to:
 - (a) Approve the LDP; or
 - (b) Require the person who prepared the LDP to –
 - (i) Modify the plan in the manner specified by the Shire; and
 - (ii) Resubmit the modified plan to the Shire for approval;or
 - (c) Refuse to approve the plan.
15. In the event that Council refuses the LDP, there is a right of review (appeal) to the State Administrative Tribunal under the *Planning and Development Act 2005*.

POLICY CONSIDERATIONS

16. State Planning Policy 5.4 – Road and Rail Transportation Noise and Freight Consideration in Land Use Planning (SPP 5.4) aims to promote a system in which sustainable land use and transport are mutually compatible. It seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost of transport infrastructure.
17. SPP 5.4 also aims to provide a standardised and consistent framework for the consideration and management of the impacts of transport noise and freight operations when dealing with new noise-sensitive development in the vicinity of existing or future major transport. The policy does this primarily by:

- identifying the situations in which it would be appropriate to assess proposals for transport noise impacts;
- establishing noise criteria to be used in the assessment of these proposals; and
- Identifying measures that can be adopted to reduce road and rail transport noise in these instances.

COMMUNITY ENGAGEMENT REQUIREMENTS

18. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertising is generally required for 14 days. However the Shire may elect to not advertise the modified LDP where the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or adjoining area.
19. Given this LDP only relates to noise attenuation, and will not materially affect the ultimate development outcome of the site, advertising is not considered necessary.

FINANCIAL CONSIDERATIONS

20. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

RISK MANAGEMENT CONSIDERATIONS

25.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not support the proposed LDP.	Unlikely	Major	Medium	Make sure Council is aware that the LDP is required as part of an approved subdivision and is considered appropriate in particular the need to address noise attenuation given the proximity of the site to the freight line.

OFFICER COMMENT

26. The proposed modification to the LDP reflects a revised lot layout as a result of further subdivision of the lots. All remaining design elements of the LDP relating to noise attenuation remain unchanged.

A Councillor asked what the average individual lot size for this development would be. The Director Development Services responded they would be R20 and therefore would be a minimum of 440sqm but an average lot size of 500sqm.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 45/2015)

That Council:

1. Adopt the proposed modified Local Development Plan for Lot 26 (119) Sheffield Road, Wattle Grove, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Noreen Townsend**

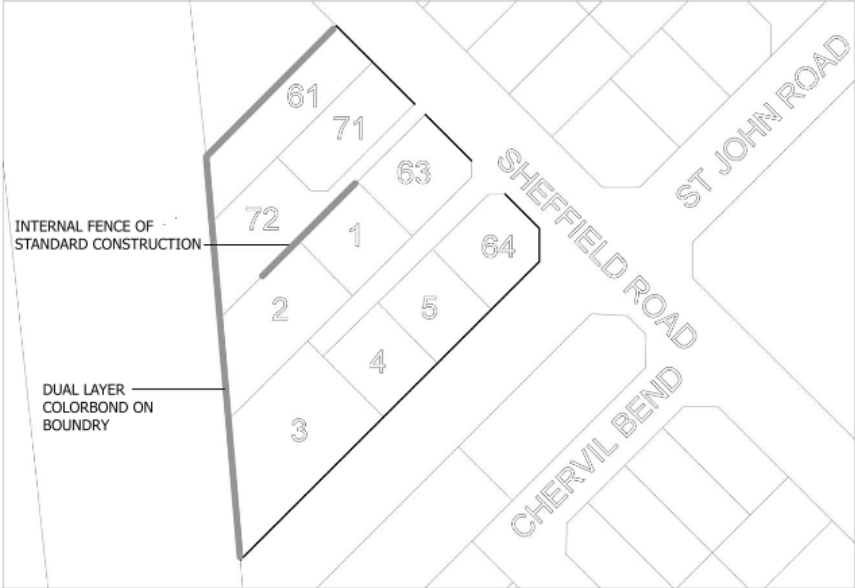
Seconded: **Cr Brooke O'Donnell**

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

Attachment 1

**Proposed Modified Local Development Plan – Lot 26 (119) Sheffield Road Wattle Grove
Proposed Modified Local Development Plan**

LOTS SUBJECT TO DAP		
61	SUBJECT TO DAP	
63	SUBJECT TO DAP	
64	SUBJECT TO DAP	
65	SUBJECT TO DAP	LOTS 1-5
71	NOT SUBJECT TO DAP	
72	SUBJECT TO DAP	



Site Plan

SCALE: 1 : 100

LOT 26 SHEFFIELD ROAD, WATTLE GROVE

DETAILED AREA PLAN OF PROPOSED LOTS 71, 72, 61, 63, 64, 65(SURVEY STRATA LOTS 1- 5)
-NOISE ATTENUATION

1: PRACTICAL BARRIER

THE DEVELOPER HAS CONSTRUCTED A 2.4 m HIGH FENCE WITH STEEL POSTS TO THE SATISFACTION OF THE SHIRE ON THE WESTERN AND NORTHERN BOUNDARY OF THE PROPERTY AS DEPICTED ON THIS DAP.

2: 'QUIET HOUSE ELEMENTS

2.1 INDOOR NOISE LEVELS
DWELLINGS CONSTRUCTED ON THE SUBJECT LOTS SHALL BE DESIGNED TO COMPLY WITH AUSTRALIAN STANDARDS AS2021-1994 – RECOMMENDED DESIGN LEVELS REVERBERATION TIMES FOR BUILDING INTERIORS AND NOISE LEVELS FOR 45dB (A) LIVING AND 40dB (A) SLEEPING.

2.2 OUTDOOR NOISE LEVELS
WHERE POSSIBLE, LOCALISED AMELIORATION METHODS SHOULD BE INCORPORATED INTO THE HOUSE DESIGNS WITH THE AIM OF ACHIEVING 50 dB (A) TO THE ONE OUTDOOR LIVING AREA

3. DESIGN ELEMENTS

3.1 DESIGN SHALL INCORPORATE OPENING REDUCTIONS TO LIMIT THE SIZE OF OPENINGS/WINDOW FACADES FACING THE RAIL RESERVE FROM THE RAIL RESERVE

3.3 ALL EXTERNAL WALLS SHALL BE CONSTRUCTED OF DOUBLE BRICK.

3.4 ALL EAVES SHALL BE ENCLOSED

3.5 ALL ROOF MATERIALS SHALL BE EITHER CLAY OR CONCRETE TILES IF COLORBOND (OR EQUIVALENT) INSTALL WITH 50mm ANTICORN.

3.6 GROUND FLOOR GLAZING TO BEDROOMS WITH EXPOSURE TO THE RAILWAY TO BE 6.38mm THICK LAMINATED GLASS. OTHER LIVING AREAS ON SIDE(S) OR REAR OF RESIDENCE VISIBLE FROM MAJOR ROADS TO BE A MINIMUM OF 6mm OF GLASS.

3.7 FRONT DOOR SHALL BE OF SOLID CORE CONSTRUCTION WITH SEALS.

3.8 ALL PLASTERBOARD IN THE CEILINGS SHALL BE 13mm THICK WITH 50 mm THICK 32kg/m2 GLASS FIBER BLANKET BETWEEN CEILING JOISTS.

4. NOTIFICATION TO THE PROSPECTIVE PURCHASERS

4.1 THE DEVELOPER IS REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS WITH A COMPLETE COPY OF ALL THE REQUIREMENTS OF THIS DETAILED AREA PLAN

5: ADVICE NOTE

5.1 VARIATION OF ANY PROVISION CONTAINED IN THIS DETAILED AREA PLAN WILL ONLY BE CONSIDERED BY THE SHIRE WHERE THE APPLICANT CAN DEMONSTRATE AT THE BUILDING PERMIT APPLICATION STAGE THAT THE OBJECTIVE AND INTENT OF THE RELEVANT PROVISIONS CAN STILL BE ACHIEVED.

5.2 THE NOISE ATTENUATION MEASURES REQUIRED TO BE INCORPORATED IN THE DESIGN OF DWELLINGS SHALL BE SHOWN ON THE PLANS SUBMITTED FOR THE BUILDING PERMIT APPLICATION.

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

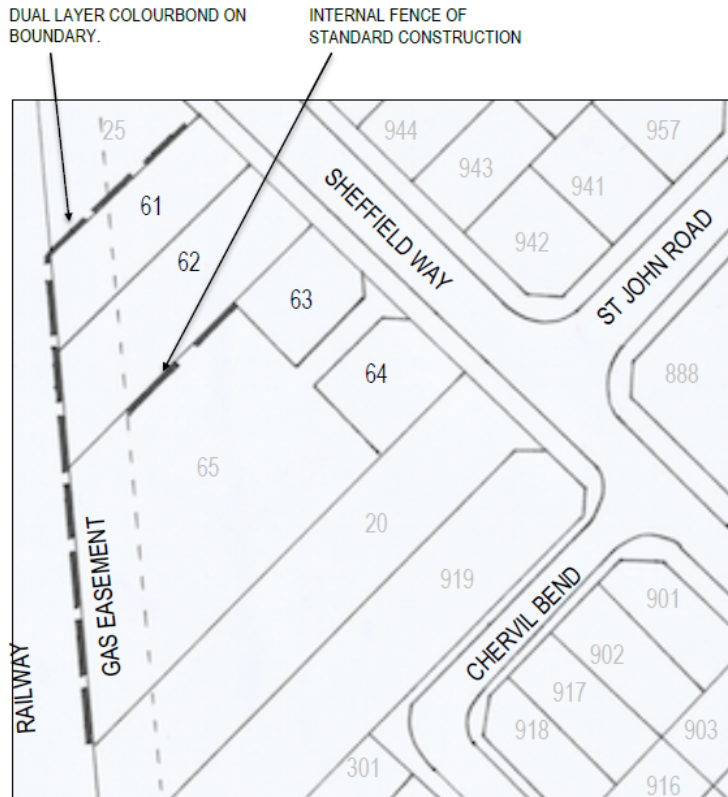
.....
MANAGER DEVELOPMENT SERVICES
SHIRE OF KALAMUNDA

.....
DATE

Unicorn Super Pty Ltd		Site Plan WAPC 147772 WAPC	
Sheffield Rd Detailed Area Plan		402-13	
Project Number	Project Number	WAPC 149587	
Date	Issue	Issue 0/9/2015	
Drawn by	Drawn by	B. Richards	
Checked by	Checked by	Scale	1 : 100 ON A3

Attachment 2

**Proposed Modified Local Development Plan – Lot 26 (119) Sheffield Road Wattle Grove
 Approved Local Development Plan (OCM 06/2015)**



LOT 26 SHEFFIELD ROAD, WATTLE GROVE

DETAILED AREA PLAN OF PROPOSED LOTS 61 TO 64 – NOISE ATTENUATION

1. **PRACTICAL BARRIER**
 THE DEVELOPER IS TO CONSTRUCT A 2.4m HIGH FENCE WITH STEEL POSTS TO THE SATISFACTION OF THE SHIRE ON THE WESTERN AND NORTHERN BOUNDARY OF THE PROPERTY AS DEPICTED ON THIS DAP.
2. **'QUIET HOUSE DESIGN ELEMENTS'**
 - 2.1 **INDOOR NOISE LEVELS**
 DWELLINGS CONSTRUCTED ON THE SUBJECT LOTS SHALL BE DESIGNED TO COMPLY WITH AUSTRALIAN STANDARD AS2021:1994 – RECOMMENDED DESIGN LEVELS REVERBERATION TIMES FOR BUILDING INTERIORS AND NOISE LEVELS OF 45dB(A) LIVING AND 40dB(A) SLEEPING.
 - 2.2 **OUTDOOR NOISE LEVELS**
 WHERE POSSIBLE, LOCALISED AMELIORATION METHODS SHOULD BE INCORPORATED INTO THE HOUSE DESIGN WITH THE AIM OF ACHIEVING OF 50dB(A) TO THE ONE OUTDOOR LIVING AREA.
3. **DESIGN ELEMENTS**
 - 3.1 DESIGN SHALL INCORPORATE OPENING REDUCTIONS TO LIMIT THE SIZE OF OPENINGS/WINDOWS FACADES FACING THE RAIL RESERVE
 - 3.2 BEDROOMS SHALL BE PLACE IN THE PARTS OF THE HOUSE FURTHEMOST AWAY FROM THE RAIL RESERVE.
 - 3.3 ALL EXTERNAL WALLS SHALL BE CONSTRUCTED OF DOUBLE BRICK.
 - 3.4 ALL EAVES SHALL BE ENCLOSED.
 - 3.5 ALL ROOF MATERIALS SHALL BE EITHER CLAY OR CONCRETE TILES IF COLORBOND (OR EQUIVALENT) INSTAL WITH 50mm ANTICON.
 - 3.6 GROUND FLOOR GLAZING TO BEDROOMS WITH EXPOSURE TO THE RAILWAY TO BE 6.38mm THICK LAMINATED GLASS. OTHER LIVING SPACES ON SIDE(S) OR REAR OF RESIDENCE VISIBLE FROM MAJOR ROADS TO BE A MINIMUM OF 6mm GLASS.
 - 3.7 FRONT DOOR SHALL BE OF SOUND CORE CONSTRUCTION WITH SEALS.
 - 3.8 ALL PLASTERBOARD IN THE CEILINGS SHALL BE 13mm THICK WITH 50mm THICK 32kg/m² GLASS FIBRE BLANKET BETWEEN CEILING JOISTS.
4. **NOTIFICATION OF THE PROSPECTIVE PURCHASES**
 - 4.1 THE DEVELOPER IS REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS WITH A COMPLETE COPY OF ALL THE REQUIREMENTS OF THIS DETAILED AREA PLAN.
 - 4.2 A SECTION 165 NOTIFICATION IS TO BE PLACED ON THE TITLE OF EACH LOT COVERED BY THIS DETAIL AREA PLAN ADVISING THAT FUTURE DWELLINGS AND LOTS MAY BE SUBJECT TO NOISE FROM THE RAILWAY AS PER CONDITION 15 OF THE WAPC APPROVAL (WAPC Ref. 147772).
5. **ADVICE NOTE**
 - 5.1 VARIATIONS TO ANY PROVISION CONTAINED IN THIS DETAILED AREA PLAN WILL ONLY BE CONSIDERED BY THE SHIRE WHERE THE APPLICANT CAN DEMONSTRATE AT THE BUILDING LICENSE APPLICATION STAGE THAT THE OBJECTIVES AND INTENT OF THE RELEVANT PROVISIONS CAN STILL BE ACHIEVED.
 - 5.2 THE NOISE ATTENUATION MEASURES REQUIRED TO BE INCORPORATED IN THE DESIGN OF DWELLINGS SHALL BE SHOWN ON THE PLANS SUBMITTED FOR A BUILDING LICENCE.

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



SCALE 1:1250 @ A4

LEGEND:

- 1 LOTS SUBJECT TO DAP
- COLOURBOND FENCE

MANAGER DEVELOPMENT SERVICES-
 SHIRE OF KALAMUNDA

DATE

DETAILED AREA PLAN
 LOT 26 SHEFFIELD ROAD, WATTLE GROVE
 SHIRE OF KALAMUNDA

Prepared by:
Gareth Webber
Planning Consultant

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

46. Draft Planning Policies – Effluent Disposal for Ancillary Accommodation, Caretakers Dwellings and Agri-Tourism in the Middle Helena Drinking Water Catchment

Previous Items

Responsible Officer Director Development Services

Service Area Development Services

File Reference

Applicant Not Applicable

Owner Not Applicable

Attachment 1 Draft Policy – P-DEV 46, Effluent Disposal from Ancillary Accommodation and Caretakers Dwellings

Attachment 2 Draft Policy – P-DEV 47, Effluent Disposal from Agri-tourist Development

Attachment 3 Middle Helena Public Drinking Water Source Area

PURPOSE

1. To consider for the purpose of advertising the adoption of the following draft Local Planning Policies (the Policies):
 - P-DEV 46, Effluent Disposal from Ancillary Accommodation and Caretakers Dwellings (Attachment 1).
 - P-DEV 47, Effluent Disposal from Agri-Tourist Development (Attachment 2).
2. To provide guidance on the requirements for the development of ancillary accommodation, caretakers dwellings and agri-tourism development in relation to effluent disposal in order to protect areas designated Priority 2 in the Middle Helena Catchment Public Drinking Water Source Area (Middle Helena) with respect to the requirements of the Department of Water (DoW).
3. It is intended that the Policies will assist applicants by providing an up-front list of information to be included with a development application. This will streamline the assessment process, particularly potentially negating the need to refer some applications to the Department of Water.

BACKGROUND

4. There is increasing interest in the development of tourism activities and incidental dwellings in the rural localities of the hills' orchard area. The activities however are constrained environmentally due to the area being identified as a water catchment. It is therefore considered appropriate to develop policies to provide guidance on the requirements for the development of ancillary dwellings, caretaker dwellings and uses typically associated with agri tourism in respect to effluent disposal.

DETAILS

5. The following brief summary of each policy is included below. Refer to (Attachments 1&2).

Draft Policy - Effluent Disposal from Agri-Tourism in the Middle Helena Catchment Areas

5. The Policy captures commercial land uses typically applied for in Priority 2 Areas, such as Wineries, Chalets and Restaurants and excludes those land uses deemed incompatible within Priority 2 areas. Local Planning Scheme No.3 (the Scheme) sets the permissibility of the various land uses whereas the Policy sets out the technical information required to accompany a development application.
6. The Policy sets out the following in respect to determining a suitable waste water treatment system:
 - The proposed use;
 - Size of the proposed use (likely area, number of patrons served/volume of wastewater created);
 - Frequency of use and hours of operation (daily, weekend use only, seasonal, peak demand);
 - Type of waste material entering the system (consider all sources of waste water such as sewage, scale and types of food preparation, fruit processing etc.); and
 - Type of treatment and disposal (system design) needed to ensure protection of the Middle Helena Catchment Area drinking water source.
7. The Policy also sets out the estimated daily waste under production, organic loading and recommended maximum number of patrons (patrons, staff and residents) per day per hectare for the following agri-tourism uses:
 - Café
 - Cellar door sales (winery/cidery)
 - Chalets
 - Restaurants

Draft Policy - Effluent Disposal From Ancillary Accommodation and Caretakers Dwellings in the Middle Helena Catchment Areas

8. The Policy sets out waste water loading based on the number of people or bedrooms and locational requirements for effluent disposal systems and other information required to be submitted with an application for ancillary accommodation and caretaker dwellings.
9. A separate policy is currently being developed dealing with Ancillary Accommodation and Caretakers Dwellings throughout the entire Shire. It is intended that this policy will deal with matters including floor areas, land use and locational requirements. Where necessary, it will be read in conjunction with this policy.

STATUTORY AND LEGAL CONSIDERATIONS

10. Local Planning Policies are created under Local Planning Scheme No. 3. A Local Planning Policy can be prepared in respect to any matter related to the planning and development of the Scheme area so as to apply:
- (a) Generally or for a particular class or classes of matters; and
 - (b) Throughout the Scheme area or in one or more parts of the Scheme area.
11. A Local Planning Policy is not binding on the Shire in its decision making and if a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

POLICY CONSIDERATIONS

12. The draft policy follows the adopted Council template with some minor modifications for structure, legibility and clarity.

COMMUNITY ENGAGEMENT REQUIREMENTS

13. If Council resolves to prepare a Local Planning Policy, it is to be advertised in a newspaper circulating in the Scheme area with a 21 day submission period.

FINANCIAL CONSIDERATIONS

14. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 3.2 To protect and enhance the Shire's local bushland reserves, Local Natural Areas and Biodiversity Conservation Areas.

Strategy 3.2.4 Ensure appropriate environmental controls are implemented throughout any land development process and policies and guidelines are developed to assist in these processes.

OBJECTIVE 5.4 To be recognised as an excellent tourism destination with high levels of patronage.

Strategy 5.4.2 Ensure tourism development is integrate into land use planning in regards to the Perth Hills.

SUSTAINABILITY

Social Implications

16. Nil.

Economic Implications

17. The Policies set out standards for commercial land uses and incidental dwellings and the intensity to which development may occur.

Environmental Implications

18. The Policies set out acceptable standards for development in environmentally sensitive areas. The Policies will assist in managing the expectations of applicants in respect to the intensity of development likely to be supported due to the environmental constraints in the drinking water catchment areas.

RISK MANAGEMENT CONSIDERATIONS

19.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Discussion with the Department of Water may become protracted resulting in lengthy delays to the assessment process for applications within the public drinking water source area.	Possible	Insignificant	Low	Make sure Council is aware that the policies have been reviewed by the Department of Water which will provide developers with some certainty and consistency in the decision making process.

OFFICER COMMENT

20. The Policies have been drafted in conjunction with an environmental consultant who specialises in development in drinking water catchments. The Policies have been subject to vetting by the DoW, which is the referral agency for land uses in the Priority 2 Areas.
21. Previously where land uses are considered compatible with conditions in the Middle Helena, they were forwarded to the DoW for comment. This has resulted in the processing of applications becoming protracted as there had been lack of understanding in what would be considered to be an acceptable intensity of development.
22. Applications that are consistent with the policy will not need to be referred to the DoW. Applications that are inconsistent will require referral to the DoW and will need to demonstrate compliance with risk minimisation with respect to water quality.
23. Additionally the policies set out the specific information required to be submitted with a development application as it relates to the drinking water catchment. Adoption of the policies will assist applicants in providing the

required level of documentation and an up-front understanding of what will be considered an acceptable level of development.

24. It is recommended the Policies be adopted for the purpose of advertising.

A Councillor asked for clarification with regard to the difference between a tavern and a winery or cidery. The Director Development Services indicated the difference would be for the purposes of liquor licencing; the Shire's Town Planning Scheme indicates that a Tavern is somewhere requiring a Tavern Licence under the liquor licencing laws for consumption of alcohol on the premises, however, a winery or cidery is more about tasting and then purchasing to take away for consumption at home.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 46/2015)

That Council:

1. Pursuant to Clause 2.2 and 2.4.1 of Local Planning Scheme No. 3, adopts the proposed draft Policies for the purpose of advertising for a period of 21 days:
 - P-DEV 46, Effluent Disposal from Ancillary Accommodation and Caretakers Dwellings in the Middle Helena Catchment Areas (Attachment 1) and;
 - P-DEV 47, Effluent Disposal from Agri-Tourism in the Middle Helena Catchment Areas (Attachment 2).

Moved: **Cr John Giardina**

Seconded: **Cr Andrew Waddell**

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

Attachment 1

P-DEV 46 Effluent Disposal from Ancillary Accommodation and Caretakers Dwellings in the Middle Helena Catchment Area

Management Procedure

Relevant Delegation

Purpose

To provide guidance on the requirements for the development of ancillary accommodation in relation to effluent disposal in order to protect the Middle Helena Catchment Area drinking water source with respect to the requirements of the Department of Water.

Policy Statements

1. Application

This policy applies to the Priority 2 areas of the Middle Helena Catchment Area.

2. Definitions

Priority 2 (P2) areas are defined within PDWSAs by the Department of Water, and are managed to maintain or improve the quality of the drinking water source with the objective of risk minimisation.

Public drinking water source area (PDWSA) means an area that provides a source of drinking water and is proclaimed under legislation. Middle Helena Catchment Area is a PDWSA, and is proclaimed under the *Country Areas Water Supply Act 1947*.

Secondary treatment means the biological processing and settling or filtering of effluent received from a primary treatment unit (for example Aerobic Treatment Unit). The quality of effluent after secondary treatment is higher than after primary treatment.

Wastewater disposal system means any sewage treatment system, such as a composting toilet or septic tank system, approved by the Department of Health (WA).

3. Principle

The objective of Priority 2 areas within PDWSAs is 'risk minimisation'. All proposals within Priority 2 areas of the Middle Helena Catchment Area should therefore aim to maintain or improve water quality.

4. General provisions

- 4.1 Only one wastewater disposal system will generally be permitted on the lot to service all development (maximum load of system is not to exceed 10 people or 6 bedrooms). Preference is for a new secondary treatment system with nutrient retention to be installed to connect both existing and new buildings.

-
- 4.2 Bores for private household/drinking water use shall not be located within 30m of a wastewater system.
 - 4.3 A wastewater disposal system shall not be located within 100m of a waterway or other water body including dams and wetlands. This may be reduced to 30m for a secondary wastewater treatment system with proven nutrient retention performance.
 - 4.4 The lowest component of any wastewater disposal system shall be located at least 2 metres above the end of wet season groundwater level.
 - 4.5 On-site wastewater disposal shall not occur on land with a slope of greater than one in five (vertical:horizontal).
 - 4.6 Secondary wastewater treatment systems, where approved by the Department of Health, may be accepted with ongoing maintenance commitments. Lesser buffer distances than those stated in provisions 4.2, 4.3, 4.4 and 4.5 may be accepted if site factors (such as soil type, permeability, vegetation cover) and/or system design have been investigated and proven to have a low risk of contamination to public drinking water sources.
 - 4.7 Effluent from on-site wastewater systems should be dispersed (irrigated by above or below ground systems) over an area able to deal with issues such as nutrient loading, erosion, distances to sensitive water resources etc, consistent with the requirements of *AS/NZS 1547 On-site domestic wastewater management*.
 - 4.8 A wastewater disposal system is to be located outside any area subject to inundation and/or flooding in a 1 in 10 year average recurrence interval (ARI) event.
 - 4.9 The management of stormwater should be in accordance with the *Stormwater management manual for Western Australia* (Department of Water 2004-07).

5. Application requirements

- 5.1 Compliance with the requirements of this policy does not exempt the applicant from meeting the requirements of other policy, legislation and/or regulation, nor guarantee approval of the proposal by the Shire of Kalamunda.
- 5.2 It is the applicant's responsibility to demonstrate that the site is suitable for long-term on-site wastewater disposal and that the proposal will maintain or improve water quality within the Priority 2 areas of the Middle Helena Catchment Area. This may be demonstrated through a pre- and post-development contaminant balance which considers all sources of contaminants on the site.
- 5.3 Applications that do not meet the requirements of this policy will be assessed on a case-by-case basis and referred to the Department of Water for advice in their role as manager of the catchment area of proclaimed PDWSAs through by-laws created under the *Country Areas Water Supply Act 1947 (WA)*.

5.4 Any application for an ancillary or caretakers dwelling should be accompanied by the following:

- a) Building plan showing footprint of proposed dwelling i.e. square meters, number of bathrooms, toilets, kitchens, laundry and bedrooms, outbuildings and associated setbacks, and paved surfaces including driveways, carpark, garages, verandahs and alfresco areas.
- b) Maximum number of people (permanent and temporary) residing in existing and proposed development.
- c) A site plan showing the features of the site including remnant vegetation cover, existing and proposed development areas including existing and proposed wastewater system(s) and onsite water features and sources including waterways, wetlands, drains, dams and bores.
- d) Details of site investigation of soil strata and end of wet season groundwater level (if applicable).
- e) Details of any proposed vegetation clearing, environmental buffers, site earthworks and services, including for water supply, wastewater management and stormwater management.
- f) Wastewater management system to be installed including the location, type and performance of the system; any setbacks prescribed under the *Code of Practice for Onsite Sewage Management*; and the area proposed for disposal, demonstrating that this is sufficient to distribute the effluent and address contamination risks. This should be supported by a nutrient/chemical budget that describes the types, quantities and quality of solid and liquid waste (if applicable) that will be generated or disposed of pre- and post-development.
- g) Stormwater management plan that addresses flood risk and erosion and sediment control from run-off during construction and ongoing operation.
- h) Planned operational and equipment maintenance procedures. It should be noted that Alternative wastewater treatment systems must be serviced by a qualified technician, typically four times a year. Each service is required to be reported to the Shire's Health Services.

Further information is provided in the following water quality protection notes which are available on the Department of Water website (www.water.wa.gov.au)

- WQPN 6 - Vegetation buffers to sensitive water resources
- WQPN 9 - Community drinking water sources - protection and management
- WQPN 22 - Irrigation with nutrient rich wastewater
- WQPN 25 – Land use compatibility tables for PDWSAs
- WQPN 39 - Ponds for stabilising organic matter
- WQPN 41 - Private drinking water supplies
- WQPN 48 - Water supplies for rural lots (non-potable use)
- WQPN 60 - Tanks for mobile fuel storage in PDWSA
- WQPN 70 - Wastewater treatment – onsite domestic system

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

Attachment 2

P-DEV 47 Effluent Disposal from Agri-tourist Development in the Middle Helena Catchment Area	
Management Procedure	Relevant Delegation

Purpose

To provide guidance on the requirements for effluent disposal for agri-tourist development in order to protect the Middle Helena Catchment Area drinking water source.

Policy Statements

1. Application

This policy applies to the Priority 2 areas of the Middle Helena Catchment Area (Figure 1).

Agri-tourist uses covered by this policy are:

- Chalet
- Restaurant
- Winery/Cidery

The following agri-tourist uses are considered incompatible with drinking water source protection objectives for Priority 2 areas and will not be supported within Priority 2 areas of the Middle Helena Catchment Area:

- Art and craft centre
- Reception centre
- Resort
- Rural stall
- Serviced apartment
- Tavern

2. Definitions

Public drinking water source area (PDWSA) means an area that provides a source of drinking water and is proclaimed under legislation. Middle Helena Catchment Area is a PDWSA, and is proclaimed under the *Country Areas Water Supply Act 1947*.

Priority 2 (P2) areas are defined within PDWSAs by the Department of Water, and are managed to maintain or improve the quality of the drinking water source with the objective of risk minimisation.

Secondary treatment means the biological processing and settling or filtering of effluent received from a primary treatment unit (for example Aerobic Treatment Unit).

The quality of effluent after secondary treatment is higher than after primary treatment.

Wastewater disposal system means any sewage treatment unit, such as a composting toilet or septic tank system, approved by the Department of Health (WA).

All agri-tourist uses have the same definitions as provided by Shire of Kalamunda Local Planning Scheme No 3.

3. Principle

The objective of Priority 2 areas within PDWSAs is 'risk minimisation'. All proposals within Priority 2 areas of the Middle Helena Catchment Area should therefore aim to maintain or improve water quality.

Whilst a site may be zoned or rezoned for a specific use or activity, there is no guarantee that planning consent will be granted for that or any other specific use.

4. General provisions

- 4.1 A wastewater disposal system must be installed to treat the maximum predicted input from the proposed use including volume and potential contaminants as approved by the Department of Health (WA) (see schedule 1).
- 4.2 Maximum load should not exceed 350g Biochemical Oxygen Demand/day/hectare and/or recommended acceptable nitrogen application rate for the soil type (see schedule 1).
- 4.3 Dwellings and other rural tourist uses should share the same services and infrastructure (including drinking water source, wastewater disposal system, access roads, etc) where practical.
- 4.4 All wastewater disposal systems will be operated and maintained as recommended by the supplier and Department of Health and agreed by the Shire.
- 4.5 Signs are to be installed and maintained to advise patrons that the area is located in a proclaimed public drinking water source area where by-laws apply to protect the quality of the drinking water source.
- 4.6 Bores for private household/drinking water use shall not be located within 30m of a wastewater system.
- 4.7 A wastewater disposal system shall not be located within 100m of a waterway or other water body including dams and wetlands. This may be reduced to 30m for a secondary treatment system with proven nutrient retention performance.
- 4.8 The lowest component of any wastewater disposal system shall be located at least 2 metres above the end of wet season groundwater level.

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- 4.9 On-site wastewater disposal shall not occur on land with a slope of greater than one in five (vertical:horizontal).
 - 4.10 Secondary wastewater treatment systems, where approved by the Department of Health, may be accepted with ongoing maintenance commitments. Lesser buffer distances as stated in provisions 4.6, 4.7, 4.8 and 4.9 may be accepted if site factors (such as soil type, permeability, vegetation cover) and/or system design have been investigated and proven to have a low risk of contamination to public drinking water sources.
 - 4.11 Effluent from on-site wastewater systems should be dispersed (irrigated by above or below ground systems) over an area able to deal with issues such as nutrient loading, erosion, distances to sensitive water resources etc, consistent with the requirements of *AS/NZS 1547 On-site domestic wastewater management*.
 - 4.12 A wastewater disposal system is to be located outside any area subject to inundation and/or flooding in a 1 in 10 year average recurrence interval (ARI) event.
 - 4.13 The management of stormwater should be in accordance with the *Stormwater management manual for Western Australia* (DoW 2004-07). Stormwater from roofs, carparks, paths and landscape run-off should not be discharged into the vicinity of wastewater management systems (including into any oil and grease arrester).
 - 4.14 Any proposed non-reticulated water supply source (eg rainwater tank or bore water) for a food premises serving the public must meet the recommended water quality criteria in the *Australian Drinking Water Guidelines 2011* and the General Food Standards Code Australia New Zealand, Standard 2.6.2, and meet the requirements of the Department of Health with regards to water testing, treatment and monitoring.

5. Application requirements

- 5.1 Compliance with the requirements of this policy does not exempt the applicant from meeting the requirements of other policy, legislation and/or regulation, nor guarantee approval of the proposal by the Shire of Kalamunda.
- 5.2 It is the applicant's responsibility to demonstrate that the site is suitable for long-term on-site wastewater disposal and that the proposal will maintain or improve water quality within the Priority 2 areas of the Middle Helena Catchment Area. This may be demonstrated through a pre- and post-development nutrient/contaminant balance which considers all sources of nutrient/contaminants on the site.
- 5.3 Applications that do not meet the requirements of this policy will be assessed on a case-by-case basis and referred to the Department of Water for advice in their role as manager of the catchment area of proclaimed PDWSAs through by-laws created under the *Country Areas Water Supply Act 1947 (WA)* for their advice.

-
- 5.4 Any application for rezoning should be accompanied by the following:
- a) Proposed scale of future development including area and likely visitation (average number of people per day).
 - b) A site plan showing the features of the site including remnant vegetation cover, existing development areas including existing and proposed wastewater system(s) and onsite water features and sources including waterways, wetlands, drains, dams and bores. The plan should depict the likely location and extent of future development.
 - c) Details of soil type and approximate depth to water table¹.
 - d) Details of any likely vegetation clearing, buffer requirement and/or site earthworks.
 - e) Proposed servicing strategy (concept only) including for water supply, wastewater management and stormwater management.
 - f) Wastewater treatment system requirements.
- 5.5 Any application for a development approval should be accompanied by the following:
- a) A site plan showing the features of the site including remnant vegetation cover, existing and proposed development areas including existing and proposed wastewater management system, and onsite water features and sources including waterways, drains, dams and bores.
 - b) Building plan showing footprint of proposed development i.e. square meters, number of toilets, bathrooms, kitchens, outbuildings and paved surfaces including driveways, car parking areas, verandas and alfresco areas.
 - c) Maximum number of persons (permanent and temporary) per day to be accommodated on the lot.
 - d) Details of site investigation of soil strata and end of wet season groundwater level (if applicable).
 - e) Details of any proposed vegetation clearing, environmental buffers, site earthworks and services, including for water supply, wastewater management and stormwater management.

¹ Information on soil permeability and suitability for liquid waste disposal for the Perth metropolitan region (Yanchep to Serpentine) is shown on the Metropolitan environmental geology map series produced in the 1980s by the Geological Survey division of the Department of Mines, and on the Department of Agriculture and Food (WA) land resources mapping series. Broad information on depth to groundwater is provided in the Perth groundwater Atlas available on the Department of Water website (www.water.wa.gov.au).

- f) Description of the type, quantity and quality of solid and liquid waste (if applicable) that will be generated and disposed of and the methods of disposal, as a result of all uses on the site, both pre- and post-development.
- g) Wastewater management system to be installed including the location, type and performance of the system; any setbacks prescribed under the *Code of Practice for Onsite Sewage Management*; and the area proposed for disposal, demonstrating that this is sufficient to distribute the effluent and address nutrient/contamination risks.
- h) Stormwater management plan that addresses flood risk and erosion and sediment control from run-off during construction and ongoing operation (including carparks).
- i) Water use budget (all sources) pre- and post-development that identifies the location, extent, hydrology, quality and dependencies on local water resources (including any seasonal variations) that could be affected by the proposal.
- j) Planned operational and equipment maintenance procedures. It should be noted that Alternative wastewater treatment systems must be serviced by a qualified technician, typically four times a year. Each service is required to be reported to the Shire's Health Services.
- k) Details of any contingency measures proposed to minimise the impacts of chemical spills and safely dispose of contaminated waters that may result from storms, fire, flood, equipment malfunction or vandalism. Information should include workforce training, site monitoring and emergency response facilities appropriate to the level of risk from the proposed use.

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

Schedule 1: Guidance on determining appropriate wastewater treatment systems

Prior to calculating wastewater input and nutrient loads from all land uses (existing and proposed), the proponent is encouraged to consult with the Department of Health and/or the Shire of Kalamunda for advice.

The following need to be considered before selecting a suitable system:

- the proposed use;
- size of proposed use (likely area, number of patrons served/volume of wastewater created);
- frequency of use and hours of operation (daily, weekend use only, seasonal, peak demand);
- type of waste material entering system (consider all sources of wastewater such as sewage, scale and types of food preparation, fruit processing etc.); and
- type of treatment and disposal (system design) needed to ensure protection of the Middle Helena Catchment Area drinking water source.

It should also be noted that some proposals may require licensing by the Department of Environment Regulation. For further information, refer to www.der.wa.gov.au.

Estimates of the daily wastewater flow and average organic load (commonly measured as Biochemical Oxygen Demand (BOD)) from the proposed use that are expected to enter the wastewater treatment system are provided in Table 1. The average BOD for each use was used to calculate the maximum number of persons per day and per seven days, respectively. These numbers are shown in the last two columns in Table 1.

Table 1: Estimated daily wastewater production, organic load and recommended maximum number of persons (patrons, staff and residents) per day per hectare.

Premises	Estimated daily wastewater flow per person ^{1 6} (L/person/day)	Average organic (BOD) load ^{1 2} (g/person/day)	Recommended Max no persons per day/ha ^{3 4 5}	Recommended Max no persons/ha/week ^{3 4 5 7}
Café, Exhibition centre	5 - 8	10	35	245
Cellar door sales (Winery/Cidery)	5 - 8	7.5	47	327
Chalet, guest house	180	70	5	35
Restaurant	30 - 50	52.5	7	47

Table notes:

- ¹ WQPN 79: Rural restaurants, cafes and taverns near sensitive water resources (Department of Water 2006)
- ² Number of persons applies to all soil types
- ³ WQPN 79: Rural restaurants, cafes and taverns near sensitive water resources (Department of Water 2006) and Middle Helena Catchment Area Land Use and Water Management Strategy (2010)
- ⁴ Calculations are based on current understanding and may be subject to change
- ⁵ No other source of nitrogen has been assumed. See Table 2
- ⁶ Daily flows may vary according to number, type and water efficiency of appliances used.
- ⁷ Organic daily loading may be averaged over population served per week and/or waste management procedures implemented, provided systems can handle peak times.

Estimates of nutrient (nitrogen and phosphorus) load from wastewater, landscaping and other activities (including orchards, vineyards and livestock) should be determined within a one hectare area around the proposed development on a 'per year' basis. This requires an

understanding of the loading from all inputs. As a guide, 1 L of wastewater produces 65mg of nitrogen.

Nitrogen load from all sources should not exceed the recommended acceptable nitrogen application rate for the soil type as indicated in Table 2. Sources to be considered include existing and proposed wastewater systems, lawns, gardens, animals, crops and other agricultural activities and other dwellings.

Table 2: Maximum inorganic nitrogen application according to soil type and location of water resource

Soil characteristics	Proximity to water resources	Application rate (kg/ha/yr)	As water concentration (mg/L)
Coarse grained soils (e.g. sands and gravels)	Within 500m of waterway or water body	140	9
	Not within 500m of waterway or water body	180	11
Fine grained soils, PRI>100 (e.g. loam, clays or peat)	Within 500m of waterway or water body	300	19
	Not within 500m of waterway or water body	480	30

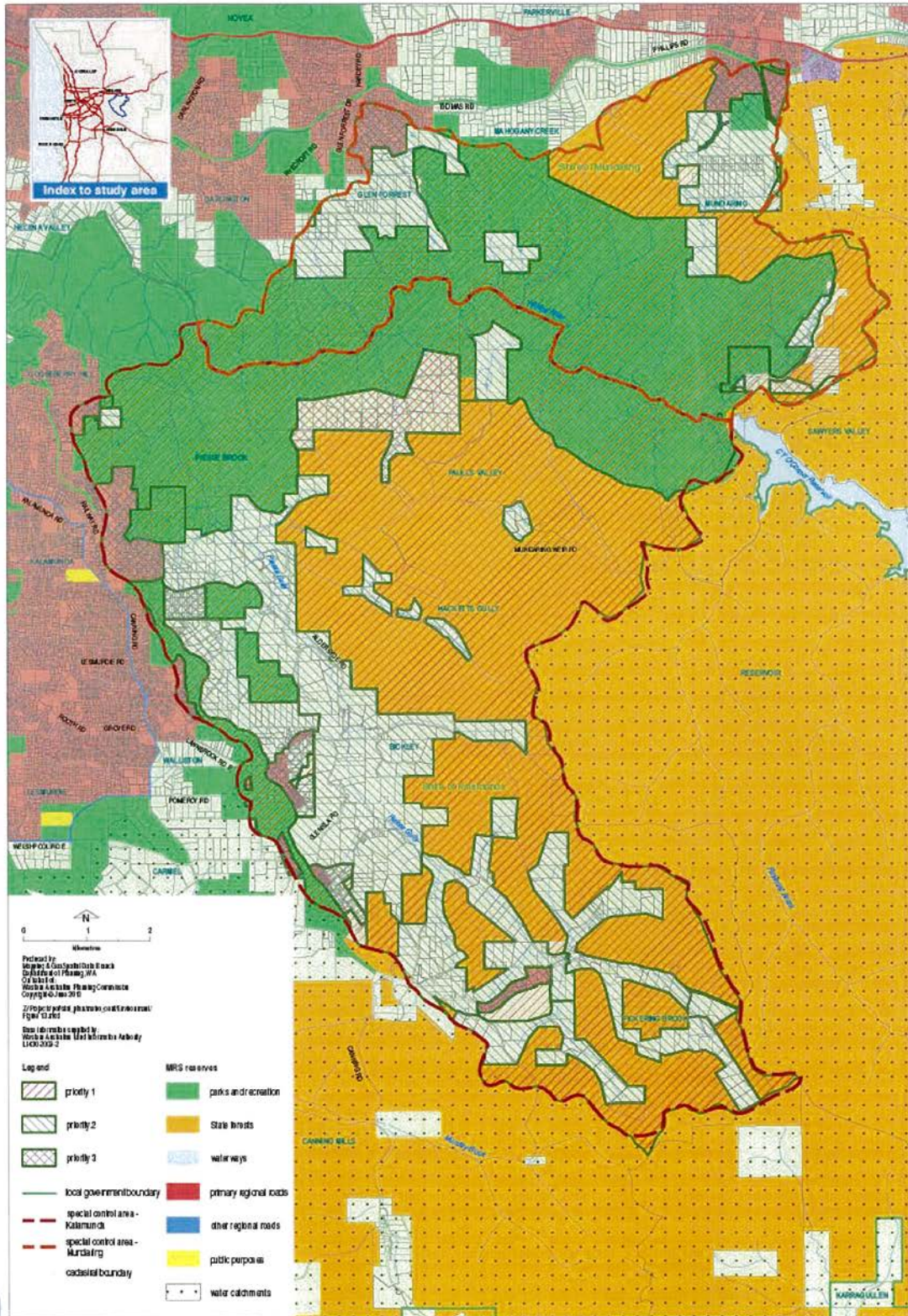
Further information is provided in the following water quality protection notes which are available on the Department of Water website (www.water.wa.gov.au)

- WQPN 6 - Vegetation buffers to sensitive water resources
- WQPN 9 - Community drinking water sources - protection and management
- WQPN 22 - Irrigation with nutrient rich wastewater
- WQPN 25 – Land use compatibility tables for PDWSAs
- WQPN 39 - Ponds for stabilising organic matter
- WQPN 41 - Private drinking water supplies
- WQPN 48 - Water supplies for rural lots (non-potable use)
- WQPN 54 – Subdivision and rezoning of land in PDWSAs
- WQPN 60 - Tanks for mobile fuel storage in PDWSA
- WQPN 65 - Toxic and hazardous substances – storage and use
- WQPN 70 - Wastewater treatment – onsite domestic systems
- WQPN 73 - Wineries and distilleries
- WQPN 76 – Land use planning in PDWSAs
- WQPN 79 - Rural restaurants, cafés and taverns
- WQPN 88 - Rural tourist accommodation

Attachment 3

**Draft Planning Policies – Effluent Disposal for Ancillary Accommodation, Caretakers Dwellings and Agri-Tourism in the Middle Helena Drinking Water Catchment
 Middle Helena Public Drinking Water Source Area**

Figure 13: Priority source protection area map



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

47. Review of Planning, Building and Council Policies

Previous Items	OCM 54/2015
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	
Applicant	Not Applicable
Owner	Not Applicable
Attachment 1	P-DEV 20, Outbuildings and Sea Containers.
Attachment 2	P-DEV 45, Public Notification of Planning Proposals
Attachment 3	C-ADM 03, Neighbour Mediation
Attachment 4	P-DEV 48, Refunding, Waiving and Reducing Planning and Building Fees.
Attachment 5	P-DEV 23, Pergolas
Attachment 6	P-DEV 03, Use and Removal of Asbestos
Attachment 7	P-DEV 14, Earthworks

PURPOSE

1. To consider final adoption of the following draft Local Planning Policies (The Policies) (Attachments 1-7):
 - P-DEV 20, Planning Policy – Outbuildings in Rural Areas
 - P-DEV 45, Planning Policy – Public Notification of Planning Proposals
 - C-ADM 03, Council Policy – Neighbour Mediation
 - P-DEV 48, Council Policy – Refunding, Waiving and Reducing Planning and Building Fees
 - P-DEV 23, Building Policy – Pergolas
 - P-DEV 03, Building Policy – Use and Removal of Asbestos
 - P DEV 14, Building Policy - Earthworks

BACKGROUND

2. The Shire periodically reviews, revokes and adds new policies to its register. Policies are used to ensure consistency and transparency in decision making as well as adding clarity to and intent to existing legislation.
3. In May 2015, Council resolved to adopt the proposed draft policies for the purpose of public advertising.
4. The Planning Policies will be used primarily in the assessment of development applications made under the Local Planning Scheme and Residential Design Codes as an adjunct to the assessment process.
5. The Council Policies are not used in the process of determining applications, but rather sets out a consistent process for each of the specific scenarios.

-
6. The Building Polices will primarily be used in the assessment of building permits and the expectations as to what standard individual proposals should meet.

DETAILS

7. The following brief summary of the purpose of each policy is included below. Further detail can be found in the policies themselves at (Attachments 1-7).

8. 1 – Draft Planning Policy: P-DEV 20, Outbuildings and Sea Containers (Replaces existing policy DEV20 completely)*

To provide development controls for outbuildings to ensure consistent assessment and high quality built form. Required to improve decision-making consistency and clarity for landowners.

The policy details acceptable design outcomes in respect to:

- Floor area;
- Wall to roof pitch height;
- Siting requirements; and
- Materials and finishes.

- 2 – Draft Planning Policy: P-DEV 45, Public Notification of Planning Proposals*

To provide guidance on when public notice is given, and the means and duration of public notice periods for different types of applications.

Required to ensure residents are notified consistently and correctly of planning applications.

- 3 – Draft Council Policy: C-ADM 03, Neighbour Mediation*

To outline circumstances where Council should defer the consideration of a development matter and invite neighbours to attend mediation.

Mediation is often a more appropriate and manageable way to resolve conflicts than a Council or court decision. This could improve solutions and speed up outcomes of development matters.

- 4 – Draft Council Policy: P-DEV 48, Refunding, Waiving and Reducing Planning and Building Fees*

To provide guidance on the circumstances under which the Shire may consider an application for a refund, reduction or waiving of planning and building application fees. Currently, there is little guidance on the circumstances for refunding and waiving of fees.

- 5 – Draft Building Policy: P-DEV 23, Pergolas (6 – Existing Policy DEV23 with Tracked Changes)

To provide clarity on the circumstances under which a building permit is required for pergolas. This policy will improve certainty for the development sector.

7 – Draft Building Policy: P-DEV 03, Use and Removal of Asbestos (8 – Existing Policy DEV3 with Tracked Changes)

To provide guidelines on use and removal of asbestos cement sheeting and other asbestos containing building products. New legislation means that an update to our current asbestos policy is required. This will ensure consistent requirements between State and local provisions.

9 – Draft Building Policy: P-DEV 14, Earthworks (10 – Existing Policy DEV14 with Tracked Changes)

To provide guidelines for consideration of applications involving earthworks. This policy is required in some cases where earthworks occur prior to a subdivision approval.

* = *New policy*

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

11. All policies were advertised by way of a public notice in a newspaper circulating in the district with a consultation period of 21 days. At the end of the advertising period, no submissions had been received.
12. If Council adopts any or all of the policies, a notice will be published in a newspaper circulating in the district.

FINANCIAL CONSIDERATIONS

13. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

Strategy 4.3.2 Undertake efficient monitoring and compliance of building developments within the Shire.

SUSTAINABILITY

Social Implications

15. The proposed Neighbour Mediation policy will assist when there is a dispute between landowners insofar as it will provide guidance and consistency when dealing with such matters.

Economic Implications

16. Nil.

Environmental Implications

17. The Use and Removal of Asbestos policy will assist landowners when dealing with the potentially hazardous material.

RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The policies do not address the matter they are seeking to resolve.	Unlikely	Minor	Low	Policies can be reviewed where necessary.

OFFICER COMMENT

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

-
20. Minor changes have been made to the Outbuildings and Sea Containers Policy following additional review. The nature of the key changes proposed is as follows:
- Removal of reference to 'detached garage' as this is considered to be adequately addressed under the Residential Design Codes;
 - Under Table 2, 'second hand materials' has been changed to "materials which in the opinion of the Shire do not meet the relevant construction standard".
21. To reflect the requirements of the recently gazetted Planning and Development (Local Planning Scheme) Regulations 2015 minor changes have been made to the Public Notification of Planning Proposals Policy in respect to the duration of advertising period for scheme amendments, structure plans, activity centre plans and local development plans.

Councillors asked for clarification regarding outbuilding sizes and impervious clad pergolas prior to the motion being put.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 47/2015)

That Council:

1. Pursuant to clause 2.2 and 2.4.1 of Local Planning Scheme No. 3, adopts the following policies:
 - P-DEV 20, Planning Policy – Outbuildings in Rural and Residential Areas (Attachment 1); and
 - P-DEV 45, Planning Policy – Public Notification of Planning Proposals (Attachment 2).
2. Pursuant to section 2.7 of the *Local Government Act 1995*, adopts the following policies:
 - C-ADM 03, Council Policy - Neighbour Mediation (Attachment 3);
 - P-DEV 48, Council Policy – Refunding, Waiving and Reducing Planning and Building Fees (Attachment 4);
 - P-DEV 23, Council Policy- Pergolas (Attachment 5);
 - P-DEV 03, Council Policy – Use and Removal of Asbestos (Attachment 6) ; and
 - P-DEV 14, Council Policy – Earthworks (Attachment 7).

Moved: **Cr Andrew Waddell**

Seconded: **Cr Dylan O'Connor**

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

Attachment 1

P-DEV 20 Outbuildings and Sea Containers	
Management Procedure	Relevant Delegation

Purpose

1.1 Statutory

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

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

1.2 Purpose

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

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

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

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

1.3 Objectives

The primary objectives of this policy are to:

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

Policy Statement

2.1 Policy Provisions

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

2.2 Matters to be Considered

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

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

Development requirements

3.1 Location of Outbuildings

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

3.2 Setback Requirements

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

3.3 Operation

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

3.4 Floor Area and Height Requirements

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

3.5 Variations to the Policy

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

Table 1 - Floor Area, Height and Design Outcomes

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

Rural Landscape Interest, Rural Agriculture, Rural Composite & Rural Conservation	150m ²	300m ²	5.0m	5.8m	<ul style="list-style-type: none"> Compliant with LPS No. 3 setback requirements and located within any designated building envelope. Outbuilding located behind the main dwelling alignment and/or will not be directly visible from a street or public space. Are not located within a Flood and Stream Management Area or any other area where there is historical evidence of flood waters reaching high levels. Does not result in the excessive or unnecessary removal of vegetation. The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy. Will not unduly impact on the amenity of an adjoining property owner/occupier.
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* Consideration may be given to a variation to the outbuilding area and height provided the applicant can demonstrate to the satisfaction of the Shire that the use of the outbuilding and use class of the lot (i.e. a non-domestic land use) warrants a size beyond the recommended total floor area and height that is prescribed under this policy.

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

Table 2 - Materials and Finishes

	Preferred	Discretion required	Unacceptable
Materials	<ul style="list-style-type: none"> Powder Coated Steel. Straw bale. Masonry (brick, rendered brick, stone, and rendered or painted concrete). Timber. Weatherboard. Rammed Earth. Lightweight materials with a rendered or painted finish. 	<ul style="list-style-type: none"> Reflective – E.g. Aluminium alloy. 	<ul style="list-style-type: none"> Materials which in the opinion of the Shire do not meet the relevant structural standard.
Colours	<ul style="list-style-type: none"> Earthy and/or complimentary colours to the main building and surrounding vegetation. 	<ul style="list-style-type: none"> A colour which is similar to the main dwelling but not complimentary to the subject lots locality. 	<ul style="list-style-type: none"> Uncharacteristic, inconsistent or bright colours. Contrasting colours to the main dwelling and surrounding landscape.

Sea Containers

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

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 2

P-DEV 45 Public Notification of Planning Proposals	
Management Procedure	Relevant Delegation

Purpose

Statutory

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

Purpose

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

Application

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

Objectives

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

Structure

Purpose: Outlines the application and purpose of the policy.

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

Explanatory Notes: Definitions and further explanation of terms used.

Policy Statement

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

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

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

2. Significant planning applications

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

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

3. Instances where advertising is not required

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

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

4. Means and duration of notice of planning proposals

	Standard Application	Significant Application	Scheme Amendment	Structure Plans, Activity Centre Plan, Local Development Plan.	Planning Policy
Time Period (1)	14 days	28 days	Basic – Nil Standard – 42 days Complex – 60 days	As per the Planning and Development (Local Planning Scheme) Regulation 2015.	28 days
Local Newspaper Notice (2)	No	Yes	Yes	As per the Planning and Development (Local Planning Scheme) Regulation 2015.	Yes
Sign on Site (3)	No	Yes	Yes, if proposing rezoning of land	As per the Planning and Development (Local Planning Scheme) Regulation 2015.	No
Letters (4)	Yes, adjoining properties only	Yes, 100m radius (5)	Yes, 100m radius (5)	Yes, 100m radius (5)	No
Website	No	Yes	Yes	As determined by the Shire	Yes
Community Information Session (6)	At the discretion of the Shire (7)				

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

5. Additional public notice of proposal previously advertised

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

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

6. Amendments to Structure Plans

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

7. Approval subject to later approval of details

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

8. Holiday periods

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

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

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

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

10. Notification of the Council decision

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

11. Availability of documents

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

12. Requests for changes to public notice periods

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

13. Opportunity for applicant to respond to submissions

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

14. Submissions reported to Council

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

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

Explanatory Notes

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

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

The Shire will provide the specific requirements of the sign (eg timing, lettering size and overall sign dimensions) to the applicant after the application is lodged a

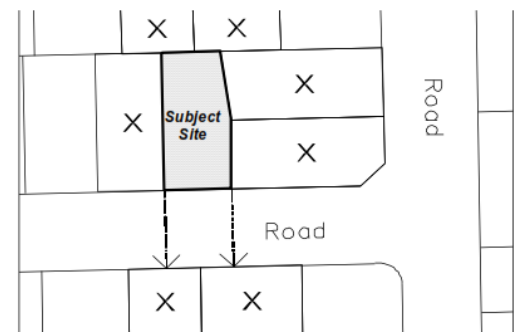
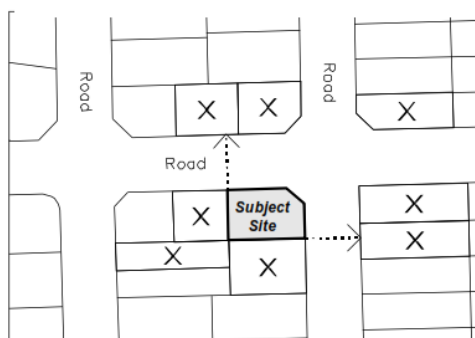
preliminary assessment is made as to whether a sign on site is required. Any signage will be in accordance with the Shire's Style Guide.

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

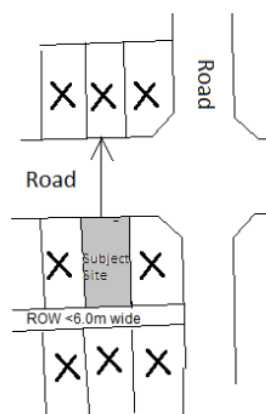
- (4) Letters shall be sent to all owners and occupiers of all abutting properties (those sharing any common boundary and including diagonally opposite or those separated by a right-of-way or access way less than 6.0m in width) as shown at examples a, b and c below. In the case of an application for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

Example A

Example B



Example C



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

least one week prior to completion to enable participants to make a formal written submission to Council after the session.

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

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

Attachment 3

C- ADM 03 Neighbour Mediation Policy

Management Procedure

Relevant Delegation

Purpose

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

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

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

Policy Statement

1. The Shire may determine in a particular case that a dispute between neighbours has arisen because of a development, land use or other issue. Potential compliance action may be deferred for a period of a maximum of up to 2 months to enable the parties to attend mediation.
2. The Shire will meet the costs of up to 3 mediation sessions conducted by a professional mediator appointed by the Shire during the deferral period where these sessions are agreed to and attended by all parties.
3. The Shire will not meet the costs of mediation where the matter falls outside of the statutory jurisdiction of the Shire.
4. This policy is intended for smaller scale matters including (but not limited to):
 - Unauthorised development
 - Non-compliant development
 - Amenity issues including noise and odour
 - Drainage issues
 - Pets
 - Privacy
 - Fences and retaining walls
 - Trees

where no more than 2 adjoining neighbours (in addition to the applicant) are involved.

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

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

Attachment 4

P-DEV 48 Extensions of Approvals, Refunding, Waiving, and Reducing Planning and Building Fees
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Management Procedure	Relevant Delegation
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Purpose

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

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

Policy Statement

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

2. Waiving of Planning and Building Fees

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

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

3. Reduction of Planning Fees

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

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

OR

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

OR

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

i. The proposed development would not otherwise require a development application if it were a property not listed on the Scheme Heritage List; or

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- ii. The sole purpose of the proposed development is to restore or conserve the heritage attributes of a heritage significant building and/or site; or
 - iii. Where the proposed development consists solely of the demolition of non-original fabric and which has no adverse impact on the heritage significance associated with the place; or
 - iv. The development application involves partial demolition which has no adverse impact on the heritage significance associated with the heritage listed place.

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

4. Refund of Planning Fees

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

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

5. Costs and Expenses

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

6. Variations to Planning Approvals

a) Amending or Revoking a Planning Approval

- i. A reduction in fees of 50% shall apply to applications to amend a planning approval. Clause 8.3 of Local Planning Scheme No. 3 requires that Council may, on written application from the owner of the land which planning approval has been granted, revoke or amend the planning approval prior to the commencement of the use or development.
- ii. In determining whether to allow the amendment of a planning approval, Council will consider whether the nature and extent of the proposed amendment is such that the use or development the subject of the planning approval:

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

b) Extension of the Term of a Planning Approval

- i. A request to extend the term of a planning approval must be accompanied by a fee equal to 50% of the fee as if the application were a new application under the Shire's Schedule of Planning Fees.
- ii. The ability to renew planning approvals is provided under clause 10.5.2 of the Scheme as a written request for an extension of the term of a planning approval at any time prior to the expiry of the approval period.
- iii. Where a renewal is granted, a period of up to a further two years will be granted.
- iv. In considering a request for renewal of a planning approval under clause 10.5.2 of the Scheme, Council may have regard to the following factors, as well as all matters under clause 10.2 of the Scheme;
 - (a) whether the scheme or a relevant planning policy has changed in a material way since the planning approval was granted;
 - (b) whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and
 - (c) whether a material change has occurred to either the site to which the planning approval relates or the surrounding locality since the planning approval was granted.
- v. Where a request to renew a planning approval is approved, a letter will be issued advising the applicant of this. No new approval will be issued and all other conditions of the approval will remain unchanged.

7. Unauthorised Existing Development

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

8. Building Permit Application Fees

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

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

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

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

Attachment 5

P-DEV 23 Pergolas	
Management Procedure	Relevant Delegation

Purpose

To provide guidelines for assessment of pergolas.

Background

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

Policy Statement

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

Related Local Law	
Related Policies	
Related Budget Schedule	
Legislation	Building Regulations 2012 Schedule 4 Part 2 Table
Conditions	
Authority	
Adopted	23 November 2015
	Next Review Date

Attachment 6

P-DEV 03 Use and Removal of Asbestos	
Management Procedure	Relevant Delegation

Purpose

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

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

Policy Statement

General Construction and Asbestos Products

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

Demolition and Asbestos Products

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

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

Attachment 7

P-DEV 14	Earthworks
Management Procedure	

Purpose

To provide guidelines for considerations of applications involving earthworks.

Policy Statement

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

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

11. In assessing applications for over-height cut and or fill, consideration shall be given to the impact on adjoining property owners and the aesthetics of the area. Where in the opinion of the Principal Building Surveyor that the impact would be significant, comment shall be sought from affected property owners. If objections are received and an amicable solution cannot be mediated, the application is to be referred to Council for determination.

12. In addition to point 10 above, in Residential and Urban Development zones all applications where the intended finished floor or paving level will exceed 500mm above the natural ground level at the boundary will be assessed in accordance with the provisions of the Residential Design Codes, Part 7.4 Element 7.4.1 Visual Privacy.

13. In other zones where in the opinion of the Principal Building Surveyor significant impact will occur, comment shall be sought from affected property owners. If objections are received and/or the fill exceeds 1.5m in height above the existing ground level and a satisfactory outcome cannot be reached the application is to be referred to Council for determination.

14. The cost associated with the construction of retaining walls is the responsibility of the person or persons changing the natural level of land at the boundary.

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

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

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr Geoff Stallard – Aged Care Advisory Committee’s Strategy

Q1. At last Wednesday’s meeting of the Lesmurdie & Districts Community Association there was a good deal of vitriol and passion about local issues, one being the matrix for the Strategy produced by the Aged Care Advisory Committee. What is the current situation with this?

A1. The Chief Executive Officer indicated the Strategy is currently with all Councillors, particularly new Councillors to examine and give feedback to the Chief Executive Officer. Once this has been received a discussion will take place with Council in order that they can indicate the direction this should take.

Q2. I was concerned as there appears to be confusion around the matrix in particular with regard to Wilkins Road.

A2. Director Development Services indicated he had been called to a meeting at the West Australian Planning Commission (WAPC) approximately a month ago, Wilkins Road and the Matrix was discussed. There was confusion as the WAPC were aware that a number of groups had signed the document and they believed Council had also endorsed the document. The document states Wilkins Road was potentially not required for development and this caused issues as the WAPC did not believe the Shire was intending to continue with the development.

I made it clear that Council did not have an endorsed position on the Matrix as yet and Council’s last resolution with regard to Wilkins Road was that it should be progressed. I have indicated that if this should change the Shire will update the WAPC at that time.

Q3. How do they have the document, who has endorsed it and why are the WAPC using it prior to Council endorsement?

A3. I believe it was signed off by ACT Committee, the Lesmurdie and Districts Community Association Committee and Ken Wyatt, I will let Council know if there are any others. The document was forwarded to them as part of another body’s submission; I have made it clear this has not been endorsed by Council.

11.2 Cr Dylan O’Connor – Verge Parking

Q. When will verge parking be reviewed?

A. The Director Development Services indicated a review of the parking local law is currently taking place, this will come to Council in February 2016.

11.3 Cr Dylan O'Connor – Dual Zoning

Q1. Regarding the dual zoning put forward at the last Ordinary Council Meeting has the public comment period commenced?

A1. Acting Manager Development Services indicated this amendment is currently with the Environmental Protection Authority to be approved for advertising.

Q2. Will Council be notified when the public consultation period starts?

A2. Director Development Services indicated that Council can be notified when this commences.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Nil.

13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

13.1 Nil.

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Nil.

15.0 CLOSURE

15.1 There being no further business the Presiding Member declared the meeting closed at 6.54pm.

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

Signed: _____

Presiding Member

Dated this _____ day of _____ 2015