

# Development & Infrastructure Services Committee Meeting

Minutes for Monday 13 April 2015

**CONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.32pm, and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

Sue Bilich	(Shire President) North Ward
Margaret Thomas JP	North Ward
Simon Di Rosso	(Presiding Member) North Ward
Allan Morton	South West Ward
Justin Whitten	South West Ward
Geoff Stallard	South East Ward
John Giardina	South East Ward
Frank Lindsey	South East Ward
Andrew Waddell JP	North West Ward
Dylan O'Connor	North West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance & PR
Andrew Fowler-Tutt	Manager Development Services
Jordan Korovesi	Senior Strategic Planning Officer
Meri Comber	Governance Officer

**Members of the Public** 12

**Members of the Press** 1

#### 2.2 Apologies

##### Councillors

Noreen Townsend	South West Ward
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#### 2.3 Leave of Absence Previously Approved

Nil.

### **3.0 PUBLIC QUESTION TIME**

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

3.1 Nil.

### **4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

### **5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 9 March 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### **6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

6.1 The Presiding Member expressed all Council Member's deep regret regarding the passing of Cr Bob Emery, who died on Good Friday. Cr Emery was well respected by his peers and the community, he will be sadly missed.

### **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.

**13. Lot 109 (182) Canning Road, Kalamunda - Amendment to Local Planning Scheme No. 3 – Additional Use (Consulting Rooms)**

Previous Items	OCM 144/2010
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	CN-01/182
Applicant	J Christoforou
Owner	A & M Christoforou

**PURPOSE**

1. To consider whether to initiate an amendment to Local Planning No. 3 (the Scheme) to include in Schedule 2 the Additional Use of Consulting Rooms for Lot 109 (82) Canning Road, Kalamunda (the site).

**BACKGROUND**

**2. Land Details:**

Land Area:	2,107m <sup>2</sup>
Local Planning Scheme Zone:	Residential R10
Metropolitan Regional Scheme Zone:	Urban
Structure Plan Zone:	N/A

3. Council at the Ordinary Council Meeting of October 2010 considered a Scheme Amendment for the site and adjoining Lot 83 (178) Canning Road for the Additional Uses of Consulting Rooms and Offices, where it was resolved:

*"That Council does not initiate the amendment to allow for the additional uses (Consulting Rooms and Offices) at Lots 83 (178) and 109 (182) Canning Road, Kalamunda, as the proposal is contrary to orderly and proper planning principles."*

**Locality Plan**

- 4.



## DETAILS

5. The applicant wishes to amend the Scheme to allow for the establishment of a specialist dental practice, specifically an oral medicine specialist and part time periodontist. These specialist uses would complement existing dental practices in the locality. Currently the nearest oral medicine specialists are located closer to Perth, therefore the use would be more convenient for Kalamunda Shire residents.
6. It is intended that the practice would occupy the existing dwelling and that only internal modifications be made. If the amendment is finalised, development matters such as car parking, landscaping and signage would have to be determined.
7. The site has direct frontage to Canning Road and is served by two crossovers. The site has adequate site lines onto Canning Road.

## STATUTORY AND LEGAL CONSIDERATIONS

8. If Council initiates the amendment, it will be determined in accordance with the *Planning and Development Act 2008*. The proposal will ultimately be determined by the Minister for Planning. If the proposal proceeds to the Minister's determination, there is no Right of Review (appeal) irrespective of the Minister's decision.

## POLICY CONSIDERATIONS

9. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

10. The *Town Planning Regulations 1967* establish the procedures relating to amendments to Local Planning Schemes. Should Council initiate the amendment it will be formally advertised with a consultation period of 42 days.

## FINANCIAL CONSIDERATIONS

11. Costs associated with the processing of the proposal will be recouped from the applicant in accordance with the adopted budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

## SUSTAINABILITY

### Social Implications

13. Development of a specialised practice not currently found in Kalamunda Shire will be of benefit to the local community.

### Economic Implications

14. Development of Consulting Rooms will potentially lead to local employment opportunities.

### Environmental Implications

15. Nil.

## RISK MANAGEMENT CONSIDERATIONS

16.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not support the proposal.	Possible	Insignificant	Low	Make sure Council is aware that the proposed land use subject of the amendment is considered appropriate.

## OFFICER COMMENT

17. Under Schedule 1 of the Scheme Consulting Rooms are defined as:
- Means premises used by not more than two health consultants for the investigation or treatment of human injuries or ailments and for general care.*
18. It should be noted that if the amendment is finalised, there is no guarantee that it would be only utilised in the way proposed by the applicant. If approved as Consulting Rooms development could potentially occur based on the above definition, however typically these uses can easily be undertaken in converted dwellings.
19. It is noted that Council previously refused a request to amend the Scheme to allow for consulting rooms at this property. The subject proposal is however, considered different to the one before Council in October 2010 as this is more discreet and specialised and would apply only to one property. Moreover the design, scale and appearance of the property will remain unchanged reflecting the residential character of the area.
20. The site has appropriate attributes including its location on a main road and large land area, meaning it is unlikely to detract from the amenity of surrounding residential uses.



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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 13/2015)**

That Council:

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

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

Resolved that Council, pursuant to Part 5 of the Planning and Development Act 2005, amend the Local Planning Scheme as follows:

Including in Schedule 2 – Additional Uses, the following:

Description of Land	Additional Use	Conditions
Lot 109 <del>(178)</del> <b>(182)</b> Canning Road, Kalamunda	Consulting Rooms	

2. Subject to submission of documents by the applicant, the submission being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* without reference to the Western Australian Planning Commission.

Moved: **Cr Margaret Thomas**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

**14. Amendment to Wattle Grove Structure Plan – Lots 5 (280) and 6 (276) Hale Road, Wattle Grove**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-DEV-013
Applicant	Harley Dykstra Planning and Survey Solutions
Owner	CK Nominees Australia Pty Ltd, Shimmer Holdings Pty Ltd
Attachment 1	Amendment area – current Wattle Grove Structure Plan
Attachment 2	Proposed Amendment to the Wattle Grove Structure Plan
Attachment 3	Excision of Land to be Dedicated as Road Reserve
Attachment 4	Summary of Submissions

**PURPOSE**

1. To consider whether to adopt an amendment to the Wattle Grove Structure Plan by increasing the density code and altering the road geometry relating to Lots 5 and 6 (280 and 276) Hale Road, Wattle Grove.

**BACKGROUND**

2. **Land Details:**

Land Area:	Approximately 25,500m <sup>2</sup>
Metropolitan Regional Scheme Zone:	Urban
Local Planning Scheme Zone:	Urban Development

**Locality Plan**

- 3.



4. The amendment area relates to two lots being Lots 5 and 6 Hale Road, Wattle Grove.
5. The Wattle Grove Structure Plan was adopted by Council in 2000 and endorsed by the Western Australian Planning Commission (WAPC) in March 2001. The Wattle Grove Structure Plan primarily facilitates the development of residential land, however, also contains commercial, mixed use, school, motel and community sites. The amendment area is surrounded entirely by land identified for residential use, which is at various stages of being subdivided and developed.
6. A copy of the adopted Wattle Grove Structure Plan as it relates to the amendment area is included as (Attachment 1). Under the adopted Local Structure Plan, the subject lots are identified as Residential R20 and Local Public Open Space (POS).
7. In January 2012 the WAPC approved subdivision application 144899 which proposed the creation of 11 lots from Lots 5 and 6 Hale Road. A condition of the subdivision approval required construction of The Promenade to be completed over Lots 5 and 6 as per the adopted Structure Plan, refer (Attachment 1).
8. Lot 6 Hale Road is currently being used for a landscape and garden supply centre. Lot 5 contains a single dwelling and sheds only.

## **DETAILS**

9. The proposal seeks to alter the Wattle Grove Structure Plan as follows:
  - Realigning The Promenade over the rear portions of Lots 5 and 6 Hale Road;
  - Designing a roundabout for the intersection of The Promenade and Kelang Road;
  - Increasing the density code of the rear portion of Lots 5 and 6 Hale Road from R20 to R40;
  - A reduction of the southern subdivisional road reserve from 18m to 15.4m; and
  - The POS to be reduced by 2031sqm.
10. A copy of the amendment plan depicting these modifications is included as (Attachment 2).
11. The applicant has justified the proposal as necessary because the realignment of The Promenade would ultimately result in an enlargement of the 'Residential' zoned land at the rear of Lots 5 and 6 Hale Road. If this land is also re-coded to R40, it may be possible to create 5 lots from this portion of land which is currently not viable to develop given its irregular shape and R20 density coding.
12. The applicant has provided the Shire with a Traffic Impact Statement to support the proposal. The following conclusions are contained within the Traffic Impact Statement:

- The Promenade is an 'Access Street' in accordance with the WAPC's *Liveable Neighbourhoods* Policy and is capable of carrying 3000 vehicles per day;
- The additional traffic which would be generated by re-coding the rear portions of Lots 5 and 6 Hale Road would be less than 50 vehicles per day, and well within the capacity of the surrounding road network; and
- The amendment area is a relatively slow traffic environment, with a typical speed of 40km/hour. On this basis, it is not likely that the proposed realignment of The Promenade will result in traffic safety issues or interfere with site lines.

13. The Shire has reviewed the Traffic Impact Statement and is satisfied with its findings.

### STATUTORY AND LEGAL CONSIDERATIONS

14. The property is zoned 'Urban Development' under Local Planning Scheme 3 (the Scheme). The objectives of the 'Urban Development' zone are as follows:
- *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
  - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*
15. If adopted by Council, the modified structure plan will be forwarded to the Commission for endorsement. In the event that the WAPC refuses the amendment, there is a right of review (appeal) to the State Administrative Tribunal.
16. To construct the new design of The Promenade, portions of the existing Reserves 48404 and 49263 must be excised from POS and re-allocated as road reserve. This must be done through a separate Crown Subdivision process. The first step of this process, included as a recommendation, is for Council to approve the dedication of the land as road reserve as shown in (Attachment 3).

### POLICY CONSIDERATIONS

17. The WAPC's *Liveable Neighbourhoods Policy* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.
18. *Liveable Neighbourhoods* encourages higher density housing in close proximity to activity centres, POS, commercial facilities and public transport routes.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

19. An initial proposal was advertised for a period of 21 days ceasing on 10 July 2014. An initial proposal to recode the rear of lots 5 and 6 to R30 and also change Fennel Crescent to a cul-de-sac was advertised in July 2014 for a period of 21 days. Following public advertising, and a number of objections on the proposal, the Shire determined that the design of The Promenade was unacceptable and needed to be modified. The new proposal (Attachment 2) was advertised from 16 January 2015 to 23 February 2015. Advertising occurred by way of a sign on site facing Hale Road, and the proposal being referred to affected nearby property owners for comment.
20. During the advertising period two submissions were received, one not objecting and one objecting to the proposal. Refer submission table (Attachment 4).

## **FINANCIAL CONSIDERATIONS**

21. All advertising costs associated with the advertising of the proposal will be met by the applicant.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

22. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.3 - To ensure the Shires development is in accord with the Shires 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**

23. The amendment would facilitate the development of a larger variety of lot sizes providing a greater choice of housing which in turn will allow for a potential broader demographic.

### **Economic Implications**

24. Nil.

### **Environmental Implications**

25. Nil.

## RISK MANAGEMENT CONSIDERATIONS

26.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Council may resolve not to support the proposal.	Possible	Insignificant	Low	Ensure that Council is aware that the proposed amendment would allow for residential development of a similar scale to surrounding properties, and would not compromise traffic safety in and around the amendment area.

## OFFICER COMMENT

27. Currently, significant portions of Lots 5 and 6 are required to be delivered as POS. Furthermore, the R20 coded land to the rear of these lots is irregular in shape and may be difficult to develop due to the current alignment of The Promenade.
28. It is understood that the landowner has not progressed the subdivision of the land due to the considerable cost of constructing the required portions of road combined with the relatively small number of lots which can be created in accordance with the current Wattle Grove Structure Plan. The proposal will ultimately make the development of Lots 5 and 6 Hale Road more viable for the landowner, which in turn will facilitate construction of the final portion of The Promenade.
29. The excision of two parcels of Parks and Recreation reserve to dedicate as road reserve and the realignment of The Promenade will result in the total POS area for the Wattle Grove Structure Plan area being reduced by 2031sqm. This loss is not considered significant, considering that the overall POS allocation in the Structure Plan area is slightly above the required 10%.
30. It is not considered that the proposed density increase will burden the local road network in the vicinity of the amendment area. Furthermore, the realignment of The Promenade is considered acceptable in terms of traffic safety.
31. The proposal to allow for an R40 density coding at the rear of Lots 5 and 6 Hale Road represents a similar extension of the current medium density R30 area located directly north-east of the amendment area along The Promenade.

32. The proposal is consistent with the objectives of *Liveable Neighbourhoods* and *Directions 2013 and Beyond*, in allowing for a mix of residential densities located in close proximity of POS, commercial facilities and public transport, all of which are provided for in relatively close proximity to the amendment area.

33. Based on the reasons above, it is recommended that Council adopt the proposed amendment to the Wattle Grove Structure Plan.

*A Councillor asked if there would be any cost to the Shire of Kalamunda for the realignment of the roads, Director Development Services advised this is all part of the sub-division process and would be borne by the developer, there should be no cost to the Shire.*

<b>Voting Requirements: Simple Majority</b>
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### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 14/2015)**

That Council:

1. Pursuant to clause 6.2.5.5 adopts the proposed amendment to the Wattle Grove Cell 9 Structure Plan, without modification, to:
- a) Increase the density code of a portion of Lots 5 and 6 Hale Road, Wattle Grove from R20 to R40;
  - b) Realign The Promenade in the vicinity of Lots 5 and 6 Hale Road, Wattle Grove;
  - c) Design a roundabout for the intersection of The Promenade and Kelang Road;
  - d) Reduce the 18m road reserve for the southern subdivisional road reserve to 15.4m;
  - e) Reduce the amount of Public Open Space in the Wattle Grove Cell 9 Structure Plan by 2031sqm.

As shown in (Attachment 2) to this report.

2. Pursuant to clause 6.2.4.9, forwards the Wattle Grove Cell 9 Structure Plan Amendment to the Western Australian Planning Commission for endorsement.
3. Approves the dedication of portions of Reserves 48404 and 49263 for the purpose of road reserve as shown in Attachment 3.

Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

## Attachment 1

### Amendment to Wattle Grove Structure Plan – Lots 5 and 6 Hale Road

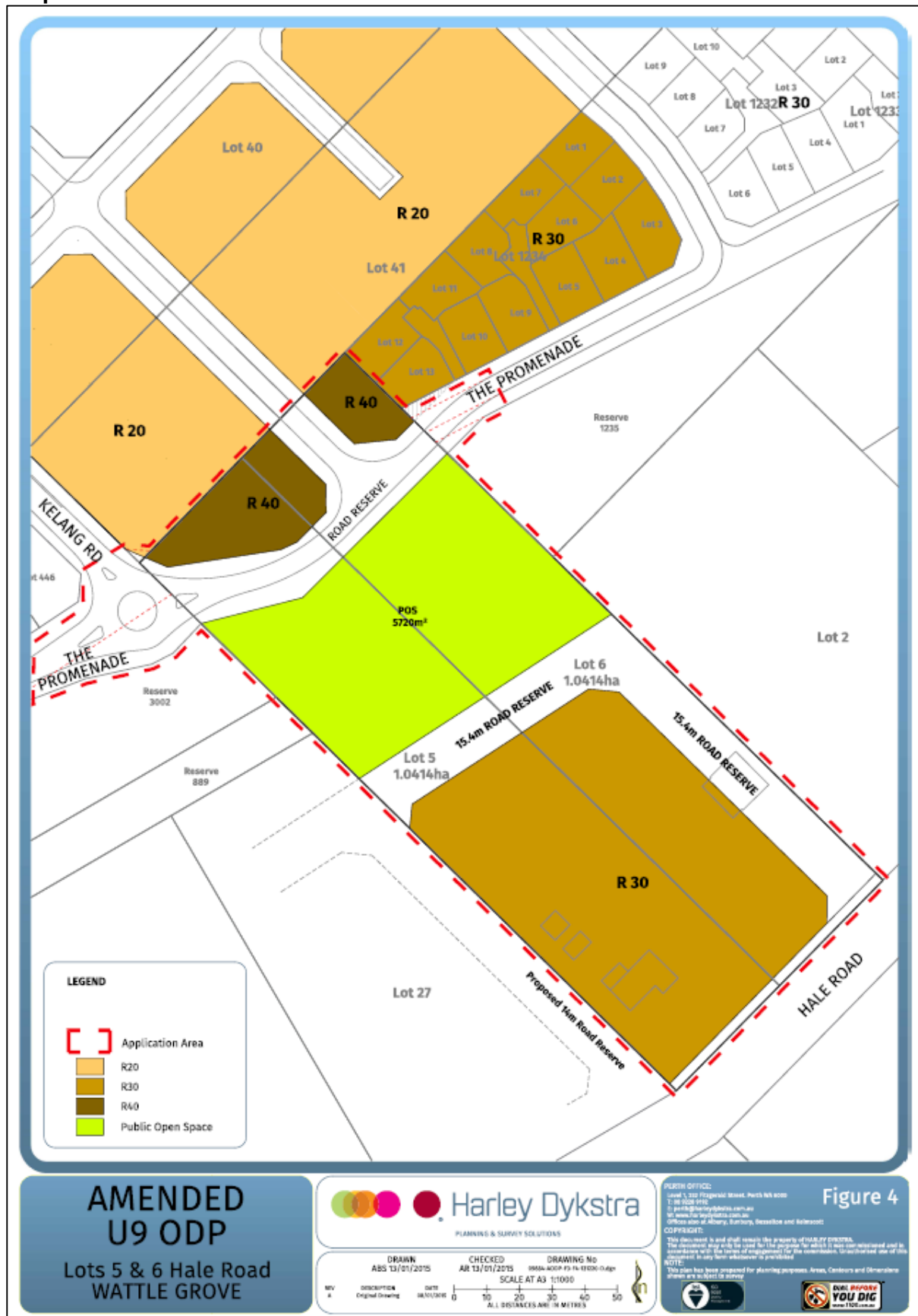
#### Amendment Area – Current Wattle Grove Structure Plan





## Attachment 2

### Amendment to Wattle Grove Structure Plan – Lots 5 and 6 Hale Road Proposed Amendment to the Wattle Grove Structure Plan



## Amendment to Wattle Grove Structure Plan – Lots 5 and 6 Hale Road



#### **Attachment 4**

Amendment to Wattle Grove Structure Plan – Lots 5 and 6 Hale Road

#### **Submission Table**

Details		Comment	Staff Comment
1.	Gary McIntosh 268 Hale Road WATTLE GROVE WA 6107	No Objection.	Noted.
2.	Ohnah Yong 18A Crofton Place LYNWOOD WA 6147	Objecting to R40 density as it is not similar to surrounding densities.	Due to the specific layout of the land, the R40 code will only enable one additional dwelling than if the properties were coded R30. This is considered to be a minor diversion from the existing density, while still providing a mix of housing types.

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

**15. Proposed Eight (8) Multiple Dwellings Lot 19 (20) Recreation Road, Kalamunda**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	RC-01/020
Applicant	Betterlife Wealth Builders
Owner	Susan Elizabeth Still
Attachment 1	Site Plan
Attachment 2	Ground Floor Plans
Attachment 3	First Floor Plans
Attachment 4	Elevation Plans
Attachment 4a	Amended Elevation Plans received 24.3.15
Attachment 5	Overshadowing Diagram
Attachment 6	Perspective Elevation
Attachment 6a	Amended Perspective Elevations received 24.3.15
Attachment 7	Local Housing Strategy – Kalamunda Centre
Attachment 8	Submission Table

**PURPOSE**

1. To consider a planning application for proposed eight (8) multiple dwellings at Lot 19 (20) Recreation Road, Kalamunda. Refer to Attachments 1 to 7.
2. Given that the use of Multiple Dwellings is a use not listed under Table 1 (Zoning Table) of Local Planning Scheme No. 3 (Scheme) the application is required to be determined by Council.

**BACKGROUND**

3. Council previously considered the application at its Ordinary Meeting Held on 23 March 2015, where it resolved as follows:  
*"This item be deferred until the next Development & Infrastructure Meeting on Monday 13 April 2015, with a view to asking the applicant to discuss the development with the Shire Staff to see if the aesthetics could be improved."*
4. Following Council's resolution, the applicant lodged amended elevation plans and perspective elevations (Attachments 4a and 6a) comprising modified roof forms, colours and materials, as follows:
  - A steeper roof pitch;
  - Dutch gable roof features in lieu of the previously proposed blade wall and hip roofs;
  - Heritage red brick work to the feature walls, in lieu of the previously proposed light cream feature stone; and
  - A lighter shade of grey as the base render colour of the development.No other changes have been made to the plans previously considered by Council.

5. **Land Details:**

Land Area:	1,165sqm
Local Planning Scheme Zone:	Residential R30
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

6.



7. The subject site is located on the corner of Recreation Road and Boonooloo Road and contains a single house and outbuilding, which are proposed to be removed.
8. The surrounding area is predominantly characterised by single and two-storey single houses and grouped dwellings.
9. The property falls within an area proposed to have dual density codes of R30/R40 under the draft Local Housing Strategy (LHS). Refer to the Local Housing Strategy Kalamunda Centre (Attachment 7).

**DETAILS**

10. Details of the application are as follows:
- One (1) two-storey building is proposed which will contain a total of eight (8) multiple dwelling units.
  - A total of 10 parking spaces are proposed; eight (8) of which will be designated for residents and two (2) for visitors. The parking bays along the northern side boundary are located within a separate covered structure.

- Each multiple dwelling unit is proposed to contain two (2) bedrooms and an overall internal floor area of 73sqm.
- The multiple dwellings are proposed to be orientated towards to the Recreation Road frontage of the site.
- Vehicular access is proposed from Boonooloo Road and has been designed to accommodate vehicles entering and leaving the site in forward gear, and allow for two way vehicle movement.
- Eight (8) permanent external storerooms are proposed, each 4sqm in area.
- A communal bin storage area is proposed in the north-east corner of the site.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

11. Under the Zoning Table (Table 1) of the Scheme the use “Multiple Dwellings” is a use not listed.
12. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot be reasonably determined as falling within the type, class or genus of activity of any other use category, the local government may:
  - a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
  - c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
13. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including:
  - The compatibility of the development within its settings.
  - The likely effect of the scale and appearance of the proposal.
  - Whether the proposed means of access and egress from the property are adequate.
  - Any State Planning Policy.
  - Any relevant submissions received on the application.

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

## **STRATEGIC PLANNING IMPLICATIONS**

### **Local Planning Strategy**

15. The Local Planning Strategy (LPS) recommends a population growth scenario of 25 - 30,000 people within the Shire by 2031.
16. Objectives of the LPS include providing appropriate density housing to:
- Support the Kalamunda Town Centre.
  - Provide a range of housing options.
  - Support activity centres such as the Kalamunda town site with appropriate housing.
  - Encourage compact housing within walking distance of the town centre and commercial hubs.

## **POLICY CONSIDERATIONS**

### **Residential Design Codes**

17. A key objective of the Residential Design Codes (R-Codes) is to facilitate a variety and diversity of residential development, which offers residents the opportunity for living choices and affordability.
18. Under Appendix 1 (Definitions) of the R-Codes, the use "Multiple Dwellings" is defined as:
- "A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is wholly or predominantly vertically above part of any other."*
19. The R-Codes allow multiple dwellings to be considered on properties zoned Residential R30.
20. Clause 2.5.4 of the R-Codes stipulates that a Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the Scheme or a local planning policy.

21. The R-Code requirements for Multiple Dwellings on properties zoned Residential R30 are as follows:

Site Requirements	Required	Proposed
Maximum Plot Ratio	0.5	0.5
Minimum Open Space	45%	63.9%
Outdoor Living Areas	Minimum area of 10sqm and a minimum dimension of 2.4m	All balconies and courtyards comply with the minimum deemed-to-comply requirements.
Setbacks: Primary Street Secondary Street Side (E) Rear (N)	4m 1.5m 1.2m 1.0m	4.0m 2.2m 1.2m 1.11m
Maximum Building Height: Pitched roof External wall	6.0m 9.0m	5.8m 7.6m
Storage	Enclosed, lockable storage areas with a minimum dimension of 1.5m and an internal area of at least 4sqm for each multiple dwelling.	Eight (8) store rooms which comply with the minimum deemed-to-comply requirements.
Visual Privacy Setbacks: Bedrooms and Studies  Habitable rooms other than bedrooms  Balconies	4.5m or 1.6m high permanent screening 6.0m or 1.6m high permanent screening  7.5m or 1.6m high permanent screening	All bedrooms setback greater than 4.5m Unit 8 dining/living room setback 5.2m from east boundary. 1.6m high permanent screening to east boundary.
Overshadowing	35% maximum overshadowing of properties with R30 to R40 density code	Nil overshadowing of adjoining properties.
Parking: Residents Visitors Bicycle	8 bays 2 bays 2 spaces	8 bays 2 bays Nil



## **Liveable Neighbourhoods**

22. Liveable Neighbourhoods is a State Government sustainable cities initiative which aims to:
- Increase support for efficiency, walking and cycling.
  - Achieve more compact and sustainable urban communities.
  - To provide a variety of housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.
  - To improve personal safety through increased surveillance and activity.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

23. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. During the advertising period two (2) objections and one (1) submission which provided comment on the proposal were received. Refer to the Submission Table (Attachment 8).
24. Concerns raised during the advertising period included the following:
- Architectural design of the proposal is not compatible and sympathetic to the existing streetscape and surrounding residential area.
  - Privacy implications of the proposal.
  - Lack of mature vegetation proposed.
  - Lack of on-site parking.
  - Vehicles will be parked on the verge and cause visual obstruction.
- These matters are addressed in further detail under Officer Comments and in (Attachment 8).

## **FINANCIAL CONSIDERATIONS**

25. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

26. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.
- Strategy 4.3.1 Provide efficient building and development approval services to the community.
- Strategy 4.3.5 Incorporate best practice principles for designing out crime and encourage private developers and owners to do the same.

## SUSTAINABILITY

### Social Implications

27. The proposal will provide for a different form of housing choice currently available in the locality, thus broadening the demographic profile of the area.

### Economic Implications

28. Nil.

### Environmental Implications

29. The application proposes to clear all vegetation from the site except for five (5) mature trees on the Recreation Road side of the site.

## RISK MANAGEMENT CONSIDERATIONS

30.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Possible	Insignificant	Low	Demonstrate to Council that the proposal is consistent with the Scheme and policy objectives in delivering housing choice to the Kalamunda locality.

## OFFICER COMMENT

31. In respect to the prevailing aesthetic character of the locality, it is noted that the area contains a mixture of residential architectural forms of housing, and there are no established design guidelines for the area.
32. The amended elevations are considered to represent a more traditional architectural style through the use of traditional red brick work and steeper roof pitches. The red brick feature walls are also considered to assist in 'breaking-up' the façade of the buildings and improve the perceived scale of the development.
33. The proposal complies with the Scheme, the Liveable Neighbourhoods Policy and the R-Codes, with exception to bicycle parking and visual privacy.
34. During advertising concerns were raised by adjacent affected residents in regard to the compatibility of the design of the development in the context of the streetscape and residential properties in the area, privacy, lack of trees and shrubs proposed, on-site parking, and traffic safety.
35. In regard to concerns raised in respect to the design of the development, the bulk and scale of the proposal is considered to be commensurate with that expected for the Residential R30 zoning and the surrounding area. There is no overshadowing resulting from the proposal, refer (Attachment 5).

36. The R-Codes encourages articulation of the building on the primary and secondary streets. In this respect the amended plans for the proposed façade fronting Recreation Road incorporates traditional red brick feature walls and a light grey rendered brickwork, which is considered to 'break-up' the façade.
37. In respect to concerns raised during advertising of a lack of trees and shrubs proposed, the proposal incorporates the retention of five (5) mature trees of significant size within the proposed courtyards of Units 1-4, which is supported by the Shire. In addition, shrubs and ground cover landscaping is proposed adjacent to street frontages and car parking bays.
38. The submitted landscaping plan indicates three (3) *Acer palmatum* (Maple trees) to the north of the parking bays. The Shires Environmental Services advise that the Maple trees will not achieve the desired height and breadth for shade and wind protection. To address this matter, the applicant has agreed that a condition should be included in the officer recommendation requiring a revised landscaping plan to be submitted and approved prior to the issue of a building permit.
39. In respect to concerns regarding the provision of car parking for the proposed development, the application incorporates 10 car parking bays in total. Eight (8) bays are to be provided for residents and two (2) bays for visitors, which complies with the minimum parking requirements under deemed-to-comply requirements of the R-Codes.
40. Concerns were also raised during advertising in regard to traffic safety, particularly in respect to overflow of vehicles from future residents of the development being parked on the verge and being a visual obstruction to other road users and pedestrians. Given the proposal complies with the minimum parking requirements of the R-Codes, there is no basis to expect that additional vehicles will be parked on the verge adjacent to the site. However, it is noted that residents and occupiers of the development will be permitted to park on the verge subject to compliance with the Parking and Parking Facilities Local Law.
41. The proposal incorporates a 5.2m visual privacy setback from the Unit 8 dining/living area in lieu of the deemed-to-comply requirement of 6.0m under the R-Codes. Given that overlooking is proposed, a condition requiring a hi-light window or appropriate permanent screening to a height of 1.6m has been included in the officer's recommendation to address this issue. The applicant has no objection to the inclusion of this condition.
42. The R-Codes deemed-to-comply provisions require a minimum of two (2) bicycle spaces to be provided on-site. The application does not specifically designate bicycle spaces as part of the proposed development, however there is considered to be sufficient space on the site to provide the required two (2) spaces. A condition of the officer's recommendation requires two (2) bicycle spaces to be provided in a location convenient to the residents and visitors of the approved development. The applicant has no objection to the inclusion of this condition.

43. It is noted that Council has previously approved similar multiple dwelling developments in the Kalamunda Town Centre, including a proposal to build seven (7) multiple dwellings on the adjoining property at No. 49 Boonooloo Road, Kalamunda. The move towards this form of housing suggests a demand for housing choice in and around the Kalamunda Town Centre.
44. From a planning perspective the proposed development is considered to be appropriate for the locality for the following reasons:
- The R-Codes allow a multiple dwelling type of development to be considered for properties zoned Residential R30.
  - The proposal is considered to comply with the design principles of the R-Codes.
  - The built form of the proposal is considered to represent an appropriate scale for properties zoned Residential R30.
  - The development is considered to contribute towards housing diversity within relatively close proximity to the Kalamunda Town Centre.
  - The development will also assist with accommodating the increase in local population and offer housing choice aside from single bedroom and aged person dwellings in the a location within walking distance of the Kalamunda Town Centre.

*Chris and Jill Hannah of Kalamunda spoke against the Officer Recommendation. There were no Councillor questions.*

*Due to Chris and Jill Hannah's concerns regarding the lack of parking and cars parking outside the property, a Councillor asked if 'No Parking' signs could be erected outside the property. The Director Development Services indicated he believed this would be possible and practical.*

*A Councillor asked if Council would have the power to demand more parking from the developer, particularly if street and verge parking was deemed unsafe in the area. The Director Development Services indicated that the State Government's Residential Design Codes need to be adhered to, (although they are currently being reviewed by the state government) and the parking ratios decrease for developments close to town centres.*

*A Councillor asked if the Shire of Kalamunda was to adopt a Parking Policy for multiple dwellings would the state government's Residential Design Codes prevail. The Director Development Service indicated that he did not believe any Shire Policy could override the State's Residential Design Codes, however he would take this question on notice to confirm this was the case.*

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 15/2015)**

That Council:

1. Determines that the use is consistent with the objectives of the residential zone and is therefore permitted.

2. Approves the application dated 7 November 2014 and revised elevations received on 24 March 2015 to build eight (8) multiple dwellings at Lot 19 (20) Recreation Road, Kalamunda, subject to the following conditions:
- a. A revised landscaping plan shall be submitted to and approved by the Shire's Environmental Services, prior to the building permit being issued. The proposed landscaping is required to be planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the satisfaction of the Shire.
  - b. Two (2) bicycle spaces designed in accordance with Australian Standard AS2890.3, shall be provided at a location convenient to the residents and visitors, nearby to entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Shire, prior to the issue of a building permit.
  - c. The north window of the Unit 8 dining/living room being screened with a permanent material and be non-openable to a minimum of 1.6m above the respective finished floor level, in accordance with the Residential Design Codes. Details shall be submitted to and approved by the Shire, prior to the issue of a building permit.
  - d. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:
    - i. Construction Workers' Parking
    - ii. Material's Delivery and Storage
    - iii. Worker's ToiletsTo the satisfaction of the Shire, prior to the issue of a building permit.
  - e. The communal bin storage area shall be suitably screened by a gate and solid building material to a minimum height of 1.8m, and provided with a permanent water supply and drainage facility, to the satisfaction of the Shire.
  - f. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
  - g. A road safety audit shall be provided in relation to the proposed crossover location on Boonooloo Road.
  - h. A geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (Clearance, quantity, soil permeability and location and size of soakwells).
  - i. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the Shire.

- j. The crossover shall be designed and constructed to the satisfaction of the Shire.
- k. Trees on the Boonooloo Road verge which area required to be removed for the proposed crossover are to be removed by a Shire approved contractor and in consultation with the Shire's Parks and Recreation Services.
- l. The balcony screening being maintained by the owner to the Shire's satisfaction.
- m. Stormwater being contained on-site to the satisfaction of the Shire.
- n. All septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The applicant must provide a statutory declaration to the Shire of Kalamunda stating that the site has been inspected and all effluent disposal systems have been removed. A pro-forma for this declaration is available from the Shire of Kalamunda.
- o. The development shall be connected to reticulated sewer.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote:	<b><u>For</u></b>	<b><u>Against</u></b>
	<b>Cr John Giardina</b>	<b>Cr Geoff Stallard</b>
	<b>Cr Frank Lindsey</b>	
	<b>Cr Allan Morton</b>	
	<b>Cr Justin Whitten</b>	
	<b>Cr Andrew Waddell</b>	
	<b>Cr Dylan O'Connor</b>	
	<b>Cr Sue Bilich</b>	
	<b>Cr Margaret Thomas</b>	
	<b>Cr Simon Di Rosso</b>	

**CARRIED (9/1)**

**AREAS**

Area	Quantity
Site Area	1193m <sup>2</sup>
R Zoning	830
Plot Ratio Allowed	584m <sup>2</sup>
Plot Ratio Achieved	584m <sup>2</sup>
Carbays Required	6
Carbays Achieved	6
Visitor Bays Required	15
Visitor Bays Achieved	2

Nearest bus stop within 250m of high frequency bus route located on Recreation Rd before Boonooloo Rd

**Unit 1**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 2**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 3**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 4**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 5**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 6**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 7**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 8**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 9**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 10**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 11**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 12**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 13**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 14**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 15**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 16**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 17**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 18**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 19**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 20**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 21**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 22**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 23**

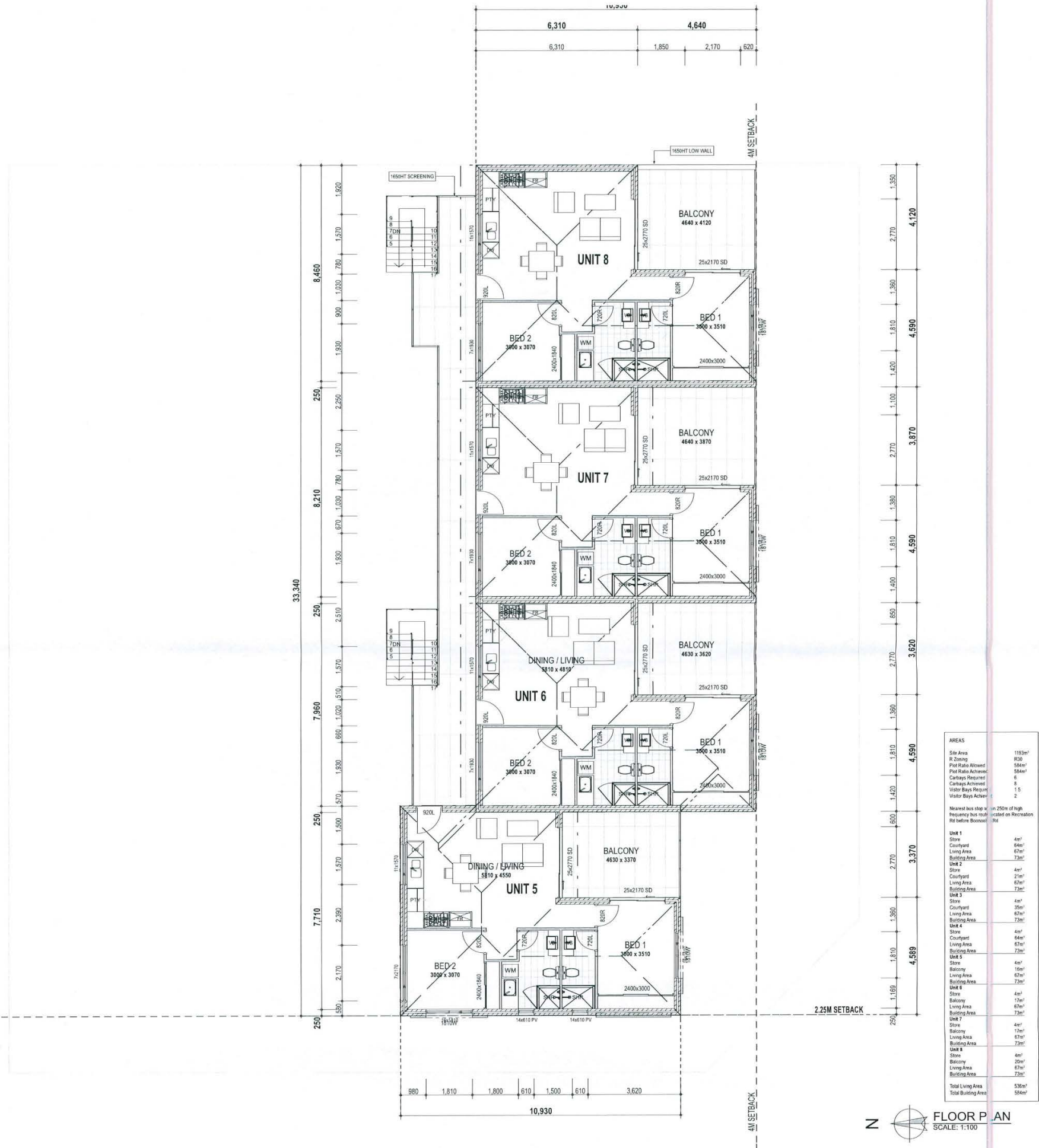
Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

**Unit 24**

Store	4m <sup>2</sup>
Courtyard	6m <sup>2</sup>
Living Area	67m <sup>2</sup>
Building Area	73m <sup>2</sup>

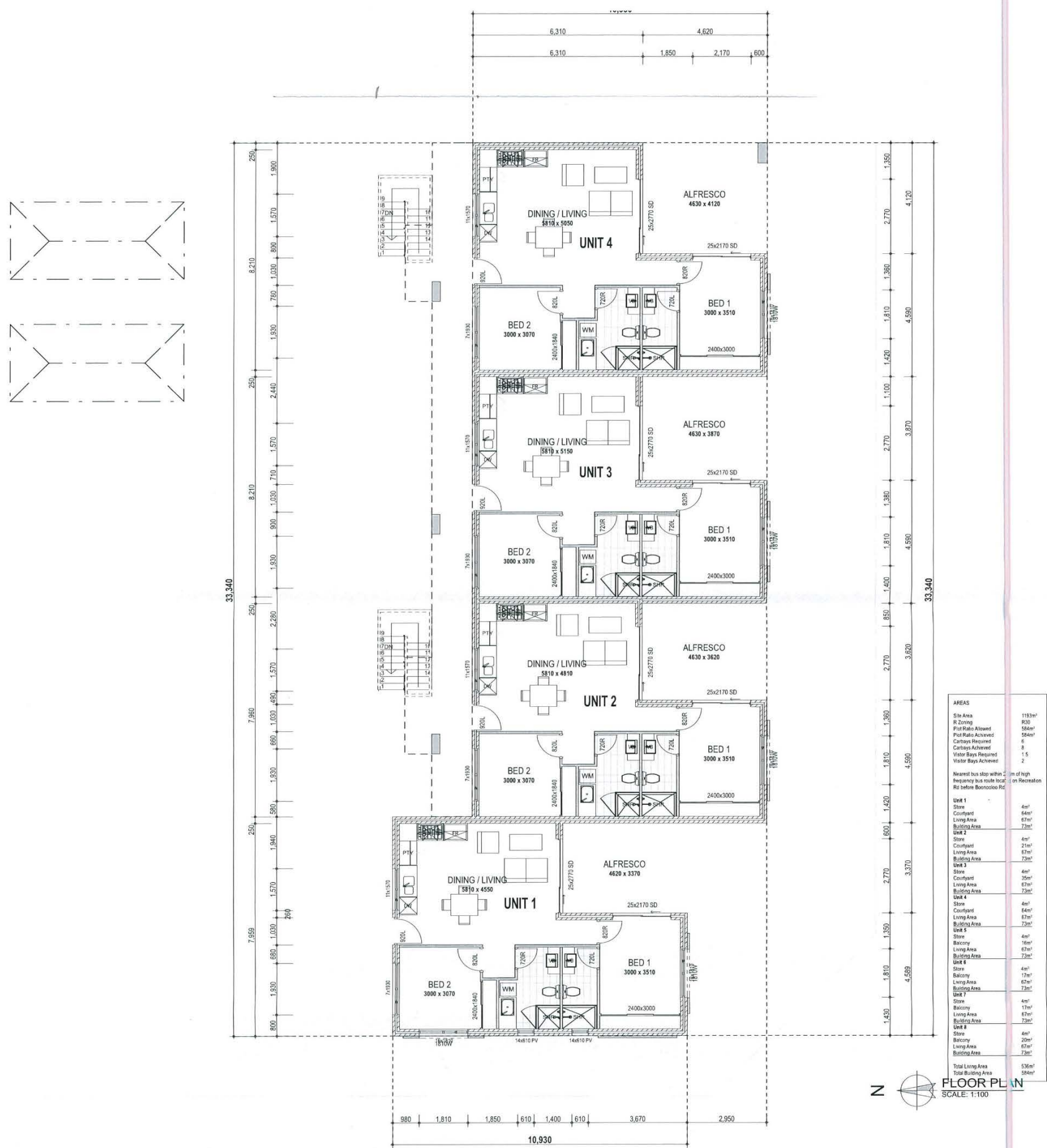


**Attachment 2**  
Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda  
**Ground Floor Plans**



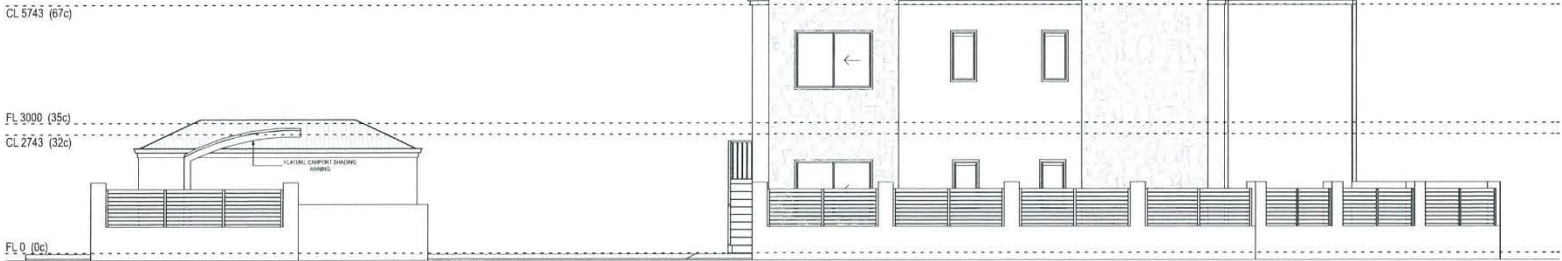


**Attachment 3**  
Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda  
**First Floor Plans**



**Attachment 4**  
Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda  
**Elevation Plans**

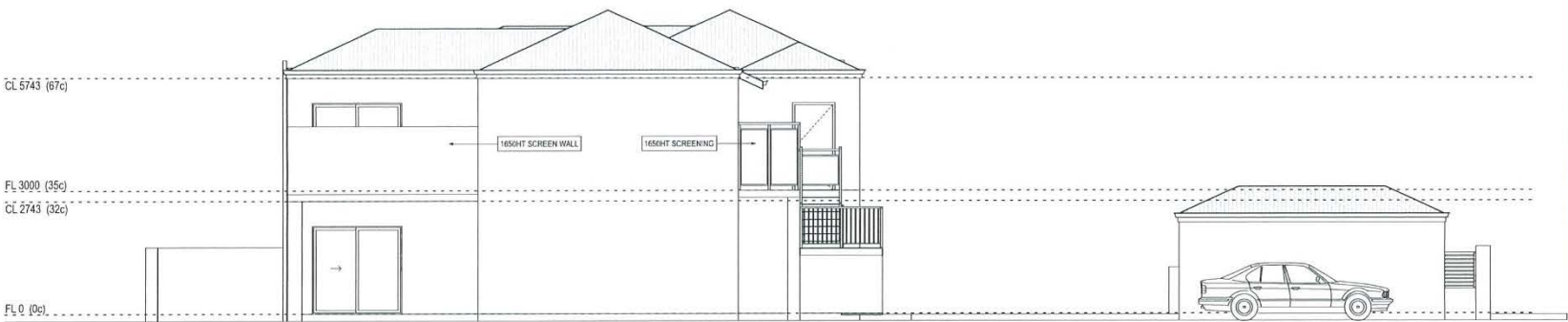
NOTES:  
1.32c CEILING  
2.COLORBOND ROOF @ 25 PITCH  
3.RENDERED BRICKWORK  
4.FEATURE STONE



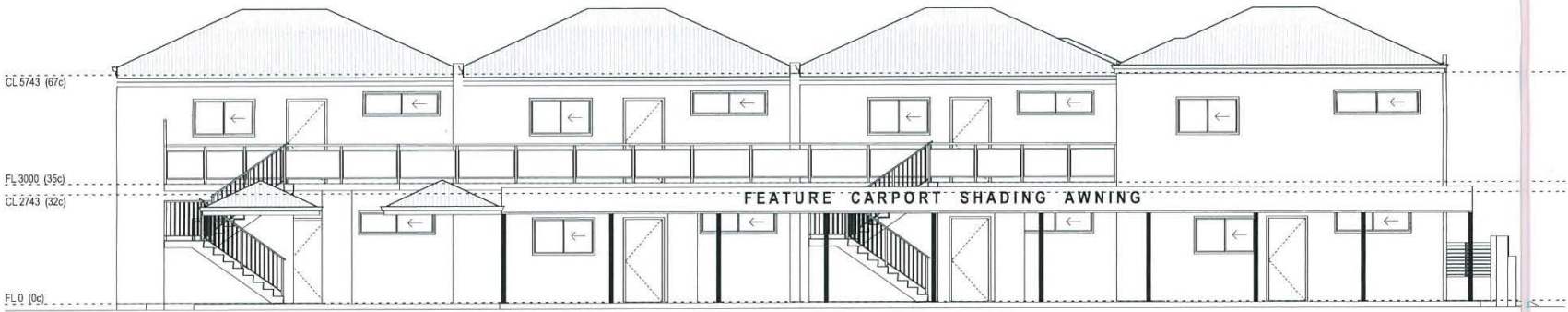
**ELEVATION 1 & FRONT FENCE DETAIL**  
SCALE: 1:100



**ELEVATION 2**  
SCALE: 1:100



**ELEVATION 3**  
SCALE: 1:100



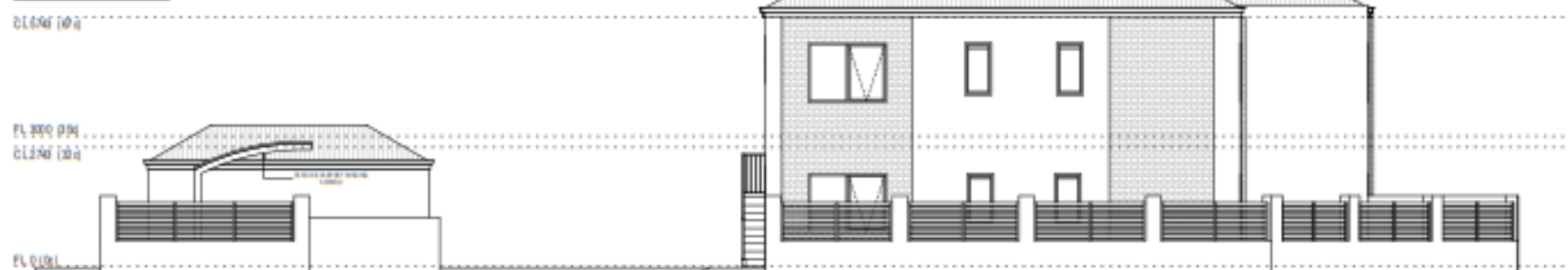
**ELEVATION 4**  
SCALE: 1:100

# Attachment 4a

Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda

## Amended Elevation Plans Received 24 March 2015

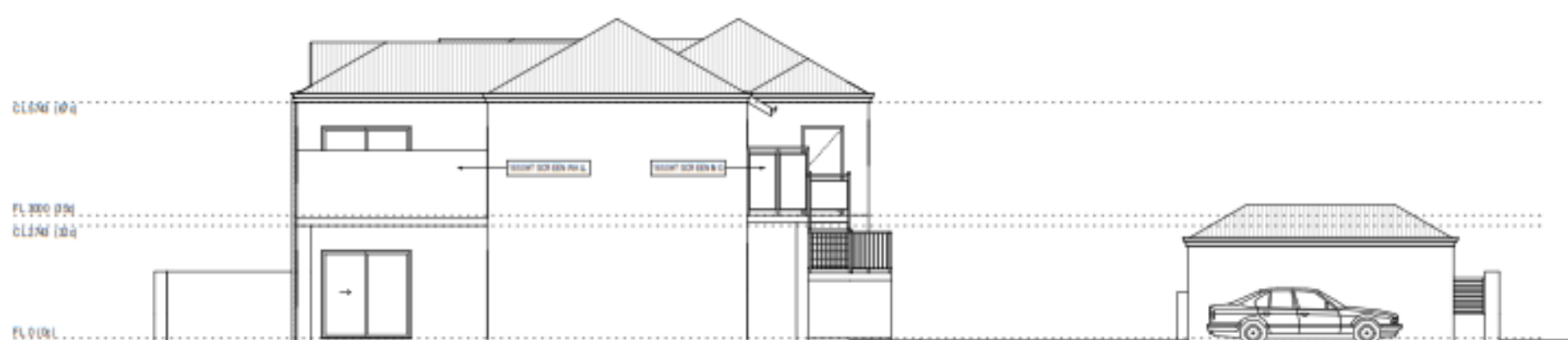
**NOTES:**  
1. 30% CEILING  
2. 30% DOWNWARD ROOF @ 25 PITCH  
3. RENDERED BRICKWORK  
4. FEATURE STONE



**ELEVATION 1 & FRONT FENCE DETAIL**  
SCALE 1:100



**ELEVATION 2**  
SCALE 1:100



**ELEVATION 3**  
SCALE 1:100



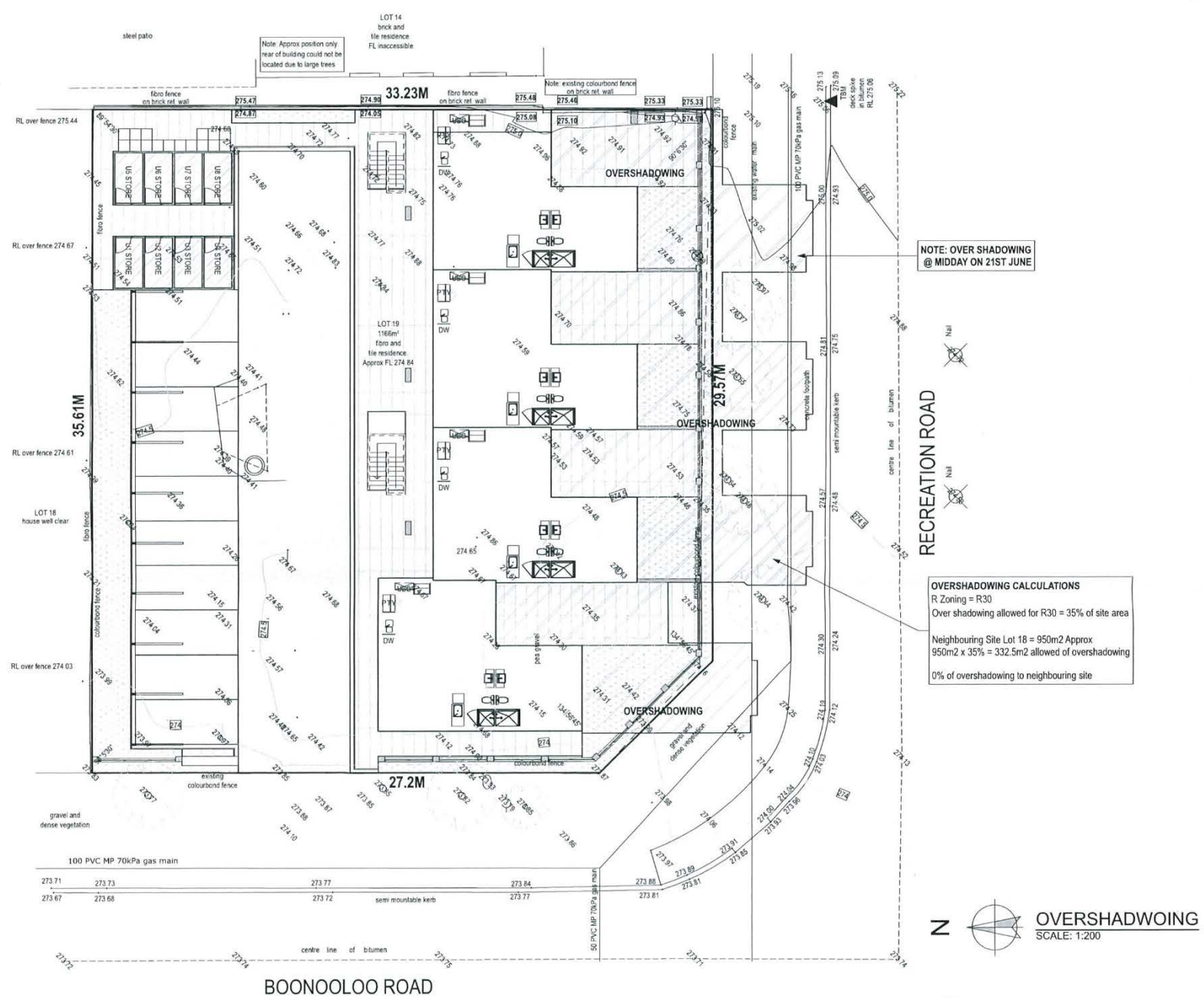
**ELEVATION 4**  
SCALE 1:100



## Attachment 5

### Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda

#### Overshadowing Diagram



### **Attachment 6**

Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda

### **Perspective Elevation**



**Attachment 6a**

Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda  
**Amended Perspective Elevation Received 24 March 2015**

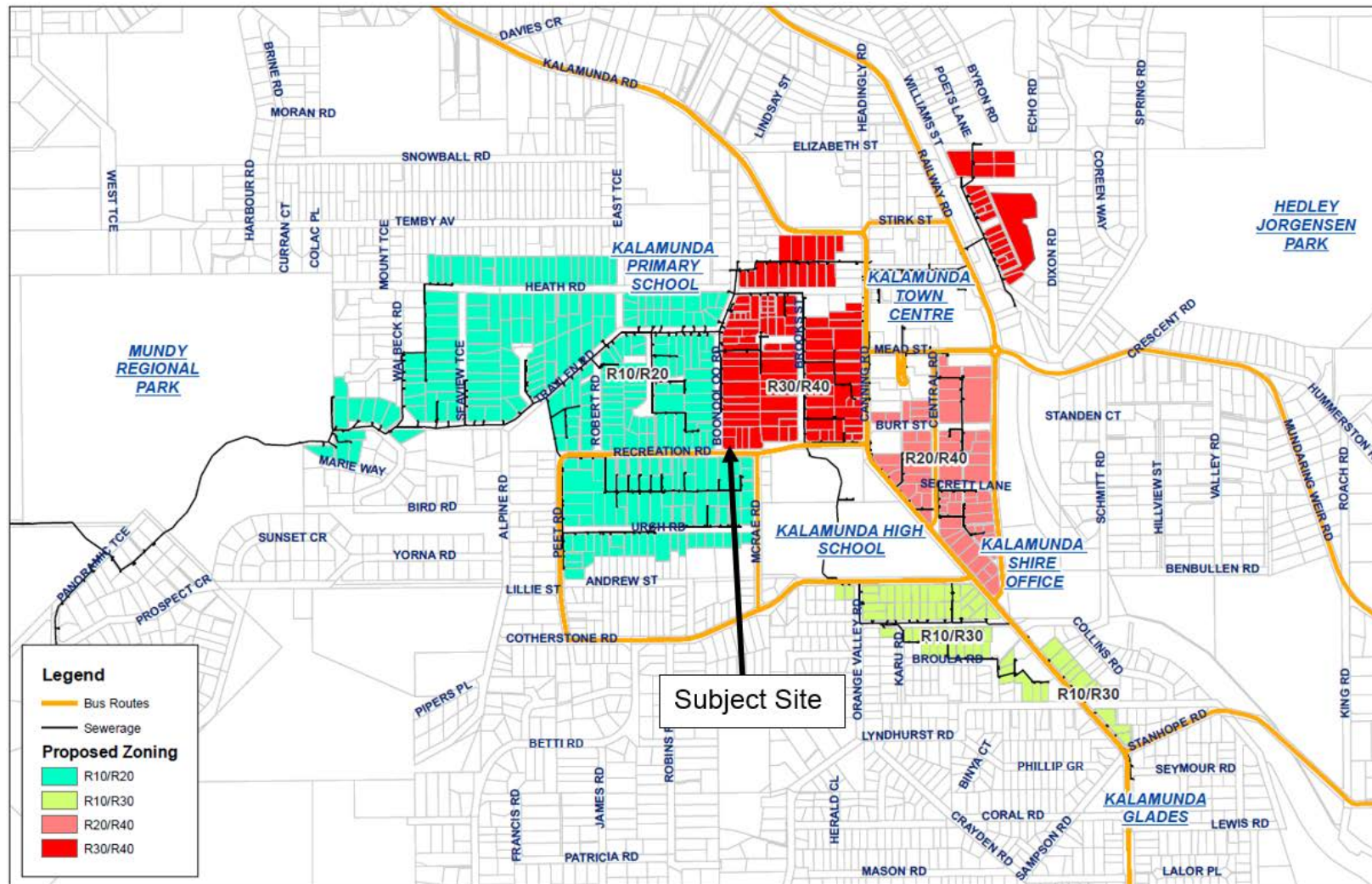




## Attachment 7

Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda

### Local Housing Strategy



## Attachment 8

Proposed Eight (8) Multiple Dwellings – Lot 19 (20) Recreation Road, Kalamunda

### Submission Table

Submission		Comment	Officer Comment
1.	W Edwards 23A Boonooloo Road Kalamunda WA 6076	<p>Objection to the Proposal</p> <p>The proposed development is neither compatible nor sympathetic to the existing streetscape. "Whatever is happening to our 'home in the forest'?"</p>	<p>The overall bulk, scale and design of the proposed development is considered commensurate with the Residential R30 zoning of the land and the envisaged streetscape.</p>
2.	C and J Hannah 23 Recreation Road Kalamunda WA 6076	<p>Objection to the Proposal</p> <p>a) The architectural design of the proposed development is of an inner city, high density living type of housing that is not in keeping with surrounding residential area or the "Home in the forest" theme promoted by the Shire of Kalamunda.</p> <p>b) The lack of trees and shrubs proposed is out of character with the surrounding area as well as the rest of the Shire.</p> <p>c) This proposal has only one car space for each unit plus two for visitors. Most couples</p>	<p>a) The overall bulk, scale and design of the proposed development is considered commensurate with the Residential R30 zoning of the land and the envisaged streetscape. A condition has been included in the officer's recommendation that requires additional articulation to the Recreation Road façade of the development to ensure the development will have a high quality and visually interesting design.</p> <p>b) The proposal incorporates the retention of five (5) mature trees on-site and additional landscaping on street frontages and adjacent to the parking area.</p> <p>c) The proposal meets the parking requirements of the Residential Design</p>



		<p>today will have two cars and sometimes a work vehicle making the parking allowance completely inadequate.</p> <p>d) The overflow of vehicles will most likely be placed around the verge causing an obstruction to the visibility of both pedestrian and vehicle traffic on this busy corner and therefore an increased risk of traffic accidents.</p>	<p>Codes, which is based on the expected parking needs of the development.</p> <p>d) The proposal meets the parking requirements of the Residential Design Codes. Accordingly there is no basis to expect that additional vehicles will be parked on the verge adjacent to the site. However, it is noted that residents and occupiers of the development will be permitted to park on the verge subject to compliance with the Parking and Parking Facilities Local Law.</p>
3.	J Armario 18 Recreation Road Kalamunda WA 6076	<p>Comment on the Proposal</p> <p>I request a wall or screen to block the view to my property from the staircase.</p>	<p>The staircase is not an active habitable space and therefore is not subject to the visual privacy requirements of the R-Codes. Notwithstanding, the applicant proposes a 1.65m high privacy screen on the east side of the first floor landing adjacent to Unit 4.</p>

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

**16. Proposed Pedestrian Access Way Closure – Sussex Road & Gotha Way, Forrestfield**

Previous Items	OCM 122/2005
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	GT-01/GEN, SS-02/GEN
Applicant	Michael Douglas
Owner	Nil

Attachment 1

Submission Table

**PURPOSE**

1. To consider a request to close the pedestrian access way (PAW) abutting Lots 214 (89) , 322 (87) Sussex Road and Lots 217 (18), 347 (16) Gotha Way, Forrestfield. (Refer to Locality Plan).

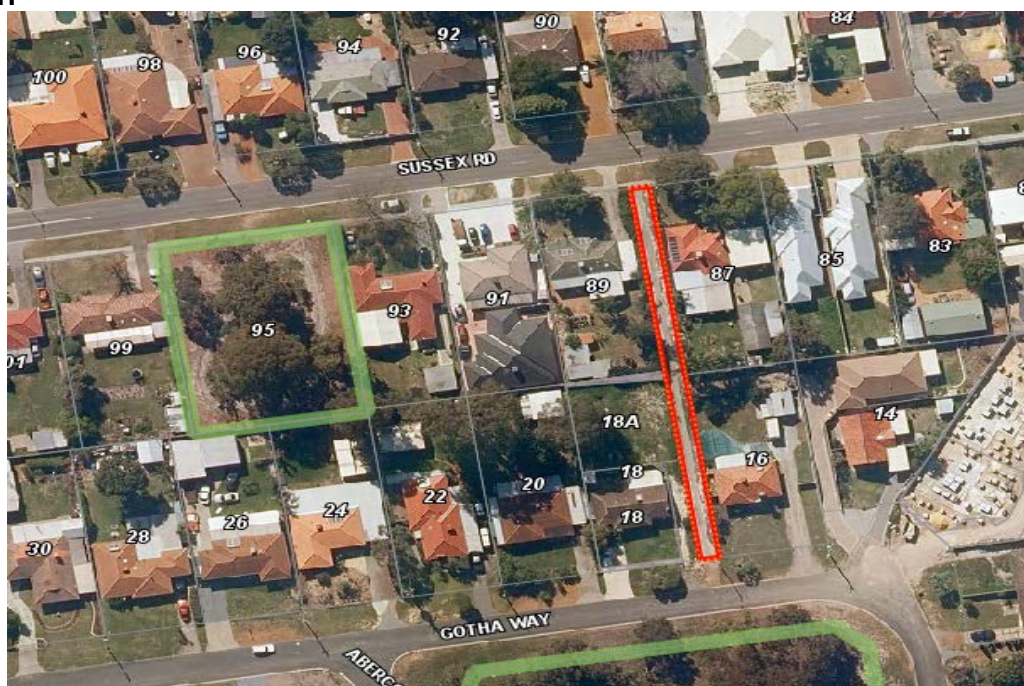
**BACKGROUND**

2. **Land Details:**

Land Area:	369.5m <sup>2</sup>
Local Planning Scheme Zone:	Not zoned
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

- 3.



4. In November 2005, Council resolved (En Bloc Resolution OCM 122/05) to support a previous closure request.
5. In November 2005, the then Department of Planning and Infrastructure advised that it did not support the proposed closure of the PAW for the following reasons:
  - The PAW forms part of an important pedestrian/ cyclist network for the area. Implementation of the proposal is likely to result in inconvenience/difficulty to existing potential users of the PAW.
  - Although the motivation for the proposed closure appears to be based on the occurrence of anti-social behaviour, only one written response on the matter from an adjoining landowner seems to have been received.

## DETAILS

6. Another request has been made to the Shire for the closure of the PAW. The applicant, who lives in a dwelling abutting the PAW has cited the following reasons in support of the closure:
  - Vandalism and security issues experienced by surrounding residents;
  - Dumping of shopping trolleys and alcohol bottles; and
  - Existence of alternative routes to community facilities and the low community impact on the closure.
7. The PAW between Sussex Road and Gotha Way provides an alternative route for pedestrians and cyclists to Forrestfield Primary School, and a more direct route to the Forrestfield Shopping Centre on Hale Road, and is relatively well maintained.
8. Two of the adjoining landowners of the PAW being Lots 214 (89), 322 (87) Sussex Road have expressed their willingness in purchasing a portion of the PAW.

## STATUTORY AND LEGAL CONSIDERATIONS

9. PAW closure requests are dealt with in accordance with the *Land Administration Act 1997* and the Department of Planning's Procedure for the Closure of Pedestrian Access Ways, Planning Guidelines.

## POLICY CONSIDERATIONS

10. The Designing Out Crime Strategy (the strategy) is a crime preventions strategy which aims to reduce opportunities for crime through the design and management of the built environment.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

11. The proposed closure was advertised to the adjoining and nearby landowners as well as the service providers for their comments. A sign was placed at both ends of the PAW advertising the proposed closure.
12. During the advertising period six non-objections and one objection were received. Refer (Attachment 2). The physical concerns raised were antisocial behaviour and the accumulation of rubbish.
13. The Water Corporation advised that whilst there is a sewer main located within the PAW it would remain unaffected by the closure.

## **FINANCIAL CONSIDERATIONS**

14. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

15. *Kalamunda Advancing: Strategic Community Plan to 2023.*  
  
OBJECTIVE 4.3 – To ensure the Shire's development is in accordance with the Shire's statutory and legislative obligations and accepted urban design planning standards.  
  
Strategy 4.3.5 – Incorporate best practice principles for designing out crime and encourage private developers and owners to do the same.

## **SUSTAINABILITY**

### **Social Implications**

16. Closing the PAW may reduce the potential for anti-social behaviour to occur within it and that impact on adjoining land owners.
17. Local residents will be forced to take a longer walking route to the Forrestfield Primary School and Forrestfield Shopping Centre.

### **Economic Implications**

18. Nil.

### **Environmental Implications**

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

20.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Residents being disadvantaged by the closure of the PAW.	Likely	Minor	High	Balance the needs of the adjoining land owners with the needs of the broader community.

## OFFICER COMMENT

21. A recent inspection by the Shire failed to identify any physical evidence of anti-social behaviour such as vandalism.
22. The PAW is relatively well maintained and there is little evidence of anti-social behaviour occurring. Recent dealings with the Department of Planning in respect to closure of PAW's indicates that more than anecdotal evidence of anti-social activities is required for closures to be considered. Spasmodic incidents, such as dumping of shopping trolleys or litter, would seem to be disproportional to the need to effect closure.
23. If Council resolves to support the closure, the PAW request will be forwarded onto the Department of Planning for determination.
24. The planned density increases proposed under the Local Housing Strategy will allow for the redevelopment of lots adjacent to the PAW and the redesign of the PAW which may assist in addressing resident concerns regarding antisocial behaviour.
25. The PAW does provide local residents with a more direct route to the Forrestfield Primary School and Forrestfield Shopping Centre.
26. It is recommended that the PAW not be closed as it forms an important linkage in the pedestrian network.

*Michael Douglas of Forrestfield spoke against the Officer's Recommendation.*

*Councillors asked Michael Douglas several questions*

- How often has anti-social behaviour occurred?*
- How many times have the police been called?*
- How many times have you reported vandalism or anti-social behaviour to the Shire?*

*Michael Douglas responded that there were many incidents over the years, however, he had not reported them to the police as by the time they could respond the disturbance would be over. Michael Douglas had not reported any vandalism to the Shire but was aware the Shire came from time to time to remove graffiti.*

*A Councillor asked the Director Development Services if this particular PAW was lit, the Director indicated it was not.*

*A Councillor asked how many residents had been written to regarding the closure and how far was the catchment for this item? These questions were taken on notice by the Manager Development Services.*

*Councillors asked if a study could be carried out over several months to ascertain how bad the problem is and if there were justifiable grounds to close the PAW, the Director Development Services indicated the Shire could carry out weekly visitations over the next few months and take photographs of the state of the PAW, he added that applications for closures with associated police reports often had a more favourable outcome.*

*No seconder was found for the Officer's Recommendation and this lapsed.*

*A Councillor put forward a motion that the PAW be closed, the motion was put and seconder was found.*

*A Councillor asked if there was information available indicating the current usage of this PAW, in particular any who would be disadvantaged if the PAW was closed. Manager Development Services indicated that the Shire was not aware how much the PAW was utilised; investigations could be made to monitor the usage. A Councillor foreshadowed an alternative motion to defer the item until staff had carried out further investigations.*

*Councillors debated the motion.*

*The vote was 5/5, the Presiding Member in accordance with Section 5.21 (3) of the "Local Government Act 1995" exercised his right to cast a second vote. The Presiding Member cast his second vote against the motion, the motion was therefore lost 5/6.*

*The foreshadowed motion was then put and carried unanimously.*

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 16/2015)**

That Council:

1. Resolve not to support the closure abutting Lots 214 (89), 322 (87) Sussex Road and Lots 217 (18), 347 (16) Gotha Way, Forrestfield as it is considered to be of importance in the local pedestrian network.

Moved: **Cr Frank Lindsey**

Seconded: **LAPSED**

Vote:

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<b>Voting Requirements: Simple Majority</b>
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**MOTION**

That Council:

1. Resolve to advise the Department of Planning that Council supports the closure abutting Lots 214 (89), 322 (87) Sussex Road and Lots 217 (18), 347 (16) Gotha Way, Forrestfield.

Moved: **Cr Justin Whitten**

Seconded: **Cr John Giardina**

Vote: <b><u>For</u></b> <b>Cr John Giardina</b> <b>Cr Geoff Stallard</b> <b>Cr Allan Morton</b> <b>Cr Justin Whitten</b> <b>Cr Andrew Waddell</b>  <b>LOST (5/6)</b>	<b><u>Against</u></b> <b>Cr Frank Lindsey</b> <b>Cr Dylan O'Connor</b> <b>Cr Sue Bilich</b> <b>Cr Margaret Thomas</b> <b>Cr Simon Di Rosso</b> <b>Cr Simon Di Rosso</b>
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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 16/2015)**

That Council:

1. Defer this item for further investigation to be carried out by Shire Staff.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

## Attachment 1

Proposed Pedestrian Access Way Closure between Sussex Road & Gotha Way, Forrestfield

### Submission Table

	Details	Comment	Staff Comment
3.	Michael Douglas Po Box 39 Victoria Park WA 6979	No objection.	Noted.
4.	Danny Birdsall 24 Gotha Way Forrestfield WA 6058	No objection.  a) Good idea. I feel sorry for the people on either side of the PAW. Closing it may stop shopping trolleys building up in the street.	Noted.  a) The closure however needs to be considered in the context of the broader impacts to the local community.
5.	Eric Fairey 127 Hale Road Forrestfield WA 6058	No objection.	Noted.
6.	AH Warby PO Box 1020 Cloverdale WA 6105	Objection.  a) The pedestrian access way is a convenient short cut to the shops in Forrestfield, although it does need cleaning up.	Noted.
7.	Frank & Beatrice Tester 88 Sussex Road Forrestfield WA 6058	No objection.  a) My husband and I strongly agree that the PAW be closed.  b) Shopping trolleys are being left in and around the PAW.	Noted.  a) The closure however needs to be considered in the context of the broader impacts to the local community.



		<p>c) There is antisocial behaviour; people get drunk and walk up and down all night long arguing.</p> <p>d) The PAW is full of rubbish all the time.</p>	
8.	Shirley Jackson 87 Sussex Road Forrestfield WA 6058	<p>No objection.</p> <p>a) We live right alongside the PAW, and we have had nothing but trouble with dumping of rubbish and inappropriate behaviour.</p> <p>b) We have been broken into several times this year.</p>	<p>Noted.</p> <p>a) A site inspection by the Shire failed to reveal evidence of antisocial behaviour.</p> <p>b) Noted.</p>
9.	John Hanlon PO Box 2023 CARLISLE WA 6101	No Objection.	Noted.
10.	Acto Gas Po Box W2030 PERTH WA 6846	No Objection.	Noted.
11.	Western Power Locked Bag 2520 PERTH WA 6001	No Objection.	Noted.
12.	Water Corporation PO Box 100 LEEDERVILLE WA 6902	No Objection.	Noted.
13.	Telstra Locked Bag 2525 PERTH WA 6001	No Objection.	Noted.

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

**17. Detailed Area Plan - Lot 4 & 500 Hale Road, Wattle Grove**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	148664
Applicant	Statewest Planning
Owner	Acegroup Enterprises Pty Ltd
Attachment 1	Existing Wattle Grove Cell 9 Structure Plan
Attachment 2	Approved Subdivision Plan
Attachment 3	Proposed Detailed Area Plan

**PURPOSE**

1. To consider a Detailed Area Plan (DAP) for Lot 4 & 500 Hale Road, Wattle Grove.

**BACKGROUND**

**2. Land Details**

Land Area:	1.9748 ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Region Scheme Zone:	Urban

**3. Locality Plan**



4. The two lots fall within the Wattle Grove Cell 9 Structure Plan, the site contains a moderate amount of vegetation and no built structures. Residential properties are developed to the east and south of the site.
5. The lot is bounded by Hale Road to the north, Arthur Road to the west with two new roads, Fuji Vista and Cara Way, to be developed to the south and east respectively.
6. The subject lots are identified as Residential R30 under the adopted Structure Plan for Cell 9. In November 2013, the WA Planning Commission (WAPC) approved an application (148664) to subdivide the property into 39 freehold lots subject to conditions (Attachment 2).
7. In January 2015, the applicant submitted to the Shire a DAP to assist with the coordination of the development (Attachment 3).

## DETAILS

8. A DAP is a document that can enhance, elaborate or expand provisions contained in a structure plan. A DAP is particularly beneficial for development on small residential lots.
9. The proposed DAP modifies the following requirements of the R-Codes:

	R-Code requirements for R30	Variation proposed in the DAP	
Primary street setback	4m minimum	3m minimum	5m maximum
Secondary street setback	1m minimum	1.5m minimum	
Side setback	Varies	Nil to both sides, one side for dwelling and the other for garage	
Garage location	At least 6m from corner truncation	As specified on DAP (shown as GR and GL)	
Crossover location	0.5m from side boundary, but can be varied	At least 0.5m from side boundary	

10. The DAP was not requested by the Shire or the Western Australian Planning Commission as a condition of the subdivision approval.

## STATUTORY AND LEGAL CONSIDERATIONS

11. Local Planning Scheme No. 3 ("the Scheme") zones the subject land Urban Development.

12. The Scheme objectives of the Urban Development zone are as follows:
  - *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
  - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*
13. Clause 6.2.6 (Detailed Area Plans) of the Scheme makes provisions for a DAP to be prepared where it is considered to be desirable to enhance, elaborate or expand the details or provisions contained in the Scheme or a Structure Plan.
14. Council is to approve the DAP with or without conditions, or refuse to approve the DAP.
15. If approved by Council, the DAP will be forwarded to the WAPC for endorsement. In the event that Council or the WA Planning Commission refuses the DAP, there is a right of review (appeal) to the State Administrative Tribunal.

## **POLICY CONSIDERATIONS**

### **State Planning Policy 3.1- Residential Design Codes**

16. An objective of the R-Codes is to protect the amenity of the adjoining residential properties and to ensure that appropriate provisions are in place for different dwelling types.
17. The proposed DAP must comply with the design principles and objectives of the R-Codes.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

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

## **FINANCIAL CONSIDERATIONS**

19. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

20. *Kalamunda Advancing: Strategic Community Plan to 2023*  
  
OBJECTVE 4.2 – To effectively plan for the diverse range of housing stock that will be required to meet the social and economic needs of the Shire's changing demographics.

Strategy 4.2.1 – Facilitate the delivery through strategies and policy development of a diverse range of housing within the Shire to ensure inclusiveness in population accommodation.

## SUSTAINABILITY

### Social Implications

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

### Economic Implications

22. Nil.

### Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Unlikely	Minor	Low	Ensure Council is aware that the proposal is considered acceptable.

## OFFICER COMMENT

25. DAPs give local government an opportunity to enhance, elaborate or expand on provisions contained in a Structure Plan. Guidelines developed for a specific DAP should ensure a certain standard of residences will be achieved. A DAP is particularly beneficial for development on small residential lots.
26. The R-Codes permit DAPs to vary some provisions of the R-Codes as long as the variation can satisfy the design principle to which it relates. In this case, it is considered that the proposed variations do satisfy all relevant design principles.
27. The proposed variations are considered acceptable as they would result in a built form similar to adjacent residential properties.

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 17/2015)**

That Council:

1. Pursuant to Clause 6.2.6.1 of Local Planning Scheme No. 3, adopts the Detailed Area Plan (Attachment 3) for Lot 4 & 5 Hale Road, Wattle Grove and forwards (Attachment 3) to the Western Australian Planning Commission for their information only.

Moved: **Cr Margaret Thomas**

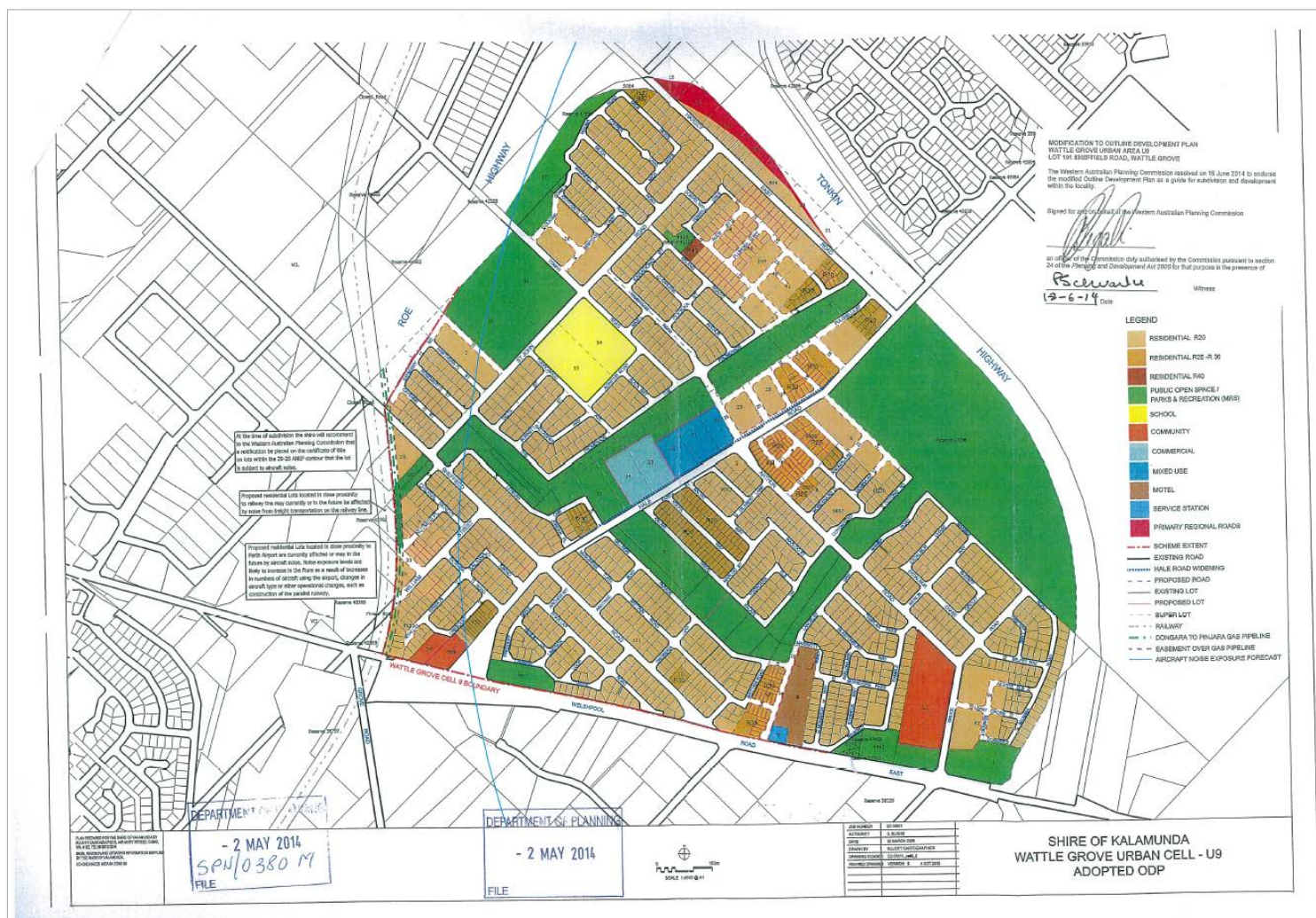
Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**



## Attachment 1

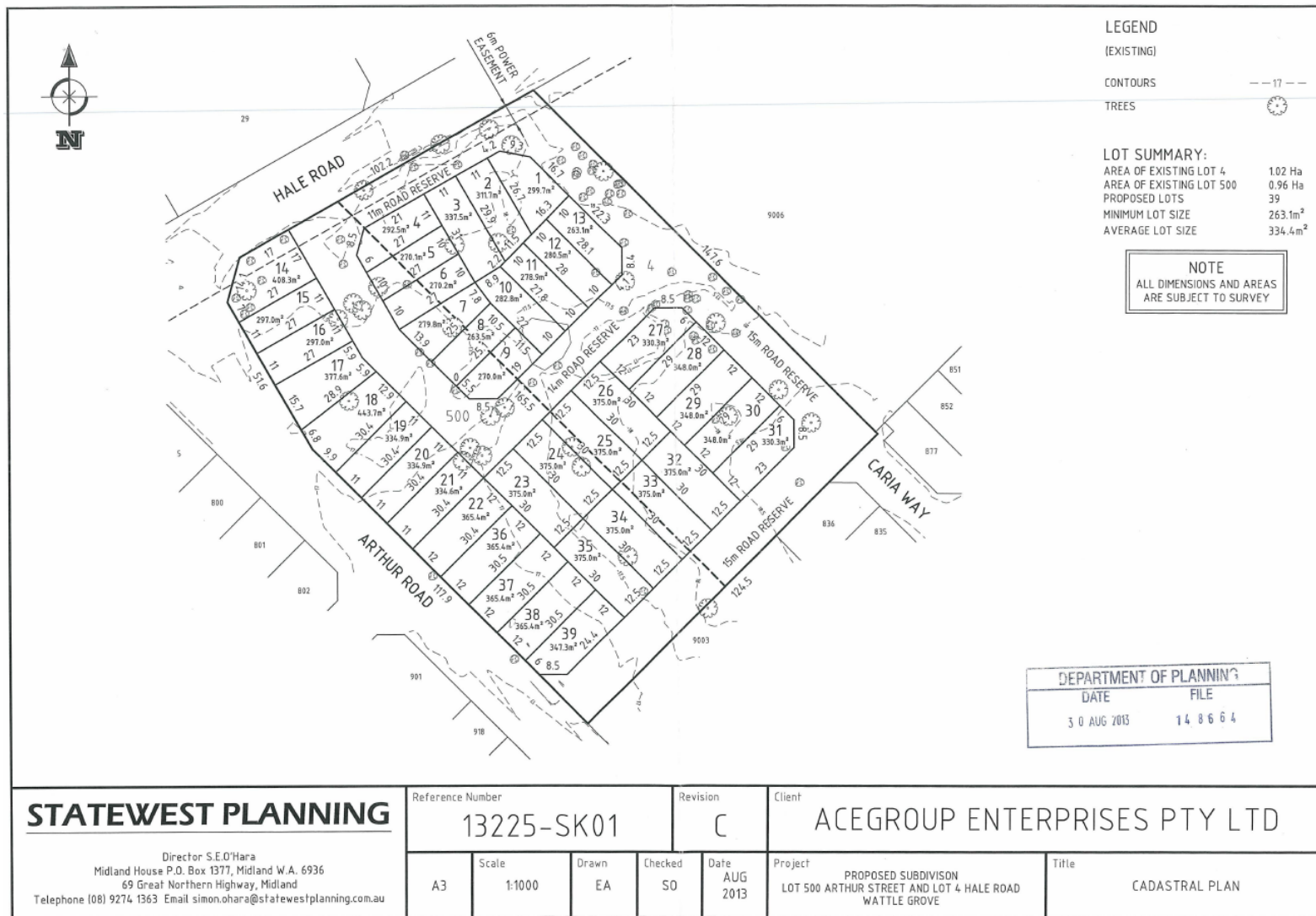
### Detailed Area Plan - Lot 4 & 500 Hale Road, Wattle Grove Existing Wattle Grove Cell 9 Structure Plan



## Attachment 2

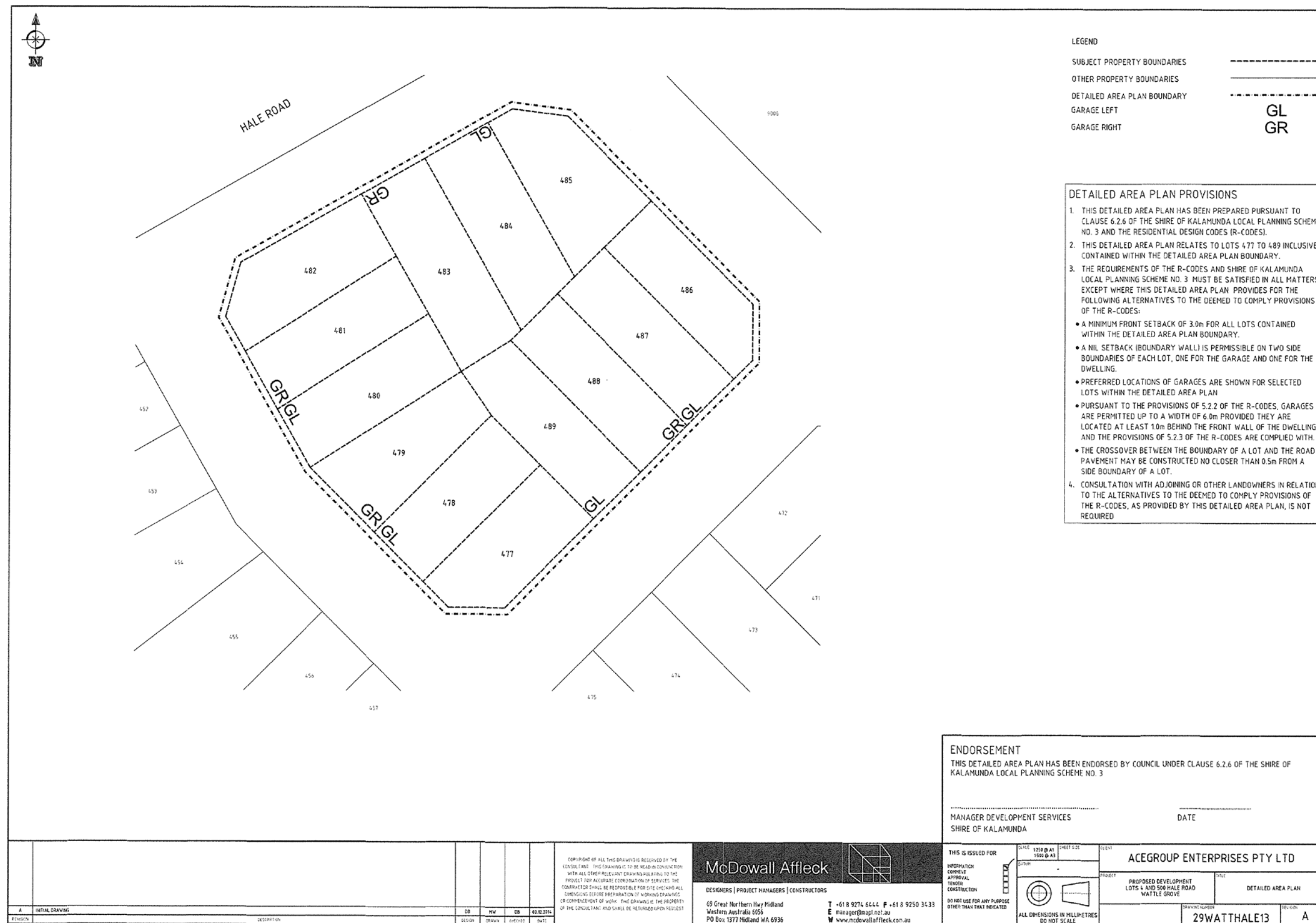
Detailed Area Plan - Lot 4 & 500 Hale Road, Wattle Grove

### Approved Subdivision Plan 148664





### Proposed Detailed Area Plan



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

**18. Boundary Fence - Lots (3) 45 and (5) 25 Ravenswood Road, Maida Vale**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	RV-02/025
Applicant	J Pullella
Owner	J & T Pullella
Attachment 1	Site Plan
Attachment 2	Fence viewed from Lot 3 Ravenswood (four plates)
Attachment 3	Fence viewed from Lot 5 Ravenswood (two plates)

**PURPOSE**

1. To consider a retrospective application for a dividing fence between Lots 3 (45) and 5 (25) Ravenswood Road, Maida Vale.

**BACKGROUND**

2. **Land Details:**

Land Area:	Lot 5 – 1.012ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

**Locality Plan**



## **DETAILS**

4. A 1.8m high metal fence topped with a 0.3m privacy screen has been erected on the common boundary between Lots 3 and 5 Ravenswood Road, Maida Vale. The fence terminates at the building line of the dwelling on Lot 5 (approximately 20 metres from the front boundary) refer (Attachment 1).
5. The fence was unilaterally installed by the owners of Lot 5 without reference to the adjoining land owners.

## **STATUTORY AND LEGAL CONSIDERATIONS**

6. There are two instruments required to determine the application; Local Planning Scheme No. 3 (the Scheme) and the *Fencing Local Law 2008* (Local Law).
7. Specific Scheme provisions for the Special Rural zone state that metal sheeting for fencing is not permitted. However, legal advice has previously been received that the Shire is empowered to vary this provision.
8. In the Local Law, sufficient fences for the various zones and land uses are described. In respect to Special Rural land, a sufficient fence is deemed to be "post and wire" open style fencing. The subject fencing is not deemed to be a sufficient fence. As with the Scheme provisions, the Local Law states that metal fencing in the Special Rural zone is not permitted.
9. Discretion to approve a fence other than a sufficient fence is dealt with under Clause 2.1 (1) and 3.4 (1) of the Local Law. Clause 2.1 (1) prohibits a person from erecting a fence which is not a sufficient fence. Clause 3.4 (1) however provides direction where all landowners of land which adjoin the lot boundary make an application for approval. Without the approval of both landowners, Council does not have the discretion to approve a fence other than a sufficient fence.
10. If the application is refused or approved with conditions unacceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

## **POLICY CONSIDERATIONS**

11. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

12. The proposal was forwarded to the adjoining land owners for comment. The neighbours have objected to the fence for the following reasons:
  - The fence obscures views previously enjoyed;
  - The fence gives a feeling of claustrophobia when we are in the garden;
  - The fence has been erected to screen the activities associated with the Home Occupation on Lot 5;

- We moved to the Special Rural zone as it did not allow for this type of fencing; and
- The fencing is of inappropriate materials and we were not consulted. The fence should be removed.

## FINANCIAL CONSIDERATIONS

13. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.3 - To ensure the Shires development is in accord with the Shires 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

15. It is understood that the fence was erected to minimise impacts on the owners of Lot 3 associated with activities on Lot 5.

### Economic Implications

16. Nil.

### Environmental Implications

17. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 18.
- | Risk   | Likelihood | Consequence   | Rating | Action/Strategy  |
|--|------------|---------------|--------|--|
| Council may resolve to support the proposal. | Possible   | Insignificant | Low    | Make sure Council is aware of the Scheme and Fencing Local Law requirements. |

## OFFICER COMMENT

19. Both properties present well from the street and the fence, in and of itself does not detract from the broader amenity of the locality when viewed from the public domain. The fence is in good condition and is structurally sound. Refer (Attachments 3 and 4).
20. It is understood that the owners of Lot 5 erected the fence to mitigate the issues of amenity and privacy raised by the neighbours in respect to their approved Home Occupation for a hairdresser. Effectively the neighbours raised concerns about what they could see and hear on Lot 5 and the fencing was erected to minimise these purported impacts.
21. In the circumstances it is considered that the purported issues relating to the Home Occupation and the erection of the fence are mutually exclusive. Whilst from a planning viewpoint the fence is considered acceptable, the Shire has previously received legal advice which states that under the Local Law an application to erect a fence other than a sufficient fence requires approval of both landowners. In this instance the owner of Lot 3 has not agreed to the fence being erected.

*Kevin and Cheryl Caphorn of Maida Vale, spoke in favour of the Officer Recommendation.*

*A Councillor asked Kevin Caphorn if there would be any scenario that would allow his neighbours to maintain a Colorbond fence along the side boundary. Kevin Caphorn indicated that the high Colorbond fence runs to the road and is visible from their, dining, bedroom, lounge and front verandah. He moved to a special rural area to be away from fencing of this type and yet this new fence is highly visible.*

*Trish and Joe Pullella of Maida Vale spoke against the Officer Recommendation.*

*With reference to Trish and Joe Pullella's suggestion that the fence be moved in position to create only a screen a Councillor asked how far onto their property they would be prepared to move this, Trish Pullella indicated it could be moved 3-4 mtrs from the boundary.*

*A Councillor noted the fence was to the road and asked if a compromise could be made so that their neighbours could regain some of their view. Trish Pullella explained they extended the fence as their visitors were being stared at and a camera had been installed by Mr Caphorn which was directed straight onto their property; however she was still prepared to consider a compromise.*

*A Councillor asked if the wording could be amended and the fencing adjusted to become a screen. Director Development Services explained that a screen would require a Planning Application and would therefore be assessed quite differently under the Local Planning Scheme and a new application would be required.*

*A Councillor foreshadowed a motion that the item be deferred.*

*A Councillor referred to the Fencing Local Law, which was to be updated following a similar boundary fence dispute. Director Development Services indicated this had been stalled due to the impending local government merger, however, this had started to move forward again recently.*

*A Councillor asked if the Chief Executive Officer could suggest a way forward in this matter the response was that the item could be deferred in order that some mediation could take place to see if there is a solution.*

*The Officer's Recommendation was put, a mover could not be found and the motion lapsed.*

*The foreshadowed motion to defer the item was put, moved and seconded. A Councillor suggested this be changed to "pending a report on the Fencing Local Law", the mover and seconder accepted the change and the motion was voted on.*

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 18/2015)**

That Council:

1. Refuse the retrospective application for a boundary fence on Lot 5 (25) Ravenswood Road, Maida Vale for the following reason:
  - a) The fence does not comply with the requirements of Clause 2.1 (2) and Schedule 3 of the *Shire of Kalamunda Fencing Local Law 2008*.
  - b) The local government is unable to exercise the general discretion provided in Clause 3.4 of the *Shire of Kalamunda Fencing Local Law 2008* because all owners of land which adjoins the relevant boundary have not made an application for approval.

Moved: **LAPSED**

Seconded:

Vote:

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 18/2015)**

That Council:

1. Defer this item ~~until the May 2015 Development & Infrastructure Services Meeting~~ **pending a report on the Fencing Local Law.**

Moved: **Cr John Giardina**

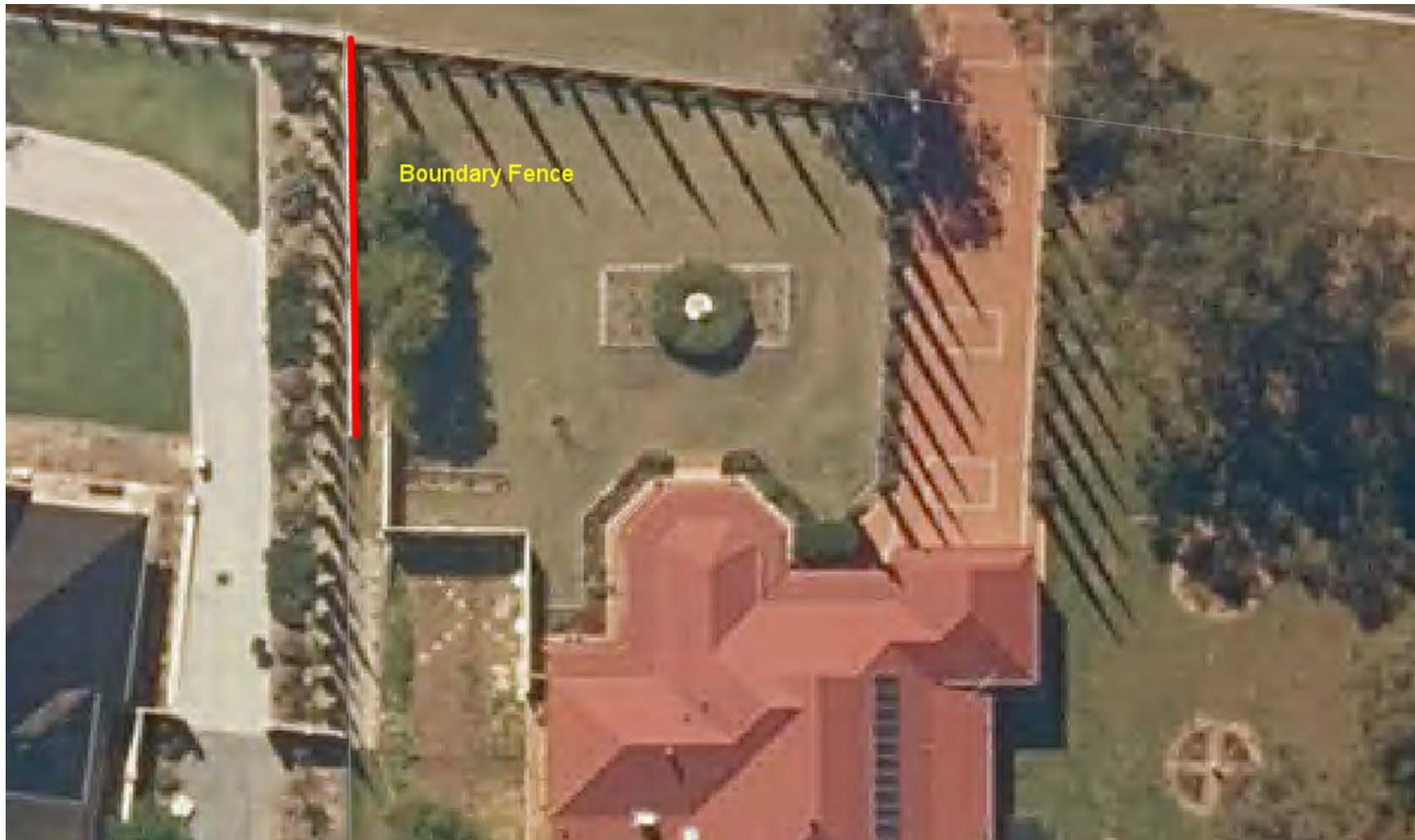
Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**Attachment 1**

Boundary Fence – Lots (3) 45 and 5 (25) Ravenswood Road, Maida Vale

**Site Plan**





## **Attachment 2**

Boundary fence –Lots 3 (45) and 5 (25) Ravenswood Road, Maida Vale  
**Fence viewed from Lot 3 Ravenswood Road (four plates)**









### **Attachment 3**

Boundary fence –Lots 3 (45) and 5 (25) Ravenswood Road, Maida Vale  
**Fence viewed from Lot 5 Ravenswood Road (two plates)**



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

**19. Kalamunda Road Duplication Project - Fernan Road to Abernethy Road – Withdrawal of Metropolitan Regional Road Group Improvement Project (MRRG)**

Previous Items	OCM 140/2014
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	EG-RDM-014
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To advise Council of the need to withdraw the Kalamunda Road Duplication Project - Fernan Road to Abernethy Road Project from the 2014/2015 MRRG Road Improvement Program.
2. To approve the return of MRRG grants paid in advance by Main Roads WA in accordance with the MRRG Policies and Procedures Guidelines.

**BACKGROUND**

3. In 2011/12 Council approved an application to the MRRG for funds from the 2012/2013 program for the duplication of Kalamunda Road from Fernan Road Abernethy Road.
4. The MRRG grant program allows local authorities to receive 40% of the grant up-front and in 2012/13 the Shire received \$666,666 from the MRRG for this project. The \$666,666 was accounted as grants revenue in 2012/13 financial and shown in the year end general surplus balance. The total cost of the project was estimated at \$2.5 million at that time.
5. In 2013/14 an amount of \$9,330 was expended on design and documentation by an engineering consultant.
6. As of 28 February 2015 an amount of \$184,519 has been expended and/or committed in 2014/2015 for the design and documentation, contract administration, services locations and design/documentation changes.
7. In working up the concept layout of the Kalamunda Road duplication, the following issues have arisen:
  - Land acquisition costs will need re-assessment based on the current market rates.
  - Service relocation costs can only be confirmed with a detail design for the service authorities to assess.
8. There are insufficient funds in the budget to purchase land, undertake significant service relocations and construct the dual carriageway in accordance with the scope of works included in the 2011/2012 submission.

- 
9. The Shire has also exceeded the timeframes outlined in the MRRG Policies and Procedures Guidelines for the completion of this project.
10. Council considered a report at its meeting on 22 September 2014 on the Design of Kalamunda Road Duplication from Newburn Road to Abernethy Road – 2014/15 Budget Amendment (Item OCM 14/2014 refers) and resolved in part as follows:
1. Authorises the scope of design to extend from Fernan Street to the intersection of Kalamunda Road and Newburn Road.
  2. Pursuant to section 6.8 (1) (b) of the *Local Government Act 1995*, approves an amendment to the 2014/15 Budget to facilitate reallocation of municipal funds by transferring:
    - \$190,802 from the Welshpool Road, Perth Bike Network Project; and
    - \$31,420 from the general surplus,to the Kalamunda Road Duplication Project to cover the local authority Metropolitan Regional Road Group project share of the design costs in 2014/15 as part of the quarterly review.
11. At the MRRG Elected Members Meeting on 11 December 2014 it was recorded as follows:
- “MRWA to advise the Shire of Kalamunda that Kalamunda Road/Abernethy Road will be withdrawn from the 2014/2015 Road Improvement Program with the funds returned to reallocation, minus documented costs incurred against design work based on the  $\frac{2}{3}$  State Contribution provided.”*

## DETAILS

12. Extensions of scope or time frame for MRRG funded projects requires negotiation and agreement with MRRG. This was not approved for the Kalamunda Road Dual Carriageway Project.
13. The new project staging is proposed to be:
1. Undertake detailed design work including location of services within the design area.
  2. Identify any land acquisitions and land tenure issues.
  3. Quantify and estimate the cost of service relocation and land requirements.
  4. Seek grants or other funding for land acquisitions and undertake the land acquisitions in advance of construction.
  5. Submit a new application for MRRG Road Improvement Project funding when all land is acquired, service relocation adjustments are quantified, detailed design and documentation is finalised and a revised project cost estimate is prepared.

14. The Shire has expended and committed funds for the detailed design and utility service locations as follows:

Design contract value	\$114,370
Service location	\$41,535
Design/Administration Charges	\$37,943
<b>Total</b>	<b>\$193,849</b>

MRRG grant funded projects require the local authority to contribute one third of expenditure so the Shire portion of the above would be \$64,616.

15. The above detailed design cost covers an extended scope from Fernan Road to Newburn Road roundabout as per the Council resolution OCM 140/2014.
16. The Shire has received \$666,666 as the 40% MRRG upfront payment and needs to return \$537,433 to Main Roads WA in accordance with the resolution of the MRRG Elected Members Meeting and derived as follows:

Total Estimated Cost	\$193,849
<sup>1</sup> / <sub>3</sub> Council Cost	\$ 64,616
<sup>2</sup> / <sub>3</sub> MRRG Cost	<u>\$129,233</u>
Refund to MRRG	\$666,666 - \$129,233 = <b>\$537,433</b>

## STATUTORY AND LEGAL CONSIDERATIONS

17. The Shire has accepted \$666,666 from the MRRG for this project. As this project is to be withdrawn from the 2014/2015 MRRG Road Improvement Project Program these grant funds need to be returned, minus documented costs incurred against design work based on the <sup>2</sup>/<sub>3</sub> State Contribution provided.

## POLICY CONSIDERATIONS

18. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

19. Public consultation will be required as the detailed design develops.

## FINANCIAL CONSIDERATIONS

20. The cost of undertaking the design and service location work for the duplication of Kalamunda Road from Newburn Road to Abernethy Road is \$193,849, including overheads. There may be other future costs associated with the design such as specialist advice on land acquisition, legal matters or cost estimates that are yet unknown. There may be redesign costs following the public consultation and these will need to be funded by the Shire.
21. The withdrawal of the funds has no impact on the Shire's cash ratio as the funds have been reflected as restricted funds since 2012/13 in the financial statements. The asset ratios will also not be affected as the project was identified as new asset construction which is excluded when calculating asset ratios.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.7 – To ensure the selection, maintenance, inspection, renewal and disposal of all categories of assets within the Shire are managed efficiently.

Strategy 4.7.1      Maintain, refurbish or upgrade existing infrastructure, including public buildings, parks, reserves, local roads, footpaths, cycle ways, verges and drainage networks to encourage increased utilisation and extension of asset life.

OBJECTIVE 6.8 - To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 6.8.3      Access maximum levels of grant funding available through government and non-government sources.

Strategy 6.8.4      Provide effective financial services to support the Shire's operations and to meet sustainability planning, reporting and accountability requirements.

## SUSTAINABILITY

### Social Implications

23.      The duplication of Kalamunda Road from Roe Highway to Abernethy Road has been identified as a critical improvement of the road network, to improve accessibility and ease congestion.
24.      The duplication of Kalamunda Road is also linked to the long term vision for the road network which includes grade separation of the intersection of Roe Highway and Kalamunda Road. The Metropolitan Regional Scheme (MRS) identifies Kalamunda Road as a four lane road reserve width.
25.      The duplication of Kalamunda Road from Newburn Road to Abernethy Road will improve accessibility for the residential areas in High Wycombe, through the improvement of several intersections where community concern about vehicle and pedestrian safety has been raised, including:
- Kalamunda Road at Foxton Boulevard.
  - Kalamunda Road at Stirling Crescent.
  - The entry to the Hillview Lifestyle Village.

### Economic Implications

26.      The duplication of Kalamunda Road between Newburn Road and Abernethy Road is one stage in the duplication of this section of road between Roe Highway and Abernethy Road. This has been identified as a key part of the road network and improvements will allow more efficient transport in this area.

27. These improvements have been shown to have direct and indirect economic benefits including:

1. Reduction in transport costs.
2. Reduction in commuting time.
3. Improved amenity.

### Environmental Implications

28. Nil.

### RISK MANAGEMENT CONSIDERATIONS

29.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Costs of land acquisition and service relocation costs could be higher than estimated which may reduce the opportunity for MRRG funds from a future program	Likely	Major	High	<ul style="list-style-type: none"><li>• Obtain valuations from reputable valuer and initiate discussions with affected landowners to obtain a better estimate of costs;</li><li>• Request Utility companies to commence initial design works and provide an estimate on costs</li><li>• Investigate funds from other sources for this road project.</li></ul>
Costs exceed allocated budget	Possible	Major	High	<ul style="list-style-type: none"><li>• Close monitoring of the project costs through weekly engineering report.</li></ul>

### OFFICER COMMENT

30. Recent preliminary design work has identified that extending the scope of the project to include the intersection of Kalamunda Road and Newburn Road would be appropriate to address the traffic and pedestrian safety issues that have to be considered. The extension of scope will be incorporated into a future application for MRRG Road Improvement Project funding when all land widening is made available for this project and all service relocations/adjustments are quantified.
31. The original submission for grant funding in 2012/13 did not take into account the costs and associated time frames for the provision of road widening and service adjustment for this project.

*A Councillor noted that the Shire did not have the funds and therefore the government were not prepared to support this but asked since this area has the biggest traffic problem in the entire Shire were there any options open to Council.*

*The Director Infrastructure Services confirmed that these funds must be returned, however consultants have been commissioned to carry out the design and documentation and this will continue and hopefully be complete by the end of this financial year. This will enable the Shire to prepare some land requirement drawings and then the Shire can start the process of acquiring the land or have the land ceded as part of the development; this is not a short term process but the Shire will be in a better position to put in an application for funding at a later date, however at this stage that would be premature.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 19/2015)**

That Council:

1. Notes the advice from Main Roads WA that the Kalamunda Road/Abernethy Road will be withdrawn from the 2014/2015 Road Improvement Program with the funds returned to reallocation, minus documented costs incurred against design work on the  $\frac{2}{3}$  State Contribution of \$666,666 previously provided to the Shire of Kalamunda.
2. Returns to Main Roads WA an amount of \$537,433 being the grant contribution of \$666,666 less two thirds of the design cost of \$129,233.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**



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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr John Giardina –Underground Power in Kalamunda

- Q. I asked for an update on the underground power in Kalamunda why have I not had a response?
- A. Director Infrastructure Services noted that following this question at the Ordinary Council Meeting a copy of Western Power's report was included in the Chief Executive Officer's Friday Bulletin to Councillors. The Chief Executive Officer indicated this would be sent again to Councillors.

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

12.1 Cr Noreen Townsend – Chalet Rigi Update

- Q. Could a Council Report please be submitted on the Chalet Rigi development?
- A. The Chief Executive Officer responded that a memo would be circulated to Councillors. This was circulated on 2 April 2015

12.2 Cr Frank Lindsey – Free Waste Drop Off – Sunday 8 March 2015

- Q. Are the figures available regarding the free drop off day held at the Transfer Station this Sunday?
- A. The free drop off day figures are provided below, including waste figures taken at Pioneer Park as well as the Transfer Station.

Type of Waste	Walliston Transfer Station	Pioneer Park, Forrestfield
Green	40 tonnes	17.6 tonnes
Hard	6.5 tonnes	5.6 tonnes
Asbestos	7 tonnes	4.85 tonnes
Number of Mattresses	57	58

In addition to the above a combined total of 26 tonnes of steel/metal was also received at these locations.

**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 7.36pm

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