

# Development & Infrastructure Services Committee Meeting

Minutes for Monday 14 November 2016

**UNCONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Deputy Presiding Member opened the meeting at 6.40pm, and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

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

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Natalie Martin Goode	Director Development Services
Dennis Blair	Director Asset Services
Gary Ticehurst	Director Corporate & Community Services
Darrell Forrest	Manager Governance, Strategy & Legal Services
Andrew Fowler-Tutt	Manager Approval Services
Peter Varelis	Manager Strategic Planning
Carrie Parsons	Manager Customer & Public Relations
Nicole O'Neill	Public Relations Coordinator
Sara Slavin	Council Support Officer

**Members of the Public** 26

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Tracy Destree	North Ward
Simon Di Rosso	(Presiding Member) North Ward

**Members of Staff** Nil.

**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 Mr Sam Collura – 190 Stanhope Road, Bickley (will be living at the property within one month).

Q1. In the Shire recommending this application, has there been a study on how it is going to affect local fauna?

A1. The Director Development Services responded that there has been no studies nor is there any requirement to do such a study.

Q2. If this recommendation is accepted by Council can I rely on the same recommendation applying to me in a years' time if I say I want to start a Piggery in that area?

A2. The Director Development Services responded that a Piggery is not the same use class as the subject application, also each location has very different characteristics so each application is considered on its merits.

#### 3.2 Monina Magallanes – 250 Stanhope Road, Walliston

Q. Gladstone Road is often used for recreation and exercise purposes by many residents including kids using their bikes and couples and families with strollers. This property backs onto Stanhope Road, barking dogs could be a concern for those people using the area or walking other pets nearby. Have you consulted with the users of this Road on this proposal?

A. The Director Development Services responded the manner in which the application was advertised was in two ways, by consulting the adjoining neighbours and also a sign on site. So in terms of people who were road users hopefully they would have seen the sign on site, that is the purposes of having a sign. Also anyone who was generally in the area hopefully would have seen the sign on site.

3.3 Michael Couplan – 178 Stanhope Road, Walliston

- Q. I live 400m from the driveway of the proposal, I did see the sign on site however I received no correspondence or information at all from the Shire. Even after I put in a submission for my reasons not wanting the Kennels I have not had any feedback, not even an acknowledgement or receipt of my submission it was done via the internet. Everything I found out about the kennels was from my neighbours. Why wasn't I consulted regarding the proposal?
- A. The Director Development Services advised the Shire advertises scheme amendments in accordance with our planning policy which is also based on state planning regulations, so there was no requirement to send personal letters to people other than the adjoining.
- Q. It has been proposed for 10 dogs now, however can the amount of dogs be increased in the future?
- A. The Director Development Services responded the recommendation in the papers today is to put a limit on 10. Assuming the scheme amendment goes through they would need to do a brand-new scheme amendment and go through the same process that it has been through tonight in order for them to increase that to more than 10.

3.4 Garfield Woods – 13 Alexander Close, Lesmurdie

- Q. As a resident in the Shire of Kalamunda are my rights equal to my neighbour's rights?
- A. The Director Development Services sought clarity that this was in relation to the planning application before responding. If an objection is received of course they are given due regard in terms of the validity of an objection in relation to an owners rights to put in a planning application they are weighed up against the provisions of the Town Planning Scheme and the R-codes.
- Q. Under the design principles, when it comes to construction are each of the principles weighted equally or does one have precedents over another?
- A. The Director Development Services responded that they are weighted equally in terms that they all must be satisfied but of course some will have more applicability than others depending on the situation and we will need to make a judgement on what our opinion is in relation to each of those design principles.

- Q. Under the building code is there a maximum wall height for an outbuilding?
- A. The Director Development Services responded the Building Code of Australia (BCA) doesn't have a maximum wall height it deals with structural elements, for instance whether something is appropriate under the BCA will depend on its footings or its structural beams so it is very different to the R-codes and what we are considering tonight is not something where the BCA is relevant it's the R-codes and planning policy that are relevant under matters that are considered under this particular Committee.
- Q. Does reasonableness of the size of the structure and its impact enter into the equation?
- A. The Director Development Services responded that reasonableness is a relevant planning consideration specifically as it relates to design principles of the R-codes and the Town Planning Scheme so there are general tests of reasonableness in both of those documents they will be worded very specifically in each situation so for instance a test of reasonableness might be whether it has an impact on the amenity of the locality.

3.5 Mr David Kelly – 17 Ashby Close, Forrestfield

- Q. In the costings it is stated that 8,337m<sup>2</sup> have been acquired with the remaining 20,707m<sup>2</sup> requiring acquisition this totalling 29,044m<sup>2</sup>. Could I have an explanation for this differential approximately 7,000m<sup>2</sup> with an effect on the DCA of 1.5million?
- A. The Manager Strategic Planning advised that the DCP at the moment is based on the best available information that we have before us the at the current time, there have been some reviews to road designs that have resulted in a need for additional land for truncations and other infrastructure items associated with the road. There has also been an extension of road 2A which does relate specifically to your land Mr Kelly and has resulted in an increase in land take. We are basing that land take on the best information that we currently have available before us which is an extension of road 2A and also some widening of truncations to cater for RAV7 vehicle movements.
- Q. The costs associated to Milner Road states that \$638,304 what does this entail? My understanding is that 95% of the cost was taken up by the PTA as it is a requirement for the rail station. We have been indicated that the actual costs would be around \$10,000 yet it states \$694,000 on the costings.
- A. The Manager Strategic Planning responded that the \$638,304 relates to Milner Road itself whereas if you look further through the DCP report clause 2.2.10 relates to Milner, Dundas and Berkshire intersection which is where 90% of the cost will be covered for by the PTA and 10% is attributed to the contribution plan.

3.6 Dorota Knedler – 244 Stanhope Road, Walliston

Q Is there a requirement to have a fence, if so what type of fence is required to go around the kennels?

A. Those type of details would be subject to the planning application that would be lodged if the scheme amendment is approved. What's before Council tonight in relation to the animal establishment is only the scheme amendment, it doesn't contain any details about buildings or fences that would be dealt with at planning application stage.

**4.0 PETITIONS/DEPUTATIONS**

4.1 Mr Tony Fowler – 10 Marie Way, Kalamunda (on behalf of NRPG)

A Deputation was received from Mr Fowler regarding item 59. Amendment No. 76 to Local Planning Scheme No. 3 (Final Adoption) – Additional Use (Animal Establishment) – Lot 201 (234) Stanhope Road, Walliston. Mr Fowler spoke against the proposal.

4.2 Mrs Dot Ginbey - Kalamunda 14 Marie Way, Kalamunda

A Deputation was received from Dot Ginbey regarding item 59. Amendment No. 76 to Local Planning Scheme No. 3 (Final Adoption) – Additional Use (Animal Establishment) – Lot 201 (234) Stanhope Road, Walliston. Mrs Ginbey spoke against the proposal.

**5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 10 October 2016, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr John Giardina**

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

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

6.1 Nil.

**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 Cr John Giardina disclosed a Impartiality Interest with regard to report 61. - Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove as he has family in the proximity.

8.2.2 Cr Michael Fernie a Impartiality Interest with regard to report 64. - Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie as he has a close family friend that is related to this item.

## **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.**

**58. Proclamation of Ramps and Paths – Roe Highway and Berkshire Road Intersection**

Previous Items	N/A
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	EG-RDM-029
Applicant	Main Roads WA
Owner	Various

Attachment 1 Letter from Main Roads WA and attached plans – 201621-0102-00 and 201621-0103-00

**PURPOSE**

1. To consider the proclamation of ramps and paths at the Roe Highway and Berkshire Road intersection in the Shire of Kalamunda.

**BACKGROUND**

2. Main Roads WA is in the process of gazetting the recently completed works undertaken at this intersection as part of the Gateway Project.
3. This gazettal process requires that Council endorse the plans as shown on Attachment 1 to enable the Commissioner of Main Roads WA to recommend the proclamation to the Hon. Minister of Transport.

**DETAILS**

4. The intersection of Roe Highway and Berkshire Road was upgraded to a grade separated intersection as part of the recently completed Gateway Project.
5. As a result of the work, new ramps and paths have been constructed linking Roe Highway and Berkshire Road.
6. Main Roads WA intends to gazette the new ramps and paths as State roads and paths.

**STATUTORY AND LEGAL CONSIDERATIONS**

7. The dedication is undertaken under section 13 of the Main Roads Act.

## **POLICY CONSIDERATIONS**

8. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

9. Nil

## **FINANCIAL CONSIDERATIONS**

10. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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

Strategy 4.1.6 Continue to work collaboratively with State government and agencies to deliver strategic land use plans, policies and initiatives.

## **SUSTAINABILITY**

### **Social Implications**

12. The proclamation of ramps and paths relates to the upgrade of Roe Highway and Berkshire Road intersection.
13. Prior to the upgrade, the intersection was classified as a blackspot with a number of accidents occurring annually, ranging from property damage to fatalities.
14. The recently upgraded intersection provides grade separation and improves road safety and congestion at this intersection.

### **Economic Implications**

15. Nil.

### **Environmental Implications**

16. Nil.

## RISK MANAGEMENT CONSIDERATIONS

17.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	The Proclamation Drawings are not endorsed.	Unlikely	Moderate	Low	An objection is lodged with the Commissioner of Main Roads.

## OFFICER COMMENT

18. If Council does not support the changes proposed, Council must lodge its objection with the Commissioner of Main Roads WA by no later than 30 November 2016.

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 58/2016)

That Council:

1. Endorses the proclamation drawings as shown in plans 201621-0102-00 and 201621-0103-00 (Attachment 1).
2. Authorises the Chief Executive Officer to endorse a duplicate set of the proclamation drawings as shown in plans 201621-0102-00 and 201621-0103-00 (Attachment 1) and forward to Main Roads WA quoting the resolution number and date of the meeting.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

**Attachment 1**

Proclamation of Ramps and Paths - Roe Highway and Berkshire Road Intersection

**Letter from Main Roads WA and attached plans - 201621-0102-00 and 201621-0103-00**



Enquiries: Ron Tolliday on 9323 4473  
Our Ref: 16/7132 D16#583780  
Your Ref:

29 September 2016

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

Dear Mrs Hardy

**Proclamation of Ramps and Paths – Roe Highway and Berkshire Road Intersection.**

In 2016 the upgraded intersection at Roe Highway and Berkshire Road was opened. Proclamation of the new ramps and paths as State Roads and paths is required. These actions require the gazetting of the relevant sections of the road.

In accordance with Section 13 of the Main Roads Act, the Commissioner of Main Roads intends to make a recommendation to the Hon. Minister of Transport to proclaim the road shown on Drawings 201621-0102-00 and 201621-0103-00 as a 'main road'. Footpaths will be excluded from the proclamation. Such paths, if any, will therefore be the responsibility of your Council.

Before making the recommendation to the Minister, the Commissioner requires endorsement by Council of the enclosed proclamation drawings, in duplicate. Endorsement by the Chief Executive Officer without council resolution is acceptable provided delegated authority has been given.

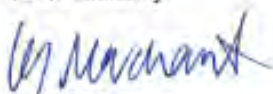
Subject to Council's agreement, will you please endorse the drawings with details of the Council's resolution number and date of meeting in support of the proposal and return *one original signed set* to Main Roads East Perth Office, marked for the attention of the Road Classification Manager, Ron Tolliday. The other set should be retained as the Council's interim record, pending formal proclamation. Following proclamation, a copy of the final drawings showing gazettal details will be sent to Council for its records.

In the event that Council does not support the changes, Section 13A (2) of the Main Roads Act makes the provision for Council to lodge an objection with the Commissioner of Main Roads. Any objection needs to be lodged with Main Roads by 30 November 2016.

If you require any further information regarding the proclamation action, please contact Ron Tolliday on (08) 9323 4473. Any enquiries relating to management of the road and delineation of responsibility between Main Roads and your Council should be addressed to our Director Metropolitan Operations, in our Victoria Park office on 138 138.

I await receipt of Council's response.

Yours sincerely



Doug Morgan  
**EXECUTIVE DIRECTOR  
PLANNING AND TECHNICAL SERVICES**

LES MARCHANT  
A/EDPTS

Main Roads Western Australia  
For: Atterly Centre, Waterloo Crescent East Perth WA 6001  
PO Box 6202, East Perth WA 6002

mainroads.wa.gov.au  
enquiries@mainroads.wa.gov.au  
138 138

**AMENDMENTS**

**PROCLAMATION LEGEND**

**EXISTING PROCLAIMED ROUTE**

**H006** Highway  
(\* Road Name)

**M042** Main Road  
(\* Road Name)

**SECTION TO BE DE-PROCLAIMED**

~~**H002**~~ ~~**M012**~~

**SECTION TO BE PROCLAIMED**

**H006** Highway

**M042** Main Road

\* Landgate approved local usage name

**P018** Main Roads Controlled Path

Controlled paths (shared, pedestrian or bicycle) depicted on this drawing are those for which Main Roads Western Australia has responsibility.

Paths, shared, pedestrian or bicycle, the responsibility of other entities are not shown.

**SHIRE OF KALAMUNDA**

**NOTES:**

Roads and/or paths are represented by centerlines which are a notional reference line that generates and approximates the centre of the pavement extent.

Ramp intersections are shown schematically. The point at which the lines meet represents the end of the median which separates the converging or diverging carriageways.

Slip lanes where ramps intersect other roads are not shown.

This is to certify that Council endorses the proposal shown on this plan.

Council Resolution: ..... of

Council Meeting Held On: .....

**OR UNDER DELEGATED AUTHORITY**

Chief Executive Officer

Date: .....

Gazette: .....

Page No: .....

COPY OF ORIGINAL ISSUED: ..... @ Page 14

DEVELOPMENT APPROVED DATE: .....

**PROCLAMATION PLAN**

Deployed Roads:

**SHIRE OF KALAMUNDA**

SHIRE OF KALAMUNDA - LG No. 102

Planning and Technical Services Directorate

**BASE MAP LEGEND**

Town Site Area And Boundary

Local Government Area And Boundary

Cadastral

Local Road

Signature: *[Signature]*

Position: *N.P.D.*

Date: *29/9/2016*

Signature: *[Signature]*

Position: *A/EDPTG*

Date: *29 Sep 16*

0 1 2 4 6 8 10

Kilometres

**PROCLAMATION PLAN**

Deployed Roads:

**SHIRE OF KALAMUNDA**

SHIRE OF KALAMUNDA - LG No. 102

Planning and Technical Services Directorate

**PROCLAMATION PLAN**

Deployed Roads:

**SHIRE OF KALAMUNDA**

SHIRE OF KALAMUNDA - LG No. 102

Planning and Technical Services Directorate

**MAIN ROADS WESTERN AUSTRALIA**

DWG TYPE: 20-00

DATE: 15/7/12

PROCLAMATION: 201621-0102-00

**AMENDMENTS**

**PROCLAMATION LEGEND**

**EXISTING PROCLAIMED ROUTE**

**H006** Highway  
(<sup>a</sup> Road Name)

**M042** Main Road  
(<sup>a</sup> Road Name)

**SECTION TO BE DE-PROCLAIMED**

~~**H002**~~ ~~**M012**~~

**SECTION TO BE PROCLAIMED**

**H006** Highway  
(<sup>a</sup> Road Name)

**M042** Main Road  
(<sup>a</sup> Road Name)

<sup>a</sup> Landgate approved local usage name.

**P018** Main Roads Controlled Path

Controlled paths (shared, pedestrian or bicycle) depicted on this drawing are those for which Main Roads Western Australia has responsibility.

Paths: shared, pedestrian or bicycle, the responsibility of other entities are not shown.

**SHIRE OF KALAMUNDA**

**SHIRE OF KALAMUNDA**

**BASE MAP LEGEND**

- Local Government Boundary
- Town Site Area And Boundary
- Cadastre
- Local Road

NOTE: FOR DETAILS OF TOWNSHIPS - REFER TO TOWNSHIP DRAWINGS

This is to certify that Council endorses the proposal shown on this plan.

Council Resolution: ..... of

Council Meeting Held On: .....

**OR UNDER DELEGATED AUTHORITY**

Chief Executive Officer: .....

Date: .....

Gazette: .....

Page No: .....

DATE OF ORIGINAL ISSUE: 21 Sep 16

CHANGING/REPLACING DATE: .....

<p>Signature: <i>[Signature]</i></p> <p>Position: <i>NPM</i></p> <p>Date: <i>29/9/2016</i></p>	<p>Signature: <i>[Signature]</i></p> <p>Position: <i>A/EOPTS</i></p> <p>Date: <i>29 sep 16</i></p>	<p>0 100 200 300</p> <p>Metres</p>	<p><b>PROCLAMATION PLAN</b></p> <p>Sealed Roads</p> <p>Proclaim Ramps H275, H276, H277, H278 Roa Hwy,</p> <p>Proclaim Main Roads Controlled Paths P018</p> <p>SHIRE OF KALAMUNDA - LG No. 102</p>	<p><b>MAIN ROADS WESTERN AUSTRALIA</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">DRAWN BY: 20/08</td> <td style="width: 33%;">CHECKED BY: 16/7/12</td> <td style="width: 33%;">DATE: 201621-0103-00</td> </tr> </table>	DRAWN BY: 20/08	CHECKED BY: 16/7/12	DATE: 201621-0103-00
DRAWN BY: 20/08	CHECKED BY: 16/7/12	DATE: 201621-0103-00					

SHEET 1 of 1

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

**59. Amendment No. 76 to Local Planning Scheme No. 3 (Final Adoption) – Additional Use (Animal Establishment) – Lot 201 (234) Stanhope Road, Walliston**

Previous Items	OCM 20/2015
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PG-LPS-003/076
Applicant	Sandra Baudach
Owner	Mr & S Baudach
Attachment 1	Indicative Floor Plan
Attachment 2	Submissions Table

**PURPOSE**

1. To consider the final adoption of Scheme amendment 76 to Local Planning Scheme No. 3 (the Scheme) to include the Additional Use of Animal Establishment at Lot 201 (234) Stanhope Road, Walliston.

**BACKGROUND**

2. At its Ordinary Council Meeting of 11 May 2015 Council resolved to initiate Amendment No. 76 of the Scheme.
3. **Land Details:**

Land Area	15267.000m <sup>2</sup> / 1.52670ha
Local Planning Scheme Zone	Special rural
Metropolitan Regional Scheme Zone	Rural
Bushfire Prone Area	Bushfire Hazard Mapping shows over half the site is considered an "extreme" risk area.
Public Drinking Water Source Area	The application was referred to the Department of Water as the subject site falls within a Priority 2 Public Drinking Water Source Area (PDWSA) within the Helena Pipe Head Catchment.



## Locality Plan

4.



## DETAILS

5.

The subject site:

- Has a site area of 1.52670 ha which is consistent with surrounding lots;
- Is improved by a single house, greenhouse structures, outbuildings and mature vegetation throughout;
- Has a dual street frontage, with a 73.8 metre frontage Stanhope Road and a 111.08 metre frontage to an unconstructed portion of Gladstone Road;
- Is identified to reside within a Bushfire Prone Area, with over half of the site identified as an "extreme" Bushfire Hazard Class; and
- Is identified to reside within a Priority 2 Public Drinking Water Source Area within the Helena Pipe Head Catchment.

6.

The surrounding local area is predominately:

- Directly surrounded by 'Special rural' zoned allotments;
- Located approximately 400 metres from the Walliston Industrial Area, zoned 'General industry';
- Located approximately 480 metres from the nearest residential zoned area, zoned 'Residential (R10)'; and
- Heavily vegetated, with many mature trees within the road reserve of Gladstone Road and Stanhope Road.

7.

The subject site is located between two Wildlife Corridors: conservation category and resource enhancement wetlands (as defined in the Local Biodiversity Strategy 2008); and the Lower Helena Pipe head Dam Catchment Area.



8. The Applicant seeks approval to have the use class of Animal Establishment included under Schedule 2 (Additional Uses) of the Scheme, pertaining to the subject lot.
9. In support of their proposal, the Applicant has lodged concept site and floor plans which indicates a five (5) room dog kennel (refer to Attachment 1).
10. The Applicant provides the following justification in support of the proposed amendment:

*"I would like to transform my passion into a job to offer people (with a dog) a much better alternative to kennels when they go on holidays.*

*We just moved to Kalamunda end of last year and brought a big property (3.7 acre) close to agriculture and industrial area. On this property there is currently 1.5 green houses, which haven't been used for a long time and we are currently planning to transform the property into a well looked after dog retreat.*

*I am planning to have 5 spacious rooms to offer accommodation with inside and outside areas, a huge inside playroom similar to doggie day-care providers plus a huge fenced outside area. With your approval we would like to take down the green houses which are falling apart and build a small dog retreat and instate proper fire breaks, which are impossible in certain areas at the moment due to the existing green houses. This would create a much nicer appearance.*

*Dogs require physical and mental stimulation to be balanced and happy. Just putting them into a kennel makes them frustrated, bored and scared, so that they bark all day. My aim is to provide a stimulating environment to a small amount of dogs to be able to spend adequate time with them and fill the needs of every individual dog.*

*At present there is no such business available in the hills area. Kalamunda provides quality before quantity, therefore I believe it would fit perfectly."*

## **STATUTORY AND LEGAL CONSIDERATIONS**

### **Planning and Development (Local Planning Scheme) Regulations 2015**

11. The *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) replaced the *Town Planning Regulations 1967* and associated Model Scheme Text. The Regulations introduced a new format that applies to Local Planning Schemes.
12. Part 9, Regulation 79 of the Regulations states that a Local Planning Scheme made prior to the Regulations having effect shall continue as if it were a Local Planning Scheme made under the Regulations.

13. In relation to the processing of Scheme amendments, the Regulations distinguish 'complex', 'standard', and 'basic' types of amendments with procedural requirements for each to streamline and simplify the amendment process, particularly in relation to advertising and processing timeframes.
14. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment' for the following reasons:
- a) The proposed Amendment is consistent with the objective identified in the Scheme;
  - b) The Amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
  - c) The Amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area.

### Local Planning Scheme No. 3

15. In accordance with the Scheme, the proposed additional use is defined as follows:
- "animal establishment** means premises used for the breeding, boarding, training for commercial purposes but does not include animal husbandry – intensive or veterinary centre"
16. Under Table 1 (Zoning Table) of the Scheme the use 'animal establishment' is listed as an 'X' (not permitted) use in the Special Rural zone.
17. Clause 4.2.2 (Objectives of the Zones – Rural Zones – Special Rural) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives of the Special Rural zone is as follows:
- *To enable smaller lot subdivision to provide for uses compatible with rural development.*
  - *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*
18. Should Council resolve to adopt the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. 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.
19. If the Amendment is approved by the Minister for Planning, the Applicant will be required to obtain planning consent for the development of 'animal establishment' on the subject land from the Shire prior to the use commencing.

## POLICY CONSIDERATIONS

### Water Quality Protection Note – Land Use Compatibility in Public Drinking Water Source Areas (June 2004)

20. The Department of Water's Water Quality Protection Note – *Land Use Compatibility in Public Drinking Water Source Areas* (Policy) provides advice on the acceptability of land uses and activities within specific areas.
21. The subject site falls within a Priority 2 Public Drinking Water Source Area (PDWSA) within the Helena Pipe Head Catchment. Due to this classification the proposed Scheme Amendment was referred to the Department of Water on 20 September 2016.
22. The Policy stipulates that a Priority 2 PDWSA is managed to ensure that there is no increased risk of water source contamination, and that these areas are to include low risk land development.
23. According to *Water Quality Protection Note 25: Land Use Compatibility Tables for Public Drinking Water Source Area (LUCT)*, the use of 'Animal establishment' is deemed to be "compatible with conditions" in a Priority 2 PDWSA, which denotes the following:  
  
*"Means the land use is likely to be accepted by DoE [now the Department of Water] as not likely to harm the drinking water source, (and is consistent with the management objectives of the priority classification) provided best environmental management practices are used. This may result in the application of 'specific conditions' (via the planning or environmental approval processes) that must be complied with to ensure the water quality objective of the priority area is maintained."*
24. The Department of Water (DoW) have provided in principle support for the proposed Amendment, subject to the following issues being addressed at the development application stage of the planning process:
  - An alternative wastewater treatment unit to be installed as the subject site is located within a Priority 2 public drinking water source area.
  - If the proponent seeks to compost the dog waste using worms, a waste management plan is required to be submitted to the DoW for approval addressing the following:
    - the number of dogs expected on the site at any one time;
    - the amount of dog waste to be produced;
    - how frequently the waste will be collected;
    - how the proposed system is intended to work; and
    - how the waste will be disposed of.

25. In the event that amendment is approved by the Minister for Planning, the applicant will be required to submit a development application for the animal establishment to the Shire for approval. As part of the advertising process, the DoW will be invited to provide comment to the proposal.

### **State Planning Policy 3.7 – Planning in Bushfire Prone Areas (Western Australian Planning Commission)**

26. The intent of State Planning Policy 3.7 (SPP 3.7) is identified in Part 2 of the policy as:

*"The intent of this policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure."*

27. The subject site is identified to reside within a Bushfire Prone Area, with over half of the site identified as an "extreme" Bushfire Hazard Class.
28. The requirements under SPP 3.7 apply in addition to the provisions or requirements of the Special Control Area relating to Bushfire Prone Areas under the Scheme.
29. If the amendment is approved by the Minister for Planning, upon seeking planning consent for the development of 'animal establishment', the Applicant will be required to undertake a Bushfire Attack Level Assessment ('BAL') and depending on the BAL rating a Bushfire Management Plan.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

30. The proposed amendment was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* (since superseded by the *Planning and Development (Local Planning Schemes) Regulations 2015*), which involved a local public notice in a paper circulating the District, comments being sought from nearby landowners and a sign being erected on the property.
31. During the advertising period a total of twenty (20) submissions were received, nineteen (19) of which were objections. Please refer to Attachment 2 for further information in this regard.
32. The principal concerns raised during the advertising period included the following:
- Negative acoustic impacts upon the surrounding local area.
  - Negative impact upon the future property values surrounding the subject site.
  - Concern surrounding the proposed use as "Animal Establishment" does not restrict the site to boarding only five (5) dogs, but also encompasses breeding, training or caring of animals – "it could be morphed into something different without any recourse or further consultation".

- It will set a precedent for “Animal Establishment” in the surrounding area.
- Environmental impact – the exercising of the dogs will threaten the fauna and flora – “trampling the native plants”.
- Conflicts with perceived ‘rural’ local amenity.

## **FINANCIAL CONSIDERATIONS**

33. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

34. *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**

35. There are currently limited speciality dog kennel services found in the Shire and the service may provide a social benefit to the local community.

### **Economic Implications**

36. If endorsed by Council, the additional use of Animal Establishment would facilitate a diversification of land uses and business types in the Shire.

### **Environmental Implications**

37. Any future development on the site as a consequence of the amendment would need to be cognisant of any environmental impacts upon the surrounding local area, in particular, noise and effluent disposal.
38. The subject site is located in a Priority 2 Public Drinking Water Source Area (PDWSA) within the Helena Pipe Head Catchment. The purpose of this Strategy, amongst other matters, is to provide a planning framework for land use decision-making that promotes water resources, and particular public drinking water source protection. For further information in this regard, please refer to sections 24-31 of this report.

## RISK MANAGEMENT CONSIDERATIONS

39.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposal may impact upon the amenity of adjoining residents.	Possible	Moderate	Medium	Ensure that matters relating to potential impacts that the use may have on the amenity of the area will be dealt with at the development application stage if the amendment is approved.

## OFFICER COMMENT

40. Historically, Council has approved Scheme Amendments for additional uses for 'Animal Establishment' at three (3) sites at: 95 Palmateer Drive, Bickley; 714 Welshpool Road, Wattle Grove; and 810 Welshpool Road, Wattle Grove. The aforementioned amendments occurred under previous versions of the Scheme, whereby 'Dog kennels' were identified as specific use class. However under the current Scheme, dog kennels are no longer an independent use class and rather, are included under the broader use class of 'Animal Establishment'.
41. The referenced Scheme amendments allowed for the operation of more traditional dog kennels, as distinct from the proposed 'boutique' style kennel operation, which did not include conditions limiting the number of dogs to be kennelled on the property as part of the amendment. The planning approvals however for these properties did limit the number of kennels to 40 which typically allow for a maximum of 2 dogs per kennel.
42. Schedule 1 (Dictionary of Defined Words and Expressions) of the Scheme defines animal establishment as:  
"animal establishment means premises used for the breeding, boarding, training for commercial purposes but does not include animal husbandry – intensive or veterinary centre"
43. In regards to the Scheme definition, the applicant is proposing a boutique style boarding of dogs only, and is not proposing to breed or train the dogs on the premises. Noting the concerns raised by residents to the proposal, the amendment can be conditioned such that the boarding of animals can only occur at the sites.

44. If the Amendment is approved, issues relating to the appearance and location of future buildings on the property, the hours of operation, the maximum number of people on the property at any one time and effluent disposal can be dealt with through appropriate conditions and the development application stage.
45. In addition to the maximum number of dogs to be kennelled on the property, the applicant is allowed to have a maximum of 2 dogs of her own on the property. The applicant has advised that she currently has a single dog on her property. The Shire has previously allowed the maximum number of dogs to be increased to 4, where there is no objection from the adjoining landowners. Noting resident concerns regarding potential noise issues, Council could give consideration to reducing the proposed number of dogs permitted on the premises to allow for the maximum number dogs the applicant can keep as pets on the property.
46. By virtue of the location and characteristics of the site, including the relatively large land areas of the subject site and surrounding lots, proximity to the Walliston industrial area and distance from residential areas, it is considered unlikely that the use of Animal Establishment will significantly detract from the amenity of the area.
47. It is considered that the use could be appropriately managed subject to conditions included through the scheme amendment and future development approval process to mitigate undue impacts on the amenity of surrounding properties.
48. In regard to the concerns raised during advertising, the following is noted:

**a) Negative acoustic impacts upon the surrounding local area.**

If the amendment is approved, issues relating to potential noise impacts associated with the keeping of the dogs will be controlled through the *Dog Act 1976*. Measures to mitigate noise impacts, such as landscape screening can be considered and implemented at the development application stage of the planning process.

**b) Negative impact upon the future property values surrounding the subject site.**

This is not considered to be a relevant planning consideration.

**c) Concern surrounding the proposed use as “Animal Establishment” as it does not restrict the site to boarding only five dogs, but also encompasses breeding, training or caring of animals.**

The Shire must assess the Amendment based upon the information provided by the applicant. In this regard, the applicant is proposing a maximum number of 10 dogs to be boarded on site. If the Amendment is approved, issues relating to the intensification of the use on site can be controlled through the inclusion of appropriate conditions as part of the Scheme Amendment. In this regard it is proposed to include conditions which restricts the number of dogs to 10, and does not allow the breeding and training of the animals. If adopted, the Shire will ensure that the use of the property is monitored to determine compliance with Council's determination.

**d) It will set a precedent for Animal Establishment in the surrounding area.**

The proposed amendment is specific to the subject lot (234 Stanhope Road, Walliston). Accordingly, any further applications for 'Animal Establishment' in the surrounding area will be required to be assessed on its merits, independent of this approval.

**e) Conflicts with perceived 'rural' local amenity and is an inappropriate land use for zone.**

When making its determination Council will give due regard to Clause 4.2.2 (Objectives of the Zones – Rural Zones – Special Rural) and Clause 67 of the Regulations. Any potential impacts upon the local surrounding area would be mitigated at the development application phase to ensure that any potential impacts of the proposed use will be appropriately managed.

*Mary Collura-Oldman, Michael Coupland and Dorota Knedler spoke against the item.*

*Sandra and Marcus Baudach from 234 Stanhope Road, Walliston spoke in favour of the item and clarified queries raised from Cr Brooke O'Donnell, Cr Dylan O'Connor and Cr Andrew Waddell on the matter.*

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION (D&I 59/2016)**

That Council:

1. Notes the submissions received during the advertising of this application.
2. Adopts the amendment to Local Planning Scheme No. 3, in accordance with the following:

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



AMENDMENT NO. 76

Resolved that Council pursuant to Section 72 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Amending Schedule 2 (Additional Uses) by including the following provision:

No.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
52.	Lot 201 (234) Stanhope Road, Walliston	Animal Establishment	<p>The uses are not permitted unless approval is granted by the Local Government ("D").</p> <p>The animal establishment use is restricted as follows:</p> <ul style="list-style-type: none"><li>• A maximum of 10 dogs at any one time.</li><li>• No breeding or training of dogs to occur at the site.</li></ul>

3. Pursuant to Clause 53 of the *Planning and Development (Local Planning Scheme) Regulations 2015* the modified scheme amendment documents and public submissions are forwarded to the Western Australian Planning Commission for their consideration.

Moved:

Seconded:

Vote:

*Cr John Giardina moved procedural motion as there has been a lot of information come through this evening for consideration.*

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

That Council:

1. Defer the item to the November Ordinary Council Meeting.

Moved: **Cr John Giardina**

Seconded: **Cr Michael Fernie**

Vote: **LOST (0/10)**

*As the vote was Lost, Councillors then entered into debate.*

*Cr Dylan O'Connor asked what the process is if this scheme amendment does get approved?*

*The Director Development Services advised that if Council adopts this at the Ordinary Council Meeting, it has to go to the Department of Planning and the Minister of Planning to make a determination. Despite what the recommendation is, it must go to the Commission and that is normally a 12 month process from here for the Minister of Planning to make a decision. On the assumption that the Minister approves the amendment the applicant will then lodge a planning application which will be advertised again. In the instance that the Minister does not support the amendment then there can be no planning application.*

*The Officer Recommendation was not moved and seconded in the format included in the Agenda as Cr Andrew Waddell wished to make an amendment. The Director Development Service advised the amendment proposed was not possible. In view of this Cr Andrew Waddell moved the following motion.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 59/2016)**

That Council:

1. Opposes the amendment Local Planning Scheme No. 3 and requests the Chief Executive Officer to prepare an appropriate motion for the November Ordinary Council Meeting.

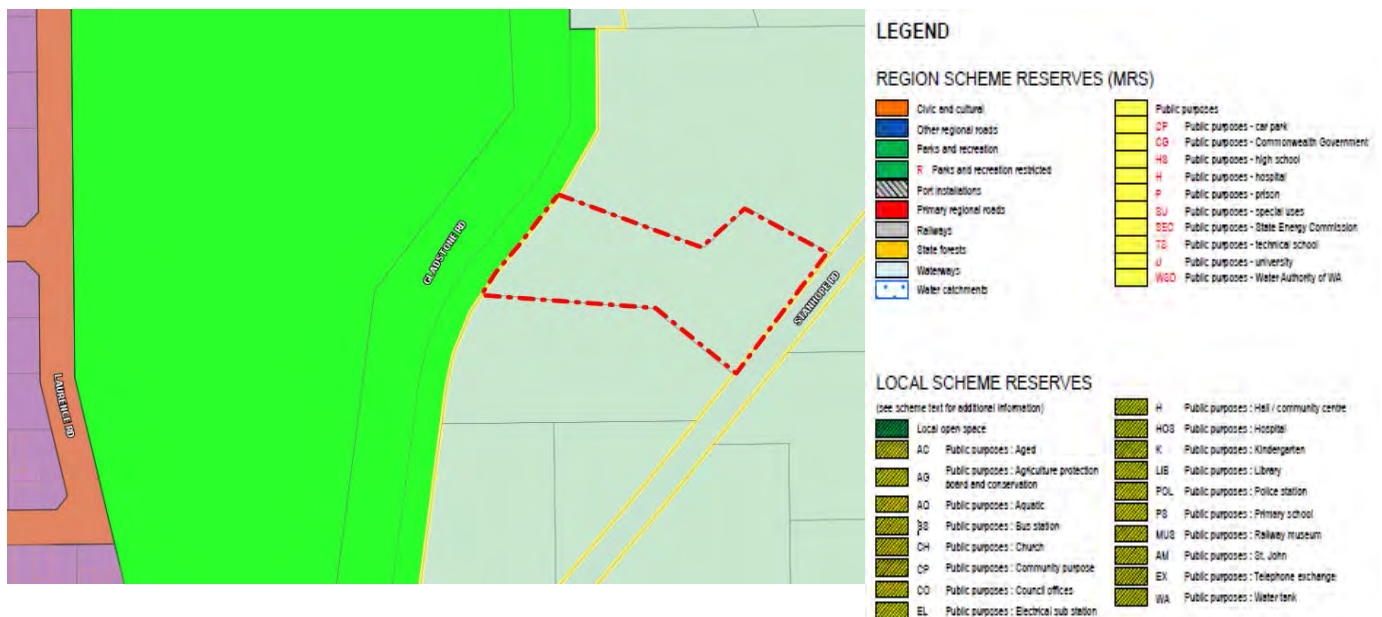
Moved: **Cr Andrew Waddell**

Seconded: **Cr John Giardina**

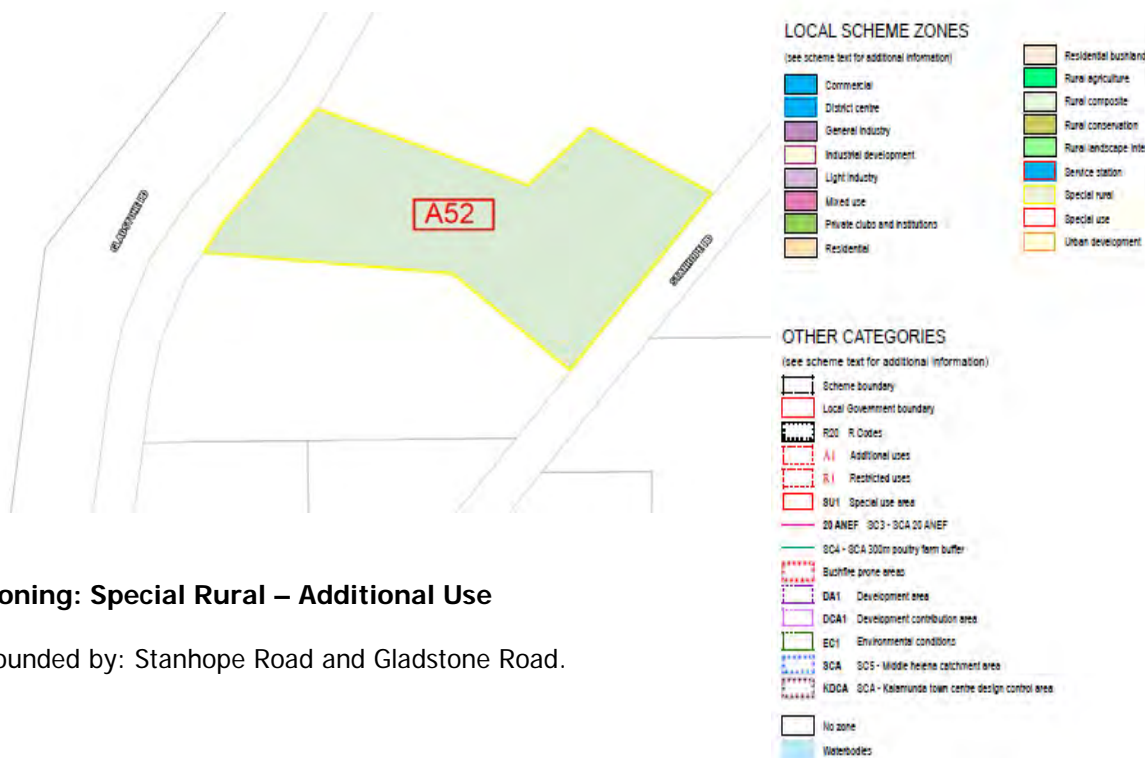
Vote: **CARRIED UNANIMOUSLY (10/0)**

*The Deputy Presiding Member thanked the members of the Gallery that were in attendance regarding this item and allowed them to leave the Gallery.*

## Shire of Kalamunda, Local Planning Scheme No. 3, Amendment No. 76



Existing Zoning: Special Rural



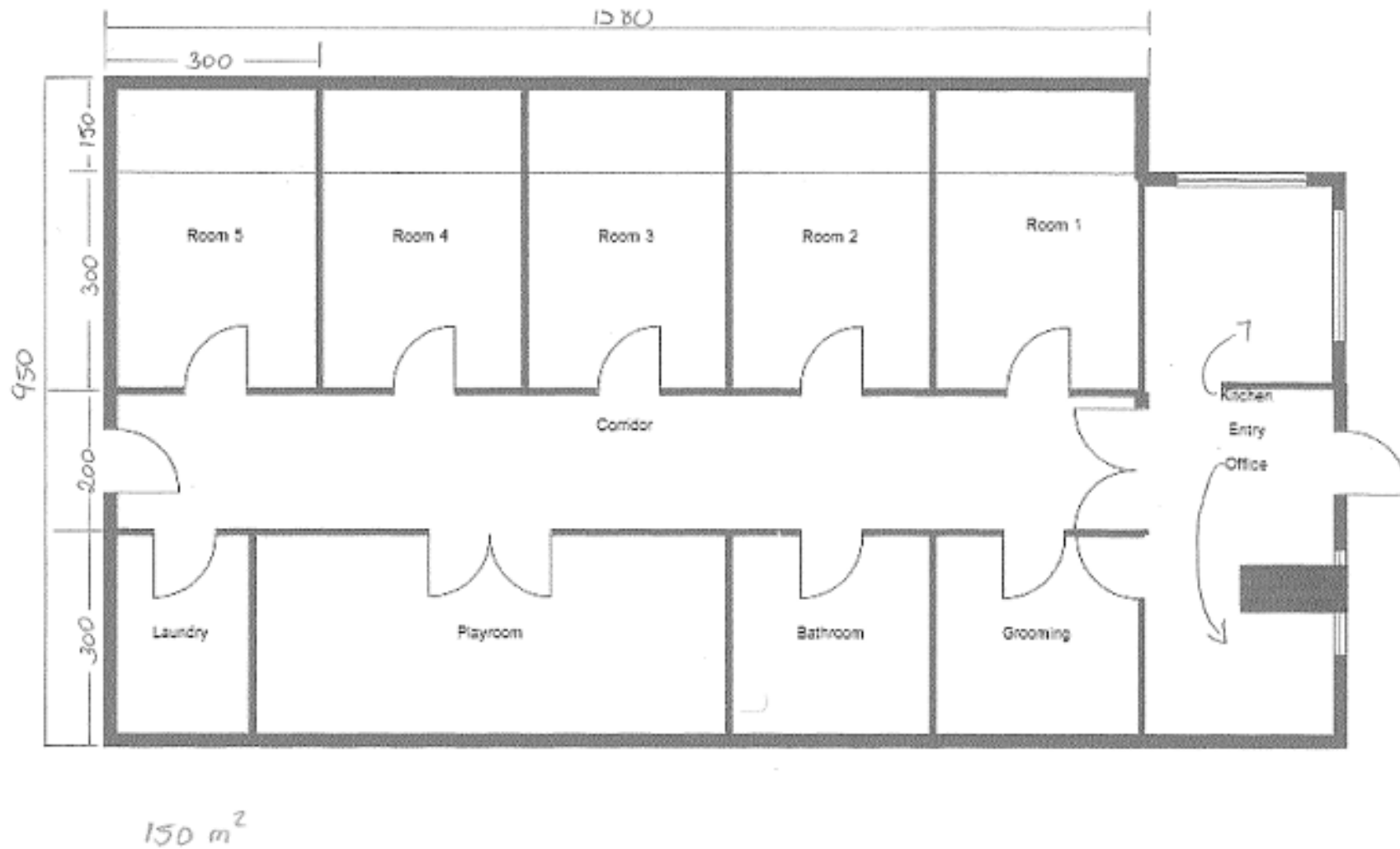
New Zoning: Special Rural – Additional Use

Land bounded by: Stanhope Road and Gladstone Road.

### Attachment 1

Amendment to Local Planning Scheme No. 3 – Additional Use (Animal Establishment) – Lot 201 (235) Stanhope Road, Walliston

### Indicative Floor Plan



## Attachment 2

Amendment to Local Planning Scheme No. 3 – Additional Use (Animal Establishment) – Lot 201 (235) Stanhope Road, Walliston

### Submissions Table

#### SUBMISSION TABLE

SUMMARY	TOTAL SUBMITTORS	SHIRE OF KALAMUNDA COMMENT
No objections.	1	Noted.
Site area is too small for the intended Use.	1	Noted.
Negative acoustic impacts upon the surrounding local area.	14	If the amendment is approved, issues relating to potential noise impacts associated with the keeping of the dogs will be controlled through the <i>Dog Act 1976</i> .
Negative impact upon the future property values surrounding the subject site.	6	This is not considering to be a relevant planning consideration.
Concern surrounding the proposed use as "Animal Establishment" does not restrict the site to boarding only five dogs, but also encompasses breeding, training or caring of animals – "it could be morphed into something different without any recourse or further consultation."	3	The Shire must assess the amendment based upon the information provided by the applicant. In this regard, the applicant is proposing a maximum number of 10 dogs to be boarded in the five kennels on site. If the amendment is approved, issues relating to the intensification of the use on site can be controlled through the inclusion of appropriate conditions and part of the scheme amendment. In this regard it is proposed to include conditions which restricts the number

		of dogs to 10, and does not allow the breeding and training of the animals. If adopted, the Shire will ensure that the use of the property is monitored to determine compliance with Council's determination.
It will set a precedent for Animal Establishment in the surrounding area.	3	The proposed amendment is specific to the subject lot (234 Stanhope Road, Walliston). Accordingly, any further applications for 'Animal establishment' in the surrounding area will be required to be assessed on its merits, independent of this approval.
Environmental impact – effluent/cleaning discharge from the kennels and grounds permeating the grounds and leaching toward the wetland/Jackson Gully area.	2	In the event the amendment is approved by the Minister for Planning, the Shire will seek further advice from the Department of Water in terms of measure to mitigate potential impacts resulting from effluent/cleaning discharge. These will be addressed at the development application stage of the planning process
Environmental impact – the exercising of the dogs will threaten the fauna and flora – "trampling the native plants".	7	The applicant will be able to exercise the dogs within the property. Outside the property however the applicant will have to adhere to rules in respect to the exercising of animals in local and regional reserves.
Due to insufficient time to seek advice on the proposal, currently object until such time that a balanced and considered opinion can be formed.	1	Noted.

The location of the subject property between two acknowledged Wildlife Corridors, its proximity to conservation category and resource enhancement wetlands (as defined in the Local Biodiversity Strategy 2008) and the Lower Helena Pipe head Dam Catchment Area, should preclude any such approval.	2	Refer to previous comments in respect to the exercising of animals outside of the premises.
Conflicts with perceived 'rural' local amenity and is an inappropriate land use for zone.	7	When making its determination Council will give due regard to Clause 4.2.2 (Objectives of the Zones – Rural Zones – Special Rural), Clause 10.2 (Matters to be Considered by Local Government) of the Scheme and Clause 67 of the Regulations. Any potential impacts upon the local surrounding area would be mitigated at the development application phase to ensure that any potential impacts of the proposed use will be appropriately managed.
Traffic impacts	2	Any potential traffic impacts will be mitigated with the Development Application. If the amendment is approved, issues relating to traffic will be dealt with at the development application stage.
Restricts future re-zoning of land	1	The proposed land use would not impact the potential re-zoning of land. In accordance with

		Part 4.10 (Discontinuance of Non-Confirming Use) of the Scheme, should the land be considered for re-zoning in the future the proposed Animal establishment would be considered a non-confirming use and should this operation cease for a period of more than six (6) months the land use approval would lapse.
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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**60. Amendment to Local Planning Scheme No. 3 – Advisory Committees**

Previous Items	OCM 09/2016
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/84
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To consider the final adoption of Scheme Amendment 84 to Local Planning Scheme No. 3 (the Scheme), to introduce provisions to create advisory committees, with the aim to establish a Design Advisory Committee (DAC).

**BACKGROUND**

2. At its Ordinary Council Meeting of 22 February 2016, Council resolved to initiate Amendment No. 84 of the Scheme.
3. The Shire of Kalamunda is attracting significant investment interest, with numerous major sites likely to be developed over the coming years.
4. The local community has an expectation that the Shire will have a high quality of design. The purpose of this amendment is to allow for independent design assessment to feed into the planning process, to give Council a greater level of advice and options when assessing the design elements of certain planning application.
5. The scheme amendment allows the acknowledgement of a DAC and allows for their input for Council's consideration when dealing with an application. The DAC would then be guided by policy with regard to what applications they would be assessing.
6. The process mirrors a successful design process instigated in the United Kingdom (UK) has been adopted in a number of Local Governments in Western Australia, where design is a key consideration of infill development.

**DETAILS**

7. The proposed Scheme amendment will give Council the ability to send items to the DAC to advise it on the assessment of design.
8. The DAC would be made up of people qualified and practicing in Architecture, Urban Design or Landscape Architecture and Mechanical Design. This will ensure that they are aware of contemporary design issues as well as ensuring that they can offer practical advice to applicants. It is proposed that a group of 4 persons with 4 alternates are selected, to give consistent advice.

9. The members are paid a sitting fee to compensate for their time to review the documents and attend the meetings. Nominations would be sought from the public and other local governments report strong interest due to the prestige of sitting on such committees.
10. Whilst the advice given to Council is not binding, it must be considered in the deliberations on certain matters.

## **STATUTORY AND LEGAL CONSIDERATIONS**

### ***Planning and Development (Local Planning Schemes) Regulations 2015***

11. The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) denotes this as a Standard Amendment type.
12. Under the Regulations, the proposed Scheme amendment is considered a 'standard amendment', for the following reasons:
  - i) The proposed amendment is consistent with the objectives identified in the Scheme;
  - ii) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
  - iii) The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area;
13. Should Council resolve to support the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. Notwithstanding the decision of Council, the proposal will ultimately be determined by the Minister for Planning.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

14. The *Planning and Development (Local Planning Schemes) Regulations 2015* establish the advertising procedure for amendments to Schemes. As the proposed amendment is considered a 'standard amendment', it was advertised for a period of 60 days concluding on 21 September 2016. Advertising included a notice placed in the local newspaper circulating in the scheme area on 12 July 2016, and details placed on the Shires website. No submissions were received in respect to the amendment.

## **FINANCIAL CONSIDERATIONS**

15. Any costs associated with the preparation of the amendment document and Local Planning Policy, and undertaking public advertising will be met through the Development Services budget.
16. There will be ongoing costs related to the sitting fees of the DAC. These fees can be set as part of the 2017/18 budget deliberations. There is also the opportunity to offset these costs by adopting a referral fee for applications referred to the DAC.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *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

18.      The amendment would allow for additional design review and advice.

### Economic Implications

19.      DAC can give greater certainty to developers, planning staff and the Council that proposals are of a high quality.

### Environmental Implications

20.      By having a wide ranging skill set, including landscape architecture and mechanical design, a DAC can provide applicants with practical suggestions on how to improve the sustainable efficiencies of their design.

## RISK MANAGEMENT CONSIDERATIONS

21.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Poor built form outcomes	Possible	Significant	High	The establishment of a DAC does not reduce Council's ability to determine an application, but simply provides further detailed advice.
Community concerns regarding DAC advice.	Possible	Significant	High	Ensure the DAC attracts well-credentialed professionals

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Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may not support the ongoing cost of maintaining a DAC	Unlikely	Insignificant	Low	Demonstrate that in order to attract current, well credentialed professionals, some compensation of their time will be required.

#### OFFICER COMMENT

22. DACs have been very effective in other local authorities at providing Council with clear and independent critique of the suitability of the design. These reviews are also held with considerable regard at the State Administrative Tribunal and the State Government's Development Assessment Panels.
23. Given the development of the Forrestfield North area, the Council will have numerous major design considerations, and the additional independent review of the design aspects of proposals will be valuable to the successful delivery of the project.
24. The success of such programmes has come largely from assessing development against the UK's Centre for Architecture and the Built Environment's (CABE) principles of good design. These are:
1. Character
  2. Continuity and Enclosure
  3. Quality of public Realm
  4. Ease of movement
  5. Legibility
  6. Adaptability
  7. Diversity
- These principles (or similar) would be incorporated into a design policy for assessment of applications, in addition to the adopted policies and provisions of the Local Planning Scheme.
25. If adopted, the Shire will commence the preparation of a policy document that will guide the types of applications and the matters considered by the DAC in greater detail.

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 60/2016)**

That Council:

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

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO. 3  
AMMENDMENT NO. 84

Resolved that Council pursuant to Section 72 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- a) Inserting the following new sub-clause 10.3 and renumbering the remaining clauses accordingly:

**10.3 Advisory Committees**

10.3.1 The Council may from time to time establish Advisory Committees to advise it on any matters in the Scheme subject to such terms of reference, procedures and conditions of office as it thinks fit.

10.3.2 An Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the Council have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.

10.3.3 In the event that a member of an Advisory Committee is also a Councillor, that member shall not discuss or vote on any matter before the Committee in which that member has pecuniary interest.

10.3.4 When dealing with any matter involving an application for Development Approval or when considering a Structure Plan or when dealing with any other matter involving a development proposal, the Council shall have due regard to any relevant recommendation of any Advisory Committee.

2. Pursuant to Clause 53 of the *Planning and Development (Local Planning Scheme) Regulations 2015* the scheme amendment documents and public submissions are forwarded to the Western Australian Planning Commission for their consideration.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

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

**Cr John Giardina declared an Interest Affecting Impartiality.**

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

**61. Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove**

Previous Items	OCM 43/2014
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	WL-10/831
Applicant	Milankov Designs and Project Management
Owner	St Peters Jacobite Syrian Church Perth Inc.
Attachment 1	Site Plan
Attachment 2	Floor Plan and Parking Layout
Attachment 3	Elevations
Attachment 4	Artist's Impression of Proposed Development
Attachment 5	Proposed Modifications to Welshpool Road East
Attachment 6	Arborists Report
Attachment 7	Submission Table

**PURPOSE**

1. To consider an application for the development of a Place of Worship on Lot 36 (831) Welshpool Road East, Wattle Grove.
2. The application is referred to Council for the following reasons:
  - A Place of Worship is an 'A' use under the Local Planning Scheme No. 3 (Scheme), which means the use is not permitted unless Council has granted planning approval after advertising the application;
  - Six (6) submissions have been received with one (1) non-objection, two (2) comments with no objection and three (3) objections to the proposal (Attachment 7).
  - The proposal requires modified access arrangements on Welshpool Road East, in accordance with the recommendations of Main Roads Western Australia (MRWA) for safety reasons.

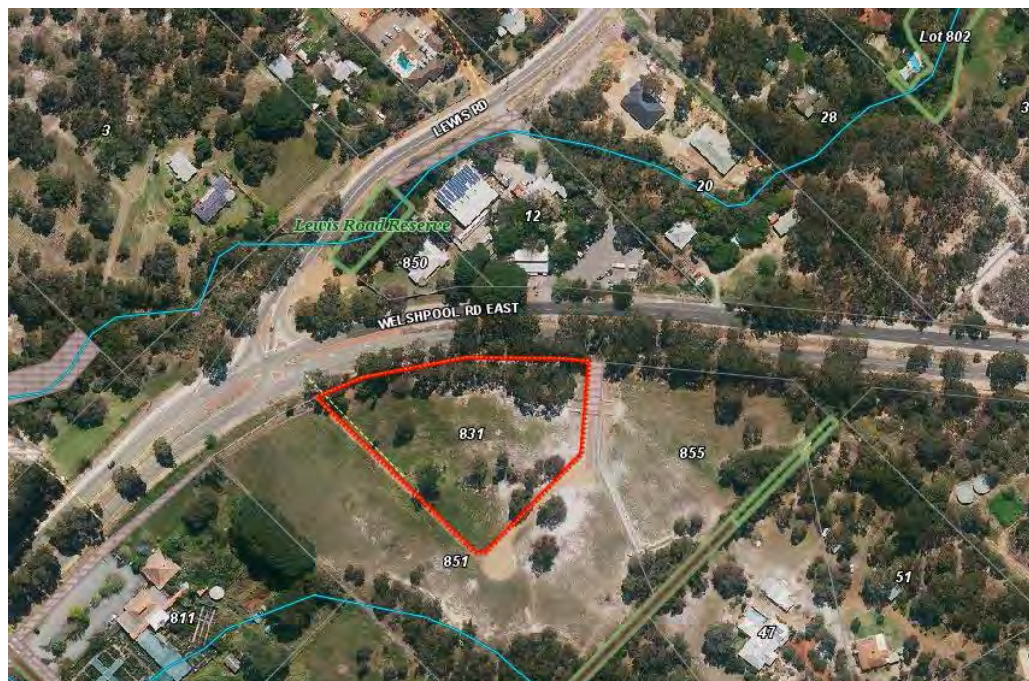
**BACKGROUND**

3. On 10 June 2015, the Minister for Planning approved Scheme Amendment No. 61 which included the additional use of Place of Worship under Schedule 2 of the Scheme. The additional use is conditional on the applicant/landowner preparing and implementing a traffic management plan.

**4. Land Details**

Land Area:	1.0453ha (10,450m <sup>2</sup> )
Local Planning Scheme Zone:	Rural Composite
Metropolitan Region Scheme Zone:	Rural

5. **Locality Plan**



6. The subject site has a frontage of 115 metres to Welshpool Road East. The surrounding area is zoned Special Rural and Rural Composite.
7. The lot is currently vacant and has access from Welshpool Road East via an access way which shares reciprocal rights of access with the neighbouring lots 34 (851) and 38 (855) Welshpool Road East, which are also vacant.
8. The section of Welshpool Road East adjacent to the subject lot is identified under the Metropolitan Region Scheme (MRS) as being a Category 2 'Other Regional Road' reserve, which is under the control of MRWA and the WA Planning Commission.

**DETAILS**

9. The application incorporates the following key elements:
  - A single storey place of worship building with a wall height of 4.81m and floor area of 433m<sup>2</sup>. The place of worship building is comprised of a foyer, seating area, alter and four (4) store rooms;
  - A separate meeting room, office, kitchen and toilet building with a wall height of 2.4m and a floor area of 86.3m<sup>2</sup>;
  - All buildings are proposed to be finished with white coloured walls, light brown/beige openings, and orange coloured steel roof; and
  - Vehicle access via an existing constructed access road and crossover, and 80 car parking bays including two (2) bays for persons with disabilities.

Refer to (Attachments 1-4) for development plans.

10. The site plan (Attachment 1) also indicates a stage 2 of the development, including the development of a rectory, bell tower and administration hall, however these works do not form part of this application.
11. The applicant submits that the operation of the place of worship is as follows:
  - To take place wholly on Sunday;
  - To take place between the hours of 8:00am to 12:00pm;
  - That Special events may be held mostly on weekends, these events include weddings, baptisms, funerals and other celebratory events relating to church activities;
  - The maximum number of parishioners is 275.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

12. Clause 4.2.2 (Objectives of Zones - Rural Zones) of the Scheme stipulates that the objective for the Rural Composite zone is as follows:
  - *"To provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area."*
13. If Council resolves to refuse the development application, or imposes conditions that are not acceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

14. In considering an application for planning approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires Local Government to have due regard to a number of matters, including (but not limited to):
  - The compatibility of the development with its setting;
  - The adequacy of access to and egress from the site;
  - The amount of traffic likely to be generated by the development;
  - The amenity of the locality; andAny submissions received on the application.

## **POLICY CONSIDERATIONS**

15. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

16. The application was advertised for 28 days to adjoining property owners for comment. During the advertising period nine (9) submissions were received with one (1) non-objection, one (1) comment on the proposal, four (4) objections, and three (3) letters of advice from government agencies. Refer to (Attachment 7).



17. Concerns raised during the advertising period included the following:
- Increased noise as a result of additional people and traffic attending the property;
    - Privacy and visual amenity from adjoining properties;
    - The proposal is not consistent with the Rural Composite zone;
    - Increased traffic and road safety;
    - Concern about landscape environment impact and removal of established mature trees; and
    - Impact on lifestyle and enjoyment of surrounding properties will be affected.
18. As the development site abuts Welshpool Road East which is identified as an Other Regional Road (ORR) under the Metropolitan region Scheme, the application was also sent to the Department of Planning, MRWA and the Public Transport Authority for comment.

## **FINANCIAL CONSIDERATIONS**

19. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

20. *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 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

## **SUSTAINABILITY**

### **Social Implications**

21. The proposal would facilitate services to current worshippers in the Shire and located outside the Shire to congregate and commune with religious leaders to meet religious needs of the community.

### **Economic Implications**

22. Nil.

### **Environmental Implications**

23. A majority of the mature vegetation is proposed to be retained. A condition has also been included in the officer recommendation requiring a landscaping plan be submitted and approved by the Shire prior to the lodgement of a building permit application.

24. In respect to vegetation on Welshpool Road East, the recommended road modifications will result in the removal of ten (10) , with the potential to result in the removal of up to a further three (3) , depending on the extent of root damage during earth/road works. The numbered trees to be removed are 5, 7, 8, 9 10, 13, 14, 15, 19 and 20. The additional trees that may have to be removed, subject to the impact of the works are 1, 2 and 4, refer Attachment 5. An arborists report was prepared in August 2016 by Arbor Logic, which identifies the subject trees as Lemon Scented Gums. A majority of these trees are assessed as being in good health, however a number of the trees have structural defects which are considered to potentially have an increased likelihood for failure. The removal of these trees is unavoidable to enable the construction of safe access to the subject site.
25. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

### RISK MANAGEMENT CONSIDERATIONS

26.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposed development will unduly impact on the amenity of the area	Unlikely	Moderate	Low	Ensure that appropriate conditions are imposed to mitigate any impacts relating to noise, building design and vegetation clearing.
The proposal may result in potential traffic safety issues for vehicles entering the site off Welshpool Road East.	Likely	Insignificant	Medium	The approval is conditional on the applicant undertaking modifications to Welshpool Road East to extend the vehicle slip lane for vehicles entering the site.
The removal of the trees will cause community concern	Likely	Moderate	High	Ensure the community understand that vehicle safety along Welshpool Road East is paramount.

27. The development requirements under the Scheme are summarised in the following table:

<b>Site Requirements</b>	<b>Required</b>	<b>Proposed</b>
<b>Setbacks –</b> Place of Worship Building: Front Side (East) Side (West) Rear  Incidental Amenities Block: Front Side (East) Side (West) Rear	   20m 10m 10m 10m   20m 10m 10m 10m	   27.5m 40.6m 62m 60m   54m 21m 39m 45m
<b>Landscaping</b>	5m wide landscaping strip along Welshpool Road East	Space available for 5m wide landscaping strip.
<b>Car Parking</b>	1 bay for every 5m <sup>2</sup> of net lettable area (NLA). Based on a proposed *NLA of 390m <sup>2</sup> , 78 car parking bays are required.	80 car parking bays

\*Net Leasable Area (NLA) means the area of all the floors within the internal finished surfaces of permanent walls but excludes areas such as stairs, toilets, tea rooms, and areas common to the occupiers of the building, whereas floor area is the total amount of the area taken up by the building for its use.

28. In regard to the concerns raised during advertising, the following is noted:

*a) Noise from additional people and traffic attending the property.*

Considering the proximity of the site from, and large volume of traffic using, Welshpool Road East, it is not considered that the proposed use will in itself unduly impact the area as a result of traffic noise. Additionally, any activities associated with the place of worship on site will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

*b) Privacy and visual amenity.*

There are no specific privacy requirements which apply to place of worship developments. Notwithstanding, the proposed buildings comply with the minimum setback distances and will not result in undue impacts on privacy for surrounding property owners. The design of the place of worship buildings are considered to be well designed and will be sympathetic in the rural landscape.

*c) The proposal is not consistent with the Rural Composite zone.*

Place of Worship is an 'A' use under Schedule 2 (additional uses) of the Scheme, which enables the use to be considered following advertising. The application is being assessed on its merits against the objectives of the Rural Composite zone.

*d) Traffic and Road Safety.*

Traffic and road safety impacts of the proposal are considered to be appropriate for the following reasons:

- The applicant submitted a transport statement to support the proposal, which makes the following conclusions:
  - The proposed development should not generate significant vehicular trips;
  - The proposed development has good access to public transport;
  - The impacts of the traffic volumes associated with the development on the road network are considered acceptable with little notable impact expected; and
  - There is expected to be ample parking provided by the proposed development based on expected usage patterns.
- Comments were received from the Department of Planning which concluded as follows:

*"The Department is generally satisfied with the transport information provided... The Department has no objection the proposal on regional transport planning grounds subject to referral to the MRWA and PTA for comment"*
- MRWA provided the following comments and recommendations (summarised):
  - Construction of a U-turn facility (for east-bound traffic) including a 125m deceleration lane at a width of 3.5m;
  - Swept path analysis of the U-turn facility;
  - Construction of a left turn pocket (for west-bound traffic) including a 120m deceleration lane at a width of 3.5m; and
  - Waste collection on-site and not from Welshpool Road East.
- Comments were received from the Public Transport Authority which included the following advice:

*"With this proposal there doesn't appear to any negative impacts on the existing bus stop however the transport statement advises that the proposed development has good access to public transport. It's expected that trips to and from the church would occur mostly on Sundays and given that the Route 282 bus service doesn't operate on Sundays, there is poor public transport access for the proposed activity".*

Conditions have been included in the officer's recommendation which require the applicant/owner to make appropriate modifications to Welshpool Road East. While the deceleration lanes included in (Attachment 5) do not include deceleration lanes of 125m, as recommended by MRWA, the Shire in consultation with the Department of Planning have agreed that the proposed modifications, based on relevant traffic engineering standards.

*e) Concern about landscape environment impact and removal of established mature trees.*

In respect to on-site vegetation, the centre of the site where the place of worship building is proposed is largely clear of vegetation. However the overflow parking area may affect two (2) or three (3) medium sized trees on the south side of the lot. It is considered however that these can be retained with a redesign of the parking area and this has been recommended as a condition of the officer's recommendation.

A majority of the vegetation located adjacent to the north boundary will be retained, which will mean that the rural appearance of the site will be maintained.

In respect to vegetation on Welshpool Road East, the recommended road modifications will result in the removal of ten (10) trees, with the potential to result in the removal of up to a further three (3) trees, depending on the extent of root damage during earth/road works. An arborists report was prepared in August 2016 by Arbor Logic, which identifies the subject trees as Lemon Scented Gums. A majority of these trees are assessed as being in good health, however a number of the trees have structural defects which are considered to potentially have an increased likelihood for failure. The removal of these trees is unavoidable to enable the construction of safe access to the subject site.

*f) Impact on lifestyle and enjoyment of surrounding properties will be affected.*

It is considered that the main external impact of the proposed use will be increased traffic using the 8m wide access way to the site, which is shared by three (3) rural lots (including the subject site) with reciprocal rights of access easements. Given on-site parking complies with the Scheme requirements, and the proximity to Welshpool Road East, the additional traffic is not considered to significantly unduly impact the lifestyle and enjoyment of adjoining properties.

29. In conclusion, the proposed place of worship complies with the Scheme development requirements and is not considered to unduly impact on the amenity of the area, however modifications are required to Welshpool Road East which may result in the removal of up to 13 trees. While the removal of these trees is not a desirable outcome, it is largely unavoidable to facilitate safe and effective access to the site. Accordingly, the application is recommended for approval subject to appropriate conditions.

*Cr John Giardina declared an Interest Affecting Impartiality on this item; he left the Chambers at 7.50pm and returned at 7.52pm. He was not present for the vote.*

*Cr Noreen Townsend asked if it was possible to include an additional condition r) that insists on appropriate signage being installed along Welshpool Road on both side as you head east and head west warning signs advising of traffic turning, as large wheat trucks come down Welshpool Road from the Bickley area at speed and even though there is a slip lane I do fear that there is still a little bit of a danger in that area as they turn, as people move to the slip lane.*

*The Director Development Services responded that Welshpool Road East is a road that is controlled by Main Roads so we would need their consent for any type of signage. They would need to see the size of the signs and exactly where they are going, it is not up to the Shire to give permission for such signage we can certainly request it but there is a third party approval body in this respect.*

*The Deputy Presiding person advised Cr Townsend that perhaps you could consult with the Director Development Services between now and the Ordinary Council Meeting and then withdraw the item for separate consideration at the Ordinary Council Meeting if required.*

*Cr Dylan O'Connor asked if it would be covered in condition n)?*

*The Director Development Services responded that condition n) point 3 talks about provision of a U-Turn sign so I understand that Cr Townsend was talking about more than that type of signage so it would be in addition to that and again we would need to seek Main Roads advice on that and happy to do that.*

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

#### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 61/2016)**

That Council:

1. Approve the application dated 5 November 2015 for the proposed Place of Worship at Lot 36 (831) Welshpool Road East, Wattle Grove subject to the following conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) Any external lighting shall be positioned and designed so as not to significantly adversely affect the amenity of impacted residents in close proximity to the subject site, to the satisfaction of the Shire of Kalamunda.
  - c) Prior to the lodgement of a building permit application, the applicant/owner shall engage a suitably qualified person to prepare a Bushfire Attack Level assessment in relation to the proposed place of worship development.
  - d) Where the BAL indicates a rating of 12.5 or above the applicant shall prepare a Bushfire Management Plan to with relevant provisions implemented during development works, in accordance with the Western

Australian Planning Commission's *Planning for Bushfire Risk Management Guidelines* to the specification and satisfaction of the Shire of Kalamunda.

- e) A separate development application including plans and a description of all signs for the proposal (including signs painted on buildings) shall be submitted to and approved by the Shire of Kalamunda, prior to the erection of any signage.
- f) Any modifications to the existing crossover shall be designed and constructed to the specification and satisfaction of Shire of Kalamunda.
- g) Prior to commencement of the place of worship use 80 car parking spaces shall be, suitably constructed, sealed, kerbed, line marked. drained and maintained to the satisfaction of the Shire of Kalamunda.
- h) All vehicle access ways shall be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire of Kalamunda, prior to the commencement of the place of worship use.
- i) Prior to the commencement of the Place of Worship, a landscaping and irrigation plan, including a 5m landscaping strip to the road frontages for the subject site is to be submitted to, and approved by, the Shire of Kalamunda.
- j) Landscaping and irrigation of the development site and adjoining road verge adjacent to the proposed development is to be installed prior to occupying the proposed development, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Shire of Kalamunda.
- k) Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of any development works to the satisfaction of the Shire of Kalamunda.
- l) Storm water runoff generated from the proposed development shall be contained on site.
- m) Prior to the lodgement of a building permit application, a geotechnical report is to be submitted to the Shire of Kalamunda detailing site conditions, particularly in respect to soil and groundwater and storm water disposal by soakage (Clearance, quantity, soil permeability and location and size of soak wells).
- n) Prior to the commencement of the place of worship use, the following modifications shall be undertaken to Welshpool Road East by the applicant/owner at its cost to the satisfaction of the Shire of Kalamunda:
  - i. Provision of a right slip lane from Welshpool Road East heading east to facilitate 'U-Turn' manoeuvres constructed in accordance with Drawing No. C02 Rev E (Attachment 5).

- ii. Provision of a left slip lane from Welshpool Road East heading west to facilitate turning manoeuvres into the access road servicing the proposed place of worship development constructed in accordance with the Drawing No. C04 Rev A (Attachment 1).
  - iii. Provision of a “No U-Turn” sign in accordance with Main Roads Western Australia requirements to be posted in the median adjacent to the Welshpool Road East right slip lane turning right into Lewis Road.
- o) In regard to the condition requiring modifications to Welshpool Road East, the applicant/owner shall be responsible for engaging a qualified contractor to remove trees 5, 7, 8, 9, 10, 13, 14, 15, 19 and 20, and if required, trees 1, 2 and 4 as identified in Drawing Nos. C02 Rev E and C04 Rev A (Attachment 5). The applicant/owner shall be responsible for the cost of removing these trees and any claims that may arise from the removal of these trees to the satisfaction of the Shire of Kalamunda.
- p) Upon the practical completion of the required road modifications to Welshpool Road East, the applicant/owner shall submit a new arborist's report to the Shire of Kalamunda detailing the condition of all remaining trees 1-4, 6, 11, 12, 16 – 18 and 19, as identified in Drawing Nos. C02 Rev E and C04 Rev A (Attachment 5). Should any tree works and/or removal be required, the applicant/owner shall be responsible for engaging a qualified contractor to undertake these works, the costs of any works and any claims that may arise from the works.
- q) Upon practical completion of the required road modifications required in the conditions above, the applicant shall provide replacement trees for the existing trees removed along Welshpool Road East as part of the road modifications in consultation with, and to the satisfaction of the Shire of Kalamunda.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote:

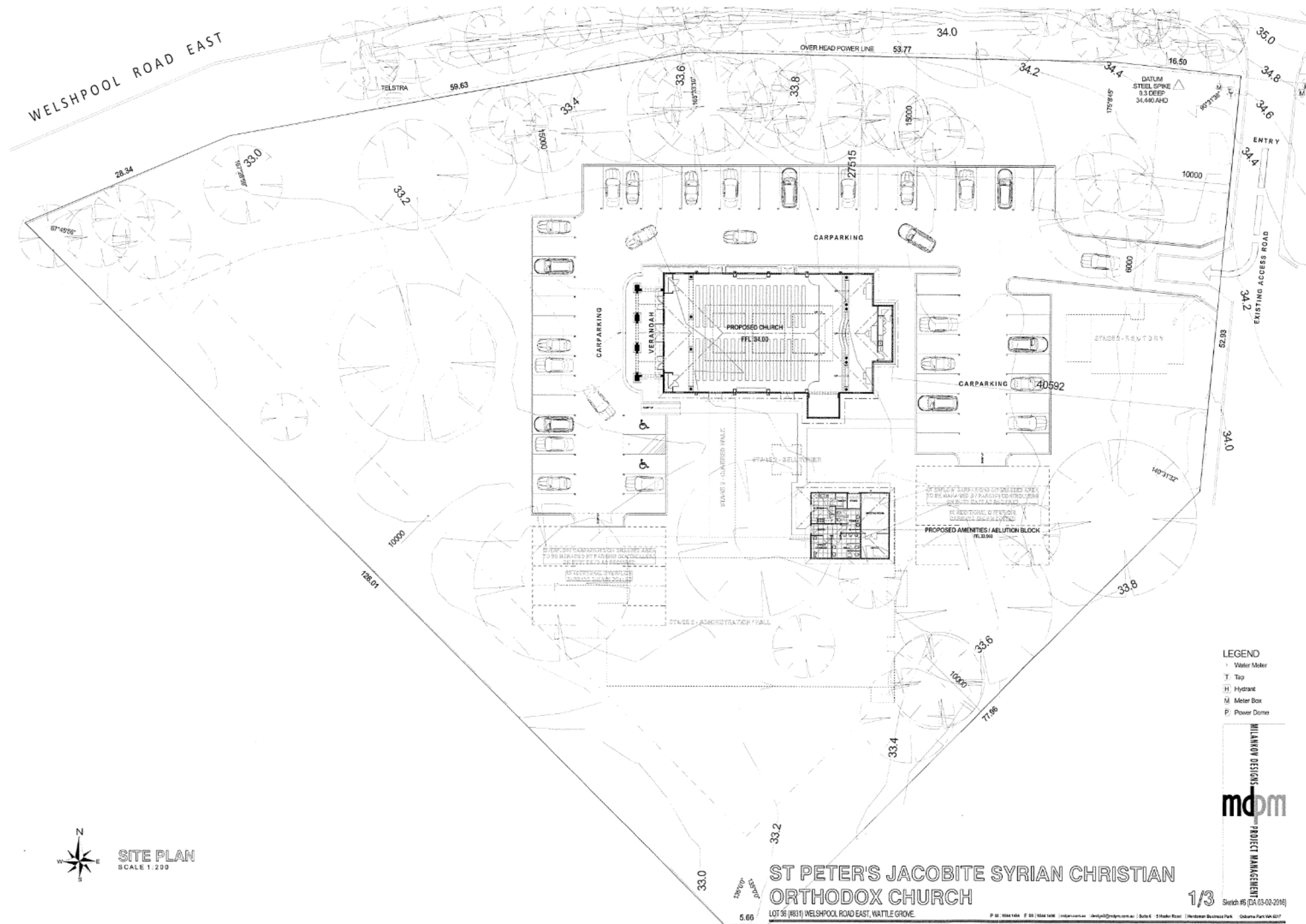
For	Against
Cr Michael Fernie Cr Geoff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Noreen Townsend Cr Andrew Waddell Cr Dylan O'Connor Cr Sue Bilich CARRIED (8/1)	Cr Sara Lohmeyer





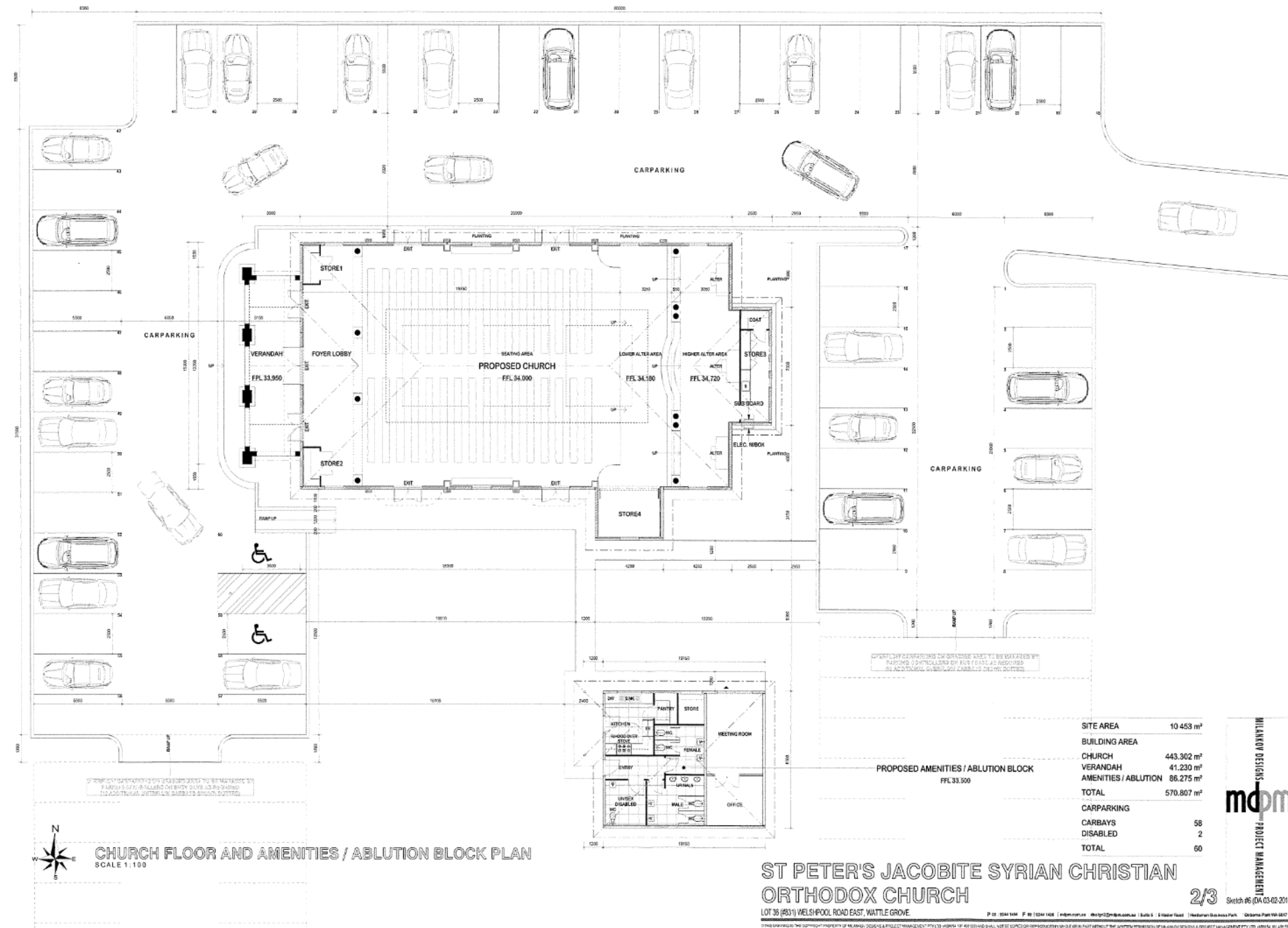
## Attachment 1

Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove  
**Site Plan**



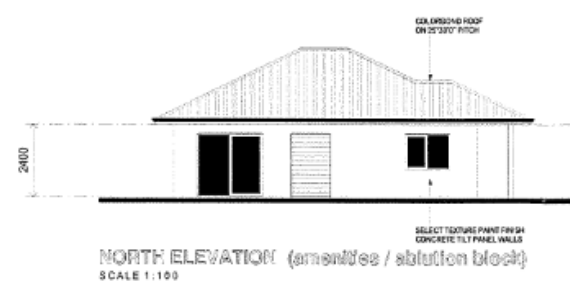
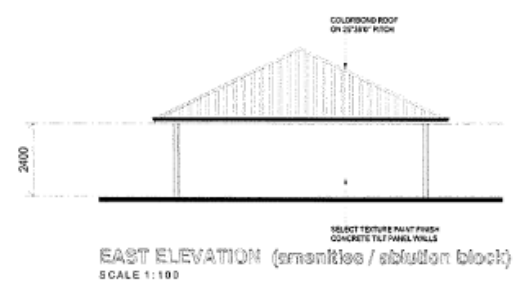
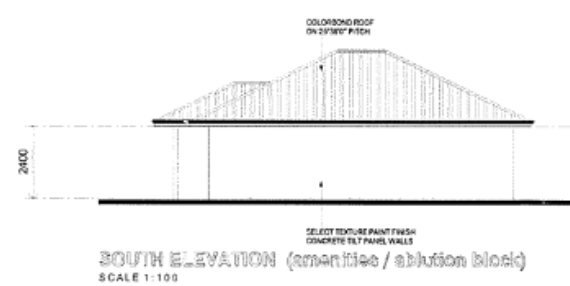
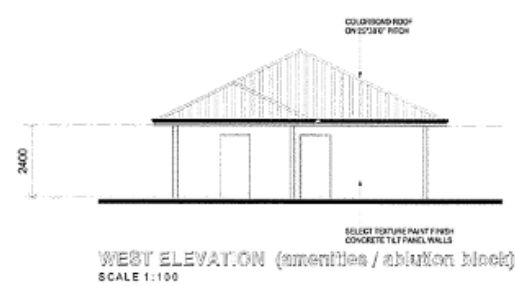
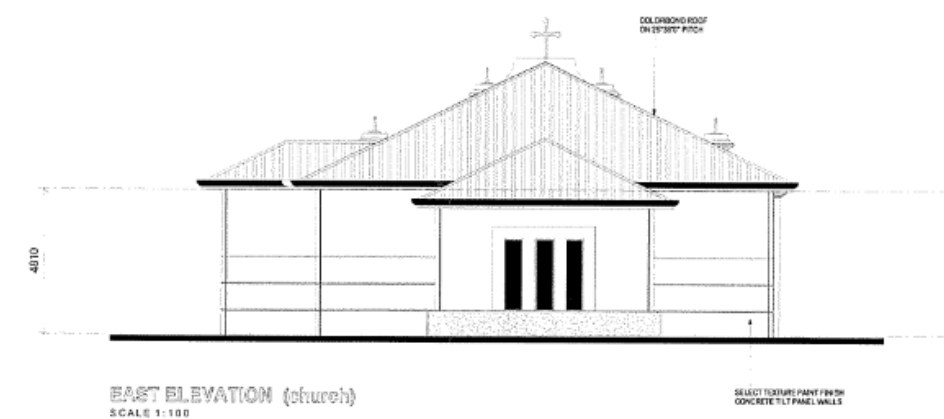
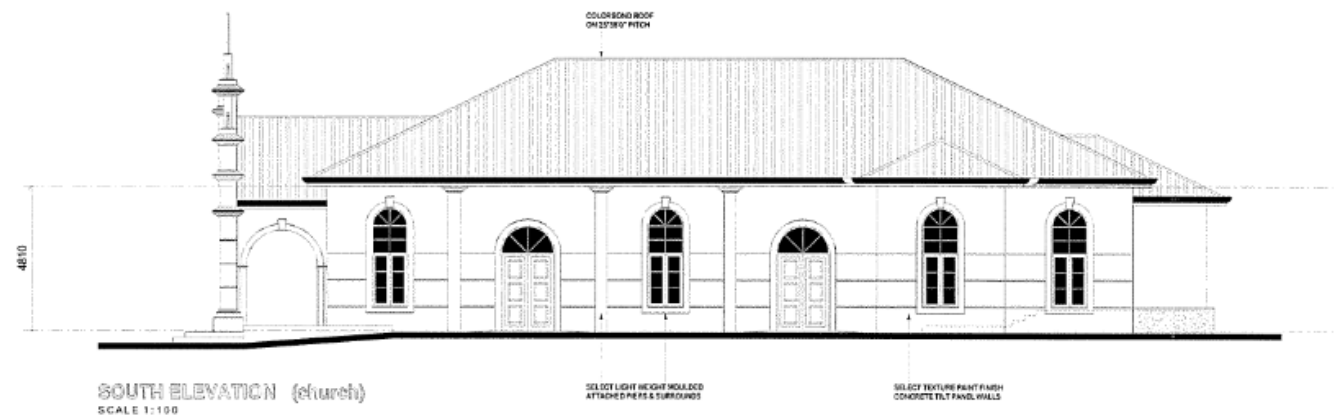
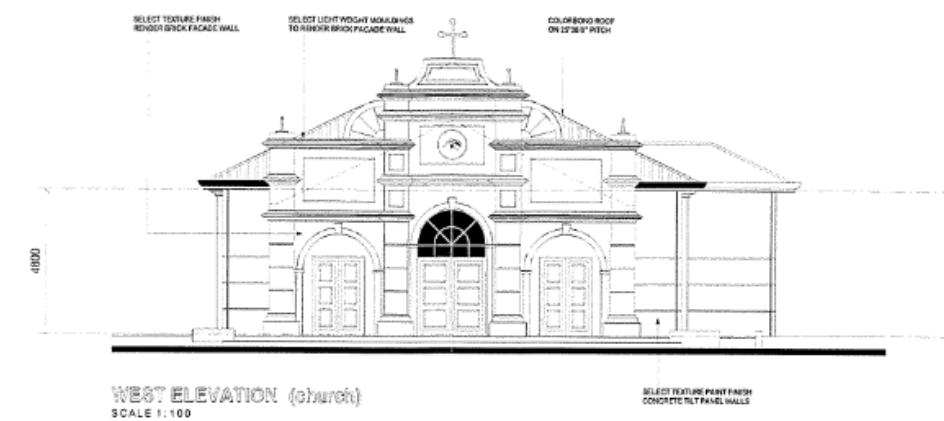
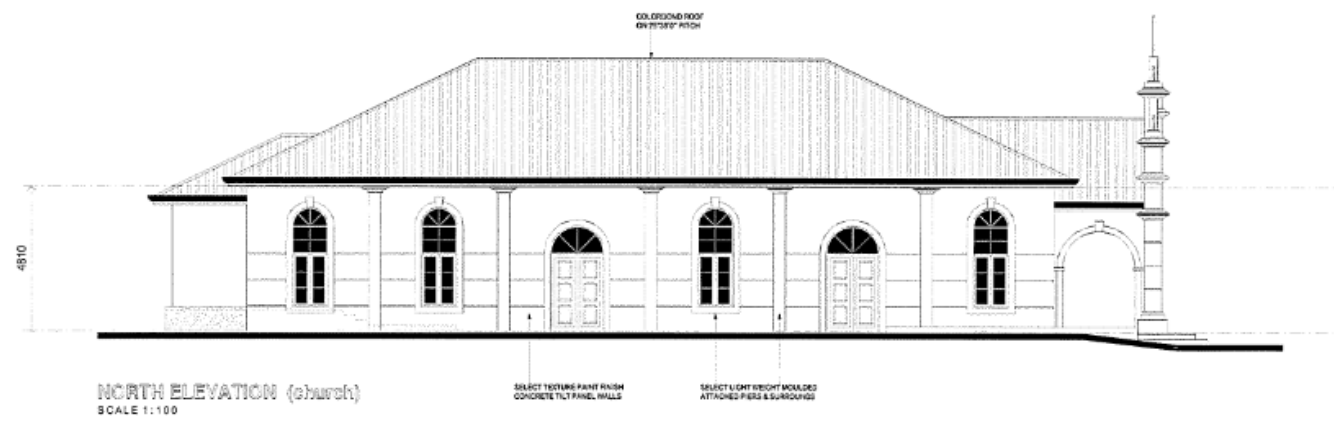
## Attachment 2

### Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove Floor Plan and Parking Layout



### Attachment 3

#### Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove Elevations



**ST PETER'S JACOBITE SYRIAN CHRISTIAN  
ORTHODOX CHURCH**

LOT 36 (831) WELSHPOOL ROAD EAST, WATTLE GROVE.

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MILANKOV DESIGNS  
**mdm**  
PROJECT MANAGEMENT

3/3 Sketch 26 (DA 03-02-2016)

#### **Attachment 4**

Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove

#### **Artist's Impression of Proposed Development**







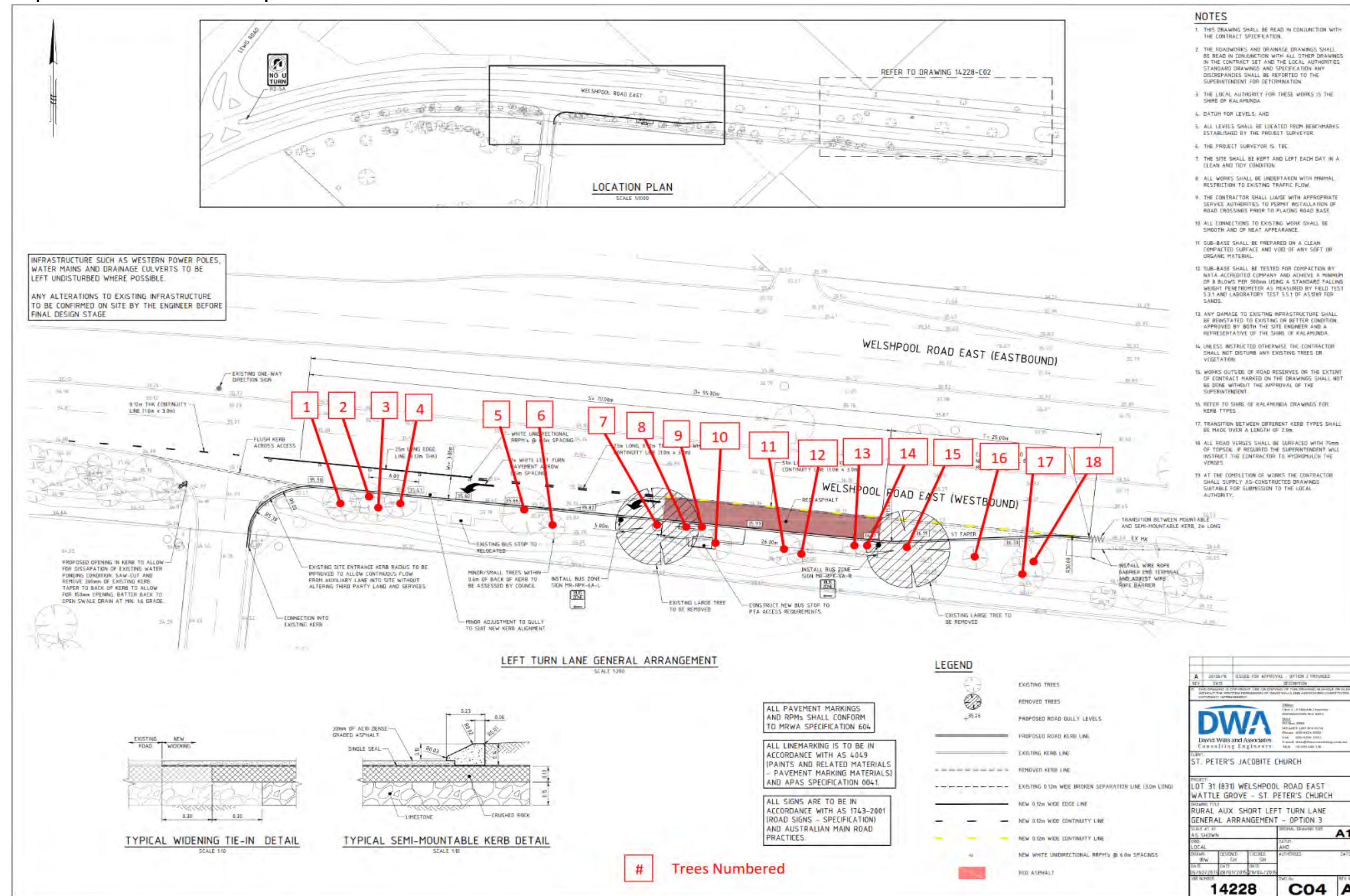




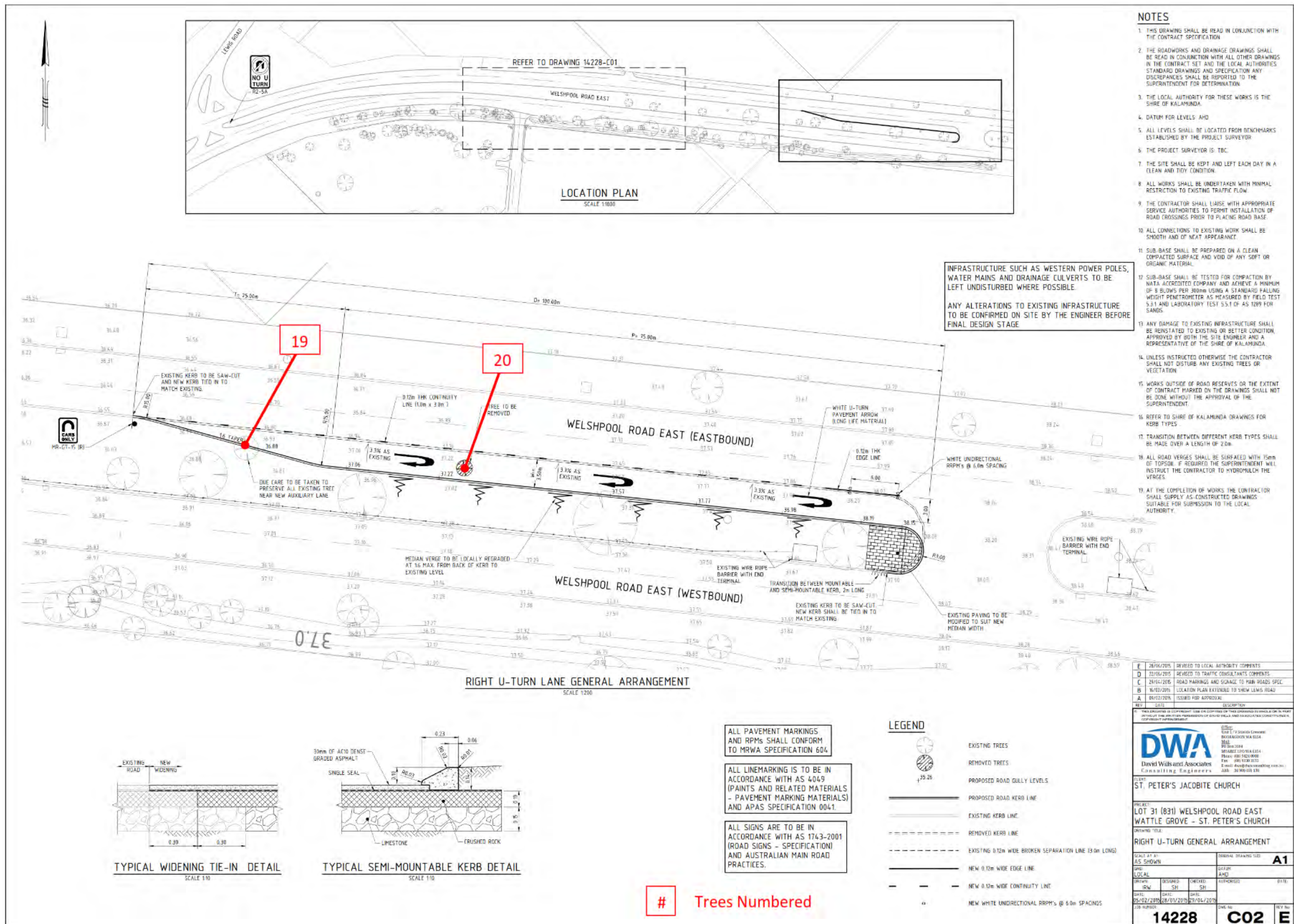
## Attachment 5

Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove

### Proposed Modifications to Welshpool Road East







## Attachment 6

### Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove Arborists Report



August 25, 2016

Beaver Tree Services Aust. Pty. Ltd.  
21 Cartwright Drive  
Forrestdale, WA 6112

Attention: Belinda Hendry  
Cc: Mathew Samuel, Reji (St Peter's Jacobite Syrian Church Perth Inc.)  
RE: Preliminary Assessment of Trees adjacent 831 Welshpool Road East, Wattle Grove

Dear Belinda,

Further to your request, the following is a brief summary of my assessment of the identified trees adjacent to 831 Welshpool Road East, Wattle Grove.

Should you have any queries regarding the findings of this report, or if I can be of any further assistance in the management of the identified trees, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "JRM".

JASON ROYAL

Dip. Arboriculture (UK)  
Tech. Arbor A

**ARBOR logic**  
A.C.N. - 107 194 061  
Ph: (08) 9240 7555

ARBORICULTURAL CONSULTANCY  
A.B.N.: 66 566 369 687  
email: jason@arborlogic.com.au

*Preliminary Assessment of Identified Trees adjacent to 831 Welshpool  
Road East*

*Prepared For*

*Beaver Tree Services*

*Prepared By*



*Beaver Tree Services Aust. Pty. Ltd.: Preliminary Assessment of Trees  
Adjacent to 831 Welshpool Road East, Wattle Grove*

*August 2016*

## **Contents**

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1.	Particulars to this Assessment	Page	1
2.	Scope of Works	Page	2
3.	Assessment Methodology Applied	Pages	3 - 4
4.	General Comments on the Trees	Page	5
5.	Potential Impact from Proposed Works	Pages	6 - 7
6.	Opinion and Considerations	Page	8

### Attachments to the Report

- Attachment 1; Table of Comments on the Trees
- Attachment 2; Company Information & Disclaimer





## **1. Particulars to the Assessment**

### **1.1 Terms Used**

The following terms have been used in this report:

'Trees'	meaning the trees that are the subject of this report
'AS 4970'	meaning Australian Standards guideline 4970 (2009); Protection of trees on development sites
'AS 4373'	meaning Australian Standards guideline 4373 (2007); Pruning of amenity trees
'TPZ'	meaning Tree Protection Zone; the area where the majority of the given Tree's root mass is considered likely to be found. Any works undertaken in this area have the potential to have an impact to the given Tree's future health
'SRZ'	meaning the Tree's 'Structural Root Zone'; the area where the majority of the given Tree's larger diameter roots are likely to be found that are providing its in-ground stability and support. Any works undertaken in this area have the potential to have an impact to not only the given Tree's future health but also its-ground stability as well
'Slip Road'	meaning the proposed slip road off Welshpool Road east into the property known as Lot 31 (821) Welshpool Road East
'Plan'	meaning plan provided showing an aerial of the Slip Road in relation to the Trees and the proposed layout; DWA drawing 14228-C04-A

### **1.2 Limitations and Particulars of this Assessment**

The information and opinions provided in this document are based on the findings from the visual observations of the Trees on the Site during the inspections undertaken August 15, 2016.

All observations of all of the Trees were undertaken from ground level.

No exploratory excavations were undertaken as part of this particular assessment to verify the actual root spread of any given Tree.

As such the allocation of TPZ for each Tree has at this stage been based on AS 4970 guidelines, with some amendments being made for the physical size and canopy dimensions of the Tree, its condition, the known root zone morphology of its given species in the sort of soil profile considered to be typical to this area of Western Australia.

*Beaver Tree Services Aust. Pty. Ltd.; Preliminary Assessment of Trees  
Adjacent to 831 Welshpool Road East, Wattle Grove*

*August 2016*

## **2. Scope of Works**

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At the request of Beavers Tree Services, I have been commissioned to undertake an inspection of a number of trees found adjacent to 831 Welshpool Road East, Wattle Grove.

The purpose of the inspection was to:

- Undertake an inspection of the Trees in the identified area,
- Provide comment on the current condition of each tree; species, height, DBH, canopy spread, health and structural condition, and any comments pertinent to the identified tree
- Provide an opinion on the potential impact to each Tree based on the Plan provided in the context of what is proposed.

### **3. Tree Assessment Methodology**

---

#### **3.1 Methodology of the Assessment**

All of the Trees at this Site were assessed in the course of this assessment in accordance with 'visual tree assessment'<sup>1</sup> ("VTA") methods and principles.

The VTA method is based on the sciences of tree biology, physiology, tree structure, and tree bio-mechanics.

It is a method widely used by arborists worldwide to identify visible signs on trees that indicate any health or potential structural issues that in turn could increase the risks associated with the given tree. There are many variables that require consideration as part of this process including the structure of the given tree, its health condition, known natural species traits, environmental factors such as direction of prevailing (and storm) winds and how they would affect the subject tree and the occurrence of potential targets (people, structures etc.) within its projected fall zone.

#### **3.2 Health Condition**

The overall health of each Tree was adjudged from an inspection of its leaf, overall percentage of leaf mass present in the canopy of the Tree, and the presence (or absence) of any pest or disease factor that could have an effect on the overall health of the Tree.

#### **3.3 Structural Condition**

The structural integrity of each Tree was determined from a visual inspection of its main stem, primary (and secondary) branch unions to determine the presence of any areas considered to be a structural 'defect' or 'imperfection' such as unions with included bark, swelling, or noticeable splitting at them.

Symptoms of decay, growth patterns and defects are identified and assessed as to their potential to cause whole tree, part tree or branch failure, and where considered necessary further investigation by way of the use of sounding techniques was utilised to determine the presence and general extent of any areas of cavity or associated decay within a tree's main stem structure.

The Tree's root plate area was also inspected to identify any visible signs of root plate, movement, cracking or heave from which a determination of the in-ground stability of the Tree can be ascertained. It is however important to note that there are limitations in verifying the in-ground stability of a tree based on a 'one-off' cursory visual observation; particularly in a forest type habitat where ground cover and leaf litter prevent or limit visual observations, and particularly if the inspection is undertaken during a period of 'fine' weather with little to no wind; as was the case over the period of this assessment.

---

<sup>1</sup> Field Guide for Visual Tree Assessment (VTA); The Body Language of Trees, A Handbook for Failure Analysis; C Matlack, H Breloer

### **3. Tree Assessment Methodology**

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#### **3.4 Known Species Traits**

Species suitability for use in an urban area and if the identified specimen is of a species that can be subject to the sudden branch failure phenomenon or is known to be potentially problematic in terms of self-sowing (weed) issues, was also considered as part of the assessment process.

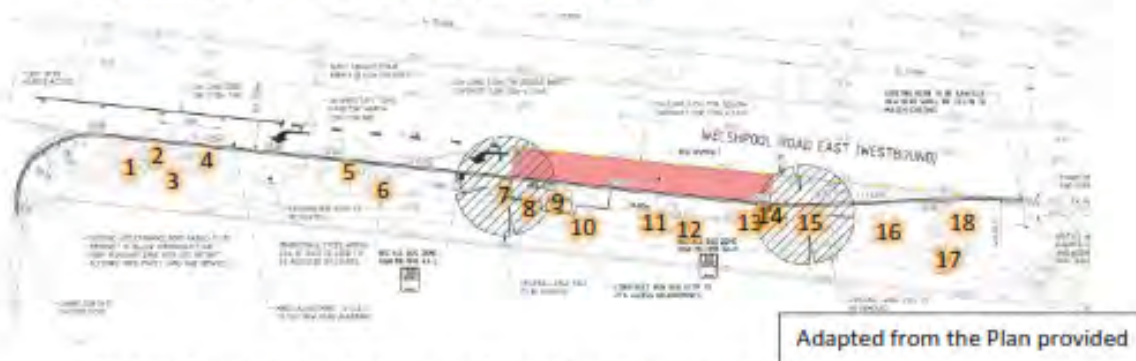
With regards to any future development the known natural species traits of the given tree and its ability to cope with disturbances to its root zone that typically occur as part of a development process, as well as its ability to cope with the new parameters that are commonly created by an urban development (i.e. decreased soil oxygen due to compaction, increased un-seasonal watering from irrigation, increased pollution, increased radiated heat/light from urban infrastructure (roads, walls, buildings etc.) are all also taken into consideration. The known root zone morphology of the species was taken into consideration when allocating the recommended TPZ for each of the identified trees. Note: Whilst some reference and acknowledgment is given to the guidelines set down in AS 4970, the TPZ for each Tree has been based on the known typical root zone morphology for specimens of their species, the condition of the given Tree, and the known tolerance to root zone disturbance of the given species.



#### 4. General Comments on the Trees

18 individual Trees were identified in the specified area adjacent to the Slip Road varying in size, age and condition.

The Trees have been numbered on a copy of the Plan below.



All of the Trees were identified as Lemon Scented Gum (*Corymbia citriodora*).

Trees #7 and #15 were considered to be mature trees; possibly in the order of 50-60 years old.

The other Trees were considered to be younger with most considered to be around the 15-30 years old, and possibly self-sown from the larger older Trees.

The majority of the Trees showed good health based on the condition and volume of leaf mass present. One Tree did show some indications of a declining health and looks to be associated with a canker (fungal) issue. Otherwise I could see no visible evidence of any other pest or disease pathogen that could have a major impact to their health at the time of my inspection, and any other tree health/vitality issues noted were considered to be associated with environmental factors i.e. poor successive seasonal rainfalls, changes to environment and soil chemistry as a result.

The majority of the Trees also showed to have (what is considered to be) typical structural forms for specimens of their given species. Whilst a number of the Trees showed to have what are considered to be 'structural defects' such as bi-furcated unions with signs of swelling and included bark (which are considered to potentially have an increased likelihood for failure than other forms of branch unions) for the most part any structural defect or imperfections were not considered to be of any major concern at this time. All of the Trees looked to be remaining root stable at the time of inspection.

Disturbance to a section of kerb was noted adjacent to Tree #5, and looks to be typical to disturbance caused from pressure being exerted from behind and assumed to be from the expansion of the main stem of this Tree as part of its natural growth processes. It was also observed that the distance between the back of kerb and the edge of the main stem of this Tree is less than one metre.

It was also noted that some excavation works looks to have recently occurred near to Trees #7 - #10 as part of road barrier and kerbing upgrades along Welshpool Road East. As such some (if not all) of these Trees may have already suffered an extent of root zone disturbance and possibly damage and loss of root mass.

Attachment 1 of this report provides further information on the condition of each of the Trees.

## 5. Potential Impact from Proposed Works

### 5.1 Impact to Root Zones

Based on the Plan provided, impact to Trees #1 - #6 looks likely to be minimal given there looks to be no change proposed to the current alignment of the existing kerb. However, the works may have some impact to the root zone of these Trees depending on final alignment of any new kerbing installed, and what excavations (if any) may need to occur in this area to achieve the proposed design.

Installation of the Slip Lane is considered likely to have some impact to the TPZ and the SRZ of the majority of the other Trees identified in this report (i.e. Trees #7 - #10); particularly Trees #7, #9 and #15 as the proposed new kerb line looks likely to be within 1 metre of their main stem as can be seen in the images below.



It does however remain difficult to say exactly what the potential impact will be to each of these Trees without being able to undertake exploratory excavations to verify the full extent (number/size) of roots that will need to be removed from each Tree to accommodate the proposed works.

However there is at this time considered a high probability that some (if not all) of the Trees will be impacted; possibly to the extent where the retention of some becomes questionable as a result particularly to Trees #7, #9 and #15.

The location of the proposed Bus Stop is also likely to impact on the root zones of Trees #8, #9, and #10 and looks to probably require their removal to enable its installation.



## **5. Potential Impact from Proposed Works**

### **5.2 Canopy Works**

The majority of the Trees do not appear to require any canopy works as part of the proposed works to provide the typically required clearances over a road carriageway.

A large section of the canopy of Trees #7 and #15 will however likely be required to be removed to provide the (typically required) clearances over the carriageway; indicated on the images below.



However, removal of this extent of canopy from these Trees this is not anticipated to have any adverse effect to their future health or structural integrity if undertaken to AS 4373 guidelines.

## **6. Opinion and Considerations**

At this stage, based on the findings to date the proposed design does not appear to allow successful retention of (at least some of) the Trees given the anticipated impact to their root zone; particularly Trees #7, #9 and #15 given the proposed proximity of the Slip Lane to their main stem and anticipated loss of root mass from those Trees.

If the Trees are required to be retained then a review of the design of the Slip Lane is recommended to be undertaken, with any future design considerations to be subject to the findings of exploratory excavations along the proposed Slip Lane alignment to verify the number and size of any roots that are present from each Tree that may require removal.

Should larger diameter roots be encountered that would require removal to accommodate the proposed design then either:

1. The design of the Slip Lane would need to be reviewed so that it could accommodate the Tree and its roots; or
2. If other site design criteria do not allow for alterations to the design then the retention of the given Tree is considered unlikely to be achievable.

Consideration also needs to be given to the extent of future growth of the Trees as they continue to mature; particularly with regards to the expansion of their main stem as it is that process that is considered likely to have the potential to cause issues of disturbance to road pavement infrastructure; possibly within a 10-15 year period; if not sooner depending on actual proximity of the road pavement infrastructure to the main stem of the Trees.

Providing a greater degree of separation between the Trees and the road pavement is generally seen as the best strategy to adopt to prevent this sort of disturbance from occurring.

A review of the location of the proposed Bus Stop to determine if it could be relocated to avoid impact to Trees #8, #9, #10 is also required if these Trees are desired to be retained. However, if other site design criteria require the Bus Stop to be located its current proposed location then removal of these Trees will be required.

Any changes to or upgrades to drainage or other services that may require excavation near to the Trees also needs to be considered and detailed further.

*Beaver Tree Services Aust. Pty. Ltd.; Preliminary Assessment of Trees  
Adjacent to 831 Welshpool Road East, Wattle Grove*

*August 2016*

#### **Attachments to this Report**

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- Attachment 1; Table of Comments on the Trees
- Attachment 2; Company Information & Disclaimer







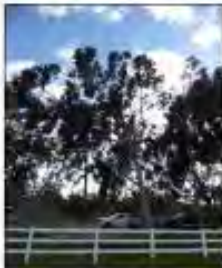
*Beaver Tree Services Aust. Pty. Ltd.; Preliminary Assessment of Trees  
Adjacent to 831 Welsipool Road East, Wattle Grove*

*August 2016*

**Attachment 1; Table of Comments on the Trees**

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Beavers Tree Services: Preliminary Assessment of Trees Adjacent to 891 (Willetupara Road East), Wattle Grove								August 2016	
Tree No	Species	Height (metres)	DBH (cm)	Health Condition	Structural Condition	Image	Tree Comments	TPZ/SLZ (metres RADIUS)	
								TPZ	SLZ
1	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	23	38, 38, 30	Excellent	Acceptable		Three trees in close proximity that effectively form the tree canopy.	2.4	2.3
2	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	20	40	Excellent	Acceptable		Canopy is one sided (north) due to proximity and influence of Trees #1 and #3 but not of any concern unless those Trees are removed.	2.0	2.3
3	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	14	51	Excellent	Acceptable		Section of its canopy noted to be rubbing against Tree #4	1.8	2.0
4	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	22	43	Excellent	Good		Section of the canopy of Tree #3 noted to be rubbing against it causing bark wound. Ok at this time BUT may cause issues longer term.	1.9	2.3
5	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	19	50	Good	Good		Canopy looks to be slightly sparse but leaf condition ok. Section of limb nearby noted to be lifted.	4.5	2.3



Beavers Tree Services: Preliminary Assessment of Trees  
Adjacent to RT3 Walsby Road End, Wattle Grove

August 2019

Tree No	Species	Height (metres)	DBH (cm)	Health Condition	Structural Condition	Image	Tree Comments	TPZ/SAS (metres RADIUS)	
								TPE	SPZ
6	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	15	27	Poor	Good		Canopy condition suggests it has fairly limited life span remaining; looks to be a cinder (fungal) issue	1.4	1.9
7	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	23	100	Excellent	Good		Large mature tree. Some weight loading noted in sections of its canopy over the Road	9.0	3.3
8	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	14	33	Excellent	Good		Bark wound noted on main stem but not of any major concern at this time with its structural integrity	1.2	2.1
9	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	14	29	Excellent	Good		Good specimen	2.4	1.9
10	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	22	44	Excellent	Good		Good specimen	4.0	2.3








Seaview Tree Services: Preliminary Assessment of Trees  
Adjacent to 831 Wilsford Road East, Wattle Grove

August 2016

Tree No	Species	Height (metres)	DBH (cm)	Health Condition	Structural Condition	Image	Tree Comments	TPZ/S&Z (metres RADIUS)	
								TPZ	S&Z
11	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	18	36	Good	Good		Canopy looks to be slightly sparse but leaf condition ok.	1.1	2.2
12	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	11	20	Excellent	Acceptable		Main stem is furcated. Union looks to be ok at this time but may cause issues longer term.	1.8	1.7
13	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	15	22	Excellent	Acceptable		Ok specimen. Canopy is one sided (west) due to proximity and influence of Tree #15. Ok at this time but its structure may cause issues longer term.	2.0	1.8
14	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	18	31	Excellent	Acceptable		Ok specimen. Canopy is one sided (west) due to proximity and influence of Tree #15. Ok at this time but its structure may cause issues longer term.	2.8	2.0
15	Lemon Scented Gum ( <i>Corymbia citriodora</i> )	25	118	Excellent	Good		Large mature tree. Dark wound noted on its main stem (new); typical to that caused by impact from mechanical machinery on the like. Large section of its canopy would need to be removed to provide typically required clearances over proposed slip road.	10.4	5.3

831 831

Shire Tree Services: Preliminary Assessment of Trees Adjacent to 421 Welford Road East, Wattle Grove								August 2016	
Tree No	Species	Height (metres)	DBH (cm)	Health Condition	Structural Condition	Image	Tree Comments	TPZ/SRZ (metres RADIUS)	
								TPZ	SRZ
16	Lemon Scented Gum (Corymbia citriodora)	15	28	Excellent	Good		Good specimen	2.3	1.0
17	Lemon Scented Gum (Corymbia citriodora)	22	47	Excellent	Good		Good specimen	4.2	2.4
18	Lemon Scented Gum (Corymbia citriodora)	21	40	Excellent	Acceptable		Reasonably good specimen. Canopy is well sited (north) due to proximity and influence of adjacent trees.	3.0	2.3

*Beaver Tree Services Aust. Pty. Ltd.; Preliminary Assessment of Trees  
Adjacent to 831 Welshpool Road East, Wattle Grove*

*August 2016*

## **Attachment 2; Company Information & Disclaimer**

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Company Name:



A.C.N.:

107 194 061

A.B.N.:

66 566 369 687

### **Insurance Details:**

General Liability;

QBE

\$20 million

Professional Indemnity;

Vero

\$5 million

Personal Protection;

Macquarie, Asteron

### **Office/Contact Details**

Postal Address:

PO Box 1025, Balcatta WA 6914

Physical Office Address:

4c/5 Mumford Place, Balcatta

Ph:

(08) 9240 7555

Fax:

(08) 9240 7522

### **Consultant Details**

Consultant Contact:

Jason Royal

Dip. Arboriculture (UK)

Tech. Arbor A.



J. Royal: 172723



Arboriculture Australia

Member No. 1254



Registered User  
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*Beaver Tree Services Aust, Pty, Ltd.; Preliminary Assessment of Trees  
Adjacent to 831 Welshpool Road East, Wattle Grove*

*August 2016*

#### **Disclaimer**

This Report has been provided in good faith and based upon the material information provided by the Client to Arbor logic, and/or based on the visual inspection of the tree(s) at the time this advice was prepared.

The contents of this Report should be read in full, and at no time shall any part of the Report be referred to unless taken in full context with the remainder of the document.

The contents of this Report may not be reissued to another party or published in part or full without Arbor logic's written permission.

Arbor logic does not accept liability arising out of loss or damage that results from: -

- Material information not being provided by the Client to Arbor logic at the time this advice was prepared.
- The provision of misleading or incorrect information by the Client or any other party to Arbor logic upon which this advice was prepared.
- This advice being used by the Client or any other party in circumstances or situations other than the specific subject of this advice.
- Failure by the Client to follow this advice.
- The action(s) or inaction(s) of the Client or any other party that gives rise to the loss of, or damage to, the tree(s) that are the subject of this advice.

It is also important to take into consideration that all trees are living organisms and as such there are many variables that can affect their health and structural properties that remain beyond the scope of reasonable management practices or the advice provided in this Report based on the visual inspection of the tree(s).

As such a degree of risk will still remain with any given tree(s) despite the adoption of any best management practices or recommendations made in this Report.



## Attachment 7

Proposed Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove

### Submission Table

Submission	Officer Comment
a) Not in keeping with the rural lifestyle in the area.	<p>a) Place of Worship is an 'A' use under Schedule 2 (additional uses) of the Scheme, which enables the use to be considered following advertising. The application is being assessed on its merits against the objectives of the Rural Composite zone.</p> <p>It is considered that the main external impact of the proposed use will be increased traffic using the 8m wide access way to the site, which is shared by three (3) rural lots (including the subject site) with reciprocal rights of access easements. Given on-site parking complies with the Scheme requirements, and the proximity to Welshpool Road East, the additional traffic is not considered to significantly unduly impact the lifestyle and enjoyment of adjoining properties.</p>
a) Non-objection.	a) Noted.
a) Serious concerns regarding the safety of vehicle entry / exit given poor line of sight on the corner and 80km/per hour speed limit.	a) Conditions have been included in the officer's recommendation which require modifications to Welshpool Road East with a view of improving traffic access and safety.
<p>a) Concerned about traffic speed and believes that accidents will happen.</p> <p>b) Concerned that there are many churches in the area and that it this is supposed to be a rural area.</p>	<p>a) Conditions have been included in the officer's recommendation which require modifications to Welshpool Road East with a view of improving traffic access and safety.</p> <p>b) Place of Worship is an 'A' use under Schedule 2 (additional uses) of the Scheme, which enables the use to be considered following advertising. The application is being assessed on its individual merits against the objectives of the Rural Composite zone.</p>

<p>c) Where are the people going to come from to attend this church?</p> <p>a) Non-objection</p> <p>b) Requests that the colour scheme be in keeping with the rural environment.</p> <p>c) There should not be excessive noise.</p>	<p>c) This is not a relevant land use planning consideration.</p> <p>a) Noted.</p> <p>b) The colours and materials proposed are considered appropriate for the rural setting.</p> <p>c) Noise generated by the proposed use is required to comply with the <i>Environmental Health (Noise) Regulations 1997</i>.</p>
<p>a) Submitter has just finalised planning and building drawings for their own family home.</p> <p>b) Does not believe that a Place of Worship is consistent with the objectives of the Rural Composite Zone which is to provide for small scale semi-rural lots that can accommodate a limited range of rural and low scale commercial uses.</p> <p>c) Places of Worship are more appropriate for commercial, industrial, mixed use or general rural zones, due to large congregations of people at any given time and associated car parking requirements.</p> <p>d) Request consistency of the use permissibility with the objectives of this specific zone.</p> <p>e) Concerned about the landscape environment impact.</p> <p>f) Concern about the removal of established mature trees.</p> <p>g) In order to avoid adverse impact on the streetscape of Welshpool Rd East that the northern car parking bays (facing Welshpool Road East) be reconfigured / moved to the southern side of the Church where they will be screened from the street.</p> <p>h) Concerns regarding the measures required by MRWA to include the design and construction of several road improvements, including a slip lane on the northern boundary of the lot to allow for vehicles to safely enter into the communal access way.</p> <p>i) Concern that scale of these road upgraded and the resultant traffic movements will affect the amenity of their property, i.e. vehicles banking at the slip road immediate to the north of their lot to turn left into the communal access way.</p>	<p>a) Noted</p> <p>b) Place of Worship is an 'A' use under Schedule 2 (additional uses) of the Scheme, which enables the use to be considered following advertising. The application is being assessed on its individual merits against the objectives of the Rural Composite zone.</p> <p>c) It noted that in some instances, places of worship can operate within a rural setting and each application should be assessed on the merits of the proposal.</p> <p>d) Noted.</p> <p>e) Within the site itself, the proposal will not result in significant vegetation clearing and is not considered to result in undue environmental impacts.</p> <p>f) See response 'e)' above.</p> <p>g) The parking area proposed is not considered to unduly impact on the Welshpool Road East streetscape. Shade tree planting will be required to be installed in the parking areas.</p> <p>h) The proposal does include plans to upgrade Welshpool Road East. If this proposal is approved, these improvements will be required to facilitate safe and effective access to the site.</p> <p>i) Please refer to response 'h)' above.</p>

j) Request that the Shire require the details of the road upgrades as part of the development application for the Shire's review as this is an important traffic / planning consideration that needs to be taken into account as part of the Shire's decision on the development application. They would like to view this detail to ascertain how it affects their property.	j) The applicant has provided the proposed Welshpool Road East modifications, which are available to view as an Attachment of this report.
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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**62. Proposed Three (3) Storey Single House – Lot 1001 (174) Lewis Road, Forrestfield**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	LW-04/174
Applicant	Chrishan Fernando
Owner	Bi Guojin & Xu Jun
Attachment 1	Site Plan
Attachment 2	Floor Plans
Attachment 3	Elevations
Attachment 4	Submissions Table
Attachment 5	Site Identification Photographs
Attachment 6	Local Character Photographs

**PURPOSE**

1. To consider a development application for a proposed three (3) storey single house at Lot 1001 (174) Lewis Road, Forrestfield.
2. The application is referred to Council on the basis that the proposed development is considered to be inconsistent with the objectives of the Special Rural zone.

**BACKGROUND**

**3. Land Details:**

Land Area	10000.000m <sup>2</sup> / 1.00000 ha
Local Planning Scheme Zone	Special rural
Metropolitan Regional Scheme Zone	Rural
Bushfire Prone Area	Bushfire Hazard Mapping shows over half the site is considered an "extreme" risk area. A Bushfire Attack Level (BAL) Assessment was enclosed within the development application, with a determined BAL of 19.

4. The Shire received a development application on 13 May 2016 seeking approval for a three (3) storey single house at Lot 1001 (174) Lewis Road, Forrestfield with an overall wall height of 11.572 metres.
5. The proposed wall height has since been amended, with the applicant now seeking approval for a three (3) storey single house with an overall wall height of 7.420 metres.

**Locality Plan**



6.



## DETAILS

7.

The subject site:

- Is currently vacant and represents a site area consistent with surrounding lots along the southern extent of Lewis Road;
- Has a street frontage of 48.82 metres to Lewis Road;
- Is identified to reside within a Bushfire Prone Area, with over half of the site identified as an "extreme" Bushfire Hazard Class; and
- Lesmurdie Brook traverses the subject site in an east to west alignment to the rear boundary.

8.

The surrounding local area is predominately:

- Characterised by two (2) predominant zones and a Regional Reserve including '*Residential (R20)*' zoned land along the northern extent of Lewis Road, '*Special Rural*' zoned land along the southern extent of Lewis Road and Lesmurdie Falls National Park to the sites south-east;
- Defined by an established low-density residential built form with predominately single storey dwelling houses and the occasional partial second storey;
- Heavily vegetated, with many mature trees within the road reserve of Lewis Road; and
- Lots on the south side of Lewis Road are set in a heavily vegetated area on the base of the escarpment.

9.

Due to the originally proposed height and scale of the single house, officers did not consider the development to reflect the established local amenity or the character envisaged for the Special Rural zone. Accordingly, officers gave the applicant the opportunity to revise the proposed wall height, bulk and scale on two occasions. As a result of said revisions, the applicant currently proposes a three (3) storey single house with an overall wall height of 7.420 metres.

- 
10. It is important to note that the reduced wall height has been achieved through proposed excavation works and a subsequent 3.80 metre (at its greatest extent) retaining wall.
11. The applicant currently seeks approval for a single house land use which will take the form of:
- A three (3) storey building with an overall wall height of 7.420 metres and setback 55.035 metres from Lewis Road;
  - A total ground floor area of 562.33m<sup>2</sup> which equates to an overall site coverage of 5.62 per cent;
  - The first storey accommodates: a 153m<sup>2</sup> games room; a 153m<sup>2</sup> garage; two (2) bedrooms; an open courtyard; multiple areas of storage; and two (2) bathrooms;
  - The second storey accommodates: a 149m<sup>2</sup> theatre; 149m<sup>2</sup> workshop; two (2) bedrooms; an open courtyard; two (2) living/study rooms; a dining room and kitchen; a laundry; and five (5) bathrooms;
  - The third storey accommodates: a 350m<sup>2</sup> roof top garden; a 107m<sup>2</sup> living area; and two (2) bedrooms with ancillary en suite, walk in robe and retreat;
  - The six (6) bedrooms range in size between 15.0m<sup>2</sup> (approx.) and 40m<sup>2</sup> (approx.);
  - A new vehicular crossover is proposed from the north-western corner of the subject allotment from Lewis Road;
  - Vehicular access is proposed to be achieved from a 55.035 metre driveway; and
  - A new effluent disposal system will be installed within a minimum setback of 30 metres from the creek.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

12. Clause 1.6 (Aims of the Scheme) stipulates seven (7) aims of the Scheme, including part (ii) which states:  
"to secure the amenity, health and convenience of the Scheme area and the residents thereof "
13. Clause 4.2.2 (Objectives of the Zones – Rural Zones – Special Rural) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives of the Special Rural zone is as follows:
- *To enable smaller lot subdivision to provide for uses compatible with rural development.*
  - *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*

14. Under the Scheme, a single house has the same meaning as defined in *State Planning Policy 3.1, Residential Design Codes (2015)*, as follows:  
"Single house a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property."
15. In Accordance with Table 1 of the Scheme (Zoning Table), the proposed land use of 'single house' is identified as a 'D' (Discretionary) use within the Special Rural zone, which means the use is not permitted unless the Shire has exercised its discretion by granting planning approval.
16. It is noted that the Scheme does not stipulate any height restrictions for the Special Rural zone.
17. The proposed development is subject to the requirements under Clause 6.7 (Bushfire Prone Areas), which requires the Shire to consider the level of bushfire hazard and relevant planning policies and guidelines when making its decision.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

18. In considering an application for planning approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires Local Government to have due regard to a number of matters, including (but not limited to):
  - The compatibility of the development with its setting;
  - The amenity of the locality; and
  - Any submissions received on the application.
19. In the event that Council does not support the proposed development, or imposes conditions that are not acceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal under Part 14 of the *Planning and Development Act (2005)*.

### **POLICY CONSIDERATIONS**

#### **State Planning Policy 3.7 – Planning in Bushfire Prone Areas (Western Australian Planning Commission)**

20. The intent of State Planning Policy 3.7 (SPP 3.7) is identified in Part 2 of the policy as:  
"The intent of this policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure."
21. The subject site is identified to reside within a Bushfire Prone Area, with over half of the site identified as an "extreme" Bushfire Hazard Class.
22. The development application enclosed a Bushfire Attack Level (BAL) Assessment, with a determined BAL of 19.

- 
23. The requirements under SPP 3.7 apply in addition to the provisions or requirements of the Special Control Area relating to Bushfire Prone Areas under the Scheme.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

24. In accordance with Clause 64 of the Regulations, the proposal was advertised for a period of 14 days and involved letters being sent to the surrounding neighbours. During the advertising period a total of six (6) submissions were received, all of which were objections (refer to Attachment 4). Key concerns raised during the advertising period included the following:
- Negative impact upon the future property values surrounding the subject site.
  - Environmental impact – potential for an impact on the environment and local fauna from the excessive clearing and land works to enable the building of such a large structure.
  - Impacts upon the privacy of adjoining landowners.
  - Undue impact upon the local character and amenity.
  - Concerns regarding the impacts of the surrounding landowners existing views.
  - Whether the proposal will be used as a 'single house' or another land use.
  - Inconsistent with the Special Rural zone.

## **FINANCIAL CONSIDERATIONS**

25. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

26. *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 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

## **SUSTAINABILITY**

### **Social Implications**

27. The proposed bulk, scale and height of the proposed single house may result in an undue impact on the visual amenity of the local area, particularly upon adjoining landowners.

### **Economic Implications**

28. Nil.

### **Environmental Implications**

29. Clause 5.10.2 (Special Rural Zone- Land Use Development) of the Scheme, part (i) states:

*"In order to conserve the rural environment trees shall be retained unless their removal is approved by local government, in accordance with 5.19 'Tree and Vegetation Protection'".*

While the proposed development will require the removal of two (2) mature trees to enable the construction of the proposed building, the applicant submits that the proposed single house been located so to limit any undue impacts upon the environment, with all vegetation at the rear of the subject site is to be retained in compliance within Clause 5.10.2 (Special Rural Zone- Land Use Development) of the Scheme.

## RISK MANAGEMENT CONSIDERATIONS

30.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposed bulk, scale and height of the single house could have an undue impact upon the visual amenity of the local area.	Likely	Insignificant	Medium	Ensure when making a determination, due regard is given to any undue impact upon the local character and amenity as stipulated by Clause 67 of the Regulations.
If refused, the applicant may appeal the decision at the State Administrative Tribunal (SAT)	Possible	Insignificant	Low	Ensure that the grounds for refusal are defensible.

## OFFICER COMMENT

31. It is acknowledged that the Scheme does not stipulate any height restrictions for the Special Rural zone. Furthermore the applicant is seeking approval for a single house that meets the requirements of the owners of the property.
32. Given that all six submissions received by the Shire during advertising have concern for local amenity implications, it is particularly important for Council to consider any undue impacts on the local amenity of adjoining residents.
33. As noted in part 18 of this report, the proposed development is considered to be inconsistent with Clause 67 of the Regulations (refer Attachments 5 and 6, namely:

- 
- The compatibility of the development with its setting;
  - The amenity of the locality;
  - The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
  - Any submissions received on the application.

34. Due to the bulk and scale of the building, the proposal is also considered inconsistent with:

- Clause 1.6 (Aims of the Scheme), Part (ii) which states:

*"to secure the amenity, health and convenience of the Scheme area and the residents thereof".*

- Clause 4.2.2 (Objectives of the Zones: Rural Zones) state that the objectives of the Special Rural zone is:

*"To retain amenity and the rural landscape in a manner consistent with orderly and proper planning".*

Accordingly, any future development should operate harmoniously in a rural context, without unduly impacting the surrounding rural amenity.

35. In regard to the concerns raised during advertising, the following is noted:

a) *Negative impact upon the future property values surrounding the subject site.*

This is not considered to be a relevant land use planning consideration.

b) *Environmental impact – potential for an impact on the environment and local fauna from the excessive clearing and land works to enable the building of such a large structure.*

The proposed single house been located so to limit any undue impacts upon the environment, with the majority of vegetation at the rear of the subject site is to be retained in compliance within Clause 5.10.2 (Special Rural Zone- Land Use Development) of the Scheme. It is important to note that Clause 5.10.2 (Special Rural Zone- Land Use Development) of the Scheme, part (i) states:

*"In order to conserve the rural environment trees shall be retained unless their removal is approved by local government, in accordance with 5.19 'Tree and Vegetation Protection'".*

c) *Impacts upon the privacy of adjoining landowners.*

It is noted that adjoining landowners hold concerns for their privacy due to the proposed rooftop garden. Officers do not consider the proposal in its current form to have any undue impacts upon the privacy of adjoining landowners. The proposed single house is setback at a minimum 10.40 metres from any property boundary. Nonetheless, to mitigate any direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings, the applicant has provided a 1.076 metre wall and privacy fencing along the western, southern and northern façade of the rooftop garden.

*d) Undue impact upon the local character and amenity.*

It is noted that all six submitters ascertain that the height, bulk and scale of the proposal will have an undue impact upon the local character and amenity. The surrounding local area is characterised by predominately single storey dwelling houses set amongst a heavily landscaped rural setting. Accordingly whilst the Special Rural zone does not stipulate any height restrictions, when making its determination Council will give due regard to any undue impact upon the local character and amenity as stipulated by Clause 10.2 (Matters to be Considered by Local Government) of the Scheme and Clause 67 of the Regulations.

*e) Concerns regarding the impacts of the surrounding landowners existing views.*

This is not considered to be a relevant land use planning consideration.

*f) Whether the proposal will be used as a 'single house' or another land use.*

While it is acknowledged that the design of the dwelling is unusual in terms of the number and size of the bedrooms, large size of the theatre, workshop and games rooms and number of 'house stores', there is no definitive evidence to suggest that the development would be used as anything other than a single house.

The Shire must assess the development application based upon the information provided by the applicant. If approved, the Shire will ensure that the use of the property is monitored to determine compliance with Council's determination.

*g) Inconsistent with the Special Rural zone.*

When making its determination Council will give due regard to Clause 4.2.2 (Objectives of the Zones – Rural Zones – Special Rural), Clause 10.2 (Matters to be Considered by Local Government) of the Scheme and Clause 67 of the Regulations.

36. In summary, it is acknowledged that the applicant has amended the design of the building to reduce its visual impact, principally through cut and retaining of the site, and that the Scheme does not stipulate any height restrictions for the Special Rural zone. However, it is considered that the proposed development would have an undue impact upon the amenity of the local area in terms of the bulk and scale of the building and accordingly is inconsistent Clause 67 of the Regulations and Clause 1.6 and 4.2.2 of the Scheme.



*Bruce Burgess and Brian Atwood spoke against the item. Guojin Bi from 174 Lewis Road, Forrestfield and Crishan Fernando spoke in favour of the item and clarified queries raised from Cr Sara Lohmeyer on the matter.*

*Cr Dylan O'Connor asked did we stipulate what we would accept in terms of height, length and width through the discussions the applicant and owner had with the Shire?*

*The Manager of Approval Services took this question on notice.*

*The Deputy Presiding Member sought a mover and seconder, Council then entered debate on the item. Cr Andrew Waddell spoke against the recommendation. The Deputy Presiding Member did not seek an alternative recommendation as the item can be determined at the Ordinary Council Meeting.*

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

**OFFICER RECOMMENDATION (D&I 62/2016)**

That Council:

1. Refuses the planning application for the proposed Three (3) Storey Single House – Lot 1001 (174) Lewis Road, Forrestfield , for the following reasons:
  - a) The proposed development is not considered to comply with *Clause 1.6 (ii) and 4.2.2 of Local Planning Scheme No.3* specifically relating to the aims of the scheme and objectives of the Special Rural Zone.
  - b) The proposed development is not considered to comply with Clause 67 of the *Planning Regulations (Local Schemes) 2015* specifically relating to:
    - The compatibility of the development with its setting;
    - The amenity of the locality; and
    - Any submissions received on the application.
  - c) Due to the context of the subject site being zoned Special Rural, the proposed height, bulk and scale is considered to unduly impact the amenity of the surrounding local area.
  - d) The proposal is considered to be inconsistent with the orderly and proper planning of the locality.

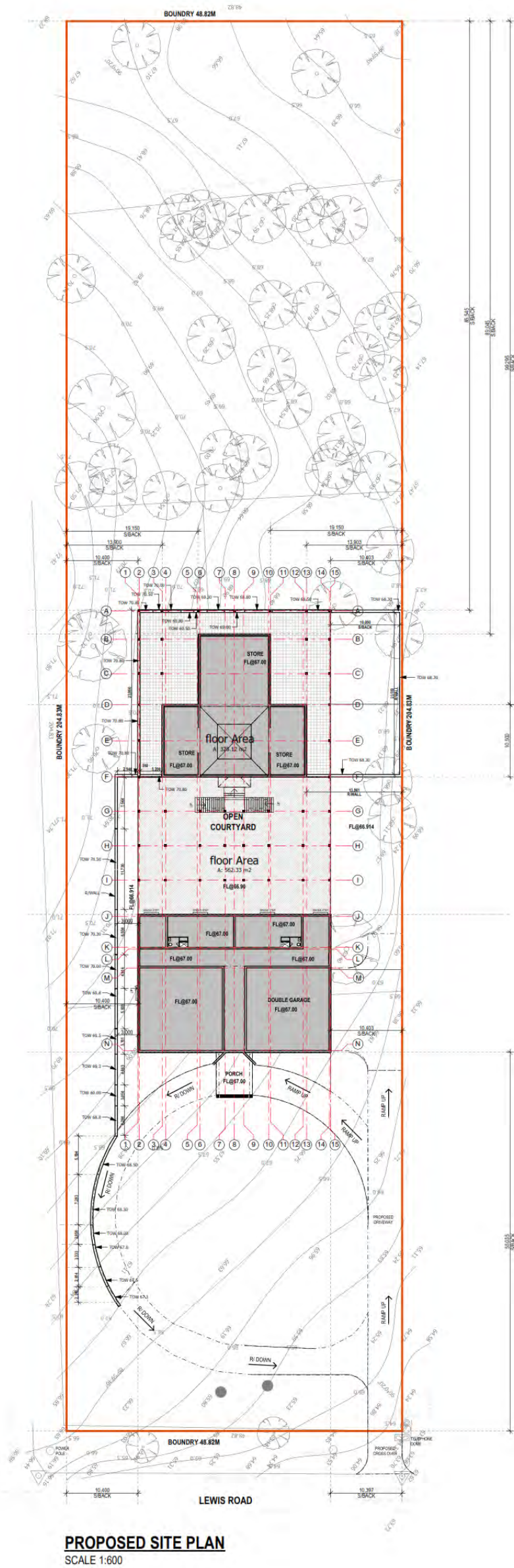
Moved: **Cr Michael Fernie**

Seconded: **Cr Sue Bilich**

Vote:

For	Against
Cr Michael Fernie Cr Geoff Stallard Cr Allan Morton Cr Sue Bilich	Cr John Giardina Cr Brooke O'Donnell Cr Noreen Townsend Cr Andrew Waddell Cr Sara Lohmeyer Cr Dylan O'Connor LOST (4/6)

Attachment 1  
Proposed Single House – Lot 1001 (174) Lewis Road, Forrestfield  
Site Plan



RE-ISSUED FOR PLANING

16/09/16	RE	REVISE BASE ON COUNCIL COMMENTS	C-F
08/09/16	RE	REVISE BASE ON COUNCIL COMMENTS	C-F
03/08/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
13/07/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
04/06/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
DATE	REV	COMMENTS	CHECKED

ISSUED FOR  
PLANNING APPROVAL

**PBG**  
Professional Built Group

A: Unit 3/220 STAR ROAD WELSHPOOL WA  
T: 0433 070 412  
E: chris.guy@pbgroup.net.au

PROJECT ADDRESS:  
174 LEWIS ROAD  
FORRESTFIELD

DRAWING TITLE  
PROPOSED SITE PLAN

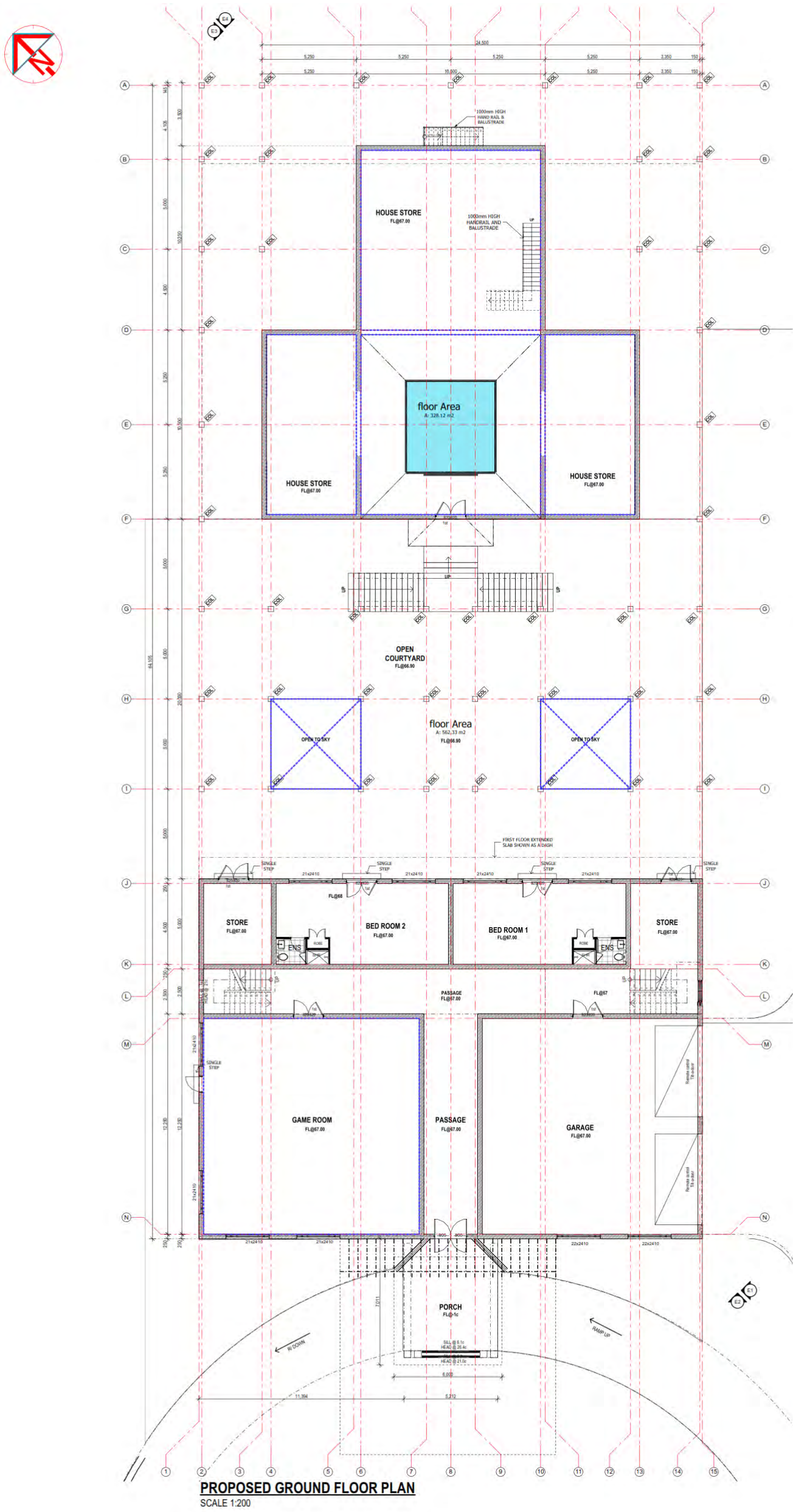
DRAWN C.FERNANDO	CHECKED C.FERNANDO	SCALE: AS SHOWN
JOB NUMBER: 0191-15	DATE 21/10/16	REV R-5

SHEET  
**A101 of A107**

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Attachment 2  
Proposed Single House – Lot 1001 (174) Lewis Road, Forrestfield  
Floor Plans



RE-ISSUED FOR PLANING

16/09/16	RS	REVISE BASE ON COUNCIL COMMENTS	C - F
08/09/16	RM	REVISE BASE ON COUNCIL COMMENTS	C - F
03/09/16	R - A	REVISE BASE ON COUNCIL COMMENTS	C - F
13/07/16	R - A	REVISE BASE ON COUNCIL COMMENTS	C - F
04/05/16	R - A	REVISE BASE ON COUNCIL COMMENTS	C - F
DATE	REV	COMMENTS	CHECKED

ISSUED FOR  
PLANING APPROVAL

**PBG**  
Professional Built Group

A: Unit 3/220 STAR ROAD WELSHPOOL WA  
T: 0433 070 412  
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PROJECT ADDRESS:  
174 LEWIS ROAD  
FORRESTFIELD

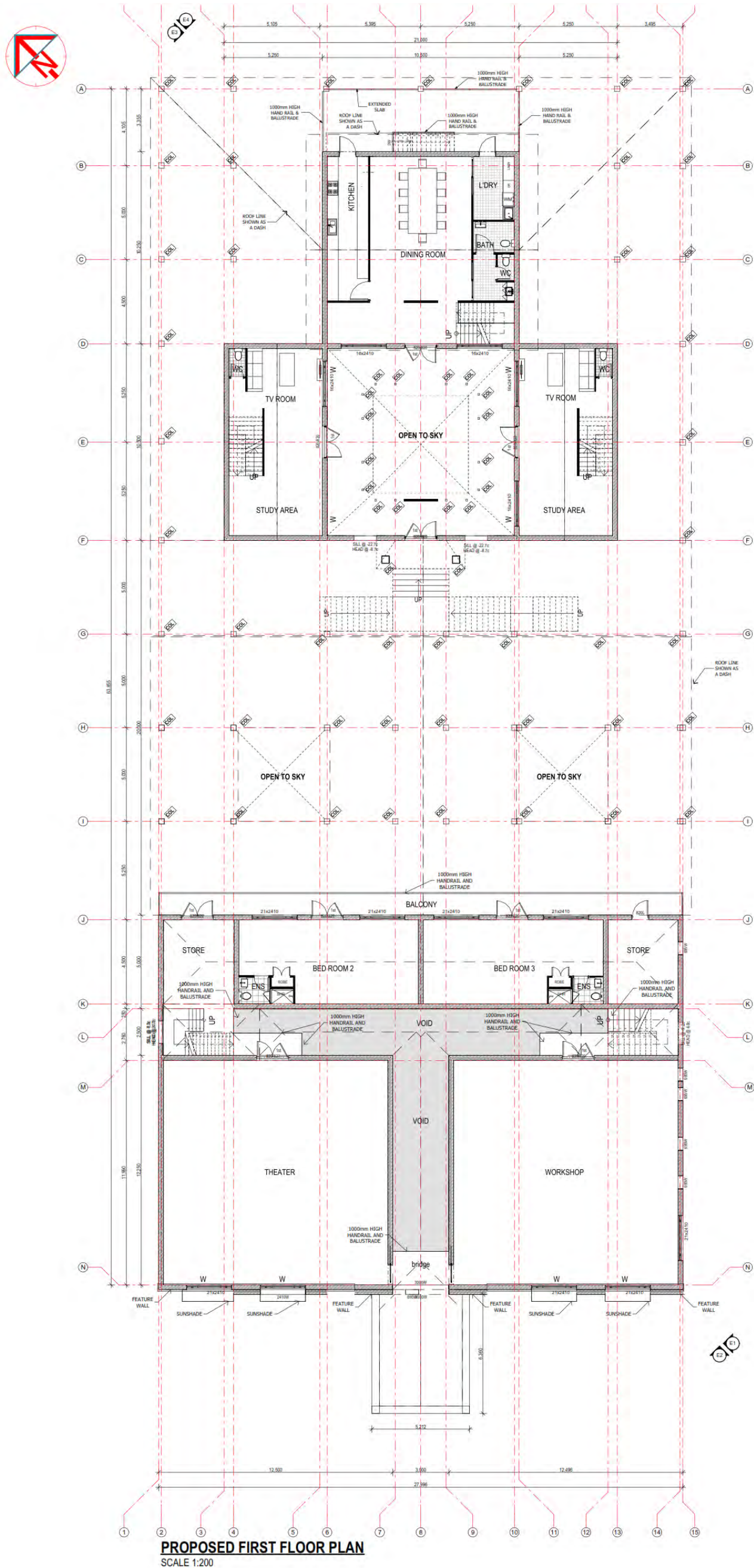
DRAWING TITLE  
GROUND FLOOR PLAN

DRAWN C.FERNANDO	CHECKED C.FERNANDO	SCALE: AS SHOWN
JOB NUMBER: 0191-15	DATE: 21/10/16	REV: R-5

SHEET  
**A103 OF A107**

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RE-ISSUED FOR PLANING

16/09/16	RD	REVISE BASE ON COUNCIL COMMENTS	C-F
06/09/16	RE	REVISE BASE ON COUNCIL COMMENTS	C-F
03/08/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
13/07/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
06/06/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
DATE	REV	COMMENTS	CHECKED

ISSUED FOR  
PLANING APPROVAL

**PBG**  
Professional Built Group

A: Unit 3/220 STAR ROAD WELSHPOOL WA  
T: 0433 070 412  
E: chris.guy@pbgroup.net.au

PROJECT ADDRESS:  
174 LEWIS ROAD  
FORRESTFIELD

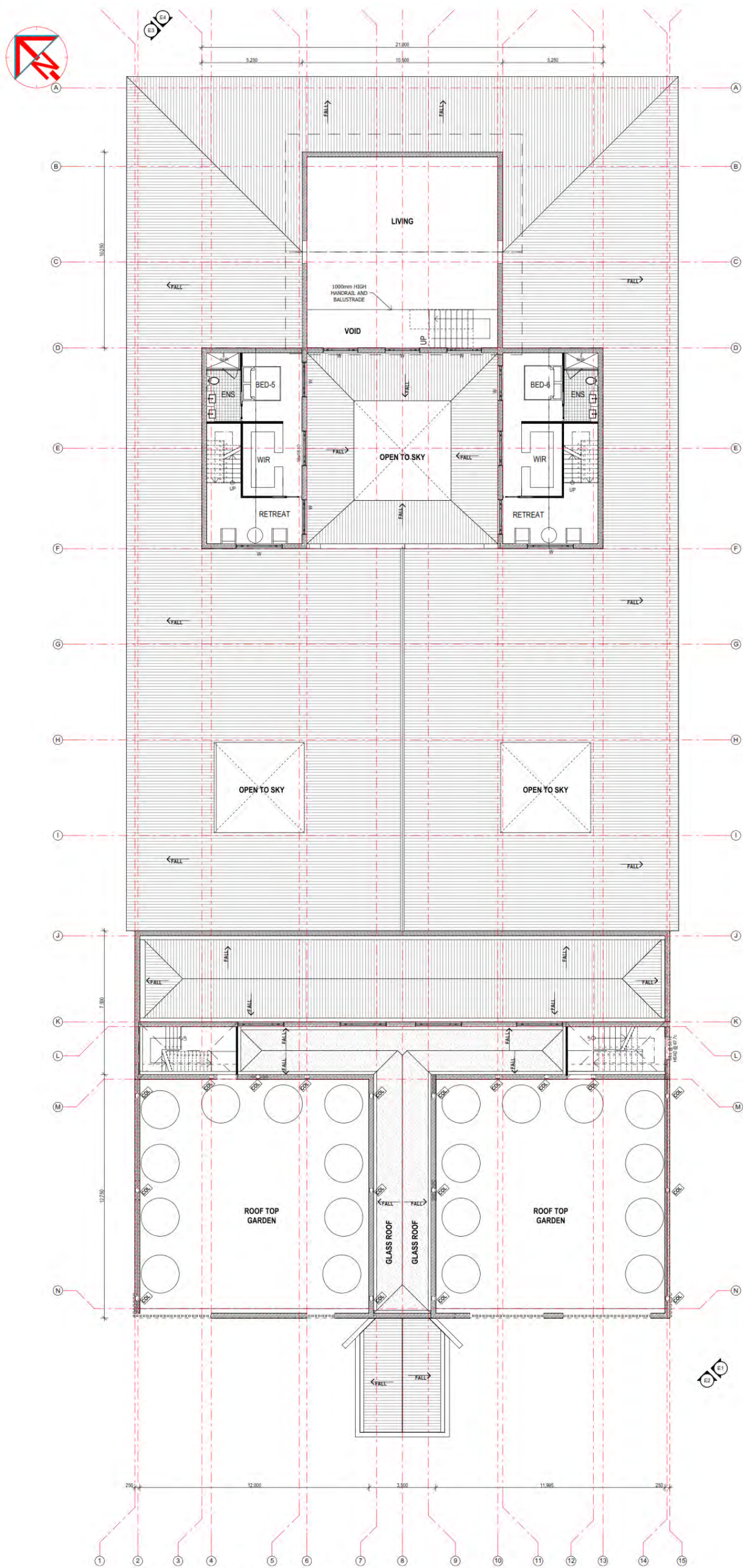
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FIRST FLOOR PLAN

DRAWN C.FERNANDO	CHECKED C.FERNANDO	SCALE: AS SHOWN
JOB NUMBER: 0191-15	DATE: 21/10/16	A3 REV R-5

SHEET  
**A104 of A107**

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PROPOSED SECOND FLOOR PLAN  
SCALE 1:200

RE-ISSUED FOR PLANING

16/09/16	R1	REVISE BASE ON COUNCIL COMMENTS	C-F
06/09/16	R4	REVISE BASE ON COUNCIL COMMENTS	C-F
03/08/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
13/07/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
06/06/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
DATE	REV	COMMENTS	CHECKED

ISSUED FOR  
PLANING APPROVAL



A: Unit 3/220 STAR ROAD WELSHPOOL WA  
T: 0433 070 412  
E: chris.guy@pbgroup.net.au

PROJECT ADDRESS:  
174 LEWIS ROAD  
FORRESTFIELD

DRAWING TITLE:  
SECOND FLOOR PLAN

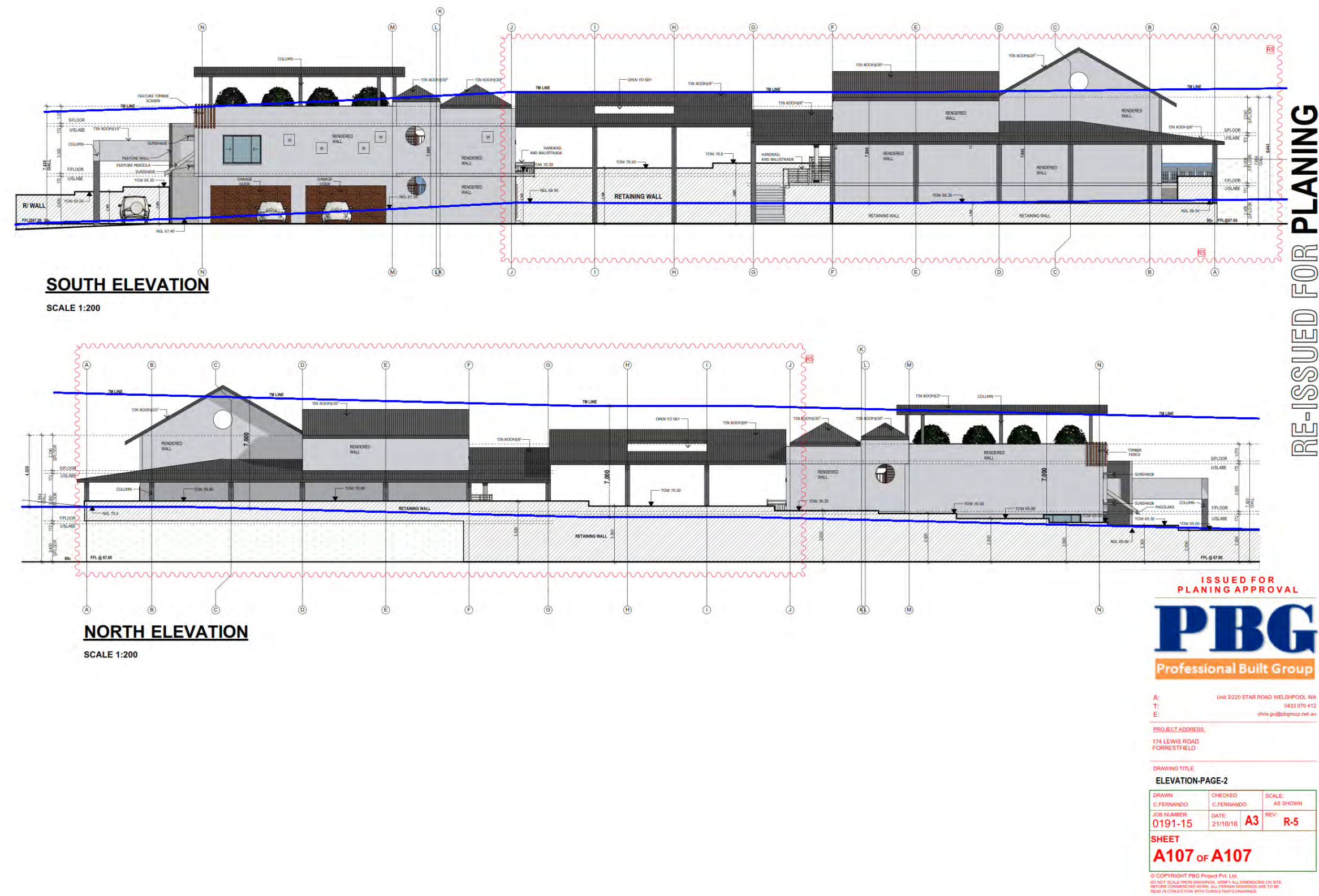
DRAWN C.FERNANDO	CHECKED C.FERNANDO	SCALE: AS SHOWN
JOB NUMBER: 0191-15	DATE: 21/10/16	REV: R-5

SHEET  
A105 of A107

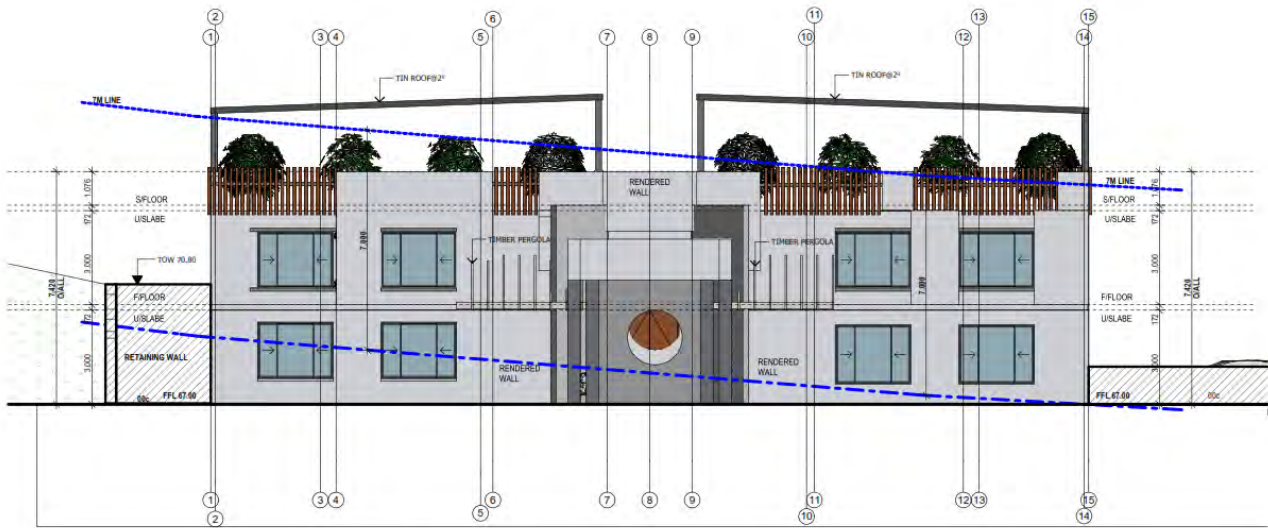
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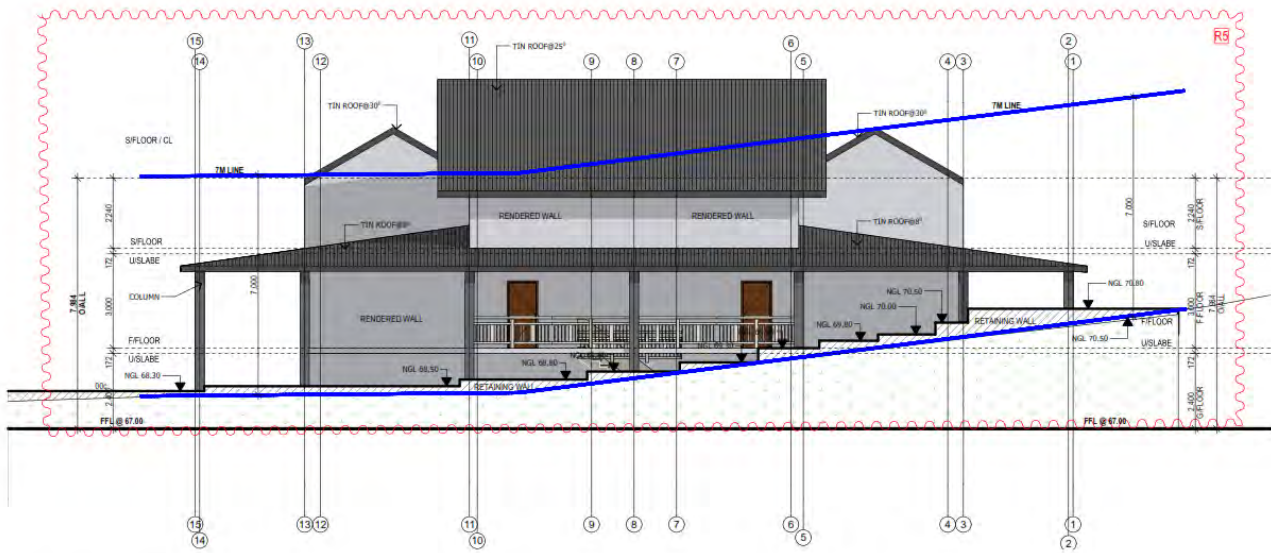
Attachment 3  
Proposed Single House – Lot 1001 (174) Lewis Road, Forrestfield  
Elevations







**WEST ELEVATION**  
SCALE 1:200



**EAST ELEVATION**  
SCALE 1:200

RE-ISSUED FOR PLANING

16/09/16	RD	REVISE BASE ON COUNCIL COMMENTS	C-F
06/09/16	RD	REVISE BASE ON COUNCIL COMMENTS	C-F
03/08/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
13/07/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
06/06/16	R-A	REVISE BASE ON COUNCIL COMMENTS	C-F
DATE	REV	COMMENTS	CHECKED

ISSUED FOR  
PLANING APPROVAL  
**PBG**  
Professional Built Group

A: Unit 3/220 STAR ROAD WELSHPOOL WA  
T: 0433 070 412  
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PROJECT ADDRESS:  
174 LEWIS ROAD  
FORRESTFIELD

DRAWING TITLE  
ELEVATION-PAGE-1

DRAWN C.FERNANDO	CHECKED C.FERNANDO	SCALE: AS SHOWN
JOB NUMBER: 0191-15	DATE: 21/10/16	REV: R-5

SHEET  
**A106 of A107**

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#### Attachment 4

Proposed Three (3) Storey Dwelling – 174 Lewis Road, Forrestfield

#### Submission Table

#### SUBMISSION TABLE

SUMMARY	TOTAL SUBMITTORS	SHIRE OF KALAMUNDA COMMENT
<b>OBJECTION</b> Negative impact upon the future <b>property values</b> surrounding the subject site.	2	This is not considered to be a relevant land use planning consideration.
<b>OBJECTION</b> <b>Environmental impact</b> – potential for an impact on the environment and local fauna from the excessive clearing and land works to enable the building of such a large structure.	1	The proposed single house been located so to limit any undue impacts upon the environment, with all vegetation at the rear of the subject site is to be retained in compliance within Clause 5.10.2 (Special Rural Zone- Land Use Development) of the Scheme. It is important to note that Clause 5.10.2 (Special Rural Zone- Land Use Development) of the Scheme, part (i) states: <i>"In order to conserve the rural environment trees shall be retained unless their removal is approved by local government, in accordance with 5.19 'Tree and Vegetation Protection'".</i>
<b>OBJECTION</b> Impacts upon the <b>privacy</b> of adjoining landowners.	4	It is noted that adjoining landowners hold concerns for their privacy due to the proposed rooftop garden. Officers do not consider the proposal in its current form to have any undue impacts upon the privacy of adjoining landowners. The proposed single house is setback at a minimum 10.40 metres from any property boundary. Nonetheless, to mitigate any direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings, the applicant has provided a 1.076 metre wall and privacy fencing along the western, southern and northern façade of the rooftop garden.

SUMMARY	TOTAL SUBMITTORS	SHIRE OF KALAMUNDA COMMENT
<b>OBJECTION</b> Undue impact upon the local <b>character</b> and <b>amenity</b> .	6	It is noted that all six submitters ascertain that the height, bulk and scale of the proposal will have an undue impact upon the local character and amenity. The surrounding local area is characterised by predominately single storey dwelling houses set amongst heavily landscaped rural setting. Accordingly whilst the Special Rural zone stipulate any height restrictions, when making its determination Council will give due regard to any undue impact upon the local character and amenity as stipulated by Clause 67 of the Regulations.
<b>OBJECTION</b> Concerns regarding the impacts of the surrounding landowners existing <b>views</b> .	2	This is not considered to be a relevant land use planning consideration.
<b>OBJECTION</b> Whether the proposal will be used as a 'single house' or another land use.	1	The Shire must assess the development application based upon the information provided by the applicant. If approved, the Shire will ensure that the use of the property is monitored to determine compliance with Council's determination.
<b>OBJECTION</b> Inconsistent with the Special Rural zone.	3	When making its determination Council will give due regard to Clause 4.2.2 (Objectives of the Zones – Rural Zones – Special Rural), Clause 10.2 (Matters to be Considered by Local Government) of the Scheme and Clause 67 of the Regulations.

## Attachment 5

Proposed Three (3) Storey Dwelling – 174 Lewis Road, Forrestfield

### Site Identification Photographs



**Figure 1** – 174 Lewis Road, Forrestfield  
*Indicative boundaries identified in yellow.*



**Figure 2** – 174 Lewis Road, Forrestfield  
*Indicative boundaries identified in yellow*



**Figure 3** – 174 Lewis Road, Forrestfield  
*Indicative boundaries identified in yellow*



**Figure 4** – 174 Lewis Road, Forrestfield  
*Indicative boundaries identified in yellow*



**Figure 5** – 174 Lewis Road, Forrestfield  
*Indicative boundaries identified in yellow*



**Figure 6** – 174 Lewis Road, Forrestfield  
*Indicative boundaries identified in yellow*



## Attachment 6

Proposed Three (3) Storey Dwelling – 174 Lewis Road, Forrestfield

### Local Character Photographs



**Figure 1** – 193 Lewis Road, Forrestfield



**Figure 2** – 191 Lewis Road, Forrestfield



**Figure 3** – 187 Lewis Road, Forrestfield



**Figure 4** – 185 Lewis Road, Forrestfield



**Figure 5** – 181 Lewis Road, Forrestfield



**Figure 6** – 198 Lewis Road, Forrestfield

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

**63. Proposed Temporary Signage (Land Sales) at a Garden Centre – Lot 4 (157) Hawtin Road, Maida Vale**

Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	HW-04/157
Applicant	Rowe Group
Owner	Satterley Forrestfield Pty Ltd

Attachment 1	Locality plan
Attachment 2	Development plans
Attachment 3	Site photographs

**PURPOSE**

1. To consider a planning application for a large (18sqm), prominent and temporary land-sales sign at a garden centre site, at Lot 4 (157) Hawtin Road, Maida Vale.

**BACKGROUND**

**2. Land Details:**

Land Area:	8,094m <sup>2</sup>
Local Planning Scheme Zone	Special Rural
Metropolitan Regional Scheme Zone:	Rural

3. In December 2015, the Shire approved a land sales office with two land signs at Satterley's 'The Hales Estate' on Hawtin Road in Forrestfield, which has since been constructed.
4. In mid-August 2016, the Shire received an application for additional large signs for the same purpose (Attachment 1). The Shire split the proposal application into separate applications, as the signs were on several properties, over a wide area (Forrestfield, Maida Vale and High Wycombe), and owned by various parties (public and private). Some of the signs replacing existing approved signs and were compliant with the local planning policy and as such were approved under delegation.
5. Some of the other proposed signs and their applications have not proceeded, as the applicant could not provide signatures from landowners and were subsequently withdrawn.



## Locality Plan

6.



7. The proposed sign the subject of this application is on Lot 4 (157) Hawtin Road, Maida Vale (Subject Site), which is currently occupied by Oasis Nursery, and not owned by the advertiser (Satterley). The Site is approximately 1.4km from Satterley's 400 lot estate in Forrestfield.
8. The site photographs in Attachment 3 depict the varied topography, indicative location, and existing development at the front of the lot and road reserve.

## DETAILS

9. The proposed sign measures 3.0m x 6.0m, is raised 1.8m above ground level, and is wholly on the Site (and not in the road reserve).
10. An assessment of the application identified variations to the local planning policy, standard requirements for the street setback pertaining to the site, as well as general amenity considerations.

11.

Issue		Standard Provision	Proposed	Variation
Setback to front boundary		15.0m	2.0m	13.0m
Area		22.0sqm	18.0sqm	Nil
Height	-sign	An amenity consideration under the Scheme and LPS Regulations	3.0m	An amenity consideration
	-posts		1.8m	
	-level differences to the road		approx. 2.0m	
	<b>overall</b>		<b>6.8m</b>	

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

12. Clause 4.2.2 (Objectives of the Zones – Rural Zones) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives of the zone is as follows (emphasis added):

*'Special Rural*

- *To enable smaller lot subdivision to provide for uses compatible with rural development.*
- *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.'*

### Planning and Development (Local Planning Schemes) Regulations 2015

13. In considering an application for planning approval, Clause 67 of *The Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) requires Council to have due regard to a number of matters, including (emphasis added):

*'Matters to be Considered by Local Government*

- (m) *The compatibility of the development within its settings.*  
(n) *The amenity of the locality...'*

### Planning and Development Act 2005

14. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act 2005*.



## **POLICY CONSIDERATIONS**

### **P-DEV 42 Signage on Private Property**

15. The Shire's Local Planning Policy P-DEV 42 'Signage on Private Property' (Signage Policy) has general and specific standards on hoardings, which are applicable to this matter.
16. Clause 4 of the signage policy requires that where a standard of the policy is varied a sign strategy shall be prepared for the whole site. The subject site contains existing signage associated with the garden centre operating from the site. Any future signage proposed will be assessed against the general purpose and assessment criteria of the Scheme to ensure collectively signage on the site does not detract from amenity of the surrounding area.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

17. Having regard to P-DEV 45- Public Notification of Planning Proposals, it was considered that the proposed variations did not involve a significant exercise of discretion in terms of the signage policy provisions. Moreover, there were existing signage that had previously been approved for the Satterley development on Hawtin Road.

## **FINANCIAL CONSIDERATIONS**

18. Nil, noting that the signage does not relate to land vested or owned by the Shire.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

19. *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 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

## **SUSTAINABILITY**

### **Social Implications**

20. Nil.

### **Economic Implications**

21. Nil.

## Environmental Implications

22. Some minor vegetation may have to be removed, noting that the Shire's Environment Department have not raised any concerns.

## RISK MANAGEMENT CONSIDERATIONS

23.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Approval of signs that are too far from the business it advertises, or have an adverse visual impact, degrade the streetscape and encourage similar development in the future.	Possible	Insignificant	Low	Ensure the signage is positioned to ensure it does not impact on the local amenity in terms of its size and location.

## OFFICER COMMENT

24. The Signage Policy requires advertising to pertain to the site it is located on, whereas the proposed sign for land sales does not relate to the existing plant nursery. In addition, the location is approximately 1.4km by road to the existing land sales office.
25. It is considered that a variation to the policy requirements be granted for the following reasons:
- Hawtin Road is relatively long and devoid of notable landmarks, thereby creating a need to guide traffic to the estate and sales office.
  - The sign is temporary, and a condition has been recommended to remove the sign within two years, or reapply for further consideration.
26. In respect to amenity considerations, the dimensions of the sign is considerable, especially the overall height, which is compounded by the height of the ground above the road level (see contours below and the site photographs in Attachment 3).



**Subject Site – 1.0m Contours**

27. It is considered however that from an amenity perspective, the proposed sign can be supported, for the following reasons:
- The proposed sign will not be visually isolated, as the site has considerable vegetation at various heights.
  - Large signs for the larger land estates is common in Perth, and therefore would be expected by the community.
  - Both the proposed sign and the site relates to commercial purposes.
  - The sign is temporary, and a condition has been recommended to remove the sign within two years, or reapply for further consideration.

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 63/2016)**

That Council:

1. Approve a proposed sign at Lot 4 (157) Hawtin Road, Maida Vale, subject to the following conditions:
  - a. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b. The signage shall only relate to 'The Hales Estate' land sale.
  - c. Approval is granted on a temporary basis, being a period of two (2) years from the date of this approval, or after all of the lots have been sold, whichever is the lesser. At the end of this period, the approval shall lapse and be of no further effect, the landowner shall remove all approved structures and 'make good' the site to the satisfaction of the Shire of Kalamunda.

**ADVICE TO APPLICANT**

- a. If the applicant seeks to extend the approval period, then a further planning application is required to be lodged two months in advance of the expiry.

Moved: **Cr Brooke O'Donnell**

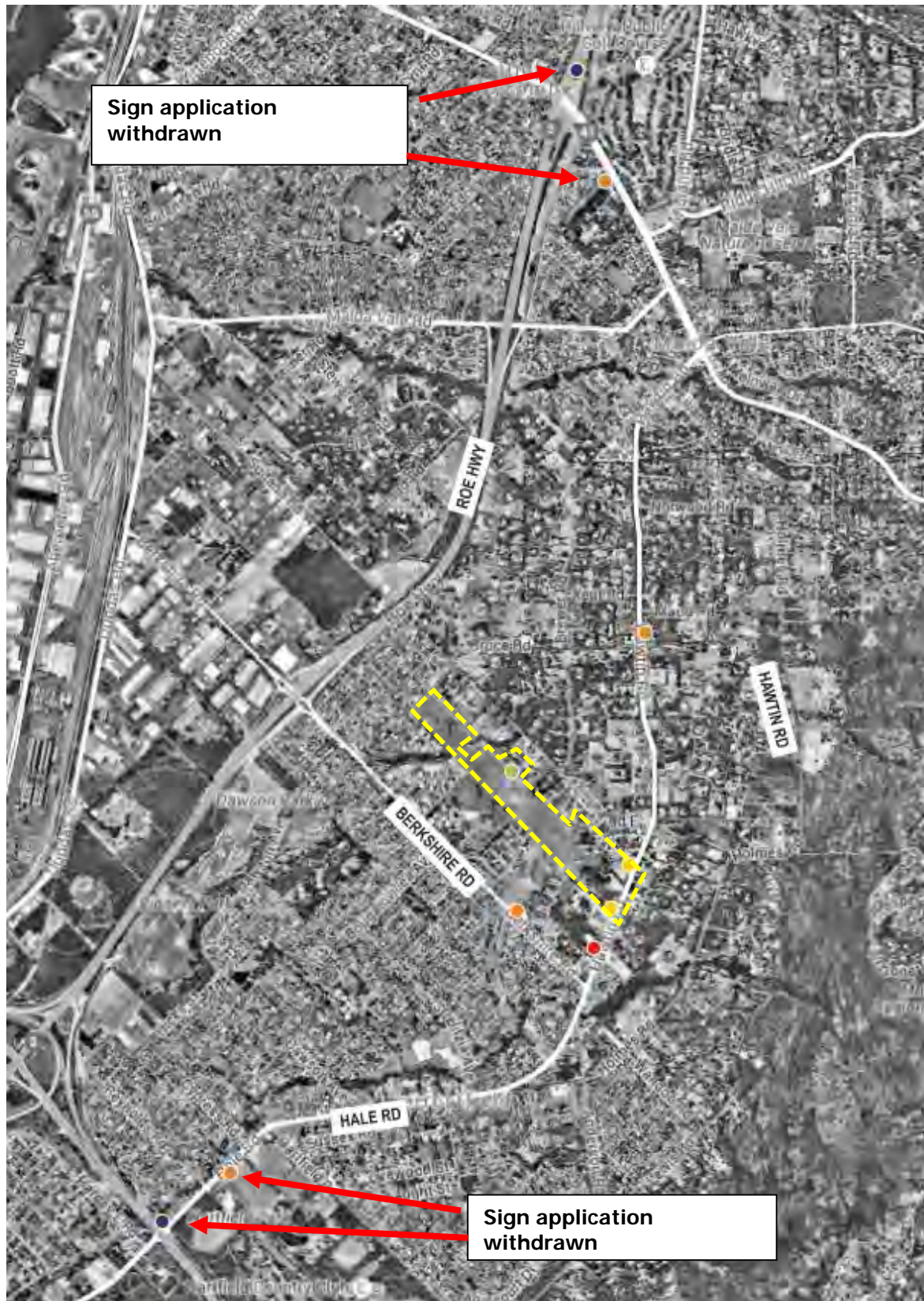
Seconded: **Cr Noreen Townsend**

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

## Attachment 1

Proposed Temporary Signage (Land Sales) at a Garden Centre – Lot 4 (157) Hawtin Road, Maida Vale

### Locality Plan



## Attachment 2

Proposed Temporary Signage (Land Sales) at a Garden Centre – Lot 4 (157) Hawtin Road, Maida Vale

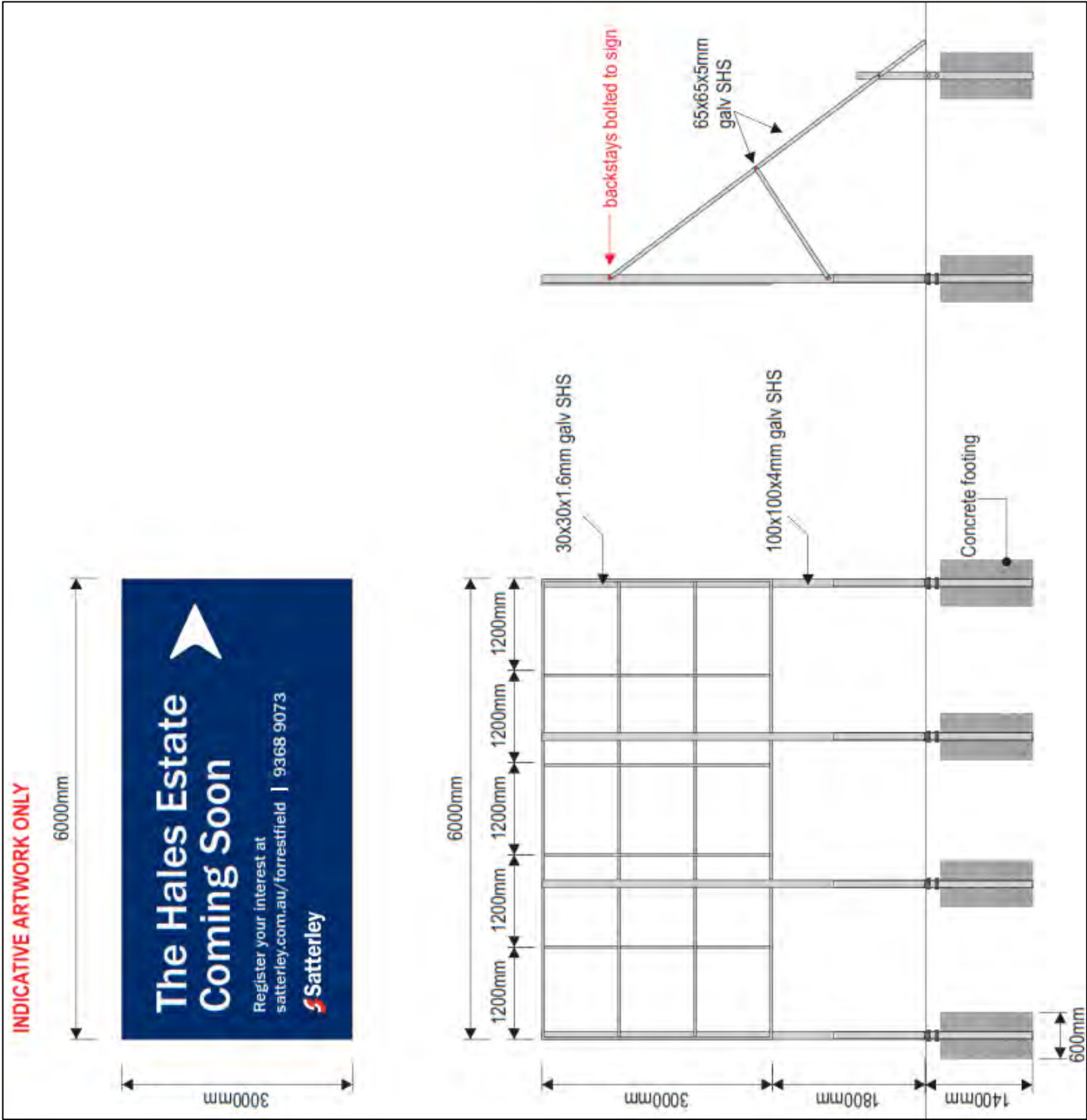
### Development Plans











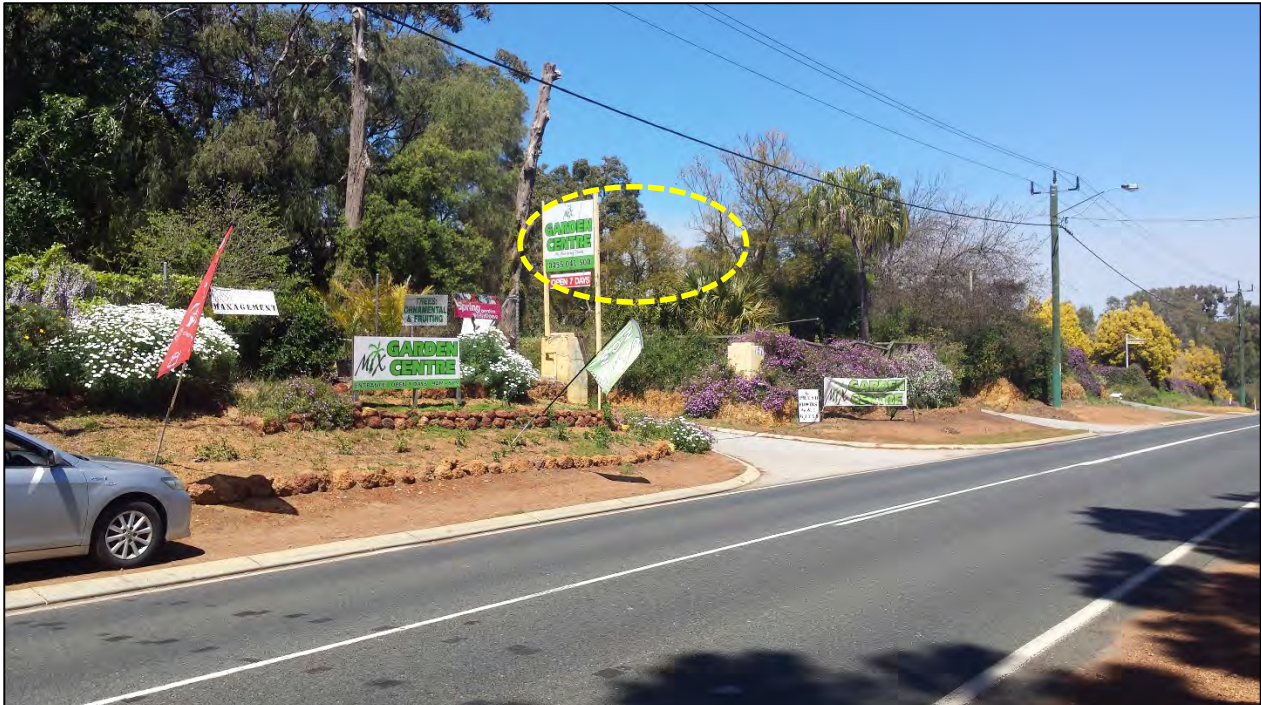
### Attachment 3

Proposed Temporary Signage (Land Sales) at a Garden Centre – Lot 4 (157) Hawtin Road, Maida Vale

### Site Photographs



Side (North)

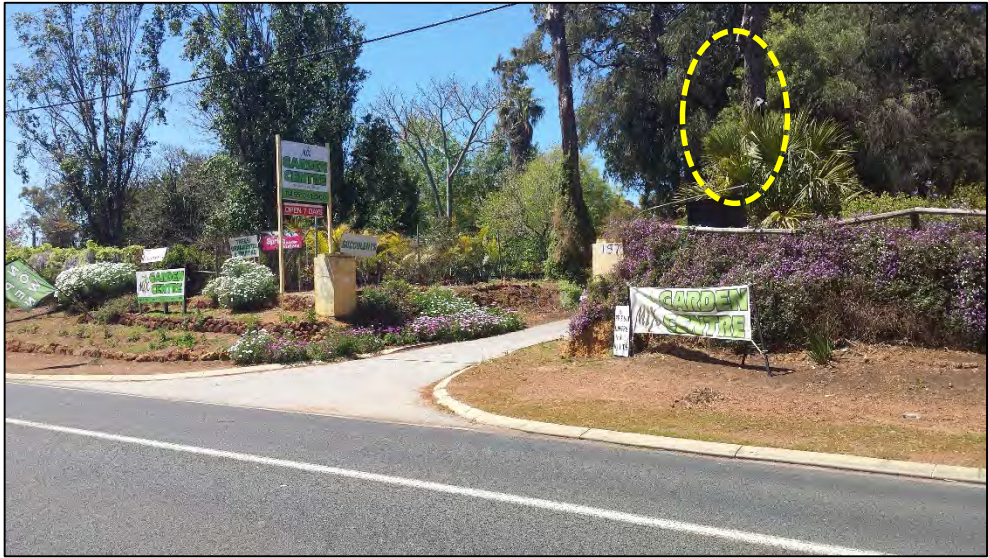


Diagonal (Northwest)





Front (West)



Side (Southwest)



Internal (looking west)

Cr Michael Fernie declared an Interest Affecting Impartiality.

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

**64. Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CN-01/310
Applicant	Grid Garages, Sheds and Patios
Owner	Andrew Herden
Attachment 1	Site Plan
Attachment 2	Elevation Plan
Attachment 3	Justifications from Applicant
Attachment 4	Submission Table
Attachment 5	Photographs of the Visual Impact of the Outbuilding

**PURPOSE**

1. To consider the retrospective application for a proposed outbuilding (shed) and retaining walls at Lot 77 (310) Canning Road, Lesmurdie.

**BACKGROUND**

**2. Land Details:**

Land Area:	976m2
Local Planning Scheme Zone	Residential R10
Metropolitan Regional Scheme Zone:	Urban

3. The Shire approved an outbuilding (shed) at the subject site on 7 July 2016. Following this approval complaints were received from the adjoining rear neighbour upon the commencement of construction of the structure.
4. Following a site visit it was revealed that the outbuilding was being erected on an area that had been altered and retaining walls built. The presence of the retaining walls subsequently altered the natural ground level and overall height of the outbuilding. No previous approval had been granted for the retaining walls.
5. The outbuilding is currently located on the site in a state of semi completion.
6. The owner was advised to halt works on the outbuilding and to lodge a retrospective application for both the outbuilding and the retaining walls.



## Locality Plan

7.



## DETAILS

8. In support of the variations the applicant has provided a written statement outlining why such variations should be supported (Attachment 3). The applicant has also stated that the retaining walls were installed some months prior to the application for the outbuilding.
9. The application proposes retrospective approval of an outbuilding (shed) and retaining walls (Refer to Attachments 1 and 2). Both the outbuilding and the retaining do not meet the deemed to comply requirements of the Residential Design Codes and do not comply the Shire's Outbuilding and Sea Container policy. These matters are detailed below.
10. The deemed to comply requirements of the Residential Design Codes (R Codes) are detailed below. It should be noted that where the proposal does not meet the deemed to comply requirements, the proposal must be assessed against the relevant design principles of the R Codes and where appropriate can be supported under these principles.

11.

<b>Assessment Under Residential Design Codes</b>	<b>Deemed to Comply Provision</b>	<b>Proposed</b>	<b>Design Principle Variation</b>
Outbuilding Rear Setback	1.1m	1.15m	0.05m
Outbuilding Side Setback	1.1m	0.8m	-0.3m
Retaining Wall Rear Setback	6m	0.5m	-5.5m
Retaining Wall Side Setback	1m	Nil Setback	-1m

Assessment against P – DEV 20 (Outbuilding Policy)

<b>Assessment Under Outbuilding Policy</b>	<b>Deemed to Comply Provision</b>	<b>Proposed</b>	<b>Design Principle Assessment</b>
Wall height	3.0m	4.12m (retaining walls included)	1.12m
Roof Pitch Height	4.2m	4.58m (retaining walls included)	0.38m

Assessment against P – DEV 20 (Acceptable Design Outcomes)

<b>Acceptable Design Outcome</b>	<b>Proposed by Applicant</b>	<b>Compliant with Policy</b>
Compliant with R Code Setback Requirements	Rear: 1.15m Side: 0.8m	Yes No
Will not reduce areas of open space below deemed-to-comply requirements (60%)	72.9% of Open Space on site	Yes
Outbuilding located behind the main dwelling and not directly visible from a street or public place	Rear of property, well away from the main dwelling and the primary street	Yes
Not located within a flood or stream management area	Not located in such an area	Yes
Development will not result in excessive or unnecessary removal of vegetation	Outbuilding to be located in a cleared space, well away from any established vegetation	Yes

Proposed colours and materials are consistent with the criteria set out in P DEV 20	Colorbond Steel – Considered to be Lightweight material with a rendered or painted finish  Cloudy grey colorbond	Yes  Yes
Will not unduly impact on the amenity of an adjoining property owner/occupier		No

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

12. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives of the Residential zone are as follows:

- To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
- To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
- To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
- To encourage the retention of remnant vegetation.

### Planning and Development (Local Planning Schemes) Regulations 2015

13. In considering an application for planning approval, Clause 67 of *The Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) requires Council to have due regard to a number of matters, including:

- The compatibility of the development within its settings;
- Amenity in the locality; and
- Any relevant submissions received on the application.

14. Clause 65 of the Regulations and section 164 of the *Planning and Development Act 2005* sets out the procedure and the effects of assessing applications for retrospective approval for development already commenced.

15. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act (2005)*.



## POLICY CONSIDERATIONS

### P-DEV 20 – Outbuildings and Sea Containers

16. Section 1.3 (Objectives) of the Shires Outbuilding and Sea Containers Policy (Policy) stipulates that the objectives of the Policy are as follows:
- To ensure the amenity of the locality and streetscape is preserved through orderly planning of any development of outbuildings including sheds, rainwater tanks and sea containers;
  - To ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, environmental characteristics of the area, and existing buildings on site;
  - Facilitate the intended use of the outbuilding while not creating an adverse impact to the surrounding landowners; and
  - To give due consideration for proposals incorporating outbuildings and sea containers where there are legitimate constraints on the subject lot.
17. Under the Policy, an outbuilding has the same meaning as defined in the Residential Design Codes, as follows:

***“Outbuilding** – An enclosed non-habitable structure that is detached from any dwelling.”*

## COMMUNITY ENGAGEMENT REQUIREMENTS

18. The proposal was advertised for a period of 14 days and involved letters being sent to the adjoining side and rear neighbours. A total of two (2) submissions were received, comprising one (1) non-objection with comments and one (1) objection with comments.
19. The following key concerns were raised during the advertising period:
- The overall height of the outbuilding with the retaining walls are causing significant visual impact.
  - The existing retaining walls may not have been signed-off by a qualified engineer.
20. In addition to this it is noted that there has been much correspondence regarding the actual height of the retaining walls on site compared to the heights that were noted on the initial plans.

A site visit was undertaken where the height of the retaining walls was noted and measured. In addition to this final plans have been received noting the true height of the retaining walls (Attachment 1 and 2).

21. In response to the above concerns the applicant submits as follows:

### **Visual Impact of the Outbuilding:**

The applicant submits that the height clearance is required in order to allow for the parking of a caravan and a boat. This will enable the owner to ensure the safety and protection of his property.

In regard to the presence of the retaining wall the applicant has submitted that the subject site has quite a significant fall to the rear of the property and the construction of the retaining was required to ensure that the structure did not flood. (See Attachment 3)

The applicant has further stated that the owner is willing to construct some form of screening or cultivate vegetative screening in order to reduce the visual impact of the outbuilding on the neighbour.

22. **Retaining Walls:**

The applicant has confirmed that the retaining walls have been certified by a qualified structural engineer and were initially installed some months prior to the commencement of the original development application. The applicant has provided site plans with engineer certification to support this (Attachment 1 and 2).

In addition to this, the new site plans detail the final measured levels of the retaining walls. The total maximum height of the retaining wall at the rear boundary is 1.46m,(1,12m above natural ground level) this includes approximately 340mm excavated below the natural ground level (depending on the slope of the land).

## **FINANCIAL CONSIDERATIONS**

23. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

24. *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 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

## **SUSTAINABILITY**

### **Social Implications**

25. The presence of the outbuilding with the current retaining may result in an undue impact on the amenity of the adjoining neighbour.

### **Economic Implications**

26. Nil.

## Environmental Implications

27. Nil.

## RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Undue visual impact on the adjoining neighbour	Likely	Moderate	High	Provision of effective cladding or screening may reduce the visual impact of the outbuilding on the adjoining neighbour
Collapse of the retaining walls due to increased weight from the outbuilding	Unlikely	Significant	Medium	Ensuring that the retaining has been suitably constructed and certified by a qualified engineer

## OFFICER COMMENT

29. Clause 67 of the Regulations requires Council to have due regard to a number of matters, including:

- The compatibility of the development within its settings.
- The preservation of amenity in the locality.
- Any relevant submissions received on the application.

30. It is considered that the majority of the conditions of the acceptable design outcomes have been met in this instance (see Table in *Details* Section). The adjoining neighbour who is being affected by the 0.8m outbuilding setback has stated that they have no objection to the setback variation. In addition to this it is considered that the remaining variations to the Acceptable Design Outcomes of the Outbuilding Policy can be addressed with acceptable screening conditions.

31. The combination of the retaining wall height in tandem with the proposed wall height of the outbuilding has led to a variation in the maximum allowable wall height of the structure under the Shire's Outbuilding Policy. However, the rear setback distance of the total wall height is deemed to be compliant under the setback provisions of Table 2a of the Residential Design Codes.

While the setback distance for such a wall height is compliant under the provisions of the Residential Design Codes it is considered that the total wall height results in some visual impact on the adjoining neighbour in its current distance from the rear boundary.

32. In regard to the concerns raised during advertising, the following is noted:

33. *Visual Impact of the Outbuilding:*

It is considered that the concerns regarding the visual impact of the outbuilding are valid (Refer Attachment 5). The applicant however, has stated a willingness to provide screening to reduce the visual impact of the outbuilding. Even though the wall height exceeds the deemed-to-comply provisions of the Shire's Outbuilding Policy the proposed impact may be minimised through provision of appropriate screening.

34. *Retaining Walls:*

The retaining walls were initially installed on site some months prior to the initial development application being lodged. At that time and due to their final maximum height a development application should have been lodged. It is considered that the concern regarding the retaining walls is whether they have been designed and certified to an engineer's specifications. The applicant has stated that this is the case and provided documentation to that effect (Attachments 1 and 2).

The existing retaining wall is setback 0.5m in lieu of the 6m required under the R Codes. The location of the retaining wall allows for the owner to use the rear area of his property more effectively and is therefore considered compliant with the design principles of the R Codes pertaining to retaining walls. The amenity impact of the combined height of the retaining wall and the outbuilding can be lessened through appropriate cladding to ensure the outbuilding is more visually pleasing.

35. In considering this application, the visual impact of the overall wall height to the rear neighbours outdoor entertaining area is the primary issue. Whilst it remains open to Council to refuse the application for this reason and have the outbuilding and retaining wall removed, it is considered that the impact can be reduced through the provision of appropriate screening/cladding to the wall of the outbuilding.

*Garfield Woods spoke against the item and clarified queries raised from Cr Dylan O'Connor, Cr Brooke O'Donnell and Cr Geoff Stallard on the matter.*

*Andrew Herden from 310 Canning Road, Lesmurdie spoke in favour of the item and clarified queries raised from Cr Brooke O'Donnell, Cr Dylan O'Connor and Cr Andrew Waddell on the matter.*

*Cr Michael Fernie declared an Interest Affecting Impartiality on this item; he left the Chambers at 8:15pm and returned at 8:37pm. He was not present for the vote.*

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 64/2016)**

That Council:

1. Approves the retrospective planning application for an outbuilding (shed) and retaining walls at Lot 77 (310) Canning Road, Lesmurdie, subject to the following conditions and advice notes:

Conditions:

- a) Within 60 days of the date of this approval effective screening is to be installed and maintained on the outbuilding, to the satisfaction of the Shire of Kalamunda.
- b) All stormwater is to be disposed of on-site to the satisfaction of the Shire of Kalamunda.
- c) The Outbuilding shall not be used for commercial, industrial, or habitable purposes.
- d) Vehicle access-ways shall be suitably constructed, sealed and drained to the specifications and satisfaction of the Shire of Kalamunda.

2. In regards to 'Condition a', the applicant is requested to contact the Shire's Planning Services Department.

Moved:

Seconded:

Vote: **LAPSED**

*The Officer Recommendation Lapsed for want of a mover.*



*Cr Dylan O'Connor foreshadowed an alternative recommendation to defer the item for purposes of mediation.*

*The mover spoke on the item and a question from Cr Geoff Stallard was clarified before the vote was taken.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 64/2016)**

That Council:

1. Defer the application for two months for the Shire to invite the landowner and objecting neighbour to participate in professional mediation paid for by the Shire.

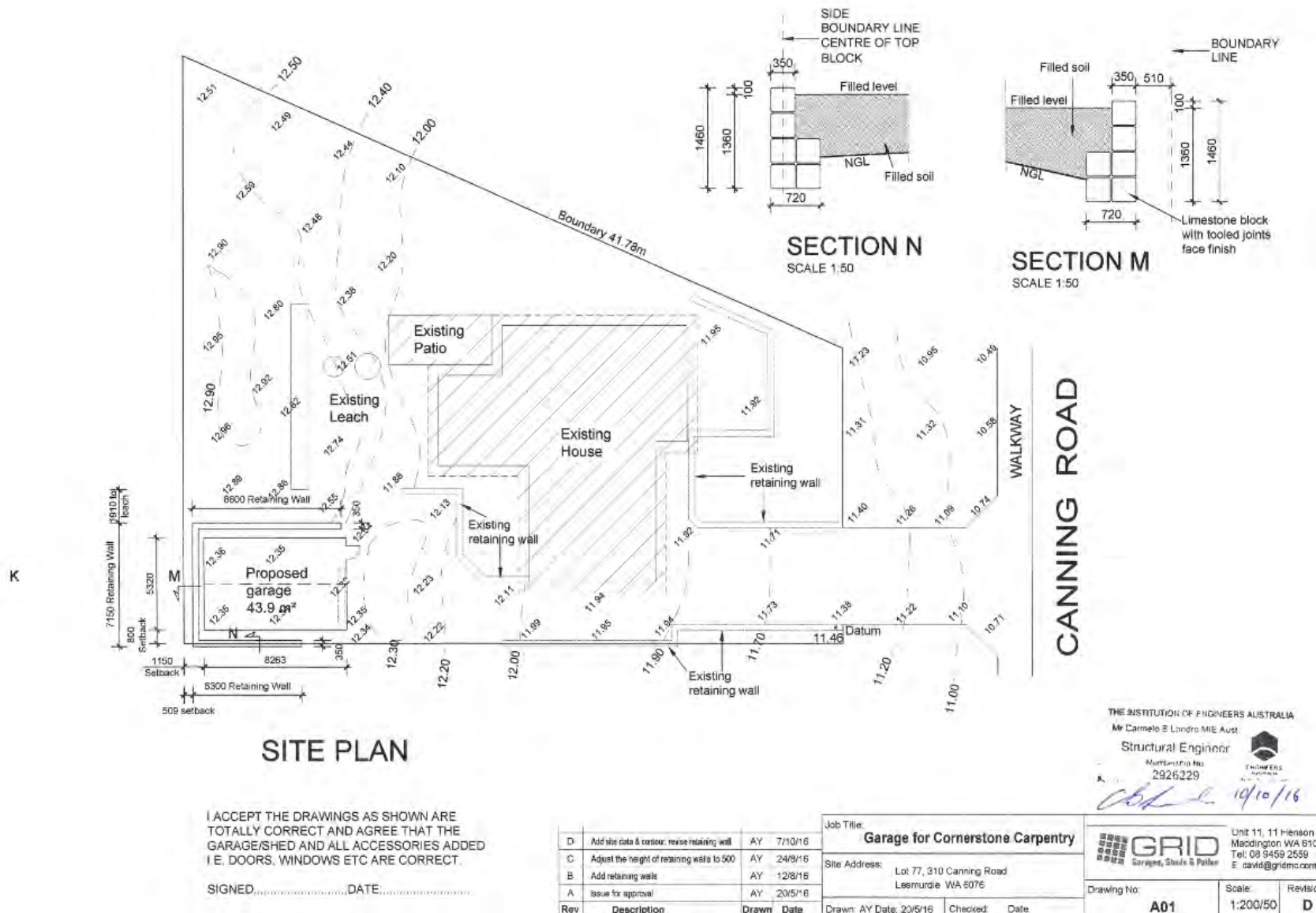
Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

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

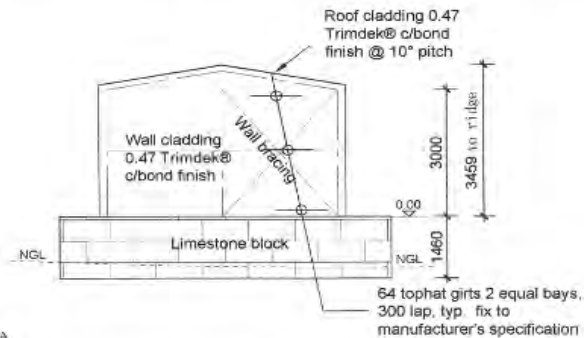
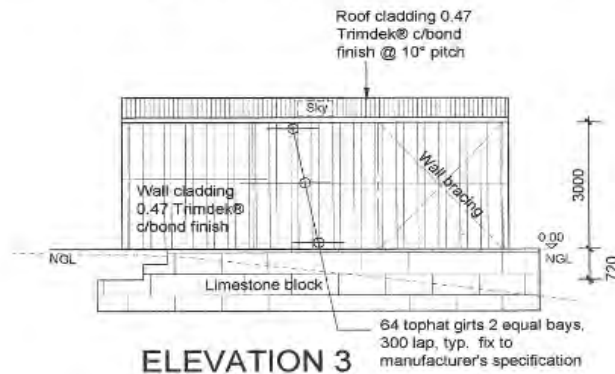
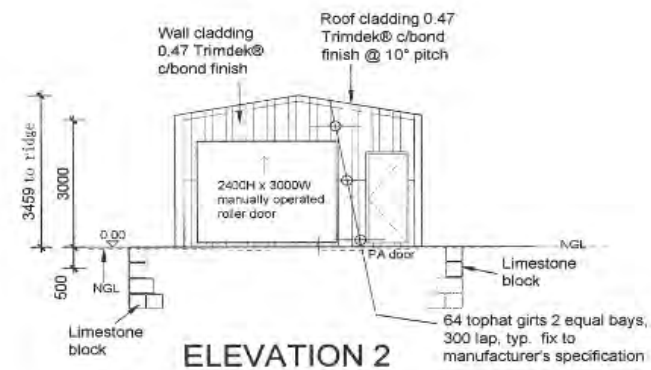
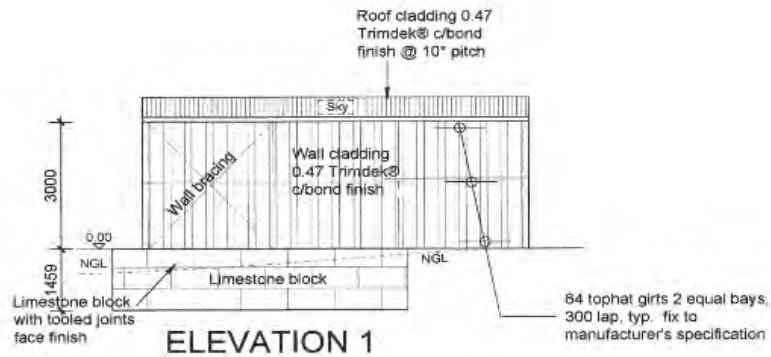
## Attachment 1

### Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie Site Plan



## Attachment 2

### Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie Elevation Plan



THE INSTITUTION OF ENGINEERS AUSTRALIA  
Mr Carmelo B Londra MIE Aust  
Structural Engineer  
Membership No.  
2926229



I ACCEPT THE DRAWINGS AS SHOWN ARE  
TOTALLY CORRECT AND AGREE THAT THE  
GARAGE/SHED AND ALL ACCESSORIES ADDED  
I.E. DOORS, WINDOWS ETC ARE CORRECT.

SIGNED..... DATE:.....

Rev	Description	Drawn	Date
D	Change limestone retaining wall as built	AY	7/10/16
C	Adjust the height of retaining walls to 500	AY	24/8/16
B	Add retaining walls	AY	12/6/16
A	Issue for approval	AY	20/5/16

Job Title:	Garage for Cornerstone Carpentry
Site Address:	Lot 77, 310 Canning Road Lesmurdie WA 6076
Drawn: AY Date: 20/5/16	Checked: Date:

GRID	Garage, Shed & Poles
Drawing No:	S02

Unit 11, 11 Henson St Maddington WA 6109 Tel: 08 9459 2559 E: david@gridmc.com.au	Scale: 1:100	Revision D
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### Attachment 3

Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

### Justifications From Applicant



Date 23<sup>rd</sup> September 2016

Shire of Kalamunda

PO Box 42

Kalamunda WA 6926

Ref DA16/0374 310 Canning Road Kalamunda

Attention: Luke Harris

Dear, Luke

Thank you for your email regarding the above Planning Issue, we have been in discussion with our client Mr Andrew Herden and are trying to resolve the issue with his neighbour, our client is keen to assist in whatever he can do to appease his neighbour with his complaint.

The reason Mr Herden requires a shed as it stands is he requires the clearance height to allow a caravan and a boat to be stored into the shed so he does not have them sitting either out the front of the property or to the side, is also is the only way to keep his property safe and secure from weather etc. his block falls quite dramatically to the rear of his property and the building would flood if not retained.

Mr Herden will screen the rear boundary with lattice work, inside his property, and plant vine and foliage to screen the rear of his shed which is visible, he would also maintain this area and make sure the cover would be acceptable to his neighbour, he wishes to work with his neighbour to resolve the issue and to have a solution for both parties.

Please feel free to call and discuss the above

Best regards

Greg Robertson

#### Attachment 4

Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

#### Submission Table

Comment		Staff Comment
1.	No Objection with Comments  a) Actual height of retaining wall along the rear boundary is 1.05m as opposed to 0.72m	a) Noted. Applicant will be required to submit true and accurate plans for assessment.
2.	Objection with Comments  a) The wall height is not compliant and causes an undue visual impact b) The rear retaining walls are not compliant with setback requirements and have potential to cause damage if they collapse so close to the fence	a) The existing retaining wall is setback 0.5m in lieu of the 6m required under the R Codes. The location of the retaining wall allows for the owner to use the rear area of his property more effectively and is therefore considered compliant with the design principles of the R Codes pertaining to retaining walls. Applicant has stated that they are happy to provide some form of visual screening on the side of the wall that impacts the neighbour  b) Applicant has stated that the retaining walls have been signed off by a qualified engineer at the same time as the rest of the application.



## **Attachment 5**

Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

### **Photographs of the Visual Impact of the Outbuilding**











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

**65. Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan: Report (Annual Review)**

Previous Items	SCM 62/2015
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-STU-028
Applicant	N/A
Owner	Various
Attachment 1	Development Contribution Plan – Report: October 2016

**PURPOSE**

1. To consider the Forrestfield / High Wycombe Industrial Area Stage 1 - Development Contribution Plan (DCP) Report annual review and adopt the updated contribution rate.

**BACKGROUND**

2. The amendment to include the DCP Scheme within the Shire of Kalamunda's (the Shire) Local Planning Scheme No. 3 (LPS3) was gazetted in May 2013. This initiation allowed the Shire to place on development and subdivision approvals, the obligation to pay a DCP contribution.
3. Following the gazettal of the DCP, Council was required to adopt a DCP Report and cost apportionment schedule. The DCP Report and the associated cost apportionment schedule sets out in detail the calculation of cost contributions for development in accordance with the methodology shown in the DCP. The DCP Report needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCP Report does not form part of LPS3 but once adopted by Council, is required by Clause 6.5.11.2 of LPS3 to be reviewed at least annually.

The DCP Report has previously been reviewed in June 2015 and April 2014.

**DETAILS**

4. Council engaged management consultants Woodsome in August 2016 to review the operational aspects of the DCP and assist the Shire with developing operational documentation that would streamline the day-to-day management of the DCP. As part of this review process the Shire has prepared a revised DCP Report format to assist with streamlining the annual review process.

5. The DCP Report is necessary to bring to account the development of 252,439m<sup>2</sup> of land since the DCP became operable. At each DCP Report review, all factors contributing to the contribution rate must be reviewed.

The significant factors reviewed are as follows:

1. Remaining developable area.
2. Land yet to be acquired.
3. Land valuation.
4. Works completed.
5. Cost of works outstanding.
6. Administration costs.
7. Works priorities.
8. Calculation Methodology

6. *Remaining developable area*

The future developable area is expected to provide the contributions necessary to clear all the remaining DCP costs. As at October 2016 approx. 408,998m<sup>2</sup> of land is remaining to be developed.

7. *Land Requiring Acquisition*

As at October 2016, 8,337m<sup>2</sup> has been acquired and 20,707m<sup>2</sup> is requiring acquisition.

Acquired Area (m <sup>2</sup> )	Cost (\$)
8,337	\$2,167,620 (@\$260/m <sup>2</sup> )
Requiring Acquisition	Cost (\$)
20,707	\$4,555,540 (@\$220/m <sup>2</sup> )

8. *Land Valuation*

Land to be acquired has been identified in the DCP. In October 2016, an independent valuer was engaged to provide the estimated rate at which land should be acquired at through the DCP. The rate is valued at \$220/m<sup>2</sup>.

9. *Works Completed*

As at October 2016, \$2,873,203 worth of works have been completed.

Item	Completed \$
Nardine / Ashby Close	\$460,525
Land for Roads	\$2,167,620
Administration	\$244,058
<b>Total</b>	<b>\$2,873,203</b>



10. *Cost of Works Outstanding*

As at October 2016, \$15,456,359 worth of works are remaining to be completed.

Item	Outstanding \$
Berkshire Road*	\$619,788
Dundas Road*	\$318,509
Milner Road*	\$638,304
Nardine / Ashby Close*	\$616,871
Nardine Close Extension (Road 2A)*	\$416,520
Road 1*	\$476,383
Sultana Road West*	\$704,847
Nardine Close/ Milner Road Intersection*	\$146,881
Ashby Close / Berkshire Road Intersection*	\$163,660
Milner / Berkshire / Dundas Road Intersection (10% of cost)*	\$10,705
Utility Service Relocations (all roads)**	\$5,623,273
Land for Roads	\$4,555,540
Bush Forever Fencing*	\$119,685
Administration	\$732,998
Gross / Net Variation	-\$195,463
<i>Contingency on civil (12%)</i>	<i>\$507,858</i>
<b>Total</b>	<b>\$15,456,359</b>

\* Items that 12% contingency is applied.

\*\* Estimates provided by utility service providers based on proposed road upgrades.

11. *Administration Costs*

Administration costs have been updated to reflect current expenditure and a revised DCP Project Team due to Council restructure. The annual figures have been multiplied over the remaining 7 years showing an estimated total cost of \$732,998. This cost break-down is shown in the DCP Report appendices and represents 0.2 full time staff equivalents plus an allowance for specialist consultant services.

The administration of the DCP includes but is not limited to the following key tasks:

- Land acquisition management.
- Scheme review / management.
- Council reporting requirements.
- Project management of the delivery of DCP infrastructure.
- Stakeholder management and engagement.
- Day-to-day scheme administration.

12. Previously the administration component was estimated as a percentage of total costs (2%). This resulted in a shortfall for administration costs as it did not accurately reflect the actual cost of administration. Costs are now more accurate and reflect the tasks and time undertaken to administer the DCP.

13. *Works Priorities*

Subdivision and development within DCPs are staged over a number of years. Contributions are generally collected at the time of subdivision or development. In this context, contributions are collected on a staged basis and there is not always enough funds within the DCP to deliver all of the infrastructure included. For this reason, Clause 6.5.7 (d) of LPS3 requires Council to establish a priority works schedule for the provision of DCP infrastructure.

14. Clause 4 of the DCP Report contains the priority works schedule and outlines the key principles utilised to guide the identification of infrastructure priorities. Subject to the availability of funding, the following items have been determined by the Shire as current priority items:

1. Nardine / Ashby Close design, land acquisition and construction;
2. Nardine Close / Milner Road intersection design and construction;
3. Ashby Close / Berkshire Road intersection design and construction;
4. Berkshire / Milner / Dundas Road intersection design and construction (RAV7 portion);
5. Nardine Close Extension (Road 2A) design, land acquisition and construction;
6. Road 1 design; and
7. Administration Costs.

15. The identification of priorities will be undertaken as part of the annual cost estimate review and associated DCP Report update.

16. *Calculation Methodology*

Schedule 12 of LPS3 sets out the method for calculating contributions. When the DCP Scheme was inserted into LPS3 an error was made in the calculation methodology. The error was made by the Department of Planning at the time they modified the Shire's amendment to LPS3 to include the calculation methodology. Schedule 12 of LPS3 states the following:

Existing methodology:

$$\text{Contribution rate} = \frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{Total area of DCA (m2)}}$$
$$\text{Net lot area} = \text{lot area (m2)} - \text{area of road reserve (m2)}$$

The calculation methodology should state Net lot area of DCA not Total area of DCA. If the Total area of DCA is utilised in the methodology and not Net lot area of DCA in the calculation, the DCP would run to a deficit. For the purpose of calculation in the DCP Report, the Net lot area of DCA will be utilised.

To date, contributions have been based on a gross area (calculated based on total land area) and collected on a net area (deducting areas for road reservations). This has resulted in a short fall of \$195,463 over the operation of the DCP to date. The short fall will be dealt with by Council at the end of the DCP through a Special Area Rate or other funding arrangement. To ensure this short fall does not exacerbate or is passed on to future contributors, the calculation for contributions has been modified to deduct the shortfall incurred to date. A LPS3 amendment is being progressed to ensure the DCP Scheme is modified to reflect the following:

Revised Methodology:

$$\text{Contribution rate} = \frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{Net lot area of DCA (m}^2\text{)}}$$
$$\text{Net lot area} = \text{lot area (m}^2\text{)} - (\text{Area of road reserve (m}^2\text{)} - \text{Developed Area})$$
$$\text{Cost of infrastructure items} = \text{remaining infrastructure costs} - \text{funds held as money}$$

For the purposes of implementing the DCP Report the Shire will utilise the corrected methodology.

17. An additional definition has been included as part of the contribution methodology to clearly outline the components that make up the cost of infrastructure items. The cost of infrastructure items is defined as the future infrastructure costs minus the money held in reserve funds (collected cash contributions including interest).

## **STATUTORY AND LEGAL CONSIDERATIONS**

18. Clause 6.5.11.2 of LPS3 requires the DCP cost estimates to be reviewed at least annually.
19. The DCP contributions are administered and determined in accordance with the provisions of Clause 6.5 and Schedule 12 of LPS3.

## **POLICY CONSIDERATIONS**

20. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

21. The Shire has been in on-going consultation and communications with landowners through the Forrestfield Landowner Consultation Group. The group meets on an as needs basis and discusses how to best resolve the issues associated with the assembly of land for the creation of a successful logistics and transportation employment area.

The last group meeting was convened in August 2016 and officers are in on-going discussions with smaller groups to resolve area specific issues and concerns. The Shire will engage in direct communications with the landowners to advise of the new contribution rate. This will be undertaken by way of written correspondence once the new rate has been adopted by Council.

## **FINANCIAL CONSIDERATIONS**

22. The operation of the DCP presents a major administrative responsibility for the Shire. While the DCP is self-funded, the Shire has an implicit obligation to efficiently and effectively manage the revenues and works.

The remaining 408,998m<sup>2</sup> to be developed is reliant on the DCP to provide the necessary infrastructure to facilitate development. In particular, the timely provision of roads and drainage is critical as most developments rely on these improvements for suitable access.

To date, contributions have been based on a gross area (calculated based on total land area) and collected on a net area (deducting areas for road reservations). This has resulted in a short fall of \$195,463 over the operation of the DCP to date. The short fall will be dealt with by Council at the end of the DCP through a Special Area Rate or other funding arrangement.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

23. *Kalamunda Advancing: Strategic Community Plan to 2023*  
Strategy 5.1.3 – Encourage new commercial development to locate in the Shire to provide local employment opportunities for knowledge workers living within the Shire.

Strategy 5.1.4 – Promote the Shires new industrial land releases as a hub for high tech or resource sector investment.

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

## **SUSTAINABILITY**

### **Social Implications**

24. The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single landowner will be able to be satisfied.

## Economic Implications

25. The implementation of DCPs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, a DCP does not offer any direct economic benefits to an area. DCPs can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

## Environmental Implications

26. The proposed DCP infrastructure is identified in areas where vegetation is predominantly cleared. A portion of road reservation abuts a Bush Forever Reserve and during the construction phase, due consideration will have to be given to ensure impacts to this area are minimised.

## RISK MANAGEMENT CONSIDERATIONS

27.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Not undertaking the review so the Development Contribution Plan is not in alignment with current costs and infrastructure needs.	Rare	Insignificant	Low	Ensure Council is aware that a DCP review is required to ensure the new rate is reflective of projected costs to deliver infrastructure works and land purchases. Additionally, Clause 6.5.11.2 of LPS3 requires the DCP Report is reviewed at least annually.

## OFFICER COMMENT

28. The review to the DCP Report has resulted in a decrease in the contribution rate to \$28.53/m<sup>2</sup> from \$29.66/m<sup>2</sup>. This is due to the following contributing factors:
- Infrastructure costs have decreased.
  - Land valuations have decreased.

The increase is not proportional to the changes in infrastructure and land costs for the following reasons:

- Administration costs have increased to reflect actual forecast expenditure.
- The contribution rate is now calculated over net total area and not gross total area.

Once this DCP Report is adopted, the contribution costs will hold until the next review. At this stage, the review is scheduled for October 2017.



29. The DCP has a positive cash flow at present, with a cash balance of \$3,787,145, this is based on available funds after taking into consideration committed funds through purchase orders raised and road acquisition agreements. There are a number of infrastructure projects planned in the short term, these are outlined in the works priorities in Section 4 of the DCP Report.

*David Downing and David Kelly spoke against the item and clarified a query from Cr Dylan O'Connor on the matter.*

*Cr Dylan O'Connor sought clarification from Shire staff regarding several queries on the matter.*

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 65/2016)**

That Council:

1. Adopt the Forrestfield / High Wycombe Industrial Area Development Contribution Plan Report as contained in Attachment 1.
2. Adopt the Development Contribution rate of \$28.53/m<sup>2</sup> (exclusive of GST) effective immediately.
3. Advise landowners of the new rate.

Moved:

Seconded:

Vote: **LAPSED**

*The Officer Recommendation Lapsed for want of a mover.*

*Cr Dylan O'Connor foreshadowed an alternative recommendation to defer the item for purposes of consultation.*

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 65/2016)**

That Council:

1. Defer the item to the November Ordinary Council Meeting to enable comprehensive consultation to occur with all appropriate parties within the Forrestfield Industrial Area.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

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

**Attachment 1**

Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan:  
Report (Annual Review)

**Development Contribution Plan – Report: October 2016**

[Click HERE to go directly to the document](#)

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

**66. Local Planning Scheme: Amendment 88 - Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan (Scheme Review)**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-STU-028
Applicant	N/A
Owner	Various owners
Attachment 1	Amendment 88 to Local Planning Scheme No. 3

**PURPOSE**

- To consider preparation of Amendment 88 (the Amendment) to Local Planning Scheme No. 3 (LPS3) to update the Development Contribution Plan for the Forrestfield / High Wycombe Industrial Area.

**BACKGROUND**

- Land Details:**

Land Area:	Approximately 87ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Region Scheme Zone:	Urban

- Locality Plan**



4. The current Forrestfield/High Wycombe Industrial Area Development Contribution Plan (DCP) applies to the properties identified on the Locality Plan.
5. The DCP was Gazetted into LPS3 on 14 May 2013. Schedule 12 of LPS3 details the framework of the DCP including which infrastructure items are included, the area affected, and the method of calculating the contribution rate. The DCP Report sits outside of LPS3 and contains the detailed scope, cost estimates and operational calculations relating to the infrastructure identified in Schedule 12 of LPS3.
6. Currently, approximately 30% of the area has been developed for industrial purposes, with the remaining properties either vacant or being used for residential purposes.
7. In February 2016, the Shire engaged Taylor Burrell Barnett (TBB) to investigate the different influences on the DCP that have emerged as the area has developed. TBB conducted a workshop with landowners, engaged a traffic engineer and a real estate agent to consolidate a position on the factors that may trigger modifications to the DCP. Additionally, the Shire undertook a comprehensive review of the operational components of the DCP.
8. In June 2016, the Shire engaged Woodsome Management to review the costs and financial structure of the DCP with a focus on the administration and day-to-day workings of the arrangement.

## DETAILS

9. The Shire's comprehensive review of the DCP and work undertaken by TBB and Woodsome resulted in a number of recommendations, some of which have informed this Amendment. A detailed report to Council will be presented at the time the Shire fully considers modifications to the Forrestfield / High Wycombe Industrial Area Stage 1 - Local Structure Plan (LSP). The recommendations relevant to this Amendment, and the Shire's comment on these recommendations is as follows:
10. **Roads / Movement Network**  
The Berkshire and Milner Road pavement is recommended to be widened to accommodate four lane divided roads. No changes required for the Amendment but details relating to cost estimates have been included as part of the DCP Report annual review.
11. Revise the intersection of Berkshire, Dundas and Milner Road to be modified from a cul-de-sac to a full movement intersection with the possibility of creating a 4 way signalised intersection or roundabout in the longer term. The Amendment has modified the Berkshire, Dundas and Milner Road intersection from a cul-de-sac to an intersection treatment. The DCP Report has been reviewed to account for a proportional contribution towards the Berkshire, Dundas and Milner Road intersection, with the Public Transport Authority (PTA) being liable for the intersection upgrade to a Restricted Access Vehicle 4 (RAV4) standard and the DCP picking up the balance to a



Restricted Access Vehicle 7 (RAV7) standard. Majority of the intersection upgrade costs are being borne by the PTA.

12. Recommendation to reposition the new Road 1 to be located further south-east and completely within Lot 547 (#291) Berkshire Road, Forrestfield. Due to modifying the Berkshire, Dundas and Milner Road intersection from a cul-de-sac to a full movement intersection, the position of Road 1 was required to be shifted further south-east. From a traffic perspective, Road 1 was considered to be too close to the new intersection treatment at Berkshire, Dundas and Milner Road. Also, existing development on the land where Road 1 was initially proposed under the LSP is constrained by recently approved and constructed development. Council will consider the LSP amendment to formalise the location of Road 1 as part of a future report to Council. The landowner impacted by the relocation of Road 1 will be consulted as part of this process prior to this arrangement being formalised. The location of Road 1 has no impact on the Amendment or operation of the DCP.



13. Schedule 12 of LPS3 did not specify the construction of Road 1 as being included in the DCP. Operationally the DCP has always accounted for both the land and construction of Road 1. To ensure Schedule 12 of LPS3 aligns with the operational DCP Report, the Amendment has specified the construction of Road 1 as being included within Schedule 12.

14. Internal roads to be designed with wider pavements to accommodate category RAV7. No changes are required for the Amendment but details relating to cost estimates have been included as part of the DCP Report annual review.
15. **Land Valuation Methodology**  
The Amendment proposes a modification to the methodology for valuing land. Currently, Clause 6.5.12.2 and Schedule 13 of the Shire's LPS3 contains the Statutory Static Feasibility Assessment Model (the Static Model) as the methodology for valuing land for the purposes of DCPs. However, the Shire has been undertaking a variation of this methodology using a combination of the Static Model, direct comparison approach, piecemeal approach and an average rate approach for the purposes of implementing the DCP.
16. As part of the review process, the Shire has received advice from Woodsome and the Shire's land valuer Savills that the Static Model is not the most effective or efficient approach to value land. This is due to the highly fragmented nature of landownership within the Shire's current and future development areas. To ensure the DCP operates in conformity with LPS3, the Amendment proposes to define the valuation methodology for each particular DCP through the applicable DCP Report. This approach is consistent with other local governments in the metropolitan region and recent scheme amendments approved by the Minister for Planning. The modification will ensure the Shire's DCP Report operates in conformity with LPS3.
17. **Calculation Methodology**  
Schedule 12 of LPS3 sets out the method for calculating contributions. When the DCP Scheme was inserted into LPS3 an error was made in the calculation methodology which was proposed to be inserted by the Department of Planning. Schedule 12 of LPS3 states the following:

Existing methodology:

$$\text{Contribution rate} = \frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{Total area of DCA (m}^2\text{)}}$$
$$\text{Net lot area} = \text{lot area (m}^2\text{)} - \text{area of road reserve (m}^2\text{)}$$

The calculation methodology should state Net lot area of DCA not Total area of DCA. For the purpose of calculation in the DCP Report, the Net lot area of DCA will be utilised. If the Total area of DCA is utilised in the methodology and Net lot area of DCA in the calculation, the DCP would run to a deficit.

To date, contributions have been based on a gross area (calculated based on total land area) and collected on a net area (deducting areas for road reservations). This has resulted in a short fall of approx. \$195,000 over the operation of the DCP to date. The short fall will be dealt with by Council at the end of the DCP through a Special Area Rate or other funding arrangement.

To ensure this short fall does not exacerbate or is passed on to future contributors, the calculation for contributions has been modified to deduct the shortfall incurred to date. The Amendment modifies Schedule 12 to ensure the calculation methodology is corrected. If this was not corrected and the Total area of DCA was utilised in the methodology and Net lot area of DCA in the calculation, the DCP would continue to run to a deficit. The Amendment modifies the methodology as follows:

Revised Methodology:

$$\text{Contribution rate} = \frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{Net lot area of DCA (m}^2\text{)}}$$
$$\text{Net lot area} = \text{lot area (m}^2\text{)} - (\text{Area of road reserve (m}^2\text{)} + \text{Developed Area})$$
$$\text{Cost of infrastructure items} = \text{remaining infrastructure costs} - \text{funds held as money}$$

18. An additional definition has been included as part of the contribution methodology to clearly outline the components that make up the cost of infrastructure items. The cost of infrastructure items is defined as the future infrastructure costs minus the money held in reserve funds (collected cash contributions including interest).

## STATUTORY AND LEGAL IMPLICATIONS

19. The Amendment will follow the 'complex amendment' statutory process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* because the Amendment proposes to amend a DCP. The Amendment must be submitted to the Office of the Environmental Protection Authority (OEPA) for its consideration, as well as to the WAPC for approval by the Minister for Planning.

## POLICY CONSIDERATIONS

20. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

21. The *Planning and Development (Local Planning Schemes) Regulations 2015* requires notification and public advertising of the Amendment. The Shire must notify of the Amendment and advertise as follows:
- a) Submit two copies of the Amendment to the Western Australian Planning Commission for review; and
  - b) Prior to advertising, forward the Amendment to the OEPA for consideration.

If the WAPC and OEPA are satisfied that the Amendment is suitable to be advertised the Shire must prepare a notice giving details of:

- a) The purpose of the amendment;
- b) Where the Amendment may be inspected; and
- c) To whom and during what period submissions in respect of the amendment may be made.

Once the notice is prepared the Shire must advertise for 42 days as follows:

- a) Publish a notice in a newspaper circulating in the scheme area;
- b) Display a copy of the notice in the offices of the local government for the period for making submissions;
- c) Give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;
- d) Publish a copy of the notice and the amendment on the website of the local government; and
- e) Advertise the amendment as directed by the Commission and in any other way the local government considers appropriate.

## FINANCIAL CONSIDERATIONS

22. Any costs associated with the preparation of the amendment document and public consultation will be met through the Development Services budget.
23. The operation of the DCP presents a major administrative responsibility for the Shire. While the DCP is self-funded, the Shire has an implicit obligation to efficiently and effectively manage the revenues and works.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

Objective 4.1 – To ensure land use plans provide long term sustainable population growth.

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

Strategy 4.1.5 – Pursue integrated land use planning so that alternative transport modes are incorporated into the Structure Plan process.

## SUSTAINABILITY

### Social Implications

25. The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single landowner will be able to be satisfied.

### Economic Implications

26. The implementation of DCPs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, a DCP does not offer any direct economic benefits to an area. DCPs can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

### Environmental Implications

27. The proposed DCP infrastructure is identified in areas where vegetation is predominantly cleared. A portion of road reservation abuts a Bush Forever Reserve and during the construction phase of DCP infrastructure, due consideration will have to be given to ensure impacts to this area are minimised.

## RISK MANAGEMENT CONSIDERATIONS

- 28.
- | Risk   | Likelihood | Consequence | Rating | Action/Strategy   |
|--|------------|-------------|--------|---|
| Non-compliance with the Development Contribution Plan Report | Rare       | Significant | Medium | Ensure Council is aware that the Amendment will enable the DCP to operate in a financially sustainable manner and in accordance with LPS 3. |
| WAPC do not approve the Amendment                            | Rare       | Significant | Medium | Clearly detail reasons for the Amendment to the WAPC.   |



## OFFICER COMMENT

29. Through implementation of the DCP there have been a number of interpretations that are inconsistent with Schedule 12 and Clause 6.5 of LPS 3. Upon review, it has become apparent that the Shire needs to undertake the Amendment to ensure the DCP operates in an orderly manner and in conformity with LPS3.
30. The Amendment will formalise aspects of the DCP which have been operating outside of the parameters provided by LSP3 for an extended period of time.
31. Furthermore, the Amendment will ensure the ongoing financial sustainability of the DCP by ensuring the calculation and collection methodologies align and do not operate the arrangement into deficit.

### Voting Requirements: Simple Majority

## OFFICER RECOMMENDATION (D&I 66/2016)

That Council:

1. Considers Amendment 88 to Local Planning Scheme No. 3 as a complex amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* since the amendment is related to modifications to a development contribution plan.
2. Pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, prepares Amendment 88 to Local Planning Scheme No. 3 as at Attachment 1.
3. Forwards the proposed Amendment 88 to Local Planning Scheme No. 3 and supporting documents to:
  - a) The Environmental Protection Authority for comment pursuant to Section 81 of the Planning and Development Act 2005;
4. Pursuant to Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once reviewed to the satisfaction of the Environmental Protection Authority, forward Amendment 88 to the Western Australian Planning Commission for its consideration.
5. Pursuant to Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once considered by the Western Australian Planning Commission, proceed to advertise Amendment 88.

Moved:

Seconded:

Voted: **LAPSED**

*The Officer Recommendation Lapsed for want of a mover.*

*Cr Dylan O'Connor foreshadowed an alternative recommendation to defer the item for purposes of consultation.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 66/2016)**

That Council:

1. Defer the item to the November Ordinary Council Meeting to enable comprehensive consultation to occur with all appropriate parties within the Forrestfield Industrial Area.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

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

## Form 2A

### PLANNING AND DEVELOPMENT ACT 2005

#### RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

##### SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 88

Resolved that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Amending paragraph 2 of clause 6.5.12.2 to read:

"Valuation methodology will be defined for each particular arrangement by the applicable Development Contribution Plan Report."

2. Removing Schedule 13.

3. Amending Schedule 12 (b) to read:

"(b) Any required modifications to Milner Road, including the Milner Road, Berkshire Road and Dundas Road intersection and Milner Road and Nardine Close intersection;"

4. Amending Schedule 12 (g) to read:

"(g) Land required for the section of road linking Ashby Close to Nardine Close and the construction of the new section of road linking Nardine Close with Berkshire Road;"

5. Amending Schedule 12 'Method for Calculating Contributions' to read:

"

$$\text{Contribution rate} = \frac{\text{Cost of infrastructure items} + \text{cost of administrative items (\$)}}{\text{Net lot area of DCA (m}^2\text{)}}$$

Net lot area = Contribution Area - (Area of Road Reserve + Developed Area)  
Cost of infrastructure items = remaining infrastructure costs – funds held as money"

The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

1. The Amendment proposes to amend a development contribution plan.

**Dated 28 November 2016**

.....  
(Chief Executive Officer)

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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 Nil.

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

12.1 Nil.

**13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

13.1 Nil.

**14.0 TABLED DOCUMENTS**

14.1 Minutes - Kalamunda Environmental Advisory Committee – 27 October 2016

**15.0 MEETING CLOSED TO THE PUBLIC**

15.1 Nil.

**16.0 CLOSURE**

16.1 There being no further business the Presiding Member declared the meeting closed at 8.55pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2016