

Development & Infrastructure Services Committee Meeting

Minutes for Monday 8 February 2016

UNCONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.26pm, 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 and Presiding Member) | North West Ward |
| Sara Lohmeyer | | North West Ward |
| Tracy Destree | | North Ward |
| Michael Fernie | | South East Ward |
| John Giardina | | South East Ward |
| Geoff Stallard | | South East Ward |
| Allan Morton | | South West Ward |
| Brooke O'Donnell | | South West Ward |
| Noreen Townsend | | South West Ward |

Members of Staff

| | |
|--------------------|---|
| Rhonda Hardy | Chief Executive Officer |
| Warwick Carter | Director Development Services |
| Dennis Blair | Director Infrastructure Services |
| Gary Ticehurst | Director Corporate Services |
| Darrell Forrest | Manager Governance & PR |
| Andrew Fowler-Tutt | Manager Development Services |
| Donna McPherson | Executive Research Officer to Chief Executive Officer |
| Nicole O'Neill | Public Relations Coordinator |
| Meri Comber | Governance Officer |

Members of the Public 22

Members of the Press 1

2.2 Apologies

Councillors

| | |
|----------------|-----------------|
| Dylan O'Connor | North West Ward |
| Sue Bilich | North Ward |
| Simon Di Rosso | North Ward |

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 Questions from Development & Infrastructure Committee Meeting 7 December 2015

Neta Parker, Paulls Valley

Q1. How much of the land and property enhancement and maintenance reserve budget was used in the 2014/2015 year to purchase land for the purpose of linking wildlife corridors?

A1. Nil.

Q2. Could funds from this reserve be used to supplement grant monies for non-indigenous species control and eradication?

A2. Funds from the Environmental Reserve could be utilised, provided that it is for on ground works of an environmental nature.

Q3. What part of the budget has weed eradication and control come – is it community amenities, recreation and culture or property and services?

A3. The management of weeds is budgeted in several ways:

Open Space Maintenance

Weed control is budgeted as part of the ongoing maintenance of open space. No specific budget is allocated as this is a pool of money to cover all maintenance activities. Historically, expenditure on weed control has been as follows:

| 2015/2016 to date | 2014/2015 |
|-------------------|-------------|
| \$39,736.40 | \$87,926.23 |

Environmental Services

Specific weed management projects are identified and funds allocated. The historical budget allocation of specific weed management is"

| 2015/2016 | 2014/2015 |
|-----------|-----------|
| \$26,490 | \$26,882 |

In addition, weed control is undertaken as part of the management of specific reserves which is indirectly funded from site budgets, or actioned through volunteers (such as friends groups) and therefore not budgeted.

3.2 **Questions from Development & Infrastructure Services Committee Meeting 8 February 2016**

Peter Forrest, Kalamunda

- Q1. With the significant increase of development in the town centre car parking is becoming difficult, could Council consider asking Shire Officers to write a report reviewing the future provision for vehicle parking in the town centre in the light of future development?
- Q2. Also a back loading bay of the Coles complex, frequently used by those wishing to avoid steep steps, has been closed I have been asked could this issue be raised with Council?
- Q3. Could Council consider recommending to the owners of the centre erecting signs to restrict parking times so as to discourage people lingering - in the interest of freeing car parking spaces?

A1-3. Taken on notice.

4.0 **PETITIONS/DEPUTATIONS**

4.1 Nil.

5.0 **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 7 December 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

6.1 Nil.

7.0 **MATTERS FOR WHICH MEETING MAY BE CLOSED**

7.1 **15. CONFIDENTIAL ITEM - Consideration of Tenders – Morrison Oval Re-Development Project – Earthworks, Irrigation and Turf Installation (RFT 1602)**

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (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 Michael Fernie declared an Impartiality Interest for D&I 03 Retrospective Approval for Chalets, Stables and Rural Pursuits, Lot 2 (664) Pickering Brook Road, Pickering Brook as the daughter of one neighbour is an old family friend and appeared on his election flyer.

8.2.2 Cr Michael Fernie declared an Impartiality Interest for D&I 07 Proposed Restaurant and Cidery, 660 Canning Road, Carmel as the Applicant has an additional business which he is a customer and supplier to.

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.

01. Draft Planning Policy – Ancillary Dwellings

| | |
|---------------------|---|
| Previous Items | Nil |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | OR-CMA-016 |
| Applicant | Not Applicable |
| Owner | Not Applicable |
| Attachment 1 | Draft Local Planning Policy – Ancillary Dwellings |

PURPOSE

1. To consider for the purpose of advertising the adoption of draft Local Planning Policy – Ancillary Dwellings.

BACKGROUND

2. The Shire periodically reviews, revokes and adds new policies to its register. Policies are used to ensure consistency and transparency in decision making as well as adding clarity to an intent to existing legislation. This Policy has been drafted as an adjunct to Residential Design Codes and Local Planning Scheme No. 3 to provide clarity in the assessment of ancillary dwellings.
3. Ancillary dwellings are defined under the Residential Design Codes as a:

Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

Typically ancillary dwellings are occupied by members of the family, or extended family of the occupants of the single house, however this is not necessarily a requirement of the use. As such, ancillary dwellings are able to be rented out to persons not related to the occupants of the main dwelling.
4. If adopted the policy will be read in conjunction, where relevant, with the policy "*Effluent Disposal for Ancillary Accommodation, Caretakers Dwellings and Agri-Tourism in the Middle Helena Drinking Water Catchment*" adopted by Council in November 2015.

DETAILS

5. The purpose of the policy is to set out design criteria for ancillary dwellings in various circumstances including:
 - When requests are made to consider ancillary dwellings with a floor area greater than that stipulated in the Residential Design Codes;
 - Ancillary dwellings in rural zoned areas;
 - Ancillary dwellings in rural zoned areas subject to a public drinking water policy.

6. Under the Residential Design Codes ancillary dwellings can be considered under either “Deemed to Comply” provisions or “Design Principles”. The “Deemed to Comply” provisions include specific design criteria, including a maximum plot ratio area of 70m² (the definition of plot ratio area sets out certain portions of the building that would and would not be included in the 70m²).
7. The “Design Principles” allows consideration of ancillary dwellings where the amenity of surrounding properties would not be compromised. Effectively this would allow for consideration of ancillary dwellings of a plot ratio area of greater than 70m² where this could be demonstrated and subject to meeting other requirements, such as site coverage and connection to sewer where necessary.

STATUTORY AND LEGAL CONSIDERATIONS

8. Local Planning Policies are created under Clause 2.2 of the Local Planning Scheme No 3 (the Scheme). A Local Planning Policy can be prepared in respect to any matter related to the planning and development of the Scheme area so as to apply:
 - (a) Generally or for a particular class or classes of matters: and
 - (b) Throughout the Scheme area or in one or more parts of the Scheme area.
9. A Local Planning Policy is not binding on the Shire in its decision making and if a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

POLICY CONSIDERATIONS

10. The Policy follows the adopted Council template and has been drafted in accordance with the principles of orderly and proper planning.
11. The Policy takes into account the requirements of the State Government Sewerage Policy, particularly in relation to development on residential lots that cannot be connected to a reticulated sewer service.

COMMUNITY ENGAGEMENT REQUIREMENTS

12. If Council resolves to prepare a Local Planning Policy, it is to be advertised in a newspaper circulating in the district with a consultation period of 21 days.

FINANCIAL CONSIDERATIONS

13. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

15. Development of ancillary dwellings may allow members of a family to live on the same site, whilst maintaining a level of privacy and independence. Alternatively an ancillary dwelling may be rented out to non-family members.

Economic Implications

16. Nil.

Environmental Implications

17. Consistency with the Government Sewerage Policy will ensure that the environment is not compromised in respect to effluent disposal.

RISK MANAGEMENT CONSIDERATIONS

18.

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|--|
| There is no Policy guidance for applicants. | Possible | Minor | Medium | Make sure Council is aware that the Policy can give applicants greater certainty of process. |

OFFICER COMMENT

19. In residential zoned areas, development is guided by the Residential Design Codes, which stipulate design and development criteria.
20. It is important to clearly differentiate between an ancillary dwelling and a single house, which may create a grouped dwelling that would not otherwise be achievable due to lot area or density.
21. It is not unusual for an applicant to propose a floor area greater than that allowed for under the "Deemed to Comply" provisions of the Residential

Design Codes, which is a maximum plot ratio area of 70m². The “Design Principles” imply that a greater floor area could be considered subject to the development not compromising the amenity of the surrounding development.

22. It is considered however, for the purposes of consistency and equity amongst proponents that the 70m² for residential lots be applied unless there are extenuating circumstances. This would also ensure that the proposal would meet the objectives of the Government Sewerage Policy where an ancillary dwelling was proposed on an unsewered residential lot. Also, this would prevent the development of a grouped dwelling which otherwise may not be permissible due to zoning or lot area.
23. In respect to Rural zoned land, it is considered that there is scope to allow for a greater floor area to a maximum plot ratio of 100m² as issues relating to impact on the amenity of the locality and compliance with the Government Sewerage Policy would be minimised.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 01/2016)

That Council:

1. Pursuant to clause 2.2 and 2.4.1 of Local Planning Scheme No.3, adopt the proposed draft Local Planning Policy – Ancillary Dwellings for the purpose of advertising for a period of 21 days:

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Attachment 1

Draft Local Planning Policy – Ancillary Dwellings

| Planning Policy 50 - Ancillary Dwellings | |
|---|-------------------------|
| Adopted | Next Review Date |

Purpose

To provide design and development standards as an adjunct to those provided for in the R-Codes and LPS No. 3.

1.1 Statutory

This policy is prepared under Clause 2.2 of the Shire's Local Planning Scheme No. 3 (LPS No.3). This policy is a supporting document that is to be read in conjunction with the provisions of LPS No. 3 and the Residential Design Codes (R-Codes) and shall be given due regard in consideration of any development application made for ancillary dwellings.

1.2 Application

This policy relates to all land on which an ancillary dwelling can be considered under LPS No. 3.

1.3 Objectives

1. To provide for a range of criteria that will distinguish an ancillary dwellings from second or grouped dwellings.
2. To ensure that development of ancillary dwellings will be consistent with the provisions of the R-Codes.
3. To ensure that effluent disposal systems associated with ancillary dwellings are consistent with the provisions of the Government Sewerage Policy and "Middle Helena Catchment Area Land Use and Water Management Strategy" where applicable.

1.4 Definitions

"Ancillary Dwelling" shall have the same definition as contained in the R-Codes as follows:

"A self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single dwelling."

For the purposes of clarity the term “Ancillary Accommodation” in LPS No. 3 shall have the same meaning as “Ancillary Dwelling”.

“Plot ratio area” shall have the same meaning as contained in the R-Codes.

“Urban zoned land” means land zoned Urban under the Metropolitan Region Scheme.

“Rural zoned land” means land zoned Rural under the Metropolitan Region Scheme.

Policy Statement

2.1 Policy Provisions

Applications for ancillary dwellings shall be considered against the specific provisions in the R-Codes.

2.2 General Development Provisions

Unless waived by the Shire, ancillary dwellings shall conform to the following criteria:

- a) On urban zoned land the ancillary dwelling shall have a maximum plot ratio area of 70m² as defined under the R-Codes.
- b) On rural zoned land the ancillary dwelling shall have a maximum plot ratio area of 100m² as defined under the R-Codes.
- c) Where relevant a proposal for an ancillary dwelling shall also be considered in conjunction with the Shire's policy "*Effluent Disposal for Ancillary Accommodation, Caretaker's Dwellings and Agri-tourism in the Middle Helena Drinking Water Catchment*".
- d) On lots where the ancillary dwelling cannot be connected to a reticulated sewer system, it is to be connected to an effluent disposal system serving the main dwelling unless otherwise required.
- e) An ancillary dwelling shall be associated with a single house, which is either constructed or under construction.
- f) An ancillary dwelling shall contain a minimum of one bedroom, bathroom, toilet, kitchen, laundry facility and living area.
- g) Where attached to a main dwelling, the ancillary dwelling is to be constructed of matching or complimentary materials.
- h) Areas designated as storerooms accessible from within the ancillary dwelling shall not exceed 4m² in order to be exempted from the plot ratio area definition.

2.3 Proposals for floor areas greater than prescribed General Development Provisions

Proposals of ancillary dwellings exceeding plot ratio area of 70m² in urban areas and 100m² in rural areas will only be considered in extenuating circumstances.

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

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

**02. Amendment to Local Planning Scheme No. 3 – Lot 1188 (34)
Carinyah Road, Pickering Brook – Amendment No. 72 Additional Use
(Storage and Light Industry)**

| | |
|---------------------|---|
| Previous Items | OCM 28/2014 |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | PG-LPS-003/072 |
| Applicant | Trade Price Frames & Trusses (TPFT) |
| Owner | Over 55 Lifestyle Villages Pty Ltd |
| Attachment 1 | Amendment 72 Document (Forms 2A and 3B) |
| Attachment 2 | Submission Table and Map |

PURPOSE

1. To consider final adoption of Amendment 72 to Local Planning Scheme No. 3 (the Scheme) to include additional uses for storage and limited fabrication (Light Industry) at Lot 1188 (34) Carinyah Road, Pickering Brook.

BACKGROUND

Land Details

| | | |
|----|------------------------------------|---|
| 2. | Land Area: | 2.89Ha (28,912m ²) |
| | Local Planning Scheme No. 3 Zone: | Rural Landscape Interest with Additional Use (Sawmill and display of historical materials and methods associated with sawmilling) |
| | Metropolitan Regional Scheme Zone: | Rural |

Locality Plan

- 3.



DETAILS

4. In February 2014, Council resolved to initiate Amendment No. 72 to the Scheme.
5. The site has operated as a sawmill (with occasional hiatus) for a number of decades. The site is listed in Schedule 2 of the Scheme (Additional Uses) as follows:

"Sawmill" including display of historical and modern methods of saw milling and production and sale of woodcraft".

There are also specific conditions limiting the maximum tonnage of sawn timber to 6000 cubic metres per annum and other ancillary activities on the site.
6. In support of the initial Scheme amendment request, the applicant submits as follows:

"In addition to processing jarrah timber, the Pickering Brook Saw Mill is used to manufacture timber trusses and assemble timber housing frames. As a value-add to this activity, we also cold-roll from steel trusses and wall frames. There are no steel cutting machines on the site as we do not use them in our processes.

We import complete fold-out houses from China to send to our north-west industrial yard located in Carnarvon, and we use Pickering Brook Saw Mill for temporary storage whilst arranging transport to Carnarvon. These houses look like a forty-foot container and are transported on our own container carrier. We also export containers to Asia filled with cut split jarrah for use in the Asian charcoal industry, and store some of these containers on site until filled."
7. The above activities are proposed to be administered from existing offices already approved on the site.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

8. The *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the *Town Planning Regulations 1967* and associated Model Scheme Text. The Regulations will introduce a new format that will apply to Local Planning Schemes.
9. 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.
10. 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.

11. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment', for the following reasons:
- a) The proposed amendment is consistent with the objectives 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

12. Under the Scheme, the proposed additional uses are defined as follows:
- "Storage means premises used for the storage of goods, equipment, plant or materials"*
- "Industry – light means an industry –*
- a) In which machinery is used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;*
 - b) The establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services."*
13. 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.

POLICY CONSIDERATIONS

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

14. The amendment has been referred to the Department of Water given that the development is within a Priority 2 Public Drinking Water Source Area (PDWSA).
15. The Department of Water's (DoW) Water Quality Protection Note – Land Use Compatibility in PDWSA provides advice on the acceptability of land uses and activities within specific areas.
16. 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. However, the DoW has indicated that some development has been allowed under specific guidance.

17. During advertising, the DoW advised that light industry is an incompatible land use in Priority 2 PDWSA. Despite this recommendation, it is considered from a planning perspective that any risk associated with impacts on the PDWSA can be appropriately mitigated at the development application stage.

COMMUNITY ENGAGEMENT REQUIREMENTS

18. The proposal 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.
19. During advertising one (1) objection was received, raising concern in respect to the following matters (Refer to Attachment 2):
- Potential escalation of levels of noise, dust, diesel fumes and heavy vehicle traffic.
 - Existing activities and noise emanating from the site.
 - Impact of light industrial uses on the amenity of the locality.
 - There are other more appropriate locations for this kind of activity.

FINANCIAL CONSIDERATIONS

20. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *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

22. Any development on the site as a consequence of the amendment would need to be cognisant of impacts on surrounding land owners, in particular, noise and dust emissions. It is noted that previous activities on the site created issues in respect to noise and vehicle movements.

Economic Implications

23. The light fabrication activities would potentially benefit the area in terms of local employment opportunities.

Environmental Implications

24. Any potential environmental impacts, such as noise and effluent disposal would be determined and managed at the development application stage.

RISK MANAGEMENT CONSIDERATIONS

25.

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|-------------|--------|--|
| The amendment may ultimately facilitate light industrial uses which could pose a risk to the Public Drinking Water Source Area | Unlikely | Major | Medium | Ensure that the amendment limits the light industrial activities to metal and timber housing frame construction. |
| The fabrication and storage may impact on the amenity of the surrounding area in respect to noise and dust. | Possible | Major | High | Ensure appropriate conditions are imposed at the development application stage. |
| Refusal will have a significant impact upon local employment. | Possible | Major | High | Ensure WAPC is aware that suitable conditions can mitigate concerns of DoW. |

OFFICER COMMENT

26. While the underlying zoning of the land is Rural Landscape Interest, the long term use of the property has effectively established it as a commercial /industrial site. The amendment is intended to facilitate ongoing commercial/industrial operation at the property by facilitating a light manufacturing use for the purpose of fabricating metal and timber house frames, which would be defined as 'light industry' under the Scheme.
27. Noting the historical use of the site as a sawmill, the use of the site for light manufacturing of timber and steel frames is not considered a significant departure from the longstanding use of the land, and is generally considered an appropriate use in this context.

28. In regard to the concerns raised by the DoW in respect to the light industrial additional use, it is considered that any risk associated with impacts on the PDWSA can be appropriately mitigated at the development application stage by restricting the nature and intensity of industrial activity, and conditions of any approval.
29. It is also considered appropriate that given the concerns of the DoW, that the nature of the light industrial activities allowable on the site should be limited to timber and steel fabrication associated with house construction only. This is recommended as a modification to the amendment by including a specific condition of the additional use to minimise the risk of alternative light industrial activities occurring at the site.
30. The objection received during advertising relates primarily to the impacts of light industrial uses in respect to noise, dust, and heavy vehicle movements. While it is noted that light industrial activity could intensify uses at the site, it is acknowledged that a light industrial activity, by definition, should not cause injury or adversely affect the amenity of a locality, and should not be supported if there are significant externalities such as noise and dust emissions. This is particularly noteworthy given the subject site adjoins rural properties. It is considered that these matters can be appropriately addressed at the development application stage.
31. The storage component of the additional uses is intended to facilitate the storage of frames and materials associated with light fabrication. At the development application stage, conditions can and will be included regarding the location of storage and screening requirements so as to not unduly affect the visual amenity of the locality.
32. It is considered that the site is of sufficient size and has appropriate access to accommodate the additional uses proposed.
33. Given the above, it is recommended that Council adopts the modified amendment in accordance with Attachment 1, which incorporates the following additional condition:
- a) Light industrial and storage activities shall be limited to fabrication and storage of steel and timber house frames only.

Neil Erasmus of Pickering Brook spoke against the proposal. There were no Councillor questions.

Frank Pinner spoke in favour of the proposal. A Councillor asked how frequently the metal press was used. Frank Pinner explained he generally makes timber frames and has progressed into steel frames to value-add to his business, the metal press is very quiet but there is some noise when screwing studs together however he has recently added new equipment which reduces the noise for this operation. These would be made each three weeks to a month for a couple of days at a time.

A Councillor asked if these were manufactured inside or outside; Mr Pinner explained that these used to be made outside but are now being made inside.

A Councillor asked when the new machine was put in; Frank Pinner indicated it had been installed for four years.

A Councillor asked if a noise assessment had ever been carried out; Frank Pinner indicated that the noise level is 41 decibels. The Councillor further asked if the Shire had carried out a noise assessment. Director Development services responded that it would not be normal practise to look at that as part of an amendment but would be looked at as part of a development application at a later date.

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| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 02/2016)

That Council:

1. Notes the submission received.
2. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports the Amendment 72 to Local Planning Scheme No. 3 with proposed modifications (Attachment 1).
3. Pursuant to Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards to the Western Australian Planning Commission:
 - a) The Amendment documentation as at Attachment 1; and
 - b) The summary of submissions as at Attachment 2.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Attachment 1

Amendment 72 Document (Form 2A)

Form 2A *Planning and Development (Local Planning Schemes) Regulations 2015*

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 72

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

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



| NO. | DESCRIPTION OF LAND | ADDITIONAL USE | CONDITIONS |
|-----|--|-------------------------------|---|
| | Lot 1188 (34) Carinyah Road, Pickering Brook | Storage Light Industry | b) Light industrial and storage activities shall be limited to fabrication and storage of steel and timber house frames only. c) The uses are not permitted unless approval is granted by the Local Government ("D") |

Attachment 2

Submission Table and Map

| Details | | Comment | Officer Comment |
|---------|---|--|--|
| 1. | N & P Erasmus 50 Carinyah Road PICKERING BROOK WA 6076 | <p>Objection</p> <p>a) Concern regarding increased noise, dust, fumes and vehicle traffic.</p> <p>b) Consider that a light industry use is not consistent with the direction of development in the Pickering Brook area.</p> <p>c) Concern on the amenity impacts of the proposal, particularly on tourist accommodation on an adjacent lot.</p> | <p>a) A light industrial activity, by definition, should not cause injury or adversely affect the amenity of a locality in regard to noise, dust, fumes and traffic impacts. This matter will be further considered at the development application stage to ensure that the externalities of the proposed land use will be appropriately managed.</p> <p>b) Noting the historical use of the site as a sawmill, the use of the site for light manufacturing of timber and steel frames is not considered a significant departure from the longstanding use of the land, and is generally considered an appropriate use in this context.</p> <p>c) Refer to comment 'a)' above.</p> |



-  Subject Site
-  Advertised Neighbour

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

Cr Michael Fernie declared an Impartiality Interest.

**03. Retrospective Application for Chalets, Stables and Rural Pursuit
- Lot 2 (664) Pickering Brook Road, Pickering Brook**

| | |
|---------------------|--------------------------------------|
| Previous Items | Nil |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | PC-01/664 |
| Applicant | Define Creations Design and Drafting |
| Owner | Margaret Thomas and Frank Pinner |
| Attachment 1 | Site Plan |
| Attachment 2 | Floor Plans |
| Attachment 3 | Elevation Plans |
| Attachment 4 | Submission Table and Map |

PURPOSE

1. To consider a retrospective planning application for:
 1. Four (4) chalets;
 2. An equine building incorporating 13 stables;
 3. The keeping and agisting of 10 horses (Rural Pursuit); and
 4. Two (2) outbuildings;

at Lot 2 (664) Pickering Brook Rd, Pickering Brook. Refer to (Attachments 1-3).

BACKGROUND

2. Council consideration is sought in relation to the following key matters:
 - Chalet is an 'A' use under the Local Planning Scheme No. 3 (Scheme) which means the use is not permitted unless the Council has granted planning approval after advertising the application;
 - While a Rural Pursuit land use (keeping and agisting horses) is permitted under the Scheme, the keeping of horses requires Council to consider the capability of the land and management arrangements, with particular regard to water catchment areas; and
 - Three (3) submissions have been received objecting to the application.
3. It is noted that the application initially proposed an additional component that involved the use of the site for tours, functions, horse riding classes and clinics. This component of the application was withdrawn given the concerns raised by the Shire and the Department of Water and the lack of supporting information for the proposal. Therefore Council consideration is not sought in respect to these activities at this time.

4. **Land Details:**

| | |
|------------------------------------|--|
| Land Area: | 5.93Ha |
| Local Planning Scheme Zone: | Rural Agriculture |
| Metropolitan Regional Scheme Zone: | Rural |
| Bushfire Prone Area: | Yes, Bushfire Attack Level assessment received. BAL 29 Construction standard |
| Public Drinking Water Source Area: | Priority 2 (P2) classification |

5. **Locality Plan**



6. The subject site has a frontage of 119 metres to Pickering Brook Road. The surrounding area is predominantly characterised by rural uses.
7. The property has a mixture of structures, the older structures consist of two dwellings, an equipment shed and manager's office on the west side of the property. On the south-west side of the property there is a group of four structures consisting of a packing shed with kitchen facilities, two equipment sheds, an equine building (stables) and a disused shed that will soon be demolished. There are also several small horse shelters scattered throughout the site (Refer Attachment 1).

DETAILS

8. The application incorporates four key components, which are discussed separately in this report. A summary of each component is as follows:
1. Chalets
Four chalets have been constructed at a central location to the rear of the site for short term accommodation. Each chalet contains a bedroom, bathroom

and kitchenette. Based on the number of chalets, it is considered that a maximum of eight persons could be accommodated.

2. Stables

An equine building which includes 13 individual stables, two equipment rooms, a feed room and saddle room. An arena has also been constructed on the north-east side of the equine building.

3. Keeping of Horses (Rural Pursuit)

A business named "Legends Lodge Agistment Centre" operates from the subject site. The applicant submits that 10 horses and a full time horse manager remain at the property on a permanent basis.

4. Two outbuildings

A 10.3m x 14.8m (152m²) vintage horse carriage shed, and a 10.18m x 24.84m (252.87m²) equipment shed.

9. It is noted that there are several other buildings on the site, however given the age of these buildings and that they were constructed under previous town planning schemes this application only incorporates the chalets, stables and outbuildings mentioned above.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

10. Clause 4.2.2 (Objectives of Zones - Rural Agriculture) of the Scheme stipulates that the objectives for the Rural Agriculture zone are as follows:
- *To protect and maintain the hills horticulture industry.*
 - *To ensure the conservation of soil and water resources important to the well-being of the horticulture industry.*
 - *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
 - *To limit the amount of subdivision supported to that which complies with the subdivisional land use and development requirements of the zone.*
 - *To conserve the physical and visual environment of the area.*
 - *Encourage the reduction of bush fire hazard.*
11. Clause 5.13.2 of LPS 3 outlines land use and development provisions which apply to land included in the Rural Agriculture zone. This includes (in part) the following:
- i. *The local government does not support any development where in the opinion of the local government such development will encourage the establishment of land uses considered not compatible with Rural Agricultural pursuits.*
 - ii. *Horse agistment, and other intensive animal husbandry activities operated for commercial gain will not be supported in the zone unless it can be demonstrated that there will be no detrimental impact on the water catchment area and the environment.*
 - iii. *Any new horticultural activities which necessitate fertiliser application rates greater than the current average level (i.e. 100kg/ha per annum) will be*

discouraged. Any development application involving fertiliser application rates greater than this will require the submission of a nutrient irrigation management plan and will be referred to the Department of Environment for comment.

- iv. *The keeping of animals in the zone is subject to planning approval and will be assessed on an investigation of each property. Approval will be granted where the land is capable of supporting the number of animals applied for, having regard to the specific land management practices proposed to be implemented by the applicant. The keeping of animals will be in accordance with the provisions of clause 5.18 of the Scheme.*

12. Pursuant to clause 8.4.1 of the LPS 3, this application seeks approval for existing unauthorised development and uses at the subject site.
13. In accordance with Table 1 of the Scheme (Zoning Table), the following land use permissibility applies to this application:
- Stable is a 'P' use which means the use is permitted by the Scheme.
 - Chalet is an 'A' use which means the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 9.4 of the Scheme.
 - The keeping of horses is considered a Rural Pursuit under the Scheme, which is a 'P' use and is permitted by the Scheme. However, consideration is also required in accordance with clause 5.18.1 (i) (Keeping of Animals) of the Scheme.
14. Clause 5.18 (Keeping of Animals) of the Scheme requires the Shire to have particular regard for appropriately demonstrated land management arrangements inclusive of:
- The land capability of the property including an assessment of the management techniques proposed by the applicant;
 - The amount and condition of remnant vegetation on the property;
 - Implications for water catchment areas and watercourses; and
 - Implications on neighbouring properties.
15. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including (but not limited to):
- The compatibility of the development within its settings;
 - The likely effect of the scale and appearance of the proposal.
 - Whether the proposed means of access and egress from the property are adequate.
 - Any State Planning Policy.
 - Any relevant submissions received on the application.
16. The application is subject to the requirements under clause 6.7 of the Scheme (Bushfire Prone Areas), which requires the Shire to consider the level of bushfire hazard and relevant planning policies and guidelines when making its decision.
17. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

STRATEGIC PLANNING IMPLICATIONS

Hills Rural Study 2014

18. The Hill Rural Study (HRS) was prepared to identify and address future requirements relating to land use, horticulture/agriculture, and environmental, economic and social issues in the study area.
19. The chalet component of the proposal is consistent with the objectives of the HRS facilitating new revenue opportunities and diversification of land uses, including tourism based ventures.

POLICY CONSIDERATIONS

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

20. The Department of Water's (DoW) Water Quality Protection Note – Land Use Compatibility in Public Drinking Water Source Area (PDWSA) provides advice on the acceptability of land uses and activities within specific areas.
21. 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.
22. In its initial form (prior to the applicant withdrawing the request for uses incorporating tours, functions and riding classes), the application was referred to the Department of Water given that the development is within a Priority 2 PDWSA.
23. The DoW indicated that it was unable to support the initially lodged application as it was unclear how the tourism based and equestrian land uses will be managed to protect the water resource. It is noted that the primary concern raised by the DoW was the business operation involving tours, functions and riding classes.
24. In their own right, chalets, stables and the keeping of horses are 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."

25. In respect to the chalets, stables and keeping of horses, the DoW has provided the following advice:

“...

The keeping of horses in P2 areas is compatible, however stocking rates outlines in Water Quality Protection Guideline No. 13: Environmental Guidelines for Horse Facilities and Activities (Water and Rivers Commission, Western Australian Horse Council (Inc), Department of Environmental Protection, Department of Health, 2002) should be adhered to. The recommended stocking rate in P2 areas on gravel slopes (SR8) is 1 horse per hectare. Currently 10 horses are kept on the property and as the property is 5.9ha, the property is over stocked.

Chalets are compatible with conditions in P2 areas. Dwelling density is restricted and it is the DoW's preference that all dwellings on the property are connected to an alternative waste water treatment unit (ATU). Water Quality Protection Note 88: Rural tourist accommodation (DoW, 2012) states that occupancy should be of equivalent size to a single dwelling household (less than 10 people)...”

State Planning Policy 2.7 – Public Drinking Water Source Policy

26. The key objective of State Planning Policy 2.7 (SPP 2.7) is to ensure that land use and development within the PDWSA is compatible with the protection and long-term management of water resources for public drinking water supply.
27. Under SPP 2.7, the subject site is located within a Priority 2 source protection area, which is declared over land where low-risk development already exists. This classification is defined to ensure that there is no increased risk of pollution to the water source as a result of land use or development.

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

28. The intent of State Planning Policy 3.7 (SPP 3.7) is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
29. 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.
30. The property falls within a Bush-Fire Prone Area and in this instance a Bushfire Attack Level (BAL) Assessment has been requested and received. The BAL Assessment indicates a rating of BAL-29 for the chalets, and a BAL-12.5 for the stables and the outbuildings. A condition has been included in the officer recommendation requiring the construction standards of these structures to be in accordance with *Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas*.

Draft State Planning Policy 2.5 – Rural Planning Policy

31. The Western Australian Planning Commission (WAPC) has prepared the Draft Rural Planning Policy which intends to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.

P-DEV 20 – Outbuildings and Sea Containers

32. P-DEV 20 was adopted as a Local Planning Policy at Council's Ordinary Meeting held in November 2015. A key objective of the policy is to ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, site characteristics and existing buildings.

COMMUNITY ENGAGEMENT REQUIREMENTS

33. The application was advertised for 14 days to adjoining property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. During the advertising period three (3) objections were received. Refer to the Submission Table in Attachment 5.
34. 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 Agricultural zone;
 - Increased traffic;
 - Increased bushfire risk;
 - Number of horses being kept at the property;
 - Impact on lifestyle and enjoyment of surrounding properties will be affected; and
 - Concern regarding effluent disposal.

FINANCIAL CONSIDERATIONS

35. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

36. *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

37. Nil.

Economic Implications

38. The chalet component of the application will facilitate additional tourism accommodation opportunities in the Pickering Brook area.

Environmental Implications

39. As noted above further information is required regarding water and equine management to satisfy the Public Drinking Water Source requirements and ensure that water and waste management will not unreasonably affect the water catchment.
40. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

RISK MANAGEMENT CONSIDERATIONS

41.

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|-------------|--------|--|
| The applicant may appeal the decision at the State Administrative Tribunal (SAT) | Possible | Minor | Medium | Ensure SAT is aware that the determination and recommended conditions are considered appropriate. |
| The applicant/owner may not operate in accordance with Council's determination. | Unlikely | Minor | Low | Ensure that the use of the property is monitored to determine compliance with the Council's determination. |
| The proposal will result in an increase in water source contamination. | Unlikely | Major | Medium | Ensure land management conditions are included to ensure pollution risk is minimised. |

OFFICER COMMENT

42. Under the Scheme, specific uses/provisions are provided for chalets, stables, the keeping of animals. The following discussion relates to each individual component of the application.

43. In regard to the unauthorised buildings (chalets, stables and outbuildings), assessment was undertaken against Table 2 of the Scheme (Site Requirements) and Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers, which is summarised in the following table:

| Rural Agriculture Zone Site Requirements | Required | Proposed |
|--|--------------------------|--|
| Chalets- Setbacks: Front Side (north-west) Side (south-east) Rear | 20m 15m 15m 15m | Approximately 313m Approximately 95m Approximately 98m 24m |
| Stables- Setbacks: Front Side (north-west) Side (south-east) Rear | 20m 15m 15m 15m | Approximately 252m Approximately 100m Approximately 50m Approximately 79m |
| Outbuildings- Setbacks: Front Side (north-west) Side (south-east) Rear | 20m 15m 15m 15m | Approximately 225m Approximately 82m 15m Approximately 92m |
| Floor Area: | 150m ² | 252.9m ² |
| Aggregate Floor Area: | 300m ² | 405m ² |
| Wall Height: | 5.0m | 5.0m |
| Roof Pitch Height: | 5.8m | 5.0m |
| Materials | Steel Sheetting | Steel Sheetting |

Chalets

44. In respect to the four chalets, it is noted that these structures are approximately 100m from the nearest adjoining rural property and 315m from Pickering Brook Road. The structures themselves are considered to be well designed and sympathetic in the rural landscape. Therefore no objection is raised to the design of the buildings from a planning perspective.
45. In respect to the use of the chalets, it is considered that a maximum of eight people could potentially stay at the chalets at any one time. The applicant submits that the chalets will be occupied on average for the duration of one night, however the definition of chalets under the Scheme allows an occupant to stay for a maximum period of three months in any 12 month period.
46. From a planning perspective the proposed chalets are not considered inappropriate at the site and would not unduly impact on the rural amenity of the area. Additionally, the chalets would not compromise the long term use of the site for rural agricultural pursuits.

47. As a chalet is associated with a commercial activity, approval to operate as a 'lodging house' will be required under the *Shire of Kalamunda Health Local Laws 2011*. This requirement forms a recommended condition of approval in the officer's recommendation.

Stables

48. Stables are a 'P' permitted use in the Rural Agriculture zone, which means the Scheme permits the use, however Council may impose conditions on the use of land to comply with any relevant development standards or requirements (eg. Stocking rates or management of the property in accordance with Clause 5.18 (ii)). Further discussion is provided below in this respect in relation to the keeping of horses.

The Keeping of Horses (Rural Pursuit)

49. The keeping of horses, in itself, is not considered incompatible with the objectives of the Rural Agriculture zoning. However the stocking rates (number of horses) and management of the property is required to be further considered to determine the appropriateness of the existing numbers of horses in conjunction with the overall effect on the PDWSA. In this respect, information is required to determine the site management and maximum number of horses. The officer's recommendation includes a condition which requires the applicant/owner to submit an Equine Management Plan to the satisfaction of the Shire. Ongoing compliance will be required to be in accordance with the Equine Management Plan.

Outbuildings

50. In respect to the two outbuildings which have been erected on the property, assessment has been undertaken against the requirements of the Outbuilding and Sea Containers (P-DEV 20) Policy which was adopted by Council in November 2015. These structures have been inspected and it is not considered that their size is excessive in the context of the size of the property (5.93ha). Additionally, given the significant setbacks of these outbuildings from Pickering Brook Road and adjoining sites, the buildings are not considered to unduly affect the rural amenity of the area or surrounding property owners.
51. The access and egress for the site is considered to be suitable given the nature of the uses and size of the property. The access to the site is located approximately 150m from the nearest residential dwelling. It is noted that additional traffic would be generated by the chalets at the site, however there are significant open areas which would be appropriate for parking vehicles. It is considered that additional traffic will not unduly impact on the overall rural amenity of the area.
52. In regard to the concerns raised during advertising, the following is noted:

Noise:

Activities conducted on site will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Privacy and visual amenity from adjoining properties:

The chalets are located approximately 100m from the nearest rural property, which is considered to assist with mitigating any visual privacy impacts. The structures themselves are considered to be well designed and sympathetic in the rural landscape.

The proposal is not consistent with the Rural Agricultural zone:

Chalets are an 'A' use under the Scheme, which enables the use to be considered following advertising.

Traffic:

The access to the site is located approximately 150m from the nearest residential dwelling, and is considered to be suitable given the Rural Agriculture zoning, nature of the uses and size of the property. It is noted that additional traffic would be generated by the chalets at the site, however the number of vehicles entering and exiting the property associated with this use will not be significant, and there is significant areas which are appropriate for parking additional vehicles.

Increased bushfire risk:

The property falls within a Bush-Fire Prone Area and in this instance a Bushfire Attack Level (BAL) Assessment has been requested and received. The BAL Assessment indicates a rating of BAL-29 for the chalets, and a BAL-12.5 for the stables and the outbuildings. A condition has been included in the officer recommendation requiring the construction standards of the chalets to be in accordance with *Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas*.

Number of horses being kept at the property:

If the 'keeping of horses' component of the application is approved, a condition will require an Equine Management Plan to determine the final stocking rate of horses.

Impact on lifestyle and enjoyment of surrounding properties will be affected:

As noted above, the proposed chalets are a relatively low intensity land use and are not considered to unduly affect the rural amenity of the area.

Concern regarding effluent disposal:

Based on the information provided by the applicant and a site inspection, there is no evidence to suggest that existing waste water systems will not cope with the effluent disposal requirements of the chalets. Additionally, if the application is approved, a condition will be included to require a Water Management Plan to be prepared, which will address waste water management at the site.

53. The Department of Water has indicated that further information is required regarding water management and waste water disposal at the site, primarily in respect to effluent disposal. In this respect, the officer's recommendation includes a requirement for the applicant/owner to submit a Water Management Plan to the Shire's satisfaction.

Cr Michael Fernie declared an Impartiality Interest as the daughter of one neighbour is an old family friend and appeared on his election flyer.

Peter Arasi, Kalamunda spoke against the recommendations. A Councillor asked who the public consultation carried out by the Shire had been with, Director Development Services indicated this had been with the immediate neighbours in accordance with Council's Policy by mail.

Roy Hebden, Pickering Brook spoke against the recommendation. A Councillor noted his claim regarding his dam becoming contaminated and asked if this had been tested. Roy Hebden indicated they intend to have their ground water tested, the dam had been part of a university study but due to lack of funding this is no longer the case so he will need to get this water tested. The Councillor also noted Roy Hebden had indicated his complaint had to be taken "elsewhere" and asked if he was prepared to disclose where this was, Roy Hebden indicated he would be happy to do so but not in Chambers.

Frank Pinner spoke in favour of the recommendation. A Councillor noted Frank Pinner's comments regarding formalising the use for the Shire to have on record but queried why he had not sought approval prior to erecting the buildings. Frank Pinner responded it had been purchased as a rural property with stables which he has rebuilt to a suitable condition. He added he had sought retrospective planning as a complaint had been received regarding the two 20 foot accommodation units which are not residences and only to accommodate his friends and family if staying overnight on the property.

A Councillor noted the reference to operate a lodging house, Frank Pinner indicated he had no plans to build this but under the jurisdiction these buildings must be referred to as chalet, and an approval for a boarding house must then be sought; he reiterated they are all for personal use only.

A Councillor asked if there were kitchens, shower and toilet facilities in the buildings. Frank Pinner responded there are no kitchens (only showers and toilets) in any of the rooms. The Councillor further asked if a site inspection had taken place; this was confirmed and noted that a kettle and small fridge may have been referred to as a kitchenette.

A Councillor suggested deferral of this item in order that Council could seek further information. A procedural motion to move the item to the Ordinary Council Meeting 22 February 2016 was put.

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| Voting Requirements: Simple Majority |
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| OFFICER RECOMMENDATION (D&I 03/2016) |
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That Council:

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| <ol style="list-style-type: none">1. Notes the objections received.2. Approves the application dated 14 August 2015 for proposed chalets, stables and rural pursuit at Lot 2 (664) Pickering Brook Road, Pickering Brook, subject to the following conditions:<ol style="list-style-type: none">a) A detailed Equine Management Plan shall be submitted to, and approved by, the Shire of Kalamunda within 30 days of the approval. All activities on-site relating to the keeping and agisting of horses shall be |
|---|

in accordance with the approved Equine Management Plan to the satisfaction of the Shire of Kalamunda.

- b) A detailed Water Management Plan shall be submitted to, and approved by, the Shire of Kalamunda within 30 days of the date of approval. For the purposes of this condition, the following information will be required:
- a. A site plan showing the location of all waste water disposal systems on the property;
 - b. Details of the management of wastewater from the chalets, dwellings, stables and other buildings; and
 - c. Details of stormwater management from all hardstand areas.

Water management shall be upgraded in accordance with the approved Water Management Plan to the satisfaction of the Shire of Kalamunda.

- c) The waste water disposal system for the chalets, and any other system located in close proximity to the chalets, are to be exposed and viewed by the Shire (septic tanks and ends of leach drains) within 30 days of the date of approval, to the satisfaction of the Shire of Kalamunda.
- d) The approved chalets shall be used only in accordance with the Local Planning Scheme No. 3, as follows:
- "chalet means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period."*
- e) The construction and siting of the chalets is to be in accordance with the requirements of the approved Bushfire Attack Level Assessment and in accordance with Australian Standard 3959.
- f) An application for approval to operate a Lodging House shall be submitted to, and approved by, the Shire of Kalamunda, in accordance with the provisions of the *Shire of Kalamunda Health Local Laws 2011*, within 30 days of the date of this approval.
- g) Vehicle parking, manoeuvring and circulation areas shall be suitably constructed and drained to the specification and satisfaction of the Shire of Kalamunda.
- h) Any redundant septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted.

Moved: **LAPSED**

Seconded:

Vote:

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| Voting Requirements: Simple Majority |
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COMMITTEE RECOMMENDATION TO COUNCIL (D&I 03/2015)

That Council:

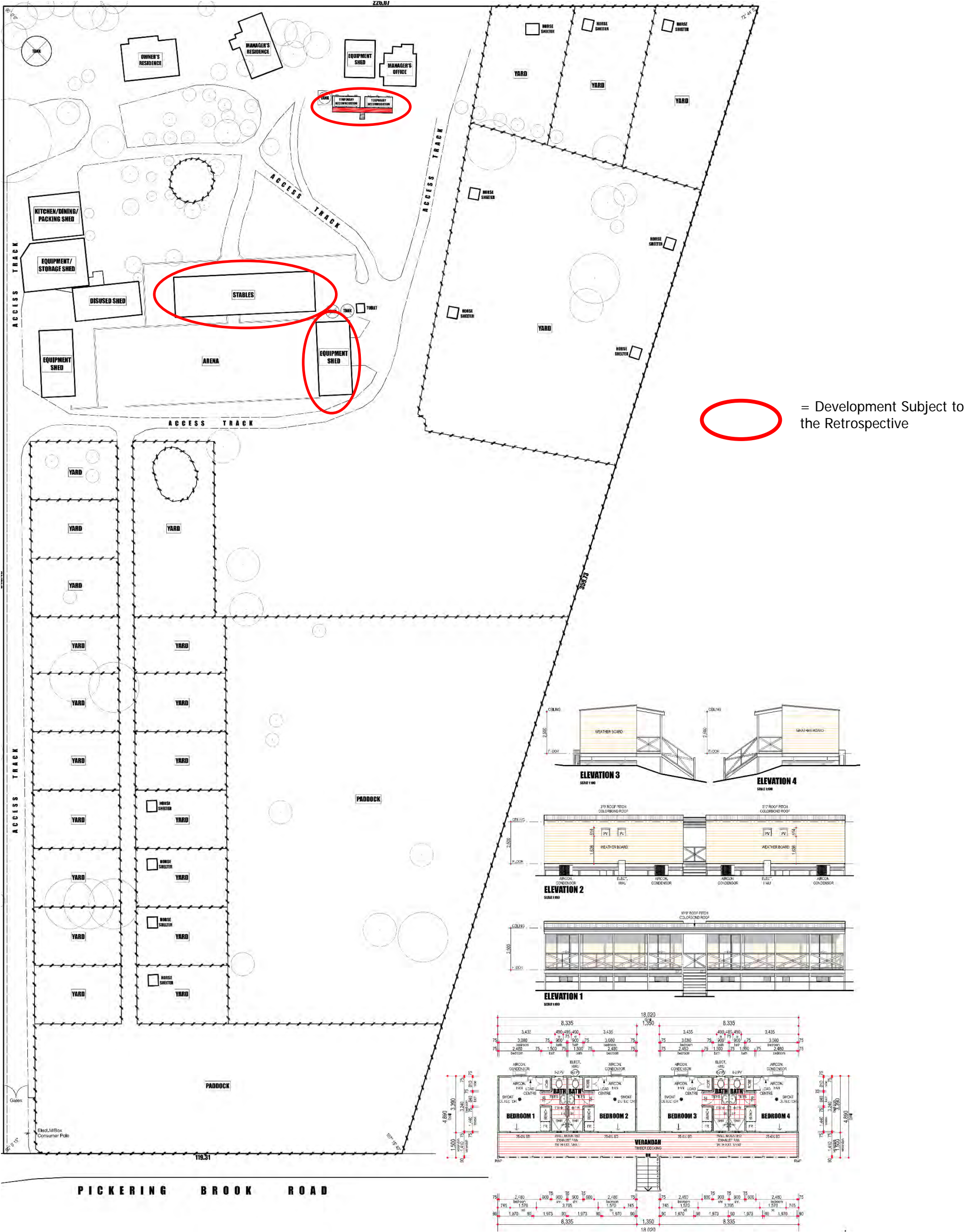
1. Defer consideration until Ordinary Council Meeting 22 February 2016 in order that Council may seek further information.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

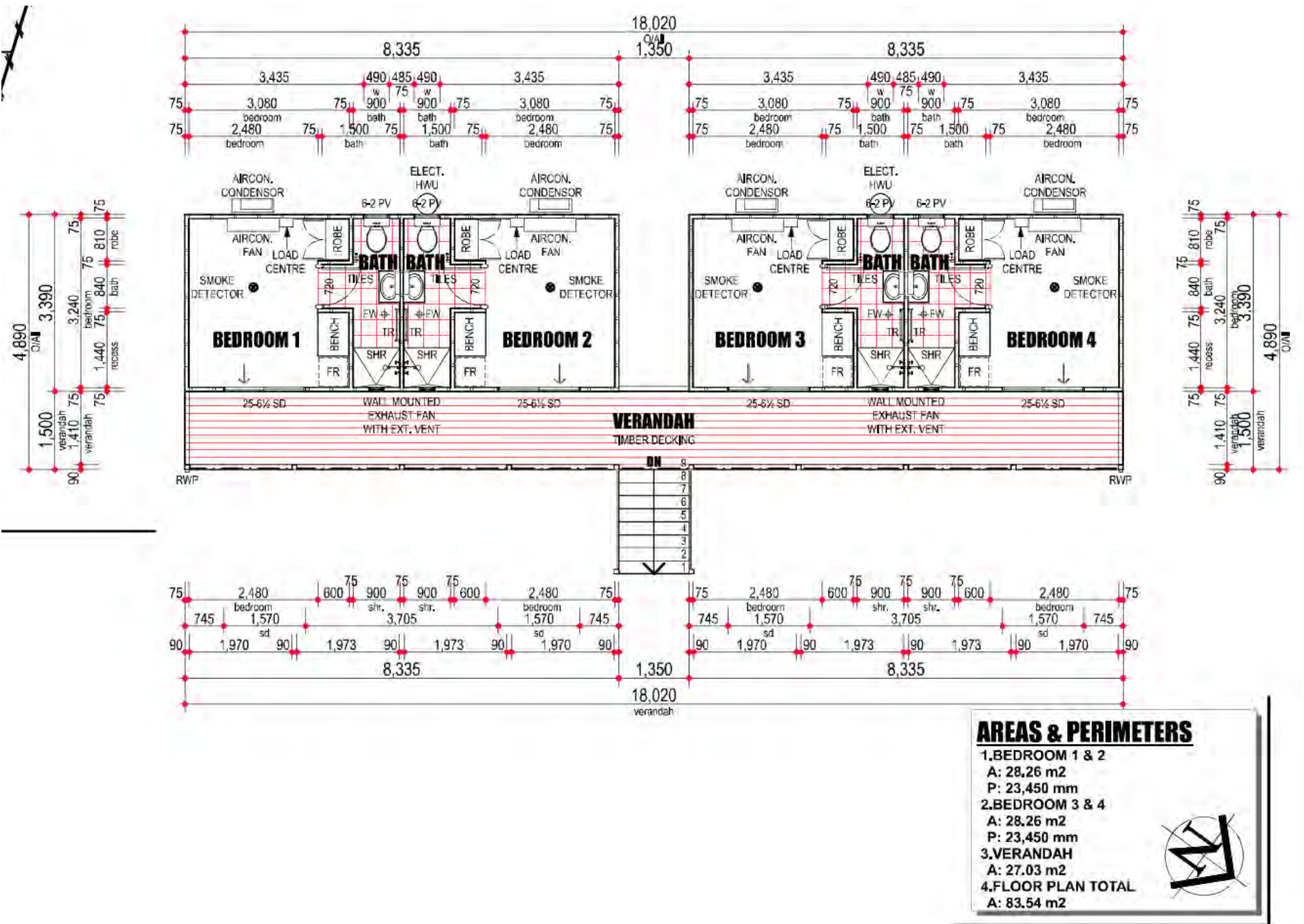
Vote: **CARRIED UNANIMOUSLY (9/0)**

Site Plan

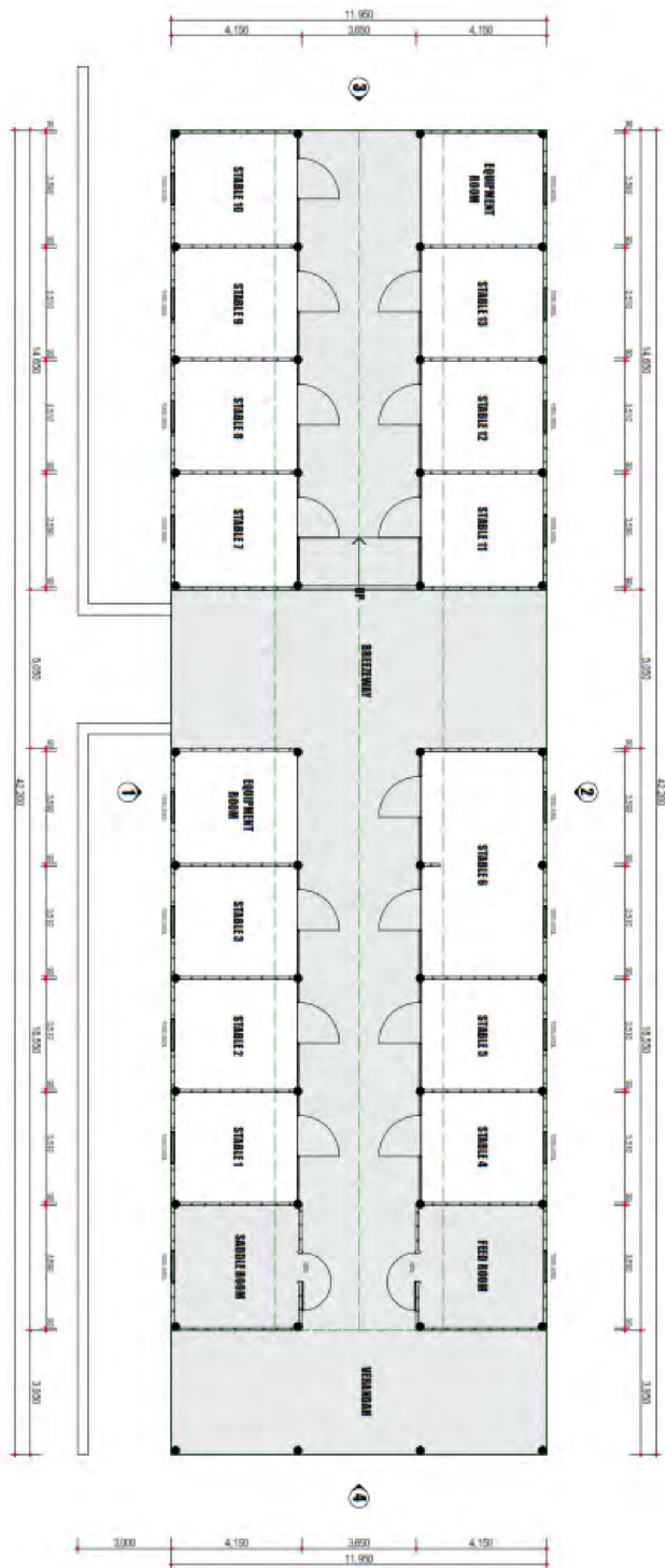


Attachment 2
Retrospective Application for Chalets, Stables, Rural Pursuit, and Tourist Development
Lot 2 (664) Pickering Brook Road, Pickering Brook
Floor Plans

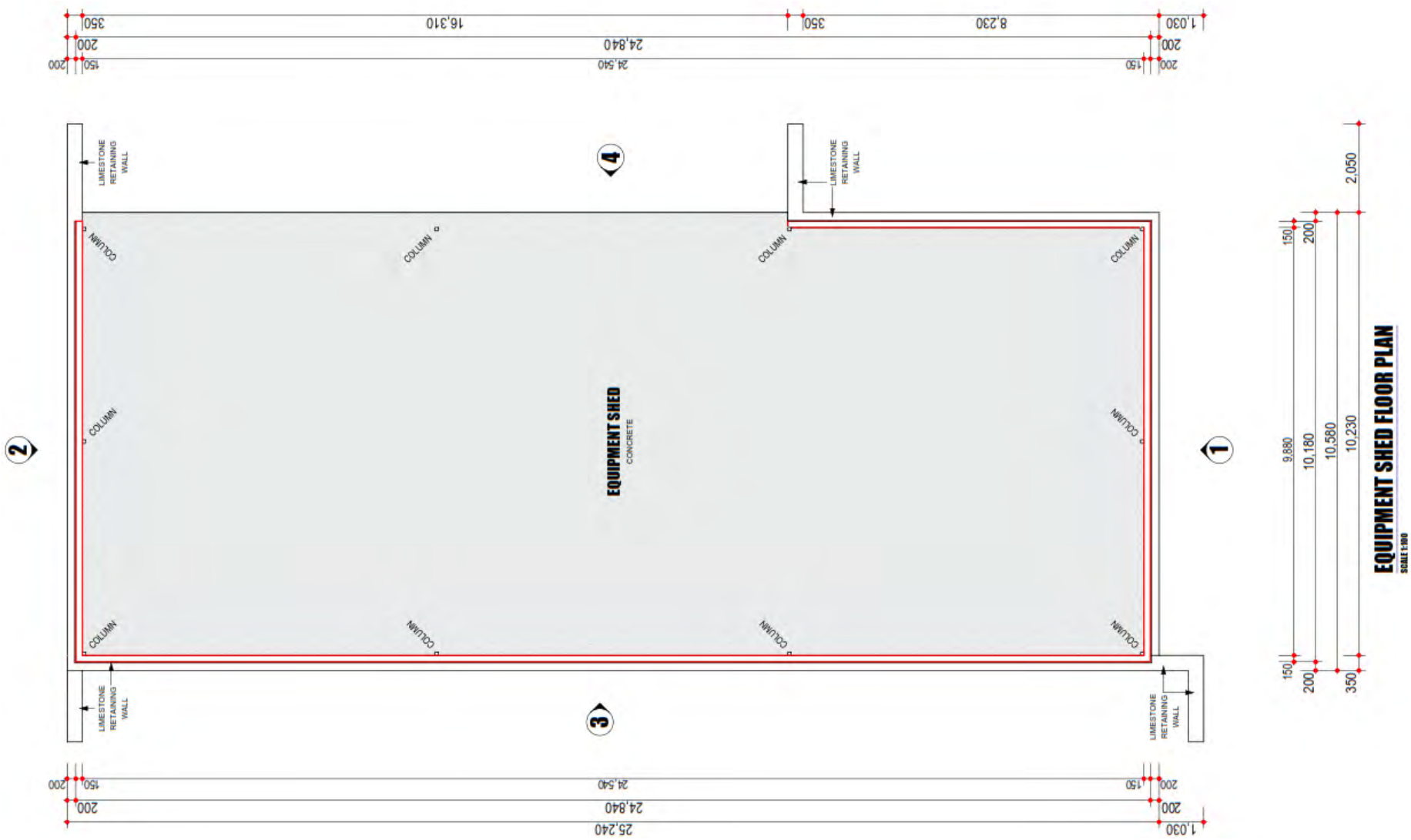
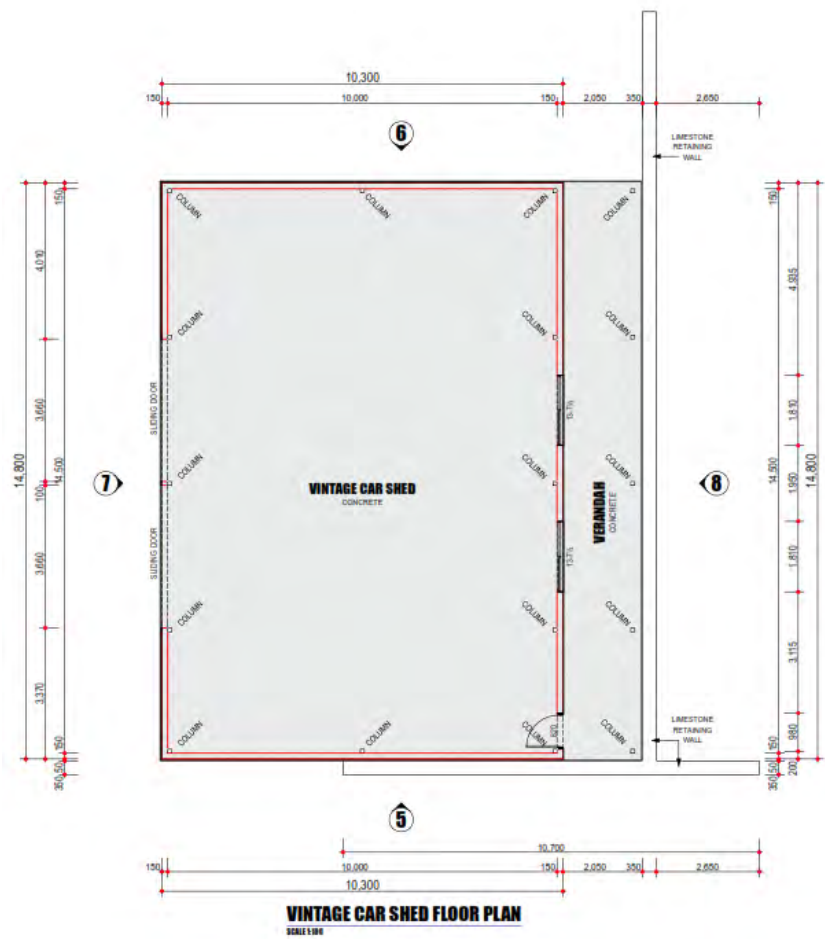
Chalets



Stables

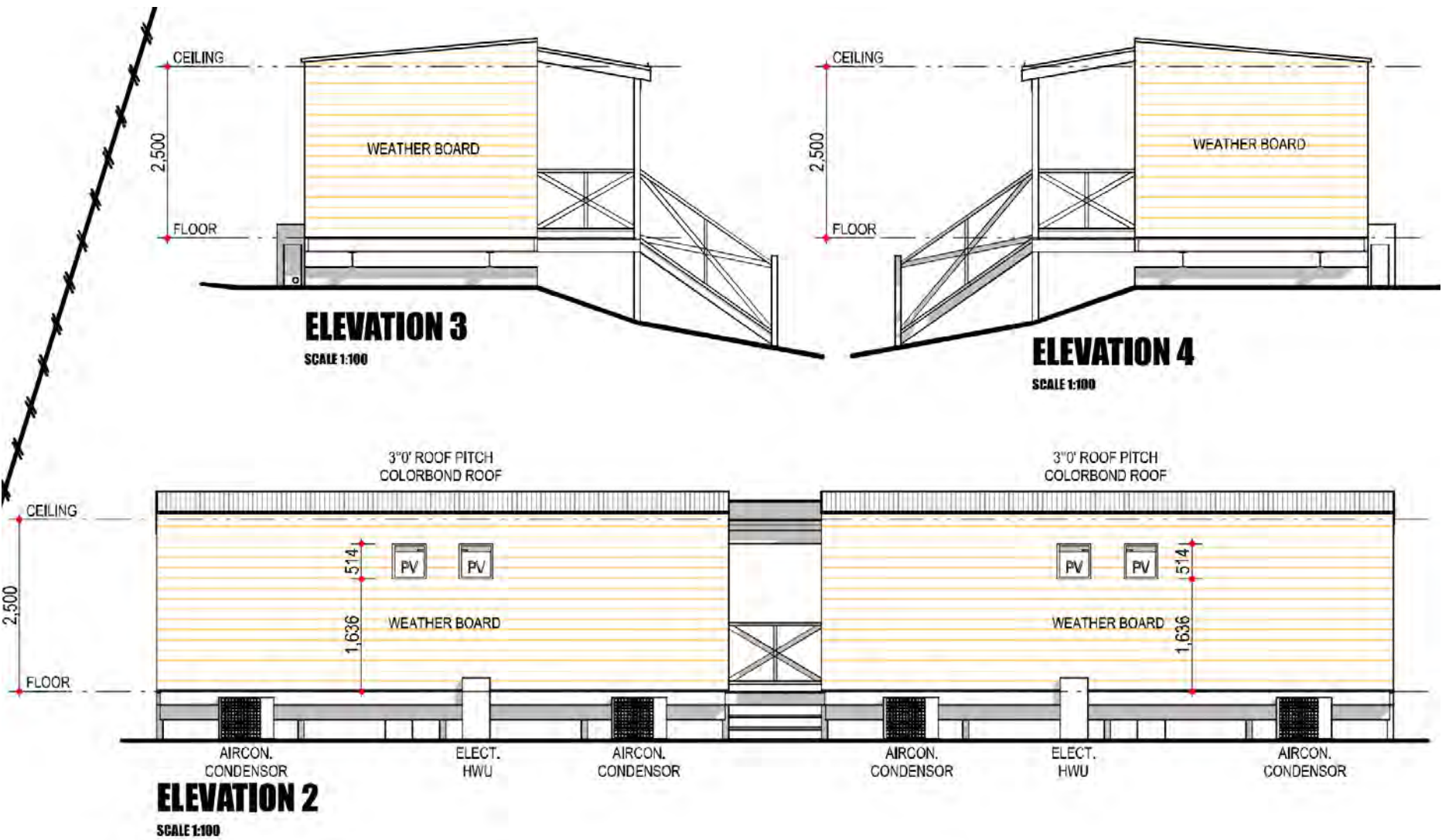


Outbuildings

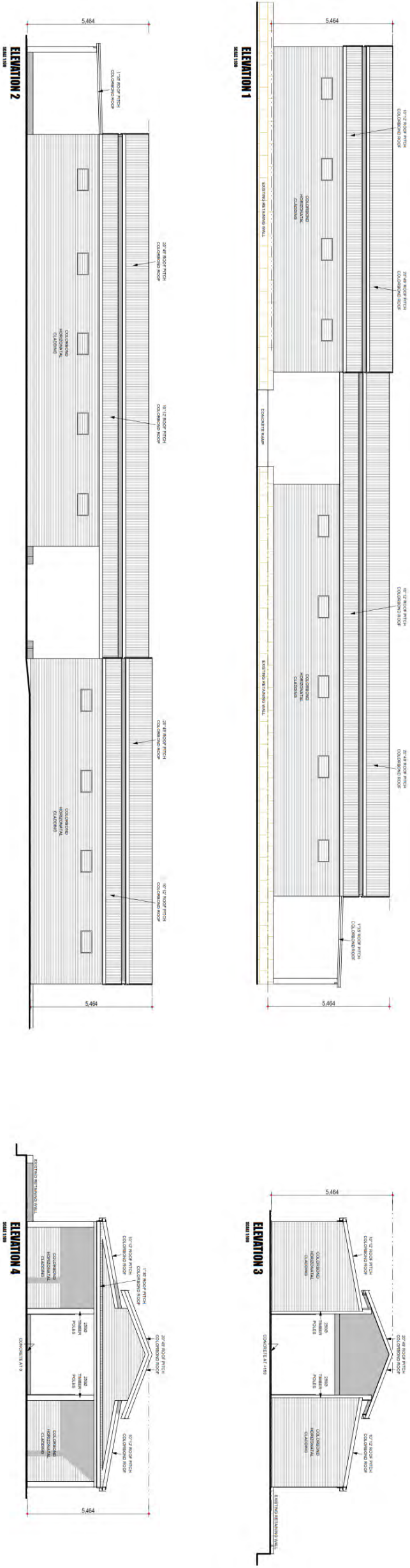


Attachment 3
Retrospective Application for Chalets, Stables, Rural Pursuit, and Tourist Development
Lot 2 (664) Pickering Brook Road, Pickering Brook
Elevations

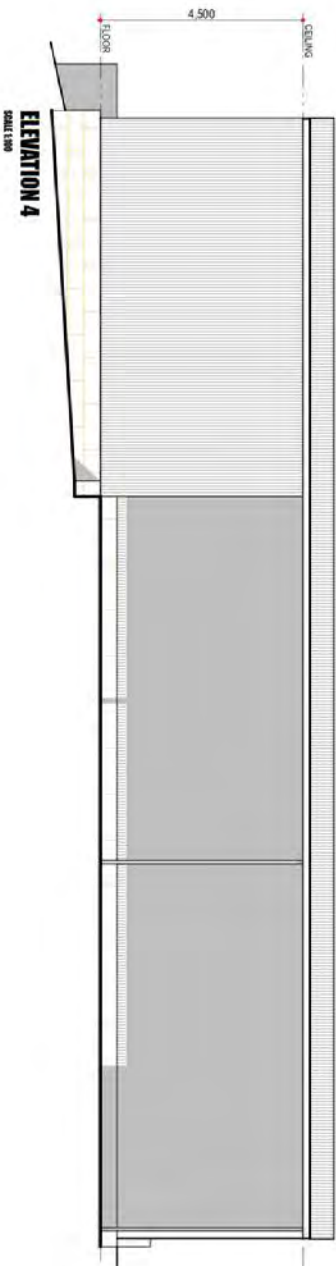
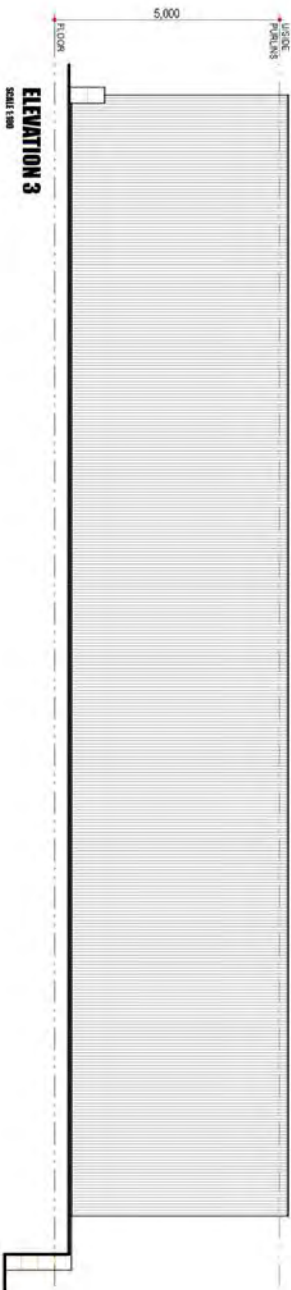
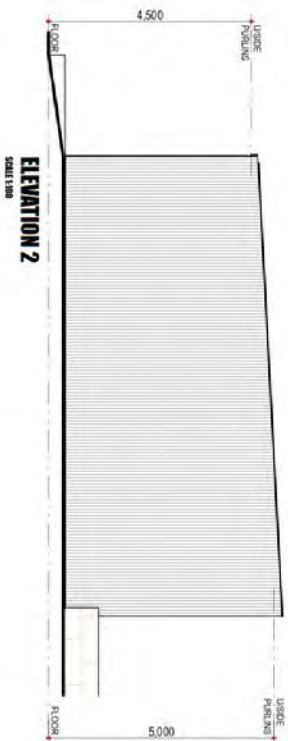
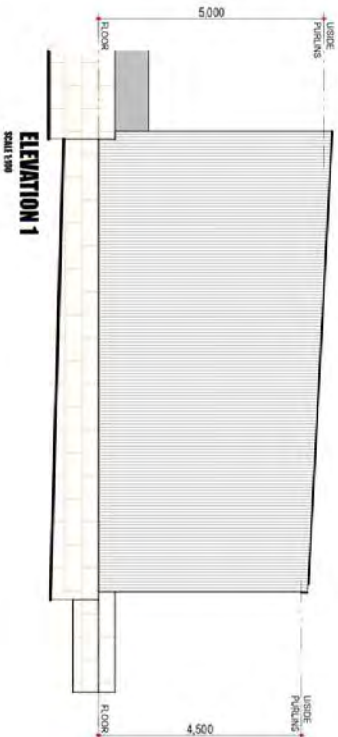
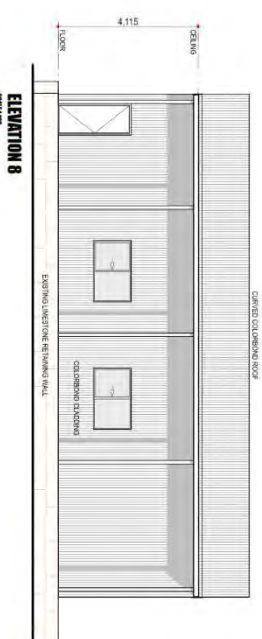
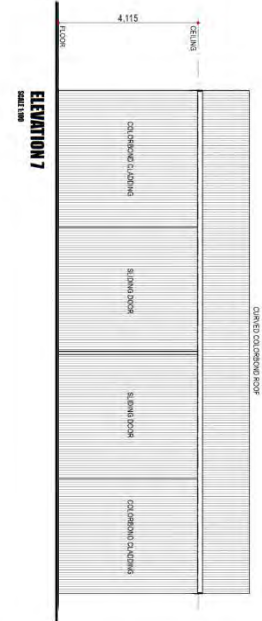
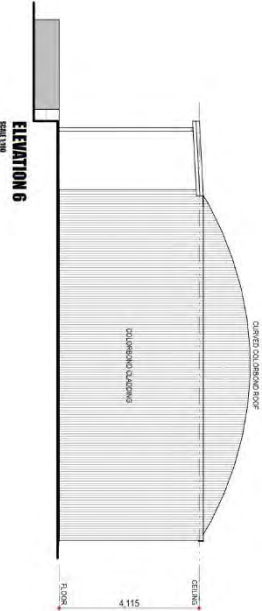
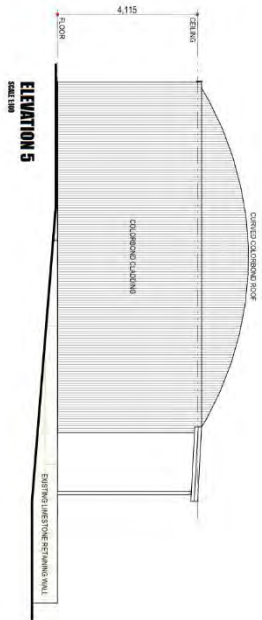
Chalets



Stables



Outbuildings



Attachment 4

Retrospective Application for Chalets, Stables, Rural Pursuit, and Tourist Development

Lot 2 (664) Pickering Brook Road, Pickering Brook

Submission Table and Map

| Details | | Comment | Officer Comment |
|---------|--|---|---|
| 1. | R Hebden & T Lombardo 658 Pickering Brook Road PICKERING BROOK WA 6076 | <p>Objection</p> <p>d) Concern regarding increased noise.</p> <p>e) Concern regarding increased persons accommodated in the Chalets and associated traffic.</p> <p>f) Concern regarding the disposal of effluent.</p> <p>g) Visual impact of the chalets.</p> <p>h) Concern regarding the general impact on the rural amenity of the area.</p> <p>i) Concern that the chalets will be used for permanent accommodation.</p> <p>j) Concern regarding the use of the property for</p> | <p>a) Activities conducted on site would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>b) It is not considered that four (4) additional chalets will in itself unduly affect rural amenity of the area.</p> <p>c) Based on the information provided by the applicant and a site inspection, there is no evidence to suggest that existing waste water systems will not cope with the effluent disposal requirements of the chalets. Additionally, if the application is approved, a condition will be included to require a Water Management Plan to be prepared, which will address waste water management at the site</p> <p>d) The visual impact of the chalets is considered minor in the context of the rural property and will not unduly affect the amenity of the area.</p> <p>e) Refer to the officer comment section of the report.</p> <p>f) If approved, the chalets will be required to be used in accordance with the definition of a chalet under the Scheme, which states: <i>"... an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period."</i></p> <p>g) The applicant has withdrawn this component of the application and has advised that these activities have ceased and will not recommence.</p> |

| | | | |
|----|---|---|---|
| | | <p>reception/recreation activities.</p> <p>k) Concern regarding number of horses to be kept at the property.</p> <p>l) Concern regarding the commercial equestrian based activities.</p> | <p>h) In the event that the 'keeping of horses' component of the application is approved, a condition will require an equine management plan to determine the final stocking rate of horses.</p> <p>i) Refer to the officer comment section of the report.</p> |
| 2. | <p>R & R Waddy 632 Pickering Brook Road PICKERING BROOK WA 6076</p> | <p>Objection</p> <p>a) Concern regarding the use of the property for reception/recreation activities.</p> <p>b) Concern regarding number of horses to be kept at the property.</p> <p>c) Concern regarding the disposal of effluent.</p> <p>d) Concern regarding the tourism based activities.</p> <p>e) Concern regarding bushfire risk.</p> | <p>a) The applicant has withdrawn this component of the application and has advised that these activities have ceased and will not recommence.</p> <p>b) In the event that the 'keeping of horses' component of the application is approved, a condition will require an equine management plan to determine the final stocking rate of horses.</p> <p>c) Based on the information provided by the applicant and a site inspection, there is no evidence to suggest that existing waste water systems will not cope with the effluent disposal requirements of the chalets. Additionally, if the application is approved, a condition will be included to require a Water Management Plan to be prepared, which will address waste water management at the site.</p> <p>d) The applicant has withdrawn this component of the application and has advised that these activities have ceased and will not recommence.</p> <p>e) The property falls within a Bush-Fire Prone Area and in this instance a Bushfire Attack Level (BAL) Assessment has been requested and received. The BAL Assessment indicates a rating of BAL-29 for the chalets, and a BAL-12.5 for the stables and the outbuildings. A condition has been included in the officer recommendation requiring the construction standards of the chalets to be in accordance with <i>Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas</i>.</p> |

| | | | |
|----|------------------------------|---|---|
| 3. | Name and Address Withheld | <p>Objection</p> <p>a) Concern regarding the general impact on the rural amenity.</p> <p>b) Concern regarding increased noise.</p> <p>c) Concern regarding privacy impacts of the chalets.</p> <p>d) Concern regarding increased persons accommodated in the chalets and associated traffic.</p> <p>e) Concern regarding bushfire risk.</p> <p>f) Concern regarding the use of the property for reception/recreation activities.</p> <p>g) Concern regarding bushfire risk.</p> | <p>a) It is not considered that four (4) additional chalets will in itself unduly affect rural amenity of the area.</p> <p>b) Activities conducted on site would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>c) There are not considered to be any direct privacy impacts as a result of the chalets.</p> <p>d) It is not considered that the number of persons or traffic associated with the four (4) additional chalets will in itself unduly affect rural amenity of the area.</p> <p>e) The property falls within a Bush-Fire Prone Area and in this instance a Bushfire Attack Level (BAL) Assessment has been requested and received. The BAL Assessment indicates a rating of BAL-29 for the chalets, and a BAL-12.5 for the stables and the outbuildings. A condition has been included in the officer recommendation requiring the construction standards of the chalets to be in accordance with <i>Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas</i>.</p> <p>f) The applicant has withdrawn this component of the application and has advised that these activities have ceased and will not recommence.</p> <p>g) The property falls within a Bush-Fire Prone Area and in this instance a Bushfire Attack Level (BAL) Assessment has been requested and received. The BAL Assessment indicates a rating of BAL-29 for the chalets, and a BAL-12.5 for the stables and the outbuildings. A condition has been included in the officer recommendation requiring the construction standards of the chalets to be in accordance with <i>Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas</i>.</p> |
|----|------------------------------|---|---|



-  Subject Site
-  Advertised Neighbour

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

**04. Amendment to Local Planning Scheme No. 3 - Lot 109 (182)
Canning Road, Kalamunda - Amendment No.77 Additional Use
(Consulting Rooms)**

| | |
|---------------------|---|
| Previous Items | Nil |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | CN-01/182 |
| Applicant | Formscape Planning Consultants |
| Owner | A & M Christoforou |
| Attachment 1 | Amendment 77 Form 2A Proposal and Reasoning |
| Attachment 2 | Submission Table and Map |

PURPOSE

1. To consider final adoption of Amendment 77 to Local Planning Scheme No. 3 (the Scheme) to include the additional use 'Consulting Rooms' on Lot 109 (182) Canning Road, Kalamunda.

BACKGROUND

2. **Land Details:**

| | |
|------------------------------------|--------------------|
| Land Area: | 2107m ² |
| Local Planning Scheme Zone: | Residential R10 |
| Metropolitan Regional Scheme Zone: | Urban |

3. **Locality Plan**



4. The subject site and surrounding properties contain single dwellings and associated outbuildings. The subject site forms part of the Kalamunda Town Centre precinct as part of the Local Housing Strategy with a proposed rezoning to Residential R10/30.

5. At its Ordinary Council Meeting of 28 April 2015 Council resolved to initiate Amendment No.77 to the Scheme.

DETAILS

6. It is proposed to use 'Consulting Rooms' to be included under Schedule 2 (Additional Uses) of the Scheme.
7. In support of the proposed amendment, the applicant has advised the following:
- The site has appropriate attributes including its location on a main road and large land area, meaning that it is unlikely to detract from the amenity of surrounding residential uses.
 - It is stated that the applicable planning framework indicated an unsatisfied demand for land uses such as Consulting Rooms being proposed which has become exacerbated within the Shire over time due to an ageing, and increasing population and suitable new premise being built and / or made available via Scheme Amendment in recent times.
 - The proposal for consulting rooms seeks to maximise the efficient use of the land which would be easily accessible by a larger number of residents due to its proximity to a broader residential area, location on a main road, and the intersection of two public transport routes (Lesmurdie Road)
 - The proposal would not set an undesirable precedent given that future requests will be assessed on a case-by-case basis.
 - To ensure that the use would not have an unacceptable impact on the amenity of nearby residents, conditions would be imposed as part of any development application to control the number of staff and the hours of operation permitted.
 - The discretionary nature of the Additional Use amendment as proposed, if finalised would ensure that the subject site will be scrutinized in a subsequent Development Application. This would likely see the Consulting Rooms being no more intensive than the current use. If approved as Consulting Rooms, development with the exception of parking and landscaping would likely be undertaken within the existing improvements on site.
 - The applicant has noted that there was a previous refusal to a request to amend the Scheme to allow for consulting rooms. It is stated that this proposal is much more discreet and specialised than the previous proposal from October 2010, additionally the scale and appearance will remain unchanged reflecting the residential character of the area.
 - The applicant has stated that they have had previous liaison with the Shire prior to lodging the request for amendment which indicated in-principle support and any minor issues would be resolved through the preparation and submission of a subsequent development application.
8. If the amendment is adopted by Council, and ultimately approved by the Minister for Planning, a planning application will be required to be submitted to, and approved by, the Shire prior to the use commencing.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

9. The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) were gazetted on 25 August 2015 and will take full effect on 19 October 2015, replacing the *Town Planning Regulations 1967*. Accordingly, should Council resolve to adopt this Scheme amendment, the amendment will be processed in accordance with the new Regulations.
10. 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 proposed amendment is consistent with the Shire's Local Planning Strategy and the intent of the Local Housing Strategy;
 - iii) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
 - iv) The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area.

POLICY CONSIDERATIONS

Local Planning Scheme No.3

11. Clause 4.2.1 (Objectives of the Zones- Residential) of the Scheme stipulated that an objective of the Residential zone is 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.
12. Clause 4.5 (Additional Uses) of the Scheme stipulates that 'despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in the Scheme 2 with respect to that land.

COMMUNITY ENGAGEMENT REQUIREMENTS

13. The proposal 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.
14. During the advertising period one (1) non objection was received.

FINANCIAL CONSIDERATIONS

15. Costs involved in the processing of the Amendment will be recouped from the applicant in accordance with the adopted budget.

RISK MANAGEMENT CONSIDERATIONS

| | | | | | |
|-----|---|-------------------|--------------------|---------------|--|
| 16. | Risk | Likelihood | Consequence | Rating | Action/Strategy |
| | The proposal may impact on the amenity of the surrounding residential area. | Possible | Minor | Medium | Ensure Council is aware such a use would have minimal impact on the amenity of the surrounding area if appropriate conditions were imposed at the Development Application stage. |

OFFICER COMMENT

17. Under Schedule 1 of the Scheme, Consulting Rooms are defined as follows:
- 'Means premises used by not more than two health consultants for the investigation or treatment of human injuries or ailments and for general care.'*
18. All applications for consulting rooms, if this amendment were approved, would be subject to a development application. This would allow for a range of health practitioners where typically such activities are undertaken in converted residential dwellings.
19. It is considered that the proposal is unlikely to detract from the amenity and character of the residential area. It is noted that under a number of local government planning schemes, consulting rooms can be considered in residential areas given the low impact of consulting rooms and general compatibility of the use in a residential area. Council could give consideration to amending the Scheme to allow for the use in residential areas and this forms part of a separate amendment. In support of the amendment, a local planning policy could be prepared to provide guidelines for the establishment of consulting rooms in residential areas.
20. Matters relating to potential impacts the use may have on the amenity of the area, such as traffic matters, number of staff and hours of operation permitted will be dealt with at the development application stages if the amendment is approved.
21. Council will need to consider from an amenity perspective the cumulative impacts of non-residential development such as consulting rooms in a residential area to ensure it does not compromise the commercial intent of the Kalamunda Town Centre. In this regard, the proposed is considered to be a discreet land use change which will have little to no impact on the surrounding residential area.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 04/2016)

That Council:

1. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports Amendment 77 to Local Planning Scheme No. 3 (Attachment 1).
2. Pursuant to Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards to the Western Australian Planning Commission:
 - (i) The Amendment documentation as at Attachment 1;
 - (ii) The summary of submissions as at Attachment 2.
3. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting final approval be granted.

Moved: **Cr John Giardina**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Attachment 1

Amendment 77 Document (Form 2A)

Form 2A *Planning and Development (Local Planning Schemes) Regulations 2015*

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 77

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

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

| No. | Description of Land | Additional Use | Conditions |
|-----|---|---------------------|--|
| 52 | Lot 109 (182) Canning Road, Kalamunda | Consulting Rooms | The uses are not permitted unless approval is granted by the Local Government. ("A") |

Attachment 2

Amendment to Local Planning Scheme No. 3 - Lot 109 (182) Canning Road, Kalamunda - Amendment No.77 Additional Use (Consulting Rooms)

Submission Table and Map

| Details | | Comment | Officer Comment |
|---------|---|--------------|--------------------|
| 1. | Basil Conti Owner of 181 Canning Road, Kalamunda | No objection | No further comment |



- Subject site
- Advertised Neighbour

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

05. Request for Staged Developer Contribution Payments – Retrospective Planning Approval for Storage, Transport Depot and Incidental Office – Lot 17 (287) Berkshire Road, High Wycombe

| | |
|---------------------|-------------------------------|
| Previous Items | OCM 125/2014 |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | BR-08/287 |
| Applicant | P J Dujmovic Pty Ltd |
| Owner | P J Dujmovic Pty Ltd |

| | |
|--------------|---|
| Attachment 1 | Forrestfield/ High Wycombe Industrial Area Stage 1 |
|--------------|---|

PURPOSE

1. To consider a request to defer/stage the developer contribution payments required for an approved storage area, transport depot and incidental office at Lot 17 (287) Berkshire Road, High Wycombe.

BACKGROUND

Locality Plan

2.



3. Land Details:

| | |
|----------------------------------|----------------------------|
| Land Area: | 10,000m ² (1Ha) |
| Local Planning Scheme Zone: | Industrial Development |
| Metropolitan Region Scheme Zone: | Urban |

4. The property is located within Stage 1 of the Forrestfield/High Wycombe Industrial Area (Stage 1). The property contains a dwelling, sea containers and open hardstand/storage.
5. In February 2013, the WA Planning Commission (the Commission) endorsed a Structure Plan for Stage 1 of the Forrestfield/High Wycombe Industrial Area. Refer (Attachment 1).
6. In May 2013, the Minister approved Amendment No. 48 to the Scheme, which amongst other provisions, proposed that Developer Contribution Items for Stage 1 Forrestfield/High Wycombe Industrial Area be inserted under Schedule 12 (Development Areas) in the Scheme. The Developer Contribution Cost Schedule establishes the cost contribution and apportionment for each landowner. In June 2015, Council resolved to adopt a new Developer Contribution Rate of \$31.23 per square metre.
7. In March 2014, Council resolved (En Bloc Resolution OCM 47/2014) to request the preparation of a local planning policy that establishes guidelines around staged payments for Developer Contributions for Stage 1 of the Forrestfield/High Wycombe Industrial Area (Stage 1) for consideration by Council at a future meeting. In May 2014, Council resolved (En Bloc Resolution OCM 68/2014) to endorse the Policy for the purpose of advertising.
8. In August 2014, Council resolved (Resolution OCM 125/2014) to initiate Amendment No. 71 to the Scheme to disallow staged payments for development within the Forrestfield/High Wycombe Industrial Area, and to ensure that all contributions are paid in full as a condition of any planning approval.
9. In September 2014, Council resolved (En Bloc Resolution OCM 135/2014) not to proceed with the abovementioned Policy.
10. On 1 December 2014, Council resolved to adopt Amendment No. 71. The amendment documents were executed and forwarded to the Western Australian Planning Commission for the Minister for Planning to make the final determination. The matter is yet to be determined.
11. In May 2015, a retrospective planning application was approved for storage, a transport depot and an incidental office at the site. Condition 1 of the planning approval required that the landowner make a proportional contribution to the cost of common infrastructure such as road upgrades and modifications, land acquisition for road reserves, dual use paths and administration costs of the sharing arrangements.
12. The total net developer contribution for approved development on the subject site is currently \$312,273.

13. An invoice was issued to the applicant/owner in November 2015 for the outstanding developer contributions.

DETAILS

14. The landowner has requested that a deed of agreement be entered into between the Shire and the applicant detailing a staged payment plan in the following arrangement:
1. 30% (\$93,682) of the contribution at the time of the deed of agreement being executed;
 2. 30% (\$93,682) 8 months following the initial payment date; and
 3. The balance (\$124,909) being provided 2 years following the initial payment date.
15. The applicant submits that an upfront payment is not favourable given current market conditions and due to there being no direct upgrades in the vicinity of the subject site.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

16. Schedule 12 (Development Contribution Areas) of the Scheme describes the Development Areas and sets out the purpose and particular requirements that may apply to the Development Area.
17. Clause 6.5.14.2 (Payment of Cost Contribution) of the Scheme stipulates that the owner, with the agreement of Council, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to Council.
18. As noted above, Council resolved to adopt amendment No. 71 which seeks to disallow deferred/staged payments for development within the Forrestfield/High Wycombe Industrial Area, and to ensure that all contributions are paid in full as a condition of any planning approval. Given this has been endorsed and sent to the Western Australian Planning Commission, Council is required to have 'due regard' to the amendment under Clause 10.2 (Matters to be considered by Local Government) of the Scheme.

POLICY CONSIDERATIONS

State Planning Policy No. 3.6 – Development Contributions for Infrastructure

19. State Planning Policy No. 3.6 – Development Contributions for Infrastructure sets out the principles underlying development contributions.

COMMUNITY ENGAGEMENT REQUIREMENTS

20. Nil.

FINANCIAL CONSIDERATIONS

21. All costs associated with the delivery of infrastructure works in the Forrestfield/High Wycombe Industrial Area are met under the Developer Contributions Scheme.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Strategy 4.1.4 – Facilitate the development of industrial land within the Shire.

SUSTAINABILITY

Social Implications

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

Economic Implications

24. The staged payment process may assist developers in meeting their financial obligations to the Developer Contribution Scheme. However, without the prompt payment of contributions, the Shire will be unable to coordinate the essential infrastructure works required to develop the industrial area in a timely manner.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 26.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|---|
| The applicant may appeal the decision at the State Administrative Tribunal (SAT). | Possible | Minor | Medium | Ensure SAT is aware that without the contribution being paid within the short period of time, the required upgrades and modifications to roads, the acquisition of land for road Reserves, amongst other items, may be delayed. |

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|-------------|--------|--|
| The applicant/owner not paying the required developer contributions. | Possible | Major | High | Undertake enforcement action where required to ensure compliance with the Local Planning Scheme No. 3. |
| Without prompt payments of the contribution, there may be delays in the delivery of scheme infrastructure. | Likely | Major | High | Ensure Council is aware that the delivery of the infrastructure is a priority for the scheme. |

OFFICER COMMENT

27. The Scheme currently allows the developer contribution to be paid in a lump sum or by instalments which are acceptable to Council. However, Council may also have due regard to amendment No. 71, which aims to disallow deferred/staged payments for development within the Forrestfield/High Wycombe Industrial Area. This amendment is presently with the Western Australian Planning Commission and the Minister for Planning for consideration.
28. Whilst it is acknowledged that Council has in the past supported staged payments to assist developers, the adoption of Amendment No. 71 indicates a clear position from Council to ensure that all contributions within the Forrestfield/High Wycombe Industrial Area are paid in full as a condition of any planning approval.

Jade Dandrilli, High Wycombe spoke against the recommendation on behalf of the applicant. There were no Councillor questions. A Councillor foreshadowed a motion should the officer recommendation be lost. The officer recommendation was put, no mover was found and this lapsed.

The foreshadowed motion was moved and seconded; Jade Dandrilli indicated this small change would be of little assistance. In view of this response the seconder withdrew, no other Councillor seconded the motion and it lapsed.

With no motion on the table the Director confirmed the contribution would be as per the Town Planning Scheme and 100% in full.

A Councillor put forward the original recommendation which was seconded and carried.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 05/2016)

That Council:

1. Refuse the applicant/owner's request for staged developer contribution payments required for an approved storage area, transport depot and incidental office at Lot 17 (287) Berkshire Road, High Wycombe.

Moved: **LAPSED**

Seconded:

Vote:

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 05/2016)

That Council:

1. Approves the applicant/owner's request for staged developer contribution payments required for an approved storage area, transport depot and incidental office at Lot 17 (287) Berkshire Road, High Wycombe of 50% on approval of development application and a further 50% eight months later.

Moved: **Cr Noreen Townsend**

Seconded: ~~Cr John Giardina~~ **WITH DRAWN**

Vote:

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION COUNCIL (D&I 05/2016)

That Council:

1. Refuse the applicant/owner's request for staged developer contribution payments required for an approved storage area, transport depot and incidental office at Lot 17 (287) Berkshire Road, High Wycombe.

Moved: **Cr John Giardina**

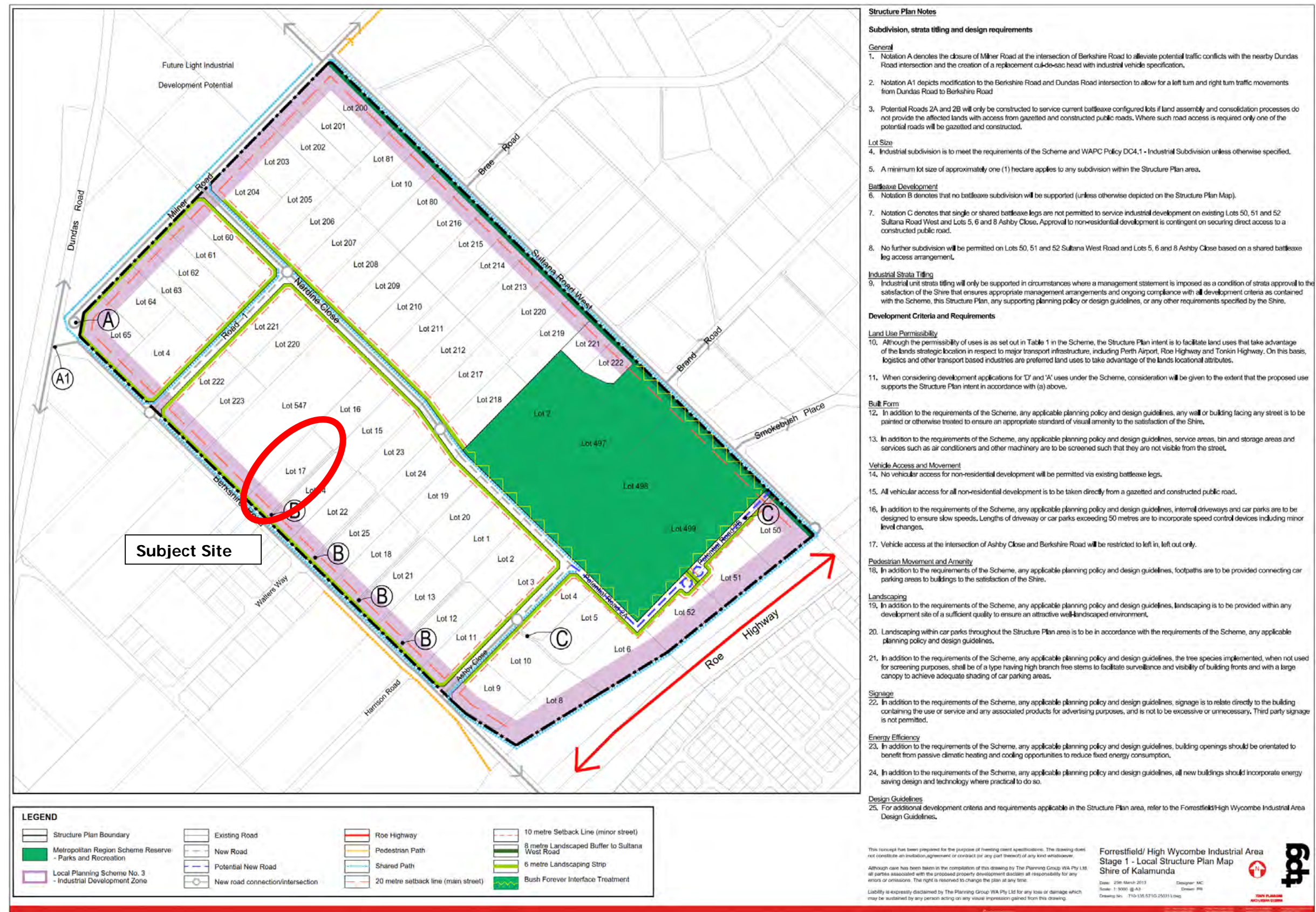
Seconded: **Cr Michael Fernie**

Vote: **For**
Cr Michael Fernie
Cr John Giardina
Cr Geoff Stallard
Cr Allan Morton
Cr Brooke O'Donnell
Cr Sara Lohmeyer
Cr Tracy Destree
Cr Andrew Waddell
CARRIED (8/1)

Against
Cr Noreen Townsend

Attachment 1

Forrestfield/ High Wycombe Industrial Area Stage 1



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

**06. Proposed 13 Aged/Dependent Persons Dwellings – Lot 256 (53)
Maida Vale Road, Maida Vale**

| | |
|---------------------|--|
| Previous Items | OCM 179/2014 – Modification to the Maida Vale Cell 6 Structure Plan – Lot 256 (53) Maida Vale Road, Maida Vale |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | MD-03/053 |
| Applicant | MAC Projects and Construction |
| Owner | MAC Projects and Construction |
| Attachment 1 | Site Plan and Floor Plans |
| Attachment 2 | Elevations |
| Attachment 3 | Perspective Plans |
| Attachment 4 | Maida Vale Cell 6 Structure Plan |
| Attachment 5 | Submission Table and Map |

PURPOSE

- To consider a planning application for proposed 13 aged/dependent persons dwellings at Lot 256 (53) Maida Vale Road, Maida Vale. (Attachments 1 -3)

BACKGROUND

2. Land Details

| | |
|-----------------------------------|--|
| Land Area: | 2,000m ² |
| Local Planning Scheme No. 3 Zone: | Urban Development |
| Structure Plan Zoning: | Maida Vale Cell 6 Structure Plan – Residential R40 |
| Metropolitan Region Scheme Zone: | Urban |

3. Locality Plan



4. At its Ordinary Meeting held in December 2014 (OCM 179/2014), Council resolved to adopt a modification to the Cell 6 Structure Plan to increase the density coding of the subject site from R20 to R40.
5. The subject site's primary frontage is to Maida Vale Road (40m), and the rear of the site adjoins Pinker Crescent with a frontage of 19m.
6. A single storey dwelling and outbuilding have recently been demolished at the site. The lot is relatively flat and largely clear of any significant vegetation.
7. The surrounding area is predominantly characterised by single storey residential dwellings coded R20, with the exception of a few R30 and R40 coded lots which adjoin the future local centre located in close proximity to the subject site. Surrounding lot sizes are approximately 550m² and above.

DETAILS

8. The application was initially lodged proposing 13 single bedroom dwellings, however during assessment the applicant has modified the proposal to aged/dependent persons' dwellings.
9. Details of the application are as follows:
 - 13 single storey aged/dependent person's dwellings, each with two (2) bedrooms.
 - Vehicle access for 10 of the dwellings is proposed via a common access way connecting to Maida Vale Road, with the remaining three (3) dwellings obtaining individual access from Pinker Crescent.
 - 13 private car parking bays and four (4) visitor parking bays.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

10. Clause 4.2.2 (Objectives of the Zones – Urban Development) of the Local Planning Scheme No. 3 (Scheme) stipulates that the objectives for the Urban Development zone are as follows:
 - To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
 - To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.
11. While the site is zoned Urban development under the Scheme, the Cell 6 Structure Plan identifies the lot as having a classification of residential and appropriate density code of R40. Based on Table 1 of the Scheme (Zoning Table), aged/dependent person's dwellings are classified as a 'P' use, meaning the use is permitted by the Scheme.
12. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:

- The compatibility of the development within its settings.
 - The likely effect of the scale and appearance of the proposal.
 - Whether the proposed means of access and egress from the property are adequate.
 - Any State Planning Policy.
 - Any relevant submissions received on the application.
13. The application is subject to the requirements under clause 6.7 of the Scheme (Bushfire Prone Areas), which requires the Shire to consider the level of bushfire hazard and relevant planning policies and guidelines when making its decision.
14. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

Planning and Development (Local Planning Schemes) Regulations 2015

15. The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) were gazetted on 25 August 2015 and took full effect on 19 October 2015, replacing the *Town Planning Regulations 1967*.
16. When considering a development application in structure plan area, the Regulations requires the Shire to have 'due regard' to, however is not bound by, the approved structure plan when making its decision.

STRATEGIC PLANNING IMPLICATIONS

Aged Accommodation Strategy

17. The Shire's Aged Accommodation Strategy notes the significant shortfall of residential care in the community. While the proposal does not provide for integrated aged care, it does allow for the provision of independent living units.

POLICY CONSIDERATIONS

State Planning Policy 3.1 – Residential Design Codes

18. A key objective of the Residential Design Codes (R-Codes) is to facilitate a variety and diversity of residential development, which offers residents the opportunity for living choices and affordability.
19. Clause 5.1.1 C1.4i of the R-Codes effectively allows a 'density bonus' for aged/dependent persons' dwelling, which means that the required site area may be reduced by up to one third. This clause reduces the minimum and average site area for an R40 coded site from 180m² and 220m² to 120m² and 146.6m² respectively.
20. The R-Codes Explanatory Guidelines states the following in respect to the site area requirements that apply to aged/dependent persons' dwellings:

“The intention ... is to encourage the development of small-scale specialised housing in local communities, as an alternative to large scale, relatively segregated retirement village/nursing home-type complexes. Because aged or dependent person’s dwellings are generally smaller than conventional dwellings, and the occupants do not usually have a high car ownership ratio, the R-Codes under deemed-to-comply clause 5.1.1 C1.4i of the R-Codes allow the reduction of the site area by one-third of that provided by the R-Code applying to the site, and clause 5.3.3 provides for reduced car parking standards.”

21.

| Site Requirements | Deemed-to-Comply | Proposed |
|---|---|---|
| Maximum Plot Ratio Area Per Dwelling: | 100m ² | 56m ² -63m ² |
| Site area: Minimum Average | 120m ² 146.6m ² | Minimum 147.59m ² 153.8m ² |
| Minimum Open Space: | 45% (900m ²) | 46% (930m ²) |
| Minimum Outdoor Living Area: | 13.3m ² | Minimum 14.73m ² |
| Minimum Number of Dwellings: | 5 | 13 |
| Setbacks - Primary Street (Maida Vale Rd): Minimum Average Primary Street (Pinker Cr): Minimum Average Side (east - Units 2, 4, 6, 8 and 13): Side (west - Units 1, 3, 5, 7, 9, 10): Rear (south): | 2m 4m 2m 4m 1m – 1.5m 1m – 1.5m 1m – 1.5m | 2m 4m + 2m 4m + 2.5m – 3.6m 1.2m – 4.5m 1.2m – 3.6m |
| Boundary Walls: Length | Maximum 1/3 length of each adjoining one boundary | Complies with the deem to-comply requirements with the exception of the boundary walls adjoining No. 7 Pinker Crescent. |
| Height | Maximum 3.5m, average 3.0m | 1.8m – 2.75m maximum height. Average less than 3.0m. |
| Maximum Building Height: External Wall Pitched Roof | 6.0m 9.0m | 2.75m Approximately 4m |

| Site Requirements | Deemed-to-Comply | Proposed |
|-----------------------------------|---|--|
| Storage: | Enclosed, lockable storage areas with a minimum dimension of 1.5m and an internal area of at least 4m ² for each dwelling. | 13 store rooms which comply with the minimum deemed-to-comply requirements. |
| Overshadowing: | Maximum 25% | Approximately 8% (47m ²) |
| Parking: Residents Visitors | 13 3 | 13 4 |
| Pedestrian Access: | Accessible path of access between car parking and each dwelling. | Pedestrian paths which comply with deemed-to-comply requirements. |
| Dwelling requirements: | Level entry to front door. 820mm wide internal doors. Internal corridors to be 1.2m wide. One visitable toilet with 250mm nib wall and grab rails. | Dwelling requirements addressed in accordance with deemed-to-comply standards. |

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

22. The intent of State Planning Policy 3.7 (SPP 3.7) is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
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.
24. The property falls within a Bush-Fire Prone Area and in this instance a Bushfire Attack Level (BAL) Assessment has been requested and received. The BAL Assessment indicates a rating of BAL-12.5.

COMMUNITY ENGAGEMENT REQUIREMENTS

25. The proposal was advertised twice; initially when the application proposed 13 single bedroom dwellings, and again when the application was modified to incorporate 13 aged/dependent persons' dwellings. During advertising period the Shire received eight (8) submissions comprising seven (7) objections and one (1) non-objection (refer to Attachment 5). The objections raised concern to the following matters:
- Security;
 - Privacy;
 - Noise;
 - Lack of parking;
 - Increased traffic;
 - Boundary walls;
 - Impact on streetscape;
 - Impact on property values; and
 - Dwelling density.

FINANCIAL CONSIDERATIONS

26. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *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

28. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.
29. The proposal would facilitate additional aged/dependent persons' housing in the area.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT CONSIDERATIONS

32.

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|--|
| The proposed boundary walls may result in impacts on the amenity of adjoining properties. | Possible | Major | High | <p>a) The applicant reduced the height of boundary walls on one boundary to reduce the impact on the adjoining property owner at 7 Pinker Crescent. All other walls are compliant with the deemed-to-comply requirements of the Residential Design Codes.</p> <p>b) Ensure the boundary walls are finished to a high standard as a condition of planning approval.</p> |

OFFICER COMMENT

33. The proposal is compliant with the Scheme and other relevant standards and requirements, with exception to boundary walls located on more than one (1) boundary.
34. All boundary walls proposed as part of the development comply with the length and height requirements of the R-Codes, with exception of the walls adjoining Units 8 and 13. These walls adjoin the north and west boundaries of No. 7 Pinker Crescent, Maida Vale. While each of these walls comply with the length and height criteria in their own right, the R-Codes allow construction of a wall up to one side (or rear) boundary only.
35. The minor variation should be viewed in the context of size of the adjoining property (No. 7) and the development proposals compliance with the design principles of the R-Codes.
36. Noting the above the boundary walls adjoining the west side of 7 Pinker Crescent have been reduced to a height of 1.8m above natural ground level, which is the same height as a standard dividing fence. The building has been tiered back to a height of approximately 2.75m which will be set off the boundary.
37. In respect to the objections received, the following is noted:
- Security
- There is no indication that the proposal will unduly affect security in the area.

- Privacy

The proposal does not incorporate any floor levels above 0.5m above natural ground level. Accordingly, the proposal complies with the privacy requirements of the R-Codes.

- Noise

Any noise generated will be required to comply with the *Environmental Health (Noise) Regulations 1997*. It is not expected that noise generated by the proposal will unduly affect surrounding properties.

- Lack of parking

The proposal incorporate 13 residential car parking bays and four (4) visitor bays, which complies with the requirements of the R-Codes. Therefore the proposal is deemed-to-comply in respect to parking.

- Increased traffic

It is noted that the proposal would generate increased traffic as a result of additional people occupying the site. This is not considered to cause any issues in respect to the existing capacity of the road network. Additionally, a common access way is proposed at the centre of the site which will create a consolidated and safer vehicle access point.

- Boundary walls

As noted above, all boundary walls proposed as part of the development comply with the length and height requirements of the R-Codes, with exception of the walls adjoining Units 8 and 13. The modifications made to reduce the height of the walls on the west boundary of 7 Pinker Crescent and tier the building back are supported to mitigate the overall impact on the adjoining property owner.

- Impact on streetscape;

The proposed development facades facing Maida Vale Road and Pinker Crescent incorporate a mixture of materials to 'break up' the visual appearance of the dwellings, which is supported. With a view of improving visual interest of the site and to further 'break up' the facades of proposal, it is considered that additional articulation should be incorporated into the rendered finish design of the façade. This is included as a condition in the officer's recommendation of this report.

- Impact on property values

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

- Dwelling density

Given the 'density bonus' allowance under the R-Codes for aged/dependent persons' dwellings, the proposal is permitted to incorporate 13 dwellings. No objection is raised to this particular aspect of the proposal.

38. The submitted landscaping plan indicates appropriate levels of landscaping within the front setback areas of the development. However, it is considered that additional landscaping could be incorporated in the common access way to facilitate shade tree planting and reduce heat island effect caused by large areas of paving. A condition has been included in the officer recommendation

requiring a comprehensive landscaping plan being submitted and approved by the Shire.

39. The Aged Accommodation Strategy (AAS) notes that by 2031, 1 in 3 people will be over 55 years of age. And more than half of those over 70 years of age. The AAS indicates a need for aged residential accommodation in the region, given the significant shortage of appropriate options. If approved, the development would facilitate aged persons' dwelling, which would satisfy the objectives of the AAS, for independent living units.
40. Given the proposal is designed for the occupation of aged/dependent persons, a condition has been included in the officer's recommendation requiring a notification to be placed on the title (or future titles) requiring at least one (1) occupant to be an aged person (over 55), or a disabled or physically dependant person, or the surviving spouse of such a person, and the owner of the land.
41. In summary, aged/dependent persons' dwellings is a 'P' (Permitted) use under the Scheme, and the proposal complies with the deemed-to-comply requirements of the R-Codes with the exception of boundary walls. This matter is considered to be appropriately addressed through building design treatments to the wall to reduce the wall's impact on the amenity of the adjoining property.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION COUNCIL (D&I 06/2016)

That Council:

1. Notes the submissions received during advertising of this application.
2. Approves the application dated 23 September 2015 for proposed 13 aged/dependent persons' dwellings at Lot 256 (53) Maida Vale Road, Maida Vale, subject to the following conditions:
 - a) A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the lot, or future lots, prior to the occupation of the development. Notice of this notification is to be included on the diagram or plan or survey, and state as follows:

"At least one (1) occupant is to be an aged person (over 55), or a disabled or physically dependant person, or the surviving spouse of such a person, and the owner of the land."
 - b) Additional articulation being applied to the Maida Vale Road and Pinker Crescent façades of the proposed development. Details of the external finishes, colours, textures and materials of the proposed aged/dependent persons' dwellings being provided to, and approved by the Shire of Kalamunda prior to the commencement of building works.
 - c) A detailed landscaping and reticulation plan for the subject site shall be submitted to and approved by the Shire of Kalamunda, prior to the

commencement of building works. For the purposes of this condition, additional landscaping areas are required in the common access way of the development.

Landscaping shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire of Kalamunda.

- d) A Construction Management Plan shall be submitted to and approved by the Shire of Kalamunda, prior to the lodgement of a building permit application. For the purposes of this condition, the following will be required to the satisfaction of the Shire of Kalamunda:
 - a. Construction Workers' Parking;
 - b. Material's Delivery and Storage; and
 - c. Worker's Toilets.
 - e) A plan showing appropriate verge improvements shall be submitted to and approved by the Shire of Kalamunda, prior to the commencement of building works. For the purposes of this condition, the following will be required:
 - a. Two (2) street trees are required on both Maida Vale Road and Pinker Crescent verges;
 - b. 20 bin pads (1m x 1m) are to be located along the verge of Maida Vale Road to service Units 1-10; and
 - c. Footpath and verge landscaping may be required on both Maida Vale Road and Pinker Crescent verges;
- Verge improvements shall be completed in accordance with the approved verge improvements plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire of Kalamunda.
- f) The construction and siting of the proposed aged/dependent persons' dwellings are to be in accordance with the requirements of the approved Bushfire Attack Level Assessment and in accordance with Australian Standard 3959.
 - g) Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed, line marked and drained to the specification and satisfaction of the Shire of Kalamunda, prior to occupation of the development.
 - h) Crossovers shall be designed and constructed to the specification and satisfaction of the Shire of Kalamunda.
 - i) Stormwater shall be contained on-site, or appropriately treated and connected to the local drainage system to the satisfaction of the Shire of Kalamunda.
 - j) A geotechnical report is to be submitted prior to the lodgement of a building permit application. For the purposes of this condition, the geotechnical report is required to detail site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage

(Clearance, quantity, soil permeability and location and size of soakwells).

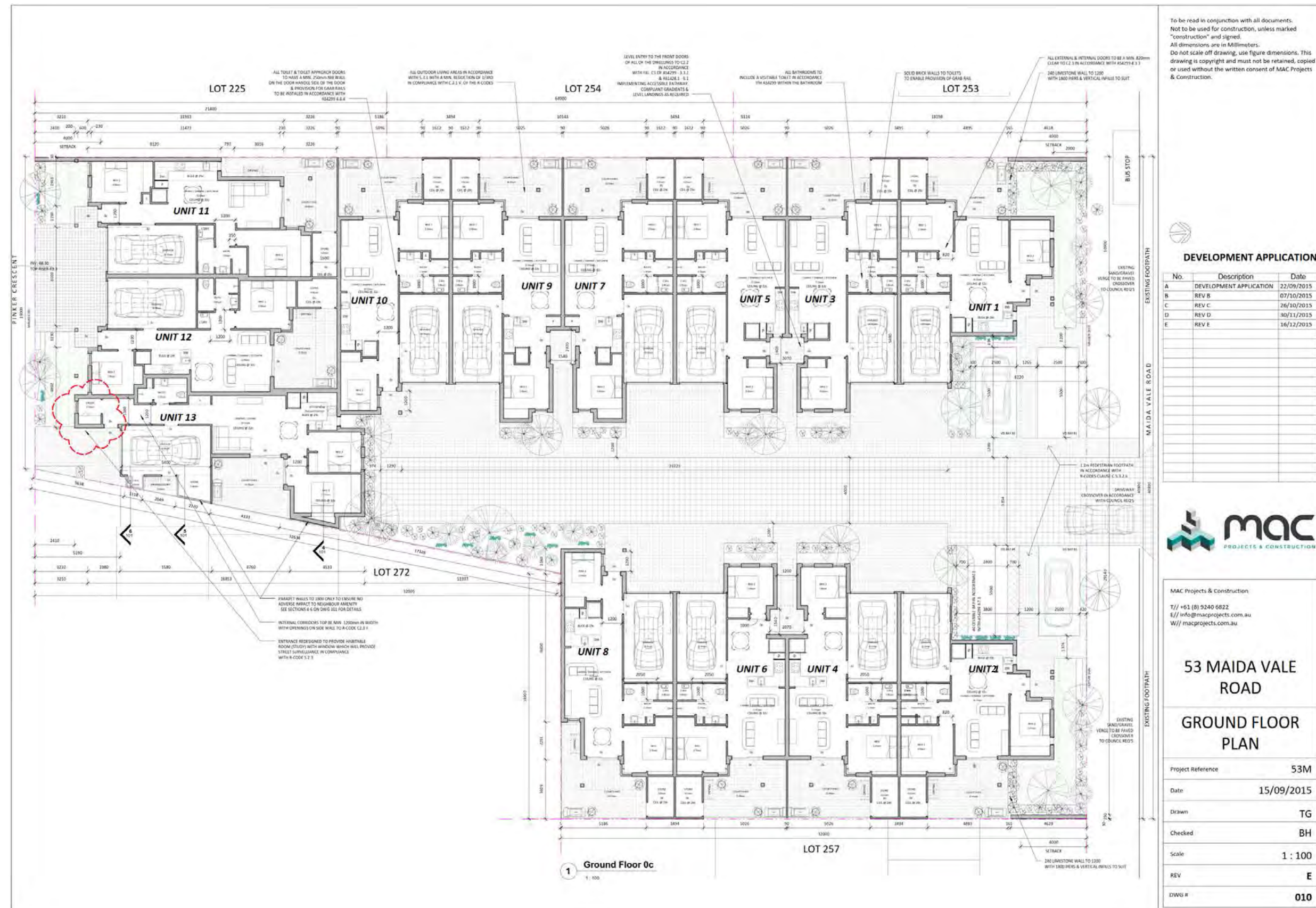
- k) The development shall be connected to reticulated sewer.
- l) All septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The applicant must provide a statutory declaration to the Shire of Kalamunda stating that the site has been inspected and all effluent disposal systems have been removed. A pro-forma for this declaration is available from the Shire of Kalamunda.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Tracy Destree**

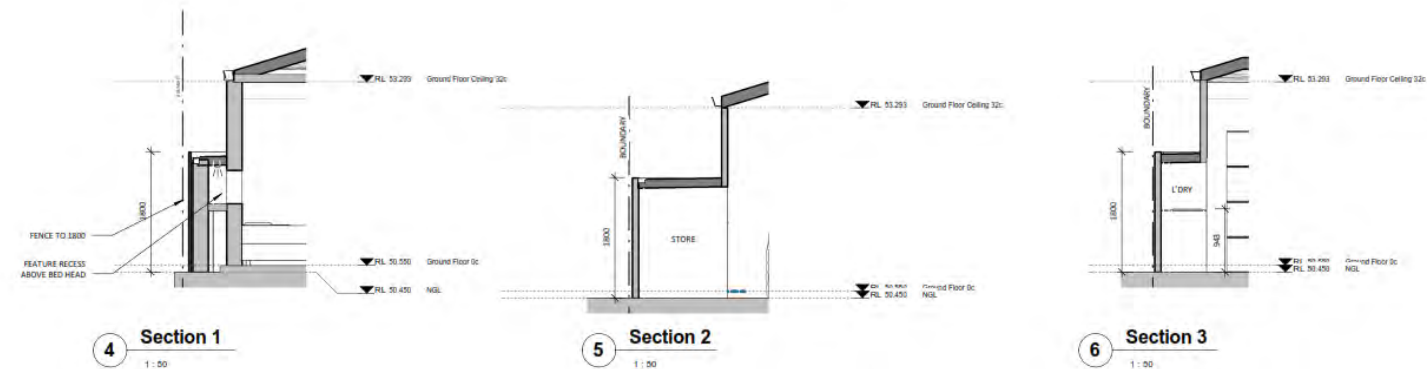
Vote: **CARRIED UNANIMOUSLY (9/0)**

Proposed 13 Aged Persons Dwellings – Lot 256 (53) Maida Vale Road, Maida Vale Site Plan and Floor Plans



Proposed 13 Aged Persons Dwellings – Lot 256 (53) Maida Vale Road, Maida Vale Elevations

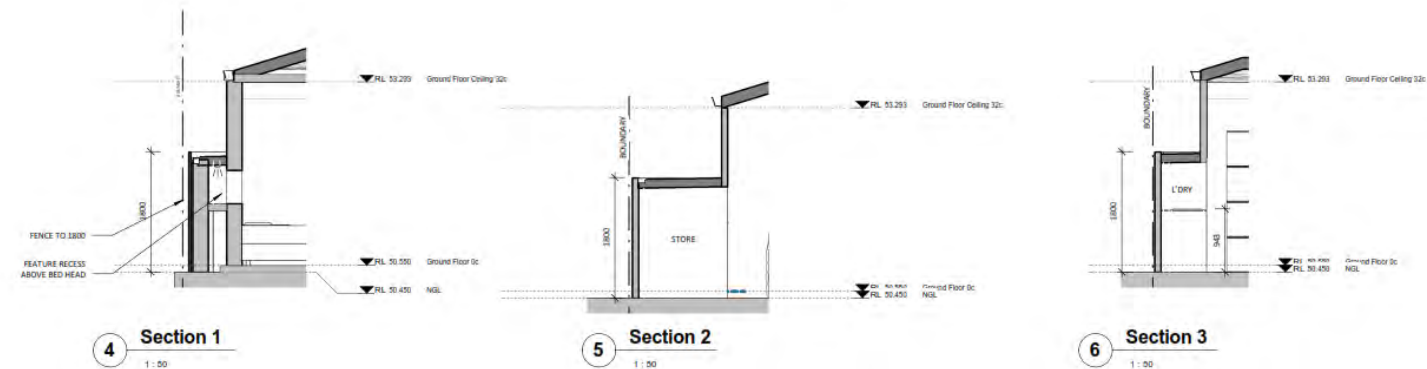
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| | |
|-------------------|--------------|
| Project Reference | 53M |
| Date | 15/09/2015 |
| Drawn | TG |
| Checked | BH |
| Scale | As indicated |
| REV | E |
| DWG # | 101 |

Proposed 13 Aged Persons Dwellings – Lot 256 (53) Maida Vale Road, Maida Vale Elevations

[illegible]



To be read in conjunction with all documents.
Not to be used for construction, unless marked
"construction" and signed.
All dimensions are in Millimeters.
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drawing is copyright and must not be retained, copied
or used without the written consent of MAC Projects
& Construction.

DEVELOPMENT APPLICATION

[illegible]

MAC Projects & Construction
T// +61 (8) 9240 6822
E// info@macprojects.com.au
W// macprojects.com.au

53 MAIDA VALE
ROAD

INTERNAL ELEVATIONS

| | |
|-------------------|--------------|
| Project Reference | 53M |
| Date | 15/09/2015 |
| Drawn | TG |
| Checked | BH |
| Scale | As indicated |
| REV | E |
| DWG # | 101 |

Proposed 13 Aged Persons Dwellings – Lot 256 (53) Maida Vale Road, Maida Vale Perspective Plans

[illegible]

53 MAIDA VALE
ROAD

| | |
|-------------------|------------|
| Project Reference | 53M |
| Date | 15/09/2015 |
| Drawn | TG |
| Checked | BH |
| Scale | |
| REV | E |
| DWG # | 900 |

Attachment 4

Proposed 13 Aged Persons Dwellings – Lot 256 (53) Maida Vale Road, Maida Vale Maida Vale Cell 6 Structure Plan



Attachment 5

Proposed 13 Aged Persons Dwellings – Lot 256 (53) Maida Vale Road, Maida Vale

Submission Table and Map

| Details | | Comment | Officer Comment |
|---------|---|---|---|
| 1. | Name and address withheld | <p>Objection</p> <p>a) Impacts on security.</p> <p>b) Noise.</p> <p>c) Lack of parking.</p> <p>d) Privacy.</p> <p>e) Unknown who will occupy the dwellings.</p> | <p>a) There is no indication that the proposal will unduly affect security in the area.</p> <p>b) Any noise generated will be required to comply with the <i>Environmental Health (Noise) Regulations 1997</i>. It is not expected that noise generated by the proposal will unduly affect surrounding properties.</p> <p>c) The proposal incorporate 13 residential car parking bays and four (4) visitor bays, which complies with the requirements of the R-Codes. Therefore the proposal is deemed-to-comply in respect to parking.</p> <p>d) The proposal does not incorporate any floor levels above 0.5m above natural ground level. Accordingly, the proposal complied with the privacy requirements of the R-Codes.</p> <p>e) During assessment, the proposal was modified from 13 single bedroom dwellings to 13 aged persons' dwellings. This means that at least one occupant must be over the age of 55 and the owner of the land.</p> |
| 2. | Michael Richards 6 Pinker Crescent MAIDA VALE WA 6057 | <p>Objection</p> <p>a) Concern regarding density.</p> <p>b) Proposal not suitable for families.</p> <p>c) Noise.</p> | <p>a) Given the 'density bonus' allowance under the R-Codes for aged persons' dwellings, the proposal is permitted to incorporate 13 dwellings. No objection is raised to this particular aspect of the proposal.</p> <p>b) During assessment, the proposal was modified from 13 single bedroom dwellings to 13 aged persons' dwellings. This means that at least one occupant must be over the age of 55 and the owner of the land.</p> <p>c) Any noise generated will be required to comply with the <i>Environmental Health (Noise) Regulations 1997</i>. It is not expected that noise generated by the proposal will unduly affect surrounding properties.</p> |

| | | | |
|----|---|--|--|
| | | <p>d) Lack of parking.</p> <p>e) Privacy.</p> | <p>d) The proposal incorporate 13 residential car parking bays and four (4) visitor bays, which complies with the requirements of the R-Codes. Therefore the proposal is deemed-to-comply in respect to parking.</p> <p>e) The proposal does not incorporate any floor levels above 0.5m above natural ground level. Accordingly, the proposal complied with the privacy requirements of the R-Codes.</p> |
| 3. | DT Byrne and FJ Broadhurst 3 Myerson Crescent MAIDA VALE WA 6057 | Objection | Noted |
| 4. | J Makiri 1 Myerson Crescent MAIDA VALE WA 6057 | Objection | Noted |
| 5. | AA Tippins and B Kerry 51 Maida Vale Road HIGH WYCOMBE WA 6057 | <p>Objection</p> <p>a) Concern regarding density.</p> <p>b) Traffic movement and congestion.</p> <p>c) Parking.</p> <p>d) Illegal parking of visitors.</p> | <p>a) Given the 'density bonus' allowance under the R-Codes for aged persons' dwellings, the proposal is permitted to incorporate 13 dwellings. No objection is raised to this particular aspect of the proposal.</p> <p>b) It is noted that the proposal would generate increased traffic as a result of additional people occupying the site. This is not considered to cause any issues in respect to the existing capacity of the road network. Additionally, a common access way is proposed at the centre of the site which will create a consolidated and safer vehicle access point.</p> <p>c) The proposal incorporate 13 residential car parking bays and four (4) visitor bays, which complies with the requirements of the R-Codes. Therefore the proposal is deemed-to-comply in respect to parking.</p> <p>d) The proposal meets the parking requirements of the Residential Design Codes. Accordingly there is no basis to expect that additional vehicles will be parked on the verge adjacent to the site. However, it is noted that residents and occupiers of the development will be permitted to park on the verge subject to compliance with the Parking and Parking Facilities Local Law.</p> |

| | | | |
|----|--|--|--|
| | | <ul style="list-style-type: none"> e) Noise. f) Proposal not suitable for families. g) Risk of antisocial behaviour as a result of lower socio economic status of occupants. h) Privacy. | <ul style="list-style-type: none"> e) Any noise generated will be required to comply with the <i>Environmental Health (Noise) Regulations 1997</i>. It is not expected that noise generated by the proposal will unduly affect surrounding properties. f) During assessment, the proposal was modified from 13 single bedroom dwellings to 13 aged persons' dwellings. This means that at least one occupant must be over the age of 55 and the owner of the land. g) There is no indication that the proposal will facilitate antisocial behaviour. h) The proposal does not incorporate any floor levels above 0.5m above natural ground level. Accordingly, the proposal complied with the privacy requirements of the R-Codes. |
| 6. | EW Jones 5 Myerson Crescent MAIDA VALE WA 6057 | <p>Objection</p> <ul style="list-style-type: none"> a) Concern regarding density. b) Boundary wall impact of the proposal. c) Noise. | <ul style="list-style-type: none"> a) Given the 'density bonus' allowance under the R-Codes for aged persons' dwellings, the proposal is permitted to incorporate 13 dwellings. No objection is raised to this particular aspect of the proposal. b) The boundary wall that adjoins 5 Myerson Crescent was modified to comply with the deemed-to-comply requirements of the R-Codes. Given this aspect of the proposal now complies, no objection is raised to this matter. c) Any noise generated will be required to comply with the <i>Environmental Health (Noise) Regulations 1997</i>. It is not expected that noise generated by the proposal will unduly affect surrounding properties. |
| 7. | M Duxbury and T Baxter 1 Yirrdah Court MAIDA VALE WA 6057 | <p>Objection</p> <ul style="list-style-type: none"> a) Concern regarding density. b) Traffic impacts. | <ul style="list-style-type: none"> a) Given the 'density bonus' allowance under the R-Codes for aged persons' dwellings, the proposal is permitted to incorporate 13 dwellings. No objection is raised to this particular aspect of the proposal. b) It is noted that the proposal would generate increased traffic as a result of additional people occupying the site. This is not considered to cause any issues in respect to the existing capacity of the road network. Additionally, a common access way is proposed at the centre of the site which will create a consolidated and safer vehicle access point. |

| | | | |
|----|--|---------------------------|--|
| | | c) Impact on streetscape. | c) The proposed development facades facing Maida Vale Road and Pinker Crescent incorporate a mixture of materials to 'break up' the visual appearance of the dwellings, which is supported. With a view of improving visual interest of the site and to further 'break up' the facades of proposal, it is considered that additional articulation should be incorporated into the rendered finish design of the façade. This has been recommended as a condition in the officer's recommendation of this report. |
| 8. | T Wilkins 10 Ellestree Close CAIRNS QLD 4870 | Non-objection | Noted |



Subject Site



Advertised Neighbour



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

07. Proposed Restaurant and Cidery - Lot 7 (660) Canning Road, Carmel

| | |
|---------------------|---------------------------------|
| Previous Items | Nil. |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | CN-01/660 |
| Applicant | Andrew and Elizabeth Carruthers |
| Owner | Andrew and Elizabeth Carruthers |

| | |
|--------------|--------------------------|
| Attachment 1 | Site Plan |
| Attachment 2 | Floor Plans |
| Attachment 3 | Elevations |
| Attachment 4 | Submission Table and Map |

PURPOSE

1. To consider a planning application for a proposed restaurant and cidery at Lot 7 (660) Canning Road, Carmel. (Attachments 1-3).

BACKGROUND

2. Land Details

| | |
|-----------------------------------|---|
| Land Area: | 12.85Ha (128,484m ²) |
| Local Planning Scheme No. 3 Zone: | Rural Agriculture |
| Metropolitan Region Scheme Zone: | Rural and Reserved for Water Catchments |

3. Locality Plan



4. The subject site has a frontage of 220m and obtains access from a constructed access way which adjoins Canning Road approximately 200m to the east and west of the site.

5. The front of the site contains an existing warehouse and dam, and the remaining rear section of the lot comprises an orchard, single dwelling, outbuildings and remnant vegetation.
6. The surrounding area is predominantly characterised by rural agricultural production and state forest.
7. In August 2012, a similar development application was approved however this application incorporated a 'cellar door' component in lieu of a restaurant. This approval was never commenced and has since lapsed.

DETAILS

8. The proposal comprises alterations and additions to the existing warehouse at the front of the property (currently used for storage) to incorporate a restaurant, commercial kitchen, toilets area, decking/verandah and grassed children's play area. The balance of the warehouse is proposed to contain processing equipment designed to make juice and cider.
9. The applicant states that they wish to make a premium range of products (including apple and pear juice/cider). The proposal is also designed to provide a venue for juice and cider tastings with a view of attracting tourist trade to the area.
10. The following operational information has been provided by the applicant in support of the application:
 - Opening hours are proposed to be 10am to 5pm on Friday, Saturday and Sunday;
 - Employ 2-3 people during operating hours; and
 - It is expected that the total capacity of the restaurant will be 80-100 persons.
11. The application proposed the removal of a small number of apple trees to facilitate the deck/verandah, however this will not impact on the overall operation of the orchard. The remainder of the site is not affected by the proposal.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

12. Clause 4.2.2 (Objectives of the Zones - Rural Agriculture) of the Local Planning Scheme No. 3 (Scheme) stipulates that the objectives for the Rural Agriculture zone are as follows:
 - To protect and maintain the hills horticultural industry.
 - To ensure the conservation of soil and water resources important to the well-being of the horticulture industry.
 - Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.
 - To limit the amount of subdivision supported to that which complies with the subdivisional land use and development requirements of this zone.
 - To conserve the physical and visual environment of the area.
 - Encourage the reduction of bush fire hazard.

13. In accordance with Table 1 of the Scheme (Zoning Table), the following land use permissibility applies to this application:
- 'Restaurant' is an 'A' use in the Rural Agriculture zone, meaning that prior to determining the application, it is required to be advertised in accordance with Clause 9.4 of the Scheme;
 - Cidery is not a use defined under the Scheme nor does it fit more broadly into any specific definition. As such, it can be considered as a "use not mentioned".
14. In considering a "use not mentioned" following advertising the local government is to determine either that the use is consistent with the objectives of the particular zone and is therefore permitted or that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
15. The relevant Scheme development requirements which apply to this proposal are summarised in the following table:

| Site Requirements | Required | Proposed |
|------------------------|----------|--|
| Setbacks: Front | 20m | 12.2m (existing) 16m (proposed) |
| Side (north-west) | 15m | Approximately 130m |
| Side (south-east) | 15m | 10m (existing) 40m (proposed) |
| Rear | 15m | Approximately 520m |
| Parking: Restaurant | 25 bays | 14 bays (with additional area available to expand to meet the Scheme requirements) |

16. The application is subject to the requirements under clause 6.7 of the Scheme (Bushfire Prone Areas), which requires the Shire to consider the level of bushfire hazard and relevant planning policies and guidelines when making its decision.

Metropolitan Region Scheme

17. Given the site falls within a Water Catchments Reservation under the Metropolitan Region Scheme, a determination on the application is required from both the Shire and the WAPC.

STRATEGIC PLANNING IMPLICATIONS

Hills Rural Study 2014

18. The Hill Rural Study (HRS) was prepared to identify and address future requirements relating to land use, horticulture/agriculture, and environmental, economic and social issues in the study area.

19. Objectives of the HRS include, among others, protecting agricultural land, rural amenity and the Public Drinking Water Source Areas, while facilitating new revenue opportunities and diversification of land uses, including for tourism based ventures.

POLICY CONSIDERATIONS

Draft State Planning Policy 2.5 – Rural Planning Policy

20. The Western Australian Planning Commission (WAPC) has prepared the Draft Rural Planning Policy which intends to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.

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

21. The intent of State Planning Policy 3.7 (SPP 3.7) is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
22. 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.
23. The property falls within a Bush-Fire Prone Area and in this instance a Bushfire Attack Level (BAL) Assessment has been requested and received. The BAL Assessment indicates a rating of BAL-12.5.

COMMUNITY ENGAGEMENT REQUIREMENTS

24. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. During advertising the Shire received two (2) objections raising concern to the following matters (refer Attachment 4):
- Traffic and road safety along the slip road;
 - Noise impacts; and
 - Social problems associated with the restaurant and potential for drivers under the influence of alcohol.

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. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Economic Implications

28. Approval of the restaurant and cidery may provide additional local employment opportunities and facilitate additional tourism to the area.

Environmental Implications

29. The proposal is located within a Water Catchment Reservation under the MRS.

RISK MANAGEMENT CONSIDERATIONS

| 30. | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|-----|--|------------|-------------|--------|---|
| | The proposal will impact on the amenity of adjoining land owners | Possible | Minor | Medium | Ensure Council is aware that the proposal will be required to comply with the Environmental Health (Noise) Regulations 1997, and any conditions of planning approval. |

OFFICER COMMENT

31. The proposal is compliant with the Scheme and other relevant standards and requirements, with the exception of the front setback and parking.
32. In regard to the front setback, the existing ware house is located 12.2m from the front boundary in lieu of the allowable 20m under the Scheme. Given the proposal primarily relates to internal modifications and a deck/verandah, and there is no further encroachment into the front setback area than the existing warehouse, this variation is not considered to unduly affect the amenity of the streetscape or the locality. Additionally, there is approximately 50m between the front boundary and Canning Road containing a slip road and vegetation, which create a buffer between the road and the site. Given this, the variation is supported.
33. In respect to the cidery being determined as a "use not mentioned" it is to be considered in respect to its consistency with and objectives of the zone. The site is zoned Rural Agriculture with its objective being the protection and maintenance of the hills horticultural industry through the conservation of soil and water resources and limitations on subdivision. As the activity is aligned with an orchard on site it will strengthen its viability for ongoing primary production. As such it is considered that the proposal is consistent with the objectives of the zone and is therefore a permitted use.

34. In regards to parking, the application proposes 14 car bays along the northern (front) boundary of the site, in lieu of the required 25 parking bays, which equates to an 11 bay shortfall. It is noted that there is sufficient area at the front of the lot where parking can be appropriately accommodated. Accordingly, it is recommended that a condition be included requiring the provision and maintenance of a minimum of 25 car bays.
35. In respect to the objections received, the following is noted:
- **Traffic and safety:**
In regard to traffic generation, there is sufficient areas to provide on-site parking on the lot and the additional traffic is not in itself considered to unduly affect the rural amenity of the area. There are three (3) access points to the slip lane that adjoins the subject site. The objection noted potential safety issues with these access points to the slip lane from Canning Road. In this respect it is recommended that a Traffic Impact Assessment and a Road Safety Audit be prepared by the applicant. This may result in modifications being required to the road network.
 - **Noise impacts:**
Any noise generated by the proposal will be required to comply with the *Environmental Health (Noise) Regulations 1997*. It is not expected that noise generated by the proposal will unduly affect surrounding rural properties.
 - **Social problems associated with the restaurant and potential for drivers under the influence of alcohol:**
This is not a planning consideration.
36. In terms of the appropriateness of a restaurant use, the site is relatively isolated from neighbouring properties; the nearest residential dwelling is located approximately 200m to the east. It is considered that the use will not cause any undue impacts on the amenity of the area. The application is considered a positive development from the perspective of encouraging additional tourism based uses to advance the economic viability of the Shire's rural areas.

Cr Michael Fernie declared an Impartiality Interest as the applicant has an additional business which he is both a customer and supplier to.

A mover and seconder were found.

Elizabeth Carruthers spoke against certain conditions of the recommendation.

A Councillor asked why this cidery had not gone with the previous approval; Elizabeth Carruthers indicated there had been delays regarding her father's estate and purchase of the land out-right and it is now more than two years since the initial approval date - therefore that approval has expired.

A Councillor asked if the original approval met all the traffic requirements in points j) and k). Director Development Services took this question on notice, but indicated the original application had been for a cellar door sale not for the restaurant component. Elizabeth Carruthers indicated their drawings had been the same for both applications.

A Councillor queried whether 2-3 staff would be sufficient to cater for up to 100 people; Elizabeth Carruthers indicated the development would be staged and staffing levels could be increased.

A Councillor asked if conditions j) and k) could be removed, the Director Development Services these had been added as a safety aspect after a recommendation by Shire Engineers.

A Councillor believed this was a public and not a private road and felt the applicant should not be responsible for any upgrade. A Councillor asked if it was a common situation to ask for a traffic impact assessment and upgrades to gazetted roads. Director Development Services clarified not to gazetted roads but from the boundary of the property to the gazetted road, however conditions can be applied to up-grade roads if the development was found to be an addition burden to the road. It is unclear whether the slip road is part of the gazetted road.

A Councillor foreshadowed deferring the item to the Ordinary Council Meeting on 22 February 2016 pending clarification of the ownership of the slip road.

A Councillor indicated strong support to the conditions remaining regardless of the ownership if there is a safety risk.

The Presiding Member put a procedural motion to defer the item to the Ordinary Council Meeting to in order that further investigation could take place regarding the road ownership and safety requirements.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

OFFICER RECOMMENDATION (D&I 07/2016)

That Council:

1. Notes the submissions received during advertising of this application.
2. Approves the application dated 4 July 2015 for a proposed restaurant and cidery at Lot 7 (660) Canning Road, Carmel, subject to the following conditions:
 - a) A Wastewater Management Plan shall be prepared and approved prior to the commencement of building works, to the satisfaction of the Shire of Kalamunda.
 - b) The colours and finishes of the proposed additions are to be sympathetic to and/or complementary with the existing dwelling and landscape, to the satisfaction of the Shire of Kalamunda.
 - c) The provision of 25 car parking bays including a minimum of one (1) parking bay for persons with disabilities, to the satisfaction of the Shire of Kalamunda.
 - d) Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed, line marked and drained to the specification and satisfaction of the Shire of Kalamunda, prior to the commencement of the restaurant use.
 - e) Crossovers shall be designed and constructed to the specification and satisfaction of the Shire of Kalamunda.

- f) The hours of operation of the restaurant shall be limited to 10am to 5pm on Fridays, Saturdays and Sundays.
- g) Any noise generated by the restaurant and cidery is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- h) The applicant is required to submit an *Application for Registration of a Food Business* accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation.
- i) A new effluent disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974* must be installed.
- j) A Traffic Impact Assessment, including a Road Safety Audit, being provided to, and approved by the Shire of Kalamunda prior to the lodgement of a building permit application.
- k) The recommendations of the Traffic Impact Assessment and Road Safety Audit shall be implemented to the specifications and satisfaction of the Shire of Kalamunda. For the purposes of this condition, the road upgrades may include undertaking the necessary upgrading and construction of the intersection access points to the slip road leading to the subject property from Canning Road.

3. Advises the Western Australian Planning Commission of the decision under Item 2.

Moved: **Cr John Giardina**

Seconded: **Cr Sara Lohmeyer**

Vote: **LAPSED – due to the moving of a procedural motion**

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 07/2016)

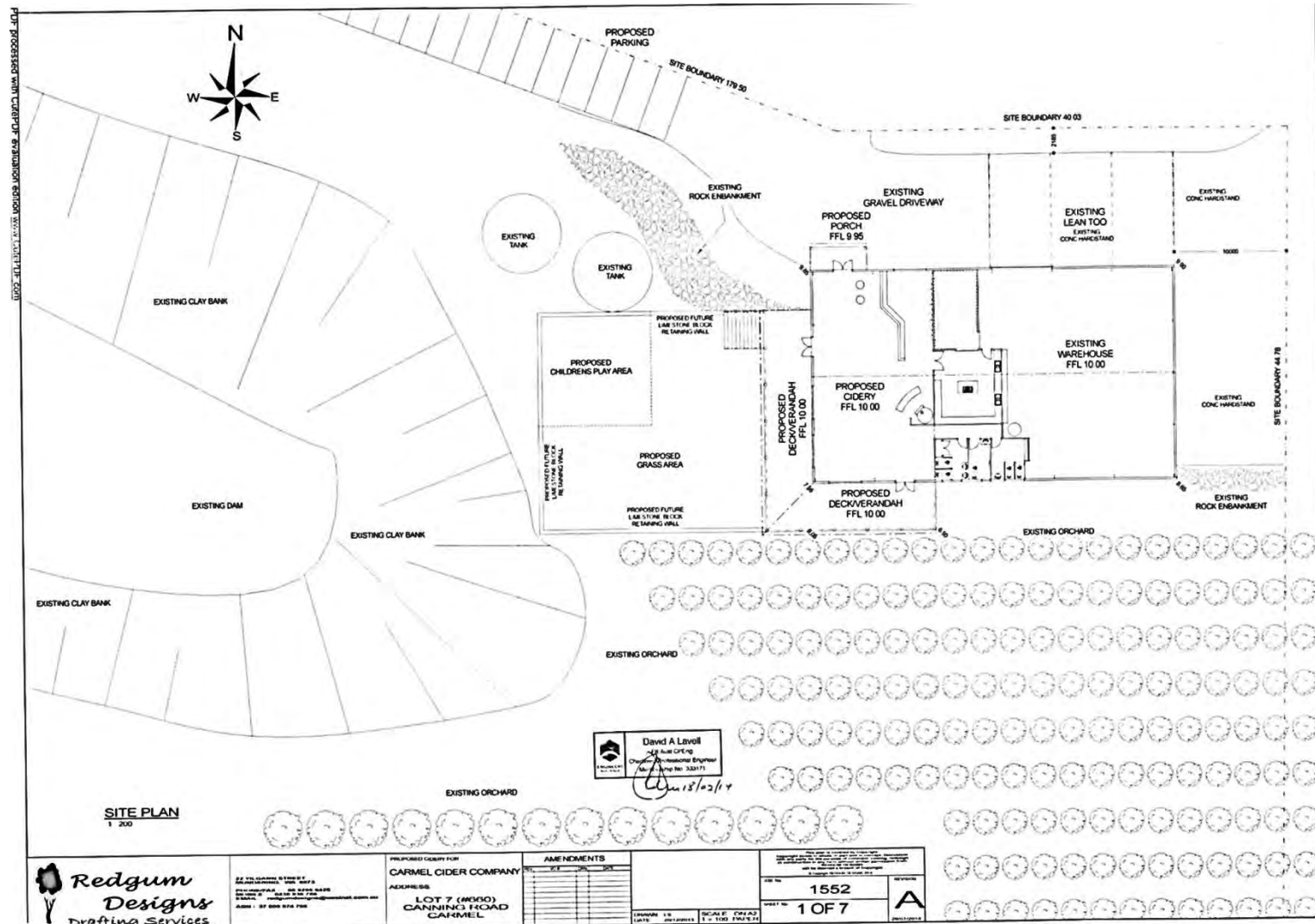
1. This item be deferred to the Ordinary Council Meeting 22 February 2016.

Moved: **Cr Noreen Townsend**

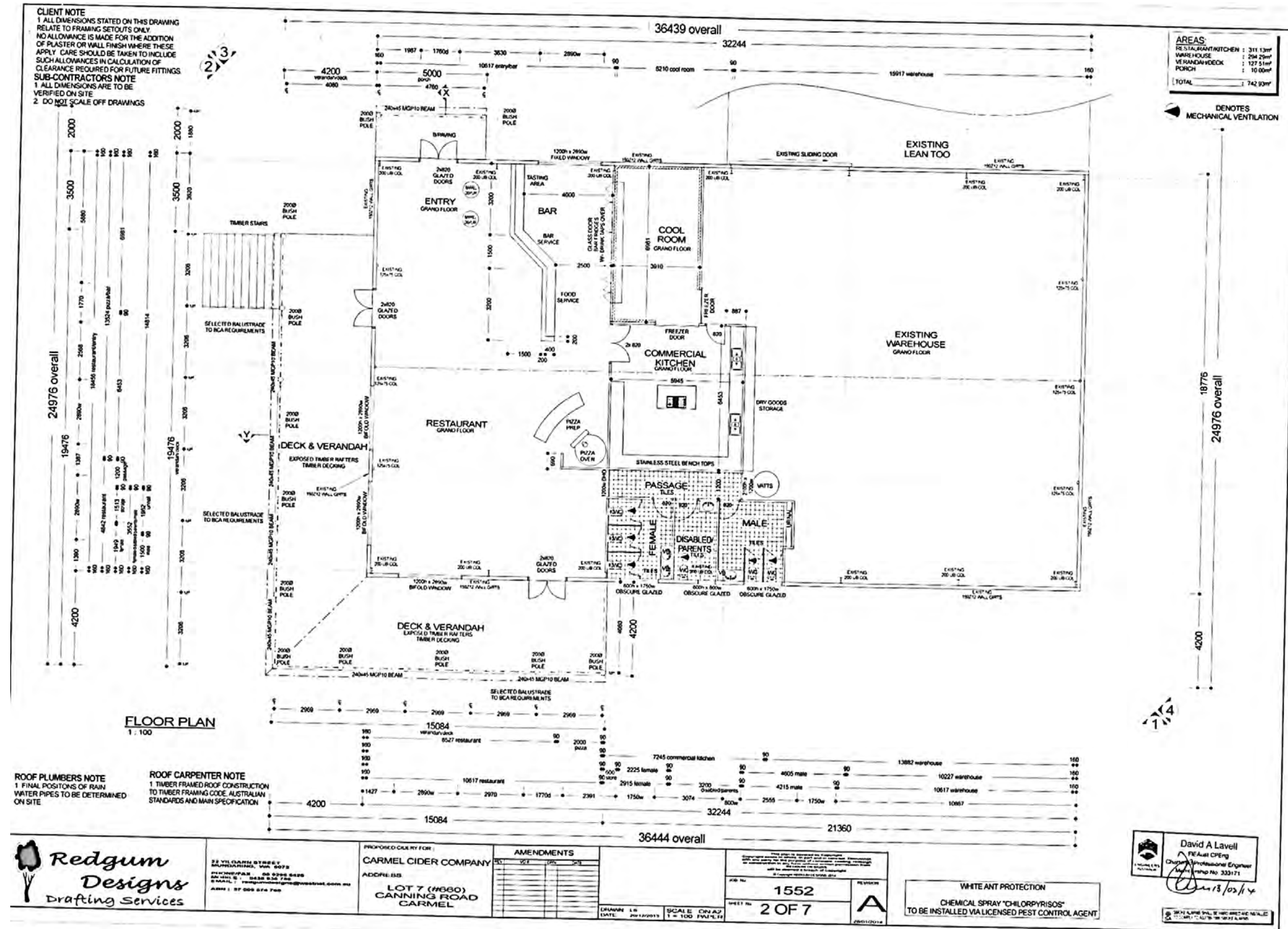
Seconded: **Cr John Giardina**

| | | |
|-------|---------------------------|----------------------------|
| Vote: | <u>For</u> | <u>Against</u> |
| | Cr Michael Fernie | Cr Brooke O'Donnell |
| | Cr John Giardina | Cr Tracy Destree |
| | Cr Geoff Stallard | |
| | Cr Allan Morton | |
| | Cr Noreen Townsend | |
| | Cr Sara Lohmeyer | |
| | Cr Andrew Waddell | |
| | CARRIED (7/2) | |

Proposed Restaurant and Cidery (Rural Industry) - Lot 7 (660) Canning Road, Carmel Site Plan



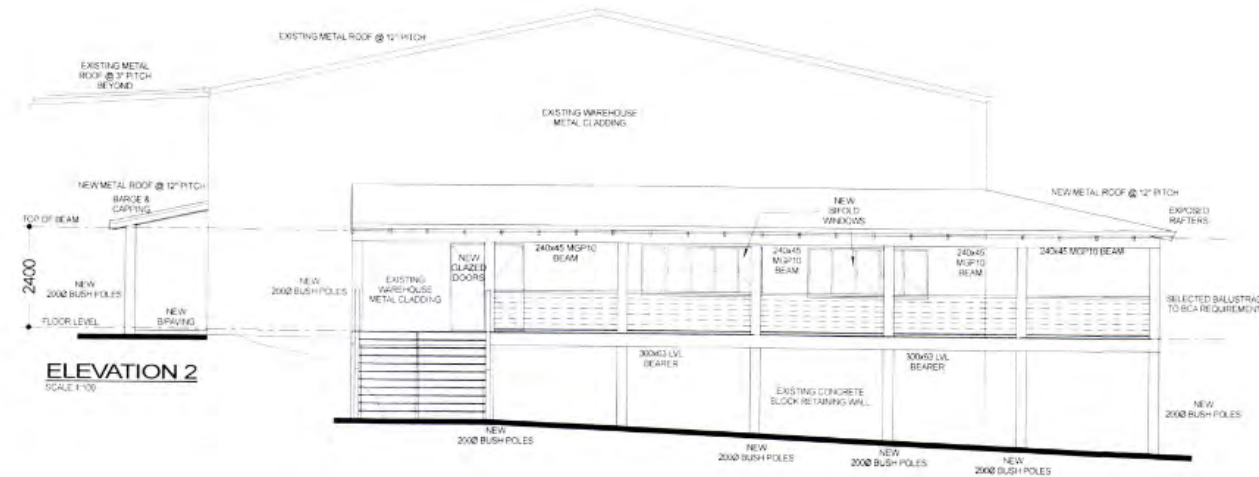
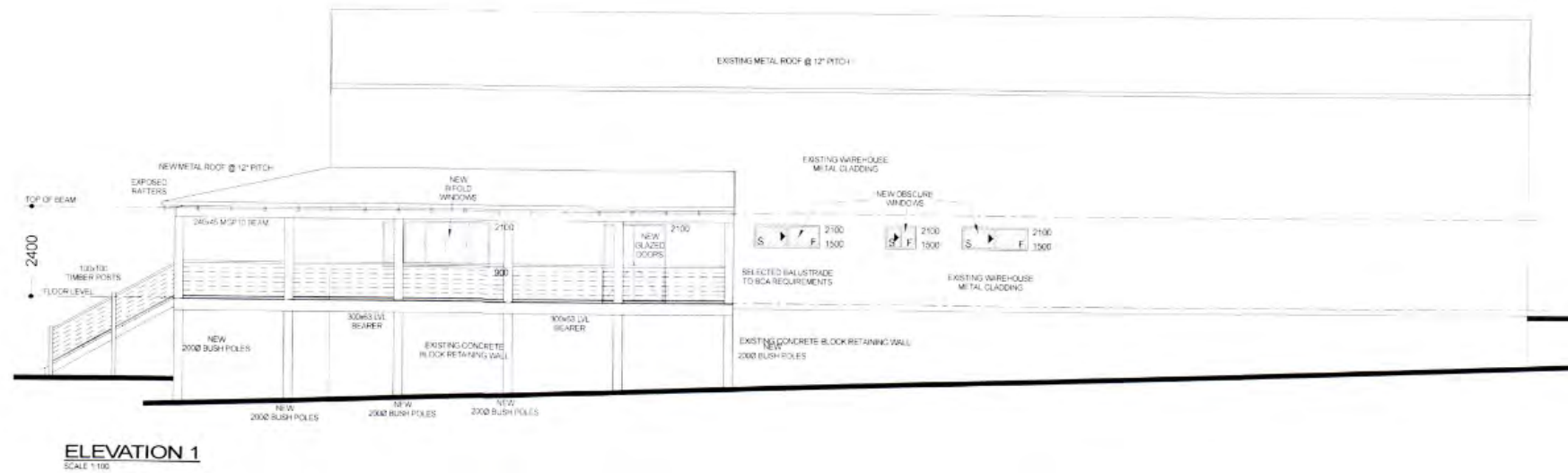
Proposed Restaurant and Cidery (Rural Industry) - Lot 7 (660) Canning Road, Carmel



Attachment 3

Proposed Restaurant and Cidery (Rural Industry) - Lot 7 (660) Canning Road, Carmel

Elevations

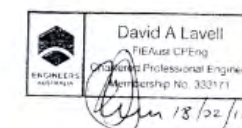


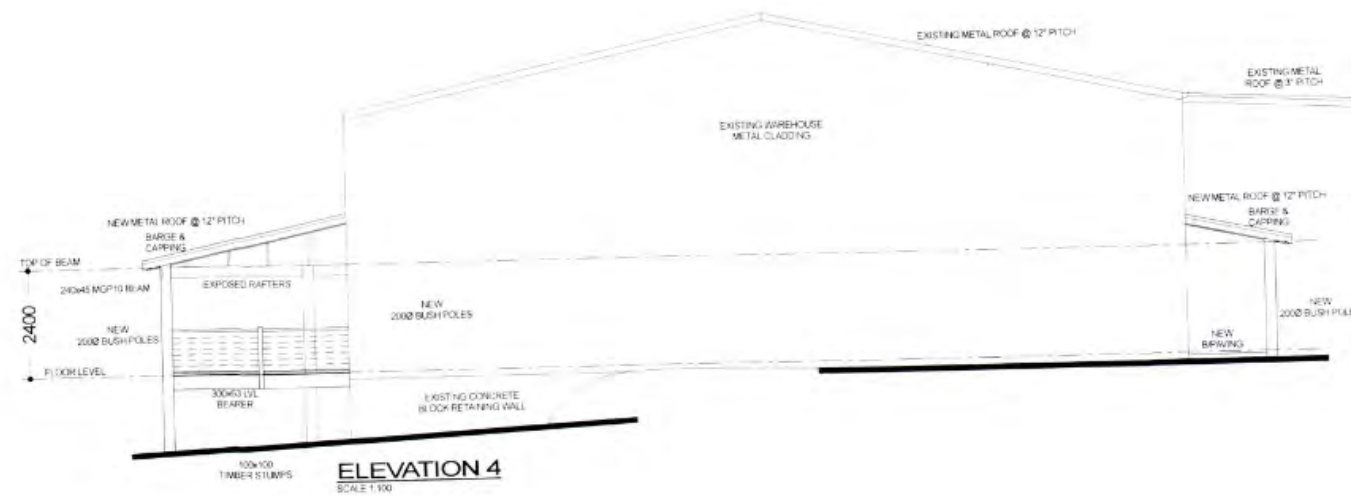
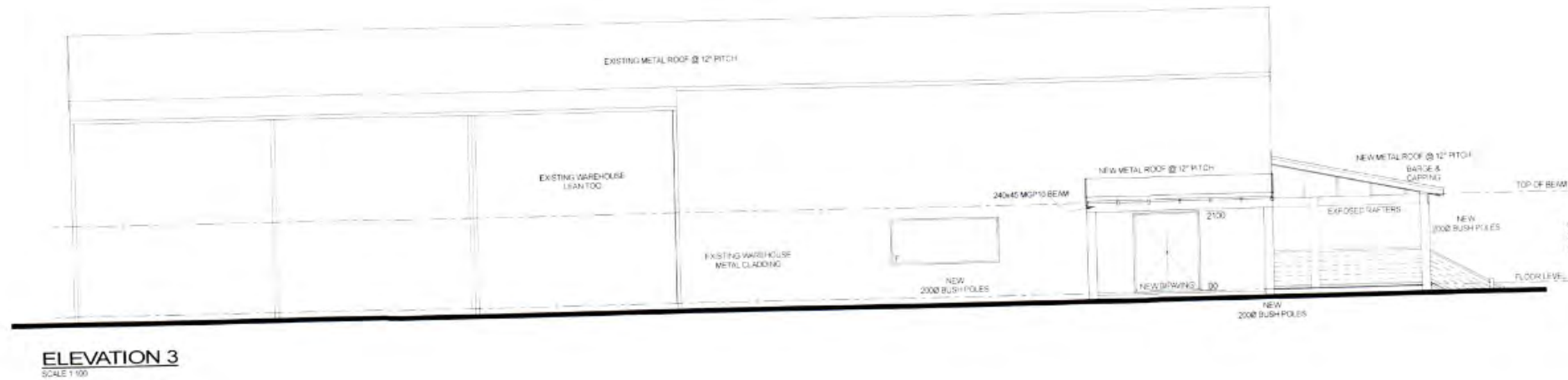
22 YILGARN STREET
MUNDARING, WA 6073
PHONE/FAX : 08 9278 8426
MOBILE : 0438 938 788
EMAIL : redgumdesigns@gmail.com
ABN : 37 009 574 768

PROPOSED CIDERY FOR :
CARMEL CIDER COMPANY
ADDRESS:
LOT 7 (#660)
CANNING ROAD
CARMEL

| AMENDMENTS | | | |
|------------|------|----|------|
| REV | DATE | BY | DATE |
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22 YILGARN STREET
MURFORDS, VIC 3073
PHONE/FAX : 08 9288 6425
MOBILE : 0430 938 788
EMAIL : redgumdesigns@westnet.com.au
ABN : 37 009 574 758

PROPOSED COPY FOR :
CARMEL CIDER COMPANY
ADDRESS:
LOT 7 (#660)
CANNING ROAD
CARMEL

| AMENDMENTS | | | |
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| <div></div> | | This plan is covered by Copyright Copyright notice is hereby put on record. All reproduction and use of this plan without the written permission of the Engineer in Charge is prohibited. It will be deemed a breach of Copyright if reproduction without written permission is made. | | REVISION <div></div> |
| | | SHEET NO. | | |
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| 4 OF 7 | | | | |

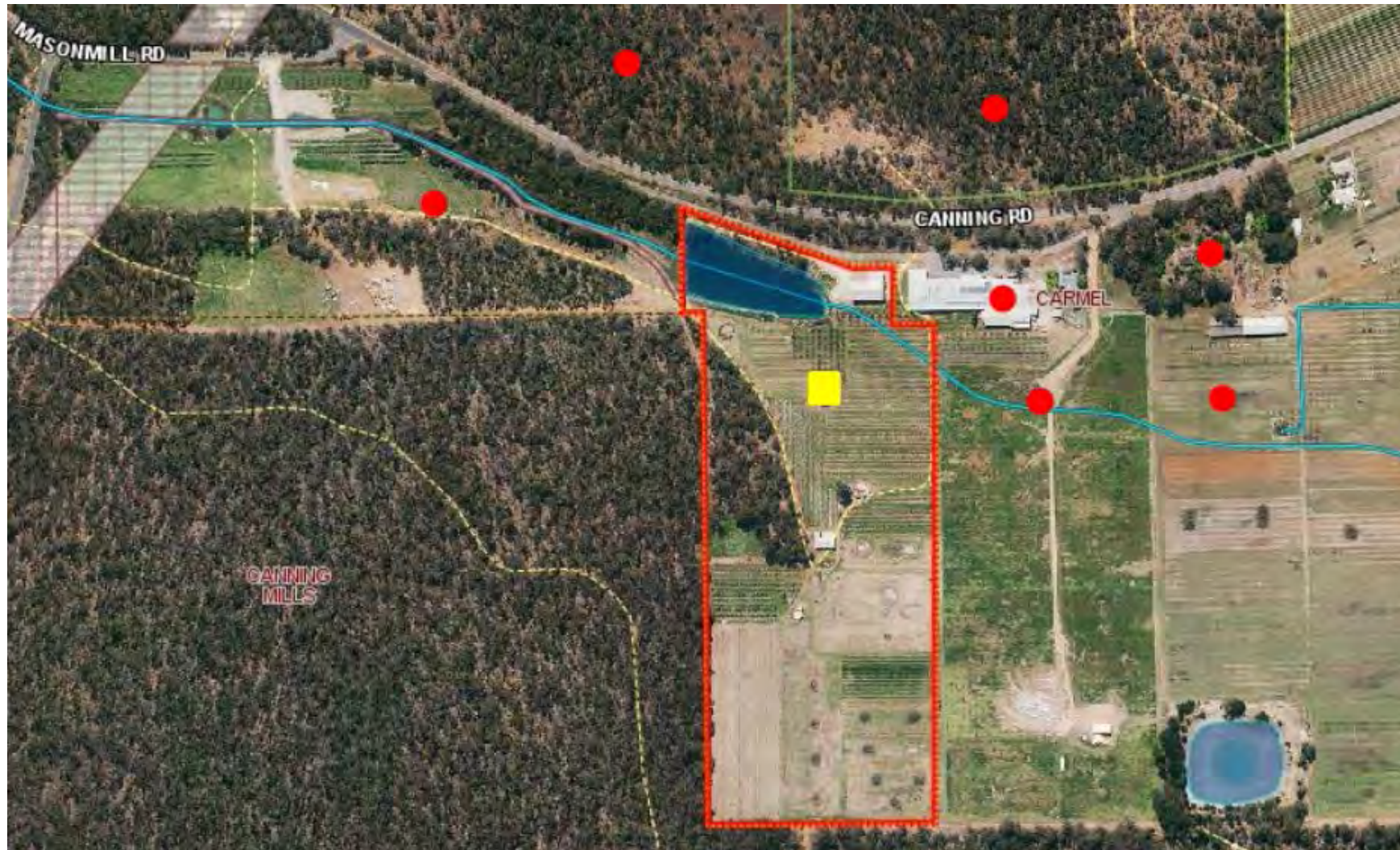
David A Lavell
PEAust CREng
Qualified Professional Engineer
Membership No. 333171
18/02/14

Attachment 4

Proposed Restaurant and Cidery (Rural Industry) - Lot 7 (660) Canning Road, Carmel

Submission Table and Map

| Details | | Comment | Officer Comment |
|---------|---|--|--|
| 1. | Sandra Lowe 684 Canning Road CARMEL WA 6076 | <p>Objection:</p> <p>a) Traffic and road safety along the slip road.</p> <p>b) Noise impacts.</p> <p>c) Social problems associated with the restaurant and potential for drivers under the influence of alcohol.</p> | <p>a) There is sufficient areas to provide on-site parking on the lot and the additional traffic is not in itself considered to unduly affect the rural amenity of the area. There are three (3) access points to the slip lane that adjoins the subject site. The slip lane is not considered to represent any significant road safety concerns.</p> <p>b) Any noise generated by the proposal will be required to comply with the <i>Environmental Health (Noise) Regulations 1997</i>. It is not expected that noise generated by the proposal will unduly affect surrounding rural properties.</p> <p>c) This is not a planning consideration.</p> |
| 2. | Name and Address withheld | <p>Objection:</p> <p>a) Noise impacts.</p> <p>b) Social problems associated with the restaurant and potential for drivers under the influence of alcohol.</p> <p>c) Traffic and road safety along the slip road.</p> | <p>a) Any noise generated by the proposal will be required to comply with the <i>Environmental Health (Noise) Regulations 1997</i>. It is not expected that noise generated by the proposal will unduly affect surrounding rural properties.</p> <p>b) This is not a planning consideration.</p> <p>c) There is sufficient areas to provide on-site parking on the lot and the additional traffic is not in itself considered to unduly affect the rural amenity of the area. There are three (3) access points to the slip lane that adjoins the subject site. The slip lane is not considered to represent any significant road safety concerns.</p> |



Subject Site



Advertised Neighbour

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

08. Amendment to Local Planning Scheme No. 3 – Lot 503 (105) Watsonia Road, Maida Vale –Amendment No. 79 Special Use (Reception Centre, Place of Worship and Caretakers Dwelling).

| | |
|---------------------|---|
| Previous Items | OCM 86/2015 |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | PG-LPS-003/079 |
| Applicant | Statewest Planning and Surveying |
| Owner | Westminster Presbyterian Church |
| Attachment 1 | Existing Site Plan |
| Attachment 2 | Community Consultation Map |
| Attachment 3 | Submission Table |
| Attachment 4 | Petition Concerning the Proposed Scheme Amendment |
| Attachment 5 | Amendment 79 (Form 2A) |

PURPOSE

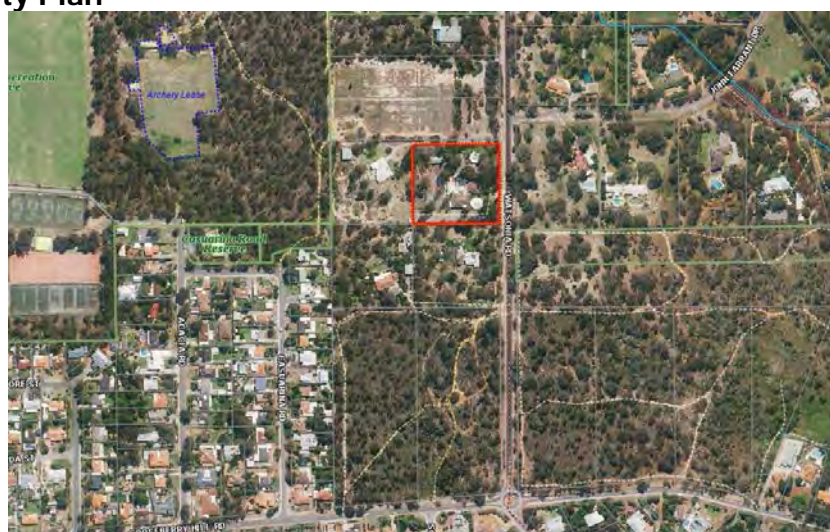
- To consider final adoption of Amendment 79 to Local Planning Scheme No. 3 (the Scheme) to modify Schedule 4 - Special Use to replace the existing uses with 'Reception Centre, Caretakers Dwelling and Place of Worship on Lot 503 (105) Watsonia Road, Maida Vale.

BACKGROUND

2. Land Details

| | |
|------------------------------------|--|
| Land Area: | 1.00 Ha / 10,016m ² |
| Local Planning Scheme Zone: | Special Use (Reception Centre and Caretakers Disabled Services Residence. Administration and Training Centre for people with intellectual and physical disabilities) |
| Metropolitan Regional Scheme Zone: | Rural |

3. Locality Plan



4. In 1978 Council resolved to adopt an amendment for a Special Use amendment to allow the use of "Reception Centre". Following this, a Reception Centre was developed which included associated parking, landscaping and incidental buildings.
5. The Reception Centre ceased operation some years later and Council at its meeting in July 2005 initiated an amendment to the then District Planning Scheme No. 2 to include the additional Special Use of "Administration and Training Centre for People with intellectual and physical disabilities. This amendment was gazetted in March 2006.
6. In 2006, The Hills Community Support Group submitted a planning application for the "Administration and Training Centre for people with physical and intellectual disabilities". Approval for this use was granted and the use became operational.
7. At its ordinary Council meeting of 27 July 2015 Council resolved to initiate Amendment No. 79 to the Scheme to amend the current special use and include the use 'Place of Worship' into Schedule 4 (special Uses) of The Scheme.
8. The site contains 114 existing car parking bays with an additional five (5) disabled car parking bays (Attachment 1).
9. Internally the building is comprised of two main halls, originally utilised for functions, a kitchen, caretakers dwelling and store rooms.
10. The surrounding properties are zoned Special Rural and contain single dwellings as well as a neighbouring nursery which has now been decommission and subdivided for special rural residential development.

DETAILS

11. It is stated that the Church currently conducts services and related activities at its premises on the corner of Kalamunda Road and Old Maida Vale Road in Maida Vale. They have outgrown those premises and need to cater for a growing congregation, however they do wish to remain close to their existing premises.
12. In regards to the existing Special Uses, the Administration and Training Centre for People with Intellectual Disabilities use will be removed. The current use Caretakers Disabled Services Residence will be replaced with 'Caretakers Dwelling' to be consistent with the current Scheme definition.
13. The applicant has indicated that the property is currently vacant and has been purchased by the Westminster Presbyterian Church with a view of utilising the property for the intended use of "Place of Worship".
14. In support of the proposed amendment, the applicant has advised the following:
 - The existing buildings on the site have been purpose built to cater for groups of people attending simultaneously for a specific purpose.

- The site is well serviced with car parking facilities large enough for their congregation and associated activities.
- It is noted that this application is not an application for development, but altering the uses applicable to the site and deleting the use for training centre for people with physical and/ or intellectual disabilities.
- It is noted that this application is not assessing a specific use / operation but just for the ability for a use to be considered. If the amendment was approved, it would still be necessary for a formal application to be made which would cover matters for detailed assessment.

15. The applicant provided the following information in respect to the proposed use:

- *Church Services (Principal use)*
Morning service: 10am till 12.00pm Sunday
Evening service: 6pm to 7.30pm Sunday
- *Church Administration:*
3-4 staff use the church offices during normal business hours over the standard working week.
- *Craft Group*
15-30 more elderly folk from the community gather weekly for craft on a Thursday morning 10am to 12am.
- *Youth Groups*
30-50 children and leaders meet every fortnight for youth activities during normal school terms from 7pm to 9.30pm on Fridays.
- *The church is rarely used for functions or weddings. We would typically have one wedding, one funeral and about one kids birthday party in the existing church annually.*
- *To my knowledge, the Church has never advertised our current Church building for functions to the community. Normally, weddings, funerals and other functions are only requested by church members or church community adherents.*
- *We are not expecting that the use of the Church facility we hope to establish at 105 Watsonia Rd will change significantly from our current scheme.*

16. If the amendment is adopted by Council, and ultimately approved by the Minister for Planning, a planning application will be required to be submitted to, and approved by, the Shire prior to the use commencing.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

17. The *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the *Town Planning Regulations 1967* and associated Model

Scheme Text. The Regulations will introduce a new format that will apply to Local Planning Schemes.

18. 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.
19. 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.
20. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment', for the following reasons:
 - a) The proposed amendment is consistent with the objectives 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.

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

21. The intent of State Planning Policy 3.7 (SPP 3.7) is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
22. 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.
23. The property falls within a Bush-Fire Prone Area and in this instance the subject lot has been identified as a 'Medium Risk' under the Shires Bushfire Hazard Mapping.

Local Planning Scheme No. 3

24. Under Schedule 1 of the Scheme, the uses Place of Worship, Reception Centre and Caretakers Dwelling is defined as follows:

Place of Worship - *"Means premises used for religious activities such as a Church, chapel, mosque, synagogue and temple."*

Reception Centre - *"Means premises used for functions on formal or ceremonial occasions but not for un-heated use for general entertainment purposes."*

Caretakers Dwelling - *"Means a dwelling on the same site as a building, operation, or plant and occupied by a supervisor of that building, operation or plant."*

POLICY CONSIDERATIONS

25. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

26. The proposal 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.
27. In response to the advertising period the Shire received three (3) objections, a petition comprising of 43 signatures objecting to the proposal and a further 21 separate submission responses to the proposal included within the petition (Attachment 3).
28. A summary of the three (3) objections are as follows:
- The proposal will increase the amount of traffic on Watsonia Road;
 - Concerns regarding intensity of proposed use and associated events to be held at the subject lot;
 - The proposal will have a negative impact on lifestyle and enjoyment of surrounding properties; and
 - The proposal will have a negative impact on property values.
29. On 14 December, 2015 the Shire received a 43 signatory petition against the proposal. The petition was presented by Cr Sue Bilich with 43 signatories with regard to the proposed modifications to Local Planning Scheme No 3 to include the use of a "Place of Worship" on Lot 503 (105) Watsonia Road, Maida Vale, the petition stated:
- "...Specifically we are concerned that if this was successful a use for a 'Place of Worship', that it will severely increase the already heavy traffic on Watsonia Road and also create problems with verge parking on days of heavy use. There could so be a concern that it may infringe on the privacy of the surrounding private properties. We as a community would prefer that the lot be rezoned and allocated to residential as an appropriate alternative..."*
(Attachment 4).
30. The 21 separate submissions included within the petition (Attachment 3) have been added to the Submitters Table. The objections of the 21 separate submissions are summarised as follows:
- The proposal will impact the amount of traffic and safety on Watsonia Road;
 - The proposed 'Place of Worship' use will impact the surrounding rural amenity and
 - The proposal will devalue properties in the surrounding area;

FINANCIAL CONSIDERATIONS

31. Costs involved in the processing of the amendment will be recouped from the applicant in accordance with the adopted schedule of fees.

32. Under section 6.26 of the *Local Government Act 1995* a place of worship is exempt from the payment of rates.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

33. *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

34. If Council adopts the proposed Scheme amendment then this will provide an opportunity for an increased number of church services available to the community.
35. The centre has been in operation since 1978. While the centre has seen periods of closure, the operation of an activity has taken place over a period of 37 years serving a community purpose through multiple scheme amendments for different uses.

Economic Implications

36. Nil.

Environmental Implications

37. Any potential environmental impacts such as noise or effluent disposal would be determined and managed at the development application stage.

RISK MANAGEMENT CONSIDERATIONS

- 38.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|-------------|--------|---|
| The proposal will impact on the amenity of adjoining land owners | Possible | Minor | Medium | Ensure Council is aware that the proposal will be required to comply with the Environmental Health (Noise) Regulations 1997, and any conditions of planning approval. |

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|--|
| The proposal will impact on the amount of traffic accessing Watsonia Road | Possible | Minor | Medium | Ensure council is aware that any impact to traffic generated by the proposal and its effect on Watsonia Road will be addressed at the development application stage. |

OFFICER COMMENT

39. Any proposed use for a Place of Worship, Reception Centre or Caretakers Dwelling, if this amendment were approved, would be subject to a development application.
40. The proposed land uses would allow for the consideration, through the development application process, a church where typically a congregation of people will be in attendance.
41. It is considered that the proposal is unlikely to detract from the amenity and character of the special rural area as the Reception Centre has existed on the property since 1978 and has not overly changed in design or location.
42. Matters relating to traffic, number of staff and hours of operation permitted will be dealt with at the development application stages if the amendment is approved.

In regards to the concerns raised during advertising, the following is noted:

Noise:

Activities conducted on site will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Traffic:

The access to the site is located directly from Watsonia Road which lies approximately 350 metres north from the intersection of Watsonia Road and Gooseberry Hill Road. Matters pertaining to traffic volume associated with the place of worship can be conditioned and addressed, if required, at the more appropriate development application stage through the preparation of a traffic management plan.

Impact on lifestyle and enjoyment of surrounding properties will be affected:

The proposed uses are a relatively low intensity land use and are not considered to unduly affect the rural and residential amenity of the area.

43. Council will need to consider from an amenity perspective the cumulative impacts of non-rural residential development such as Place of Worship and Reception Centres in a special rural areas such that it does not compromise

the intent of the Special Rural Zone. In this regard the proposed is considered to be a discreet land use change which will have little to no impact on the surrounding residential area.

44. Given the above, it is recommended that Council adopts the amendment in accordance with Attachment 4, which incorporates the following additional condition:

- The uses are not permitted unless approval is granted by the Local Government. ("D")
- Prior to the determination of planning approval by Council for a 'Place of Worship' on the land, the applicant shall prepare a traffic impact assessment.

Viv Carrick, Gooseberry Hill spoke against the recommendation. The Presiding Member clarified that no additional burden would be placed on local rates if this development progressed as rates are assessed across the whole Shire.

A Councillor queried which nursery was to become residential land, Viv Carrick responded the Orchid Nursery.

A Councillor queried whether Viv Carrick was aware there are 114 existing parking bays.

Max Jamieson, Maida Vale spoke in favour of the recommendation on behalf of the Westminster Church Building Committee. A Councillor asked how often functions would be held and the response was since 1982 they have on average held one funeral per year and one wedding every second year.

A Councillor asked if there are currently any plans for their existing location, Max Jamieson responded that this would be sold in order to fund this development.

A Councillor indicated that she was very familiar with the building and understood the concerns raised with regard to traffic on Watsonia Road and asked the Director Infrastructure Services if there were any plans to improve this for all three modes. The Director Infrastructure Services indicated he was not aware of any, however, traffic counters could be installed initially and followed up with a survey of cycle and pedestrian if this was significant.

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| Voting Requirements: Simple Majority |
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COMMITTEE RECOMMENDATION TO COUNCIL (D&I 08/2016)

That Council:

1. Notes the submissions and petitions received.
2. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports Amendment 79 to Local Planning Scheme No. 3 (Attachment 4).

3. Pursuant to Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards to the Western Australian Planning Commission:
 - (i) The Amendment documentation as at Attachment 1
 - (ii) The summary of submissions as at Attachment 2
 - (iii) The submitted petition as at Attachment 3
4. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting final approval be granted.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Amendment to Local Planning Scheme No. 3 – Lot 503 (105) Watsonia Road, Maida Vale –Amendment No. 79 Special Use (Reception Centre, Place of Worship and Caretakers Dwelling).

DRIVEWAY TO REAR 109 WATSONIA RD

101.74M

LANDSCAPED LAWNS AND FLOWER BEDS

EXISTING SHED

GAZEBO

LANDSCAPED LAWNS AND FLOWER BEDS

GAZEBO

LANDSCAPED LAWNS AND FLOWER BEDS

EXISTING BUILDING

LOADING ZONE

WISHING WELL

LANDSCAPED LAWNS AND FLOWER BEDS

GAZEBO

TRAFFIC FLOW DIRECTION

TRAFFIC FLOW DIRECTION

95 WATSONIA RD

104.74M

95 WATSONIA RD

12 Metres

SCALE 1:200

105 WATSONIA ROAD

SITE LAYOUT

SCALE 1:200

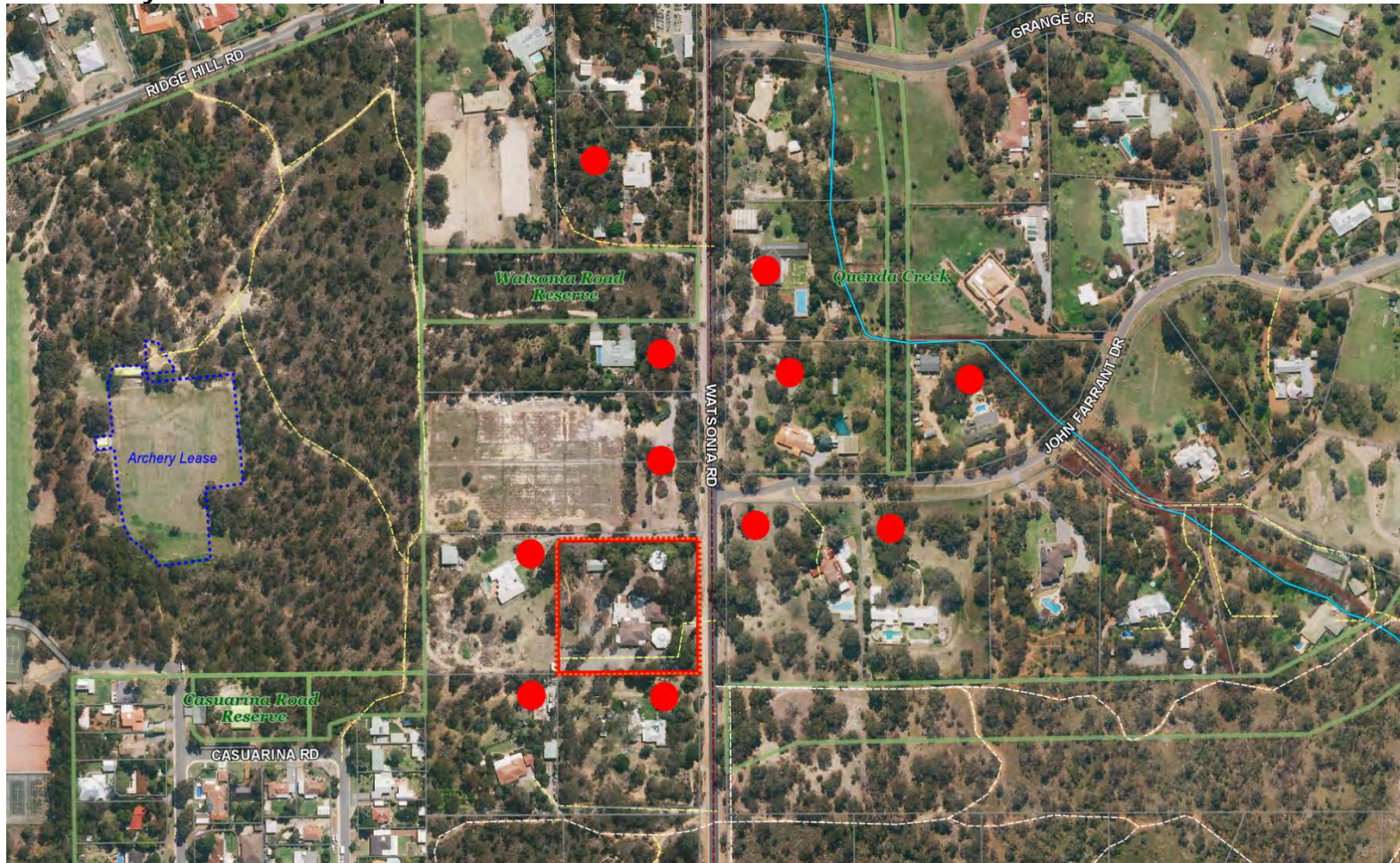
DATE 14.05.11

150001

Attachment 2

Amendment to Local Planning Scheme No. 3 – Lot 503 (105) Watsonia Road, Maida Vale –Amendment No. 79 Special Use (Reception Centre, Place of Worship and Caretakers Dwelling).

Community Consultation Map



Key:



Proposal
advertised
to the
following
properties

Attachment 3

Amendment to Local Planning Scheme No. 3 – Lot 503 (105) Watsonia Road, Maida Vale – Amendment No. 79 Special Use (Reception Centre, Place of Worship and Caretakers Dwelling).

Submission Table

| | Details | Comment | Staff Comment |
|----|--|---|--|
| 1. | William Nash Owner of 3 John Farrant Drive Gooseberry Hill | <ol style="list-style-type: none"> 1. Residential area with very busy traffic as is. 2. Once a precedent is set it is open to abuse in the future. | <ol style="list-style-type: none"> 1. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. 2. All future uses will require a development application. The proposed use is discretionary, meaning that the proposal are required to be assessed in accordance with Local Planning Scheme No.3 |
| 2. | Neil and Angela Scott Owner of 109 Watsonia Road, Maida Vale | <ol style="list-style-type: none"> 1. They feel that this use will have a negative impact on the value of their property. 2. Place of worship is too broad a definition and needs to be more defined, ie church. 3. Should not be able to amend to include reception centre, caretaker and a place of worship. It's either one or the other. 4. Traffic is already very heavy on this street. | <ol style="list-style-type: none"> 1. Property value is not a planning consideration and therefore cannot be factored into when making a recommendation for a Local Planning Scheme Amendment. 2. Place of worship is clearly defined in the Shire of Kalamunda Local Planning Scheme No.3 a "Means premises used for religious activities such as a Church, chapel, mosque, synagogue and temple." In this instance it is clear that the applicant is seeking to operate the Westminster Presbyterian Church from the subject site. 3. The applicant is within their rights to apply for multiple uses within the Special Use provision, and can amend and replace land uses subject to Council's consideration. 4. A traffic assessment will be required as a condition of approval of the Scheme Amendment, this will be undertaken by a certified traffic engineer who will provide a report to Council |

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| | | | regarding traffic impact assessment for the proposed land use based on information provided by the applicant relating their specific use. |
| 3. | Geoffrey Phillip Haines Owner 10 John Farrant Drive, Gooseberry Hill | <ol style="list-style-type: none"> 1. Concerned about weddings, how many per year? And is it related to the congregation or is their intent to use the facilities on a commercial scale. 2. Concerned about the wedding component which is important to them because of the potential noise impact if this were to be promoted on the commercial scale. 3. Have lived at their current address for 25 years and have experienced what it was like when it was a reception centre for weddings and other events on a commercial scale, with most weekends having noise issues. 4. Was happy when the Hills Support Group took over in 2006 5. Is it questioned the whether or not Reception Centre and its consequential negative noise effect are still appropriate in this location. 6. Mentions that the report from July 2015 is incorrect in its reporting that the lot to the North is used for the purposes of plant propagation, this is not the case and has not been the case for a considerable period of time. Also makes mention that this land has been cleared and is being sold by Harcourts as residential land, again therefore questions the appropriateness of the location for a reception centre. | <ol style="list-style-type: none"> 1. The applicant has advised that: <i>"The Church has never advertised our current Church building for functions to the community. Normally, weddings, funerals and other functions are only requested by church members or church community adherents."</i> 2. The Church therefore states for the record that the Reception Centre use will only be for the purposes of weddings and funerals at the request of members of the church and church community. All further information specific to the reception centre use will be required as part of a submission of development application. 3. Councils Environmental Health Department will provide comments upon receipt of a development application and will consider all noise relating to a place of worship, reception centre and caretakers use. Noise Regulations will be required to be adhered to and are likely to form conditions of development approval by the Shire of Kalamunda. 4. Noted. 5. Councils Environmental Health Department will provide comments upon receipt of a development application and will consider all noise relating to a place of worship, reception centre and caretakers use. Noise |

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| | | <p>7. He has checked with the Department of Racing, Gaming and liquor and that according to their records that 105 Watsonia Road was only even granted a restaurant licence which allowed it to serve food and drink and play "Background Music" only. This was a surprise given the level of noise from DJ's and music from the past reception centre use. He was told that the licence was surrendered in 2005 and there are currently no licences for the premises.</p> <p>8. Asks that Council consider the negative consequential noise effects of the reception centre if it were up and running. If it does get approved then he asks that Council put restrictions in place, requiring the current owners to take proper measures, introduce practices, that would make sure local residence have protection from any noise so that he can continue to enjoy his special environment in peace.</p> | <p>Regulations will be required to be adhered to and are likely to form conditions of development approval by the Shire of Kalamunda.</p> <p>6. Noted. The orchard has ceased operation and has been subsequently subdivided into two lots for the purpose of special rural development.</p> <p>7. Comments regarding the Liquor licencing are noted, the applicant will be required to adhere to any relevant licence requirements associated with the reception centre and place of worship operations where applicable. Such an application does not form part of this Scheme Amendment.</p> <p>8. Further consideration will form part of their future application to commence development.</p> |
| 4. | Leslie F. Cook 175 Ridge hill Road, Gooseberry Hill Road, Gooseberry Hill 6076 WA | 1. As per petition | 1. Noted. |
| 5. | Hannes Holly, Po Box 2316 High Wycombe | 1. As per petition | 1. Noted. |
| 6. | Name and Address Withheld | 1. As per petition | 1. Noted. |
| 7. | Leslie A Lima, 125 Watsonia Road, Maida Vale WA 6076 | 1. As per petition | 1. Noted. |

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|-----|---|---|---|
| 8. | Michael & Trudie Whitehorn 9 Grange Crescent, Gooseberry Hill WA 6076 | 1. As per petition 2. Too much traffic 3. No footpaths | 1. Noted. 2. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. 3. Noted |
| 9. | Alice Marie Nash 3 John Farrant Drive, Gooseberry Hill WA 6076 | 1. As per petition | 1. Noted. |
| 10. | Bryce Hillman 140 Watsonia Road, Gooseberry Hill WA 6076 | 1. As per petition | 1. Noted. |
| 11. | Gareth & Helen Loggerenberg 35 John Farrant Drive, Gooseberry Hill WA 6076 | 1. Concerned with increase in traffic 2. Would prefer to be zoned residential | 1. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. Matters pertaining to traffic volume will be addressed at the development application stage. 2. Noted. |
| 12. | J. Norregard 130 Watsonia Road, Gooseberry hill WA 6076 | 1. Use is not in keeping with the ambience of neighbourhood 2. Concerned about extra traffic | 1. Noted. 2. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. Matters pertaining to traffic volume will be addressed at the development application stage. |
| 13. | Sally Farrant PO Box 755 Kalamunda WA 6926 | 1. As per petition 2. Concerned with traffic, congestion & local residence privacy | 1. Noted. 2. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. Matters pertaining to traffic volume will be addressed at the development application stage. Privacy concerns will be addressed at the 'Development Application' stage. |

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| 14. | J. Johnstone PO Box 755, Kalamunda WA 6926 | <ol style="list-style-type: none"> 1. As per petition 2. Concerned with traffic, congestion & local residence privacy | <ol style="list-style-type: none"> 1. Noted. 2. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. Matters pertaining to traffic volume will be addressed at the development application stage. <p>Privacy concerns will be addressed at the 'Development Application' stage.</p> |
| 15. | Wyatt Hobbs 15 John Farrant Drive, Gooseberry hill WA 6076 | <ol style="list-style-type: none"> 1. As per petition 2. The proposal will devalue my property | <ol style="list-style-type: none"> 1. Noted. 2. Not a relevant land use planning consideration |
| 16. | Vivienne Carrick 28 John Farrant Drive, Gooseberry hill WA 6076 | <ol style="list-style-type: none"> 1. Proposal will increase traffic on Watsonia Road 2. Does not believe sufficient parking would be provided on site 3. May infringe on the privacy of neighbouring properties | <ol style="list-style-type: none"> 1. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. Matters pertaining to traffic volume will be addressed at the development application stage. 2. The existing development has 114 existing car bays with an additional 5 disabled car parking bays. The Scheme contains provisions to ensure enough car parking is provided. In this instance 1 car bay would be required per 5 sqm of Net Leasable Area proposed if proposal reaches the development application stage. 3. Privacy concerns will be addressed at the 'Development Application' stage. |
| 17. | Kim Robert Rylands 104 John Farrant Drive, Gooseberry hill WA 6076 | <ol style="list-style-type: none"> 1. Proposal will devalue residential real estate 2. Proposal will create more traffic & traffic issues | <ol style="list-style-type: none"> 1. Not a relevant land use planning consideration. 2. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. Matters |

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| | | | pertaining to traffic volume will be addressed at the development application stage. |
| 18. | Neville Lance, 22 John Farrant Drive, Gooseberry hill WA 6076 | <ol style="list-style-type: none"> 1. Not suitable to the area this is a special rural zoning. 2. Will lead to an increase in rates and taxes as the Place of Worship would not pay rates as they are a non-profit organisation | <ol style="list-style-type: none"> 1. It is noted the predominant zoning in the immediate area is special rural however the Special Use zoning of the site has existed since 1978. 2. Not a relevant land use planning consideration. |
| 19. | Mathew Mrkonjic 2 John Farrant Drive, Gooseberry hill WA 6076 | <ol style="list-style-type: none"> 1. Increase in traffic and noise 2. Privacy is concern | <ol style="list-style-type: none"> 1. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. Matters pertaining to traffic volume will be addressed at the development application stage. Councils Environmental Health Department will provide comments upon receipt of a development application and will consider all noise relating to a place of worship, reception centre and caretakers use. Noise Regulations will be required to be adhered to and are likely to form conditions of development approval by the Shire of Kalamunda. 2. Privacy concerns will be addressed at the 'Development Application' stage. |
| 20. | Daniel Mrkonjic 2 John Farrant Drive, Gooseberry Hill WA 6076 | <ol style="list-style-type: none"> 1. Watsonia road has issues with cars speeding, overtaking and pulling out 2. Increase in traffic and noise | <ol style="list-style-type: none"> 1. Noted. 2. The traffic impact associated with a church in this location is assessed as being periodic and a reasonable expectation for the locality. Matters pertaining to traffic volume will be addressed at the development application stage. |

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| 21. | Jayne Rogers, 35a John Farrant Drive Gooseberry Hill WA 6076 | 1. As per petition | 1. Noted. |
| 22. | Emma McGehan 91 Watsonia Road, Gooseberry Hill WA 6076 | 1. As per petition | 1. Noted. |
| 23. | Kim Frances Rodriguez | 1. As per petition | 1. Noted. |
| 24. | Julie Amanda Andrews & Alan Powell 70 John Farrant Drive, Gooseberry Hill WA 6076 | 1. As per petition | 1. Noted |

Attachment 4

Amendment to Local Planning Scheme No. 3 – Lot 503 (105) Watsonia Road, Maida Vale – Amendment No. 79 Special Use (Reception Centre, Place of Worship and Caretakers Dwelling).
Petition Concerning the Proposed Scheme Amendment

43

Petition Against the Amendment To Local Planning Scheme No. 3

We the undersigned are concerned with the upcoming proposed modification of the Local Planning Scheme No. 3 to include the use of a 'Place of Worship' on Lot 503 (105) Watsonia Road, Maida Vale. Specifically we are concerned that if this ~~is~~ was successful a use for a 'Place of Worship', that it will severely increase the already heavy traffic on Watsonia Road and also create problems with verge parking on days of heavy use. There could so be a concern that it may infringe on the privacy of the surrounding private properties. We as a community would prefer that the Lot be rezoned and allocated to residential as an appropriate alternative. We hope that you will consider our collective concerns in making your decision on the proposed amendment.

| Name | Address | Signature |
|-----------------------|---------------------------------------|-----------------------|
| LES LIMA | 125 WATSONIA RD | Les Lima |
| LORRAINE LIMA | 2 John Farrant | Lorraine Lima |
| Dan Mikhongic | 2 John Farrant | Dan Mikhongic |
| Mat Mikhongic | 2 John Farrant | Mat Mikhongic |
| Angela Scott | 109 WATSONIA RD | Angela Scott |
| NEIL SCOTT | 109 WATSONIA RD | Neil Scott |
| EMMA MCGHEAN | 91 WATSONIA RD, G.B.Hill | Emma McGhean |
| ROBERT PARNELL | 20 GRANGE CRESC G.Hill | Robert Parnell |
| BOBBY BROWNHILL | 34 JOHN FARRANT | Bobby Brownhill |
| JILL FARRANT | 42 JOHN FARRANT | Jill Farrant |
| ALICE NASH. | 3 John Farrant, | Alice Nash |
| MIKE BROWNHILL | 34 JOHN FARRANT | Mike Brownhill |
| VIN CARRICK | 28 JOHN FARRANT | Vin Carrick |
| ROD CARRICK | 28 John Farrant Drive | Rod Carrick |
| Bruce Hillman | 140 Watsonia Rd | Bruce Hillman |
| WILLIAM NASH | 3 John Farrant Drive | William Nash |
| TRUDIE WHITEHORN | 9 GRANGE CRESCENT | Trudie Whitehorn |
| MICHAEL WHITEHORN | 9 GRANGE CRESCENT | Michael Whitehorn |
| Neville Lance | 22 JOHN FARRANT DR | Neville Lance |
| Sherrie Lance | 22 John Farrant Dr. | Sherrie Lance |
| STEVE NORRELMAN | 130 WATSONIA RD | Steve Norreman |
| KIM RODRIGUEZ | 115 JOHN FARRANT DRIVE | Kim Rodriguez |
| KIM RYLANDS | 104 JOHN FARRANT DRIVE | Kim Rylands |
| JAMES RYLANDS | 104 JOHN FARRANT DRIVE | James Rylands |
| PAIGE RYLANDS | 104 JOHN FARRANT DRIVE | Paige Rylands |
| Jayne Rogers | 35a John Farrant Drive | Jayne Rogers |
| Andrew Harries | 71 Lendri Rd, Gooseberry Hill | Andrew Harries |
| GARETH VAN LOOZENBERG | 35 JOHN FARRANT DR. - GOOSEBERRY HILL | Gareth Van Loosenberg |
| HELEN VAN LOOZENBERG | 35 JOHN FARRANT DR. - GOOSEBERRY HILL | Helen Van Loosenberg |
| ALUN POWELL | 70 John Farrant Dr G Hill. | Alun Powell |
| JULIE ANDREWS | 70 John Farrant Drive Gooseberry Hill | Julie Andrews |
| SEAN JOHNSON | 75 JOHN FARRANT DRIVE GOOSEBERRY HILL | Sean Johnson |
| Sally Farrant | 75 John FARRANT Drive GOOSEBERRY HILL | Sally Farrant |
| LES COOK | 175 Ridge Hill Rd Gooseberry Hill | Les Cook |
| Marie Cook. | 175 Ridgehill Rd. Gooseberry Hill | Marie Cook |

[illegible]

We the undersigned are concerned with the upcoming proposed modification of the Local Planning Scheme No. 3 to include the use of a 'Place of Worship' on Lot 503 (105) Watsonia Road, Maida Vale. Specifically we are concerned that if this if was successful a use for a 'Place of Worship', that it will severely increase the already heavy traffic on Watsonia Road and also create problems with verge parking on days of heavy use. There could so be a concern that it may infringe on the privacy of the surrounding private properties. We as a community would prefer that the Lot be rezoned and allocated to residential as an appropriate alternative. We hope that you will consider our collective concerns in making your decision on the proposed amendment.

[illegible]

Attachment 5

Amendment to Local Planning Scheme No. 3 – Lot 503 (105) Watsonia Road, Maida Vale – Amendment No. 79 Special Use (Reception Centre, Place of Worship and Caretakers Dwelling).

Amendment 79 Document (Form 2A)

Form 2A *Planning and Development (Local Planning Schemes) Regulations 2015*

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 79

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

- a) Amending Schedule 4 (Special Uses) by including the following provision:

| No. | Description of Land | Special Use | Conditions |
|-----|---|--|---|
| SU7 | Lot 503 (105) Watsonia Road, Maida Vale | Reception Centre Caretakers Dwelling Place of Worship | The uses are not permitted unless approval is granted by the Local Government. ("D") Prior to the determination of planning approval by council for a 'Place of Worship' on the land, the applicant shall prepare a traffic impact assessment. |

Duly executes the Amendment documents and forwards them to the Minister for Planning requesting final approval be granted

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

09. Amendment to Local Planning Scheme No. 3 – Advisory Committees

| | |
|---------------------|---------------------------------|
| Previous Items | Nil. |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | |
| Applicant | N/A |
| Owner | N/A |
| Attachment 1 | Amendment 84 Document (Form 2A) |

PURPOSE

1. To consider the initiation of an amendment to Local Planning Scheme No. 3 (the Scheme), to introduce the ability to create advisory committees, with the aim to establish a Design Advisory Committee (DAC).

BACKGROUND

2. The Shire of Kalamunda is attracting significant investment interest, with numerous major sites likely to be developed over the coming years.
3. 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.
4. 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.
5. The process mirrors a successful design process instigated in the UK and has been adopted in a number of Local Governments in Western Australia, where design is a key consideration of infill development.

DETAILS

6. The proposed Scheme amendment will give Council the ability to send items to the DAC to advise it on the assessment of design.
7. Whilst much of the detail of what applications would be referred to the DAC will be considered as part of the policy, generally such policies include height triggers as well as cost triggers.
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 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 initiate 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.

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', should Council initiate the amendment, it will be required to be formally advertised for a minimum period of 42 days.

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 2016/17 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 that their 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 environmental efficiencies of their design.

RISK MANAGEMENT CONSIDERATIONS

- 21.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|--|
| Council may resolve to not initiate the Scheme amendment | Possible | Minor | Medium | Ensure that Council is aware that the establishment of a DAC does not reduce Council's ability to determine an application, but simply provides further detailed advice. |
| Council may not support the ongoing costs of maintaining a DAC. | Unlikely | Minor | Low | Ensure that Council is aware 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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| Voting Requirements: Simple Majority |
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COMMITTEE RECOMMENDATION TO COUNCIL (D&I 09/2016)

That Council:

1. Pursuant to Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare Amendment No. 84 to Local Planning Scheme No. 3 (Attachment 1).
2. Pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, prepares a notice to the Western Australian Planning Commission advising of the Amendment, and formally advertises the amendment for 42 days.

Moved: **Cr Geoff Stallard**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Attachment 1

Amendment to Local Planning Scheme No. 3 – Advisory Committees

Amendment 84 Document (Form 2A)

Form 2A Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 84

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

- 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.

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

- a) The proposed amendment is consistent with the objectives 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.

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

10. Shire of Kalamunda Fencing Local Law

| | |
|---------------------|--|
| Previous Items | |
| Responsible Officer | Director Development Services |
| Service Area | Development Services |
| File Reference | |
| Applicant | N/A |
| Owner | N/A |
| Attachment 1 | Proposed Shire of Kalamunda Fencing Local Law 2016 |

PURPOSE

1. To consider repealing the current Fencing Local Law and replacing it with the Shire of Kalamunda Fencing Local Law 2016 (Attachment 1).

BACKGROUND

2. The Fencing Local Law provides guidance on boundary fences within the Shire.
3. The current Local Law was adopted in 2008.
4. Numerous issues have arisen in the application of the Local Law, notably the inability of Council to determine applications in certain scenarios.

DETAILS

5. The approval process is as follows:
 - a. Council resolves to repeal the current Fencing Local Law and replace it with the Shire of Kalamunda Fencing Local Law 2016.
 - b. The Shire advertises the new Local Law, inviting public submissions
 - c. Once the public submission period closes, a report is brought back to Council to receive the submissions and adopt the Local Law
 - d. Copy of the Shire of Kalamunda Fencing Local Law is sent to the Department of Local Government and Communities for approval.
 - e. The Local Law is published in the Government Gazette. The Shire of Kalamunda Fencing Local Law 2016 comes into effect on the date of gazettal.
 - f. Local public notice of the gazettal of the Local Law.
 - g. Copy of the Local Law sent to the WA Parliamentary Joint Standing Committee on Delegated Legislation

STATUTORY AND LEGAL CONSIDERATIONS

6. Section 3.12 of the *Local Government Act 1995*.

POLICY CONSIDERATIONS

7. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. If Council resolves to make the new Local Law, local public notice will be given and public submissions invited.

FINANCIAL CONSIDERATIONS

9. The drafting of the Local Law was completed by the Shire's solicitors and was a budgeted item. The only further financial implications arising from the adoption of this Local Law will be the cost of advertising as required by the legislation. These costs will be met from current budget allocations.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.2 - To ensure Local Laws are upheld.

Strategy 6.2.1 - Develop, implement and monitor all Local Laws across the Shire to ensure they are relevant and realistic.

SUSTAINABILITY

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 14.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|-------------|--------|---|
| That Council will not endorse the proposed new Local Law | Unlikely | Minor | Low | Ensure Council is aware that the legislation requires a review of Local Laws every eight years. |

OFFICER COMMENT

15. The Local Law gives Council the ability to determine applications when there are disputes between neighbours. The Local Law also specifically does not deal with retaining walls, which would be considered under other legislation, although they are relevant in the consideration of height issues.

A Councillor referred to point three part two of the recommendation and asked what effect the minimum requirements had on the maximum requirements of the fencing. Director Development Services indicated this overcomes the previous issue where Council did not have the ability to make decisions; they may now become involved in the decisions where more than the minimum fence is being proposed between two neighbours.

A Councillor commended staff for taking this step forward as there had been many problems over the years caused by screen and blocking other neighbours.

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| Voting Requirements: Simple Majority |
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COMMITTEE RECOMMENDATION TO COUNCIL (10/2016)

That Council:

1. Repeals the current Fencing Local Law
2. Gives state-wide and local public notice that it proposed to make a new Local Law, the Shire of Kalamunda Fencing Local Law 2016 as per (Attachment 1).
3. Notes that the Purpose and effect of the proposed Local Law is as follows:
 - (1) The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district.
 - (2) The effect of this local law is to establish the minimum requirements for fencing within the district.

Moved: **Cr Geoff Stallard**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961**

SHIRE OF KALAMUNDA

FENCING LOCAL LAW 2016

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SCHEDULE 1 - Sufficient fence on a Residential Lot

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SCHEDULE 3 - Sufficient fence on a Rural or Special Rural Lot

**LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961**

SHIRE OF KALAMUNDA

FENCING LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kalamunda resolved on (insert resolution date) to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Kalamunda Fencing Local Law 2016*.

1.2 Application

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

1.3 Commencement

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

1.4 Repeal

The *Shire of Kalamunda Fencing Local Law 2008* published in the *Government Gazette* on 3 October 2008 is repealed.

1.5 Purpose and effect

- (1) The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district.
- (2) The effect of this local law is to establish the minimum requirements for fencing within the district.

1.6 Interpretation

In this local law, unless the context otherwise requires -

“**Act**” means the *Dividing Fences Act 1961*;

“**AS**” means an Australian Standard published by the Standards Association of Australia;

“boundary fence” has the meaning given to it for the purposes of the Act;

“Building Surveyor” means a Building Surveyor of the local government;

“CEO” means the Chief Executive Officer of the local government;

“Commercial Lot” means a lot where a commercial use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

“dangerous” in relation to any fence means -

- (a) an electrified fence, other than a fence in respect of which a licence under Part 5 of this local law has been issued and is current;
- (b) a fence containing barbed wire, other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

“district” means the district of the local government;

“dividing fence” has the meaning given to it in the Act;

“electrified fence” means a fence carrying or designed to carry an electric charge;

“fence” means any structure, used or functioning as a barrier, irrespective of where it is located, and includes any gate, but does not include a retaining wall unless otherwise stated in this Local Law;

“frontage” means the boundary line between a lot and the thoroughfare which that lot adjoins;

“height” in relation to a fence means the vertical distance between -

- (a) the top of the fence at any point; and
- (b) the ground level at the base of the fence or if the fence is constructed on a retaining wall the ground level at the base of the retaining wall and where the ground levels on each side of the fence are not the same, the higher ground level (whether at the base of the fence or retaining wall), immediately below that point;

“Industrial Lot” means a lot where an industrial use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

“local government” means the Shire of Kalamunda;

“local planning scheme” means a local planning scheme of the local government made under the *Planning and Development Act 2005*, or a town planning scheme which was made under the *Town Planning and Development Act 1928*;

“lot” has the meaning given to it in the *Planning and Development Act 2005*;

“notice of breach” means a notice referred to in clause 6.1;

“Residential Design Codes” means State Planning Policy 3.1 Residential Design Codes prepared under section 26 of the *Planning and Development Act 2005* by the Western Australian Planning Commission, as amended from time to time;

“Residential Lot” means a lot where a residential use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

“retaining wall” means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

“Rural Lot” means a lot where a rural use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

“Schedule” means a Schedule to this local law;

“street setback area” has the meaning given to it for the purposes of the Residential Design Codes;

“Special Rural Lot” means a lot where a special rural use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot; and

“sufficient fence” means a fence described in clause 2.1.

“thoroughfare” means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is open at each end.

1.7 Licence fees & charges

All licence fees and charges applicable under this local law shall be as determined by the local government from time to time, in accordance with sections 6.16 – 6.19 of the *Local Government Act 1995*.

PART 2 - SUFFICIENT FENCES

2.1 Sufficient fences

- (1) Unless approved by the local government under clause 3.3(1), a person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Subject to sub-clauses (3) and (4), a sufficient fence -
 - (a) on a Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 1.
 - (b) on a Commercial Lot and on an Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
 - (c) on a Rural Lot and on a Special Rural Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
- (3) Where a fence is erected on or near the boundary between -
 - (a) a Residential Lot and an Industrial Lot, Commercial Lot, Rural Lot or Special Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 1; and
 - (b) a Special Rural Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3.
- (4) Unless the local government specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.
- (5) Notwithstanding any other provisions in this local law, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where -
 - (a) it is greater than 1800mm in height; or
 - (b) the local government so requires.

PART 3 - GENERAL

3.1 Fences within street setback areas

- (1) A person shall not, without the approval of the local government, erect a fence greater than 1800mm in height, or a fence that is not visually permeable within the street setback area of a Residential Lot within the district.
- (2) The local government may approve the erection of a fence of a height greater than 1800mm in the street setback area of a Residential Lot only if the fence on each side of the driveway into the lot across the front boundary is to be angled into the lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.
- (3) The provision of sub-clause (2) shall not apply to a fence -
 - (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
 - (b) that does not adjoin a footpath.

3.2 Maintenance of fences

An owner or occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, damaged, dilapidated, unsightly, or otherwise detrimental to the visual amenity of the streetscape or neighbouring properties.

3.3 General discretion of the local government

- (1) Notwithstanding clause 2.1, the local government may approve the erection or repair of a fence which:
 - (a) is not a sufficient fence; or
 - (b) otherwise requires approval under this Local Law.
- (2) In determining whether to approve the erection or repair of any fence under sub-clause (1), the local government may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on -
 - (a) the safe or convenient use of any land; or
 - (b) the safety or convenience of any person.
 - (c) the visual amenity of the streetscape or neighbouring properties.

3.4 Applications for approval of local government

- (1) An application for approval of the local government under cl. 3.3(1) must be –
 - (a) in writing in a form approved by the local government;

- (b) accompanied by any document or information that is required by the local government; and
 - (c) accompanied by an application fee.
- (2) An application for approval shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.
- (3) An application for approval may be:
 - (a) approved by the local government;
 - (b) approved by the local government subject to such conditions as it thinks fit; or
 - (c) refused by the local government.

3.5 Duration of approval

An approval given under this Local Law shall transfer with the land to any new occupier or owner of the lot and shall continue in force and effect until –

- (a) the fence is removed;
- (b) the approval is revoked by the local government under cl. 3.6; or
- (c) the owner of the lot surrenders the approval.

3.6 Revocation of approval

Subject to Division 1 Part 19 of the *Local Government Act 1995*, the local government may revoke an approval granted under this Part if –

- (a) the fence is not maintained in accordance with cl.3.2; or
- (b) there is a breach of any condition upon which the approval has been granted.

PART 4 - FENCING MATERIALS

4.1 Fencing materials

- (1) A person shall only construct a fence on a Residential Lot, a Commercial Lot, Industrial Lot or Rural Lot –from those materials specified for a sufficient fence in respect of such a lot in Schedules 1, 2 or 3, or some other material approved by the local government.
- (2) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1), that approval shall be conditional on the applicant for approval painting or treating the pre-used material as directed by the local government.

4.2 Barbed wire and broken glass fences

- (1) This clause does not apply to a fence constructed wholly or partly of razor wire.
- (2) An owner or occupier of a Residential Lot or a Commercial Lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the local government has been obtained.
- (3) An owner or occupier of an Industrial Lot shall not erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections, unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 150mm from the face of the fence and is not nearer than 2000mm from the ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.
- (5) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall on that lot, whether internal or external, any broken glass.
- (6) An owner or occupier of a Rural Lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place, unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

PART 5 - ELECTRIFIED AND RAZOR WIRE FENCES

5.1 Requirements for an approval

- (1) Subject to sub-clause (2) an owner or occupier of a lot, other than a Rural Lot, shall not -
 - (a) erect or use an electrified fence on that lot; or
 - (b) construct a fence wholly or partly of razor wire on that lotunless approval of the local government is first obtained.
- (2) Approval to erect or use an electrified fence shall not be granted -
 - (a) in respect of a lot which is, or which adjoins, a Residential Lot;
 - (b) unless the fence complies with AS/NZS 3016:2002; and
 - (c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
- (3) Approval to have a fence constructed wholly or partly of razor wire shall not be granted -
 - (a) if the fence is within 3m of the boundary of the lot;
 - (b) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

PART 6 - NOTICES OF BREACH

6.1 Notices of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner or occupier of that lot ('notice of breach').
- (2) A notice of breach shall -
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner or occupier of the lot, as the case may be, is required to remedy the breach within 28 days from the giving of the notice.
- (3) If an owner or occupier fails to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.
- (4) The provision of this clause are subject to section 3.25 and item 12 of division 1 of Schedule 3.1 of the *Local Government Act 1995* and any entry on the land will be in accordance with Part 3, Division 3 of that Act.

PART 7 – OFFENCES AND PENALTIES

7.1 Offences and penalties

- (1) An owner who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.
- (2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

7.2 Modified penalties

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$500.

7.3 Form of notices

For the purposes of this local law –

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.4 Objections and appeals

When the local government makes a decision under this local law as to whether it will -

- (a) grant or refuse to grant a person an approval;
- (b) cancel an approval; or
- (c) give a person a notice under clause 6.1,

the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

Clause 2.1(2)(a)

SCHEDULE 1

SPECIFICATIONS FOR A SUFFICIENT FENCE

ON A RESIDENTIAL LOT

Each of the following is a “sufficient fence” on a Residential Lot -

1. a 1 metre high, 2.5mm wire mesh rail-less fence with steel posts at a maximum 3 metre spacing, terminal posts to be braced with a diagonal brace in the line of the fence.
2. A picket timber fence which satisfies the following specifications -
 - (i) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
 - (ii) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
 - (iii) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
 - (iv) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
 - (v) rails to be 75mm x 50mm with each rail spanning two bays of fencing double railed or bolted to each post with joints staggered;
 - (vi) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail; and
 - (vii) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1.
3. A fence constructed of corrugated fibre reinforced pressed cement or profiled coloured steel sheeting which satisfies the following specifications -
 - (i) to be installed in accordance with the manufacturer’s specifications;
 - (ii) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
 - (iii) the sheets to be lapped and capped with extruded “snap-fit” type capping in accordance with the manufacturer’s written instructions; and
 - (iv) the height of the fence to be 1800mm except with respect to the front set back area for which there is no minimum height, but which is subject to clause 3.1.

4. A fence constructed of brick, stone or concrete, which satisfies the following specifications -
- (i) footings of minimum 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar;
 - (ii) fences to be offset a minimum of 200mm at maximum 3000mm centres or 225mm x 100mm engaged piers to be provided at maximum 3000mm centres;
 - (iii) expansion joints in accordance with the manufacturer's written instructions; and
 - (iv) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1.

5. A composite fence having a minimum overall height of 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1, which satisfies the following specifications for the brick construction -

- (i)
 - (a) brick piers of minimum 345mm x 345mm at 1800mm centres bonded to a minimum height base wall of 514mm;
 - (b) each pier shall be reinforced with one R10 galvanised starting rod 1500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
 - (c) the minimum ultimate strength of brickwork shall be 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
 - (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer; and
 - (e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres; or
- (ii)
 - (a) brick piers of a minimum 345mm x 345mm x 2700mm centres bonded to the base wall; and
 - (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

6. a Duralok PVC fencing system not exceeding 1.8m high, erected and installed in accordance with the manufacturer's specifications.

Clause 2.1(2)(b)

SCHEDULE 2

**SPECIFICATIONS FOR A SUFFICIENT FENCE ON A
COMMERCIAL LOT AND AN INDUSTRIAL LOT**

Each of the following is a "sufficient fence" on a Commercial Lot and an Industrial Lot -

1. A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications:
 - (a) corner posts to be minimum 50mm normal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
 - (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3.5m centres and with footings of a 225mm diameter x 600mm;
 - (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
 - (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
 - (e) rail-less link, chain or steel mesh is to be to a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm in accordance with clause 4.2(3) of this local law; and
 - (f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6 metres, be designed to open inwards, and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.
2. A fence of fibre reinforced cement sheet or coloured steel sheeting constructed to the minimum specifications referred to in Item 2(b) of Schedule 1.
3. A fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm.
4. Fences of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 1.

Clause 2.1(2)(c)

SCHEDULE 3

**SPECIFICATIONS FOR A SUFFICIENT FENCE
ON A RURAL OR SPECIAL RURAL LOT**

In the case of a non-electrified fence, each of the fences described in subclauses (a) – (d) is a sufficient fence on a Rural or Special Rural Lot.

1. A fence of post and wire construction not exceeding 1.2m in height, the minimum specifications for which are:
 - (i) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
 - (ii) posts shall be of indigenous timber or other suitable material including –
 - timber impregnated with a termite and fungicidal preservative;
 - standard iron star pickets; or
 - concrete;
 - (iii) if timber posts are used, posts are to be cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be placed at not more than 10 metre intervals, set minimum 600mm in the ground and 1200mm above the ground; and
 - (iv) strainer posts, if timber, shall be not less than 2250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.
2. a Duralok PVC fencing system not exceeding 1.2m in height erected and installed in accordance with the manufacturer's specifications.
3. timber post and rail fence not exceeding 1.2m in height the minimum specifications for which are:
 - (i) the posts to be of a durability grade as defined in the Australian Standards or other suitable material including impregnated with termite and fungicidal preservatives not less than 1800mm long x 125mm diameter at the small end if round or 125mm x 75mm if sawn. Posts to be placed at not more than 2.7 metre intervals, set minimum 600mm in the ground and 1200mm above the ground;
 - (ii) strainer posts, shall be not less than 2250mm long and 125mm diameter at the small end and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart; and
 - (iii) rails shall be no less than no less than two in number and 80mm round at the small end or 75mm x 50mm if sawn timber.

4. concrete timber look post and rail fencing not exceeding 1.2m in height installed and erected in accordance with the manufacturers specifications

5. An electrified fence on a Rural or Special Rural Lot having four wires is a sufficient fence only if constructed generally in accordance with (1)(a).

Dated this day of 2016.

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

Andrew Waddell
Shire President

Rhonda Hardy
Chief Executive Officer

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

11. Adelaide Street, High Wycombe – Community Consultation Outcomes on Proposed Traffic Management Treatments

| | |
|---------------------|---------------------------------------|
| Previous Items | OCM 103/2015 |
| Responsible Officer | Director Infrastructure Services |
| Service Area | Infrastructure Services |
| File Reference | EG-RDM-30; AD-01/GEN |
| Applicant | N/A |
| Owner | N/A |
| Attachment 1 | Adelaide Street Concept 1 |
| Attachment 2 | Adelaide Street Concept 2 |
| Attachment 3 | Adelaide Street Concept 3 |
| Attachment 4 | Letter to Residents |
| Attachment 5 | Community Consultation Survey Summary |
| Attachment 6 | Survey Response Locations |

PURPOSE

1. To consider proposed traffic management treatments for Adelaide Street following a recent public consultation process.

BACKGROUND

2. At its meeting on 24 August 2015, Council considered a report on the implementation of traffic treatments along Adelaide Street to address concerns raised by residents of this street about noise, dust and speeding issues, and resolved as follows:
 1. *Approves the commencement of a community engagement process for residents and property owners in Adelaide Street, High Wycombe to determine the type and location of appropriate traffic treatments in this street to reduce the speed of traffic, particularly commercial vehicles.*
 2. *Notes that the costs of this community engagement process will be funded from the 2015/16 operating budget.*
 3. *Notes that a further report will be provided to Council regarding the detailed design and cost estimates for traffic treatments in Adelaide Street following the outcomes of the community engagement process.*
3. Following this Council resolution, three concept designs for traffic treatments in Adelaide Street were prepared for further consideration as follows:
 - Concept 1 Drawing No. 4098-410-01-01/0 (Attachment 1) – Installation of two intersection modification treatments.

This treatment improves the safety by incorporating a series of 1.2m wide islands that improve traffic safety by creating a deflection in the travelled path of vehicles that wish to continue travelling straight, whilst ensuring turning vehicles are guided through the intersection with the delineation of linemarking, signage and islands. As a result of the installation of this

type of treatment there will be an increase in the traffic noise from vehicles braking and accelerating between the treatments.

- Concept 2 Drawing No. 4098-410-02-01/0 (Attachment 2) – Installation of two chicane island traffic treatments.

This treatment incorporates a series of traffic islands that improve traffic safety by creating a deflection in the travelled path of vehicles with the delineation of line marking, signage and angled median island.

- Concept 3 Drawing No. 4098-410-03-01/0 (Attachment 3) – Installation of five sets of rubberised speed cushions along the length of Adelaide Street.

This treatment improves the safety in the street with the introduction of humps at regular intervals with the aim to reduce and regulate the vehicle travel speeds along this section of road. The location and size of these humps will be modified to address the larger vehicles that use this road. As a result of the installation of this type of treatment there will be an increase in the road noise from vehicles braking and accelerating between and over the treatments.

DETAILS

4. In accordance with Resolution 1 of OCM 103/2015, the explanatory letter, copies of the three traffic treatment concepts and the feedback sheet were distributed to 45 properties along Adelaide Street (refer Attachment 4).
5. In addition, "Proposed Traffic Treatments – Have Your Say" signs were installed in Adelaide Street and the "Have Your Say" section on the Shire's website allowed for electronic feedback forms for the proposed traffic treatments.

STATUTORY AND LEGAL CONSIDERATIONS

6. Nil.

POLICY CONSIDERATIONS

7. The Shire of Kalamunda is in the process of proposing a draft policy to evaluate warrants and appropriate treatments for Local Area Traffic Management Treatments. At present, without this policy in place each site is evaluated on a case by case basis following traffic data being reviewed.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. The community consultation process resulted in 35 responses, comprising of 23 Adelaide Street residents, 10 from the immediate surrounding area, 1 from Forrestfield and 1 from Hazelmere (refer Attachment 6). The majority of responses supported Concept 2, that is the chicane treatment. The table below details the support for each concept.

| | |
|----------------|---|
| Concept 1 | 7 |
| Concept 2 | 12 |
| Concept 3 | 6 |
| Mixed Concepts | 5 (2 = 1+2; 1 = 2+3; 1 = 1+3; 1 = 1+2+3) |
| No Preferred | 5 |

A detailed summary of the survey results is provided in Attachment 5.

9. Further community consultation will be undertaken to communicate the final design and implementation program for the works.
10. Common comments included in the responses were:
- Traffic treatments will result in additional noise from trucks slowing down and then accelerating at each traffic device.
 - Large numbers of haulage trucks polluting Adelaide Street with dust and sand.

The traffic noise concern was addressed in the covering letter to the residents of Adelaide Street. Typically, traffic noise is a recognised consequence of traffic treatments.

FINANCIAL CONSIDERATIONS

11. The preliminary estimated cost for each concept is summarised below and includes the estimated cost for the traffic treatment.

| Concept | Estimated Cost |
|---------|----------------|
| 1 | \$210,000 |
| 2 | \$160,000 |
| 3 | \$160,000 |

12. The estimated costs quoted exclude overhead charges, and include a \$100,000 allowance for power and lighting charges/upgrades. The final amount is subject to detailed design and documentation by Western Power.
13. There is no funding allocated in the Shire's 10 year Long Term Financial Plan and an amount of \$160,000 for the preferred concept, being the chicane treatment, will need to be considered by Council as part of the 2016/2017 Budget deliberations for inclusion in the Road Renewal Program.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.6 – To ensure the optimal management of assets delivers continuity of services to the community.

Strategy 4.6.1 Ensure the Shire has long term asset plans for each of its asset categories and these plans are reviewed regularly.

Strategy 4.6.2 Develop financially sustainable funding models to ensure the Shire can adequately fund its asset plans.

SUSTAINABILITY

Social Implications

15. Assessment of traffic speeds and volumes indicates there are ongoing issues for residents in Adelaide Street. The implementation of the Local Area Traffic Management treatment will reduce traffic speeds and reduce the risk of traffic accidents and property damage.
16. The installation of traffic management infrastructure will have impacts on residential properties, with a potential for generation of complaints regarding noise and light spill from adjacent properties.

Economic Implications

17. Funding will need to be considered in the Long Term Financial Plan to allow for traffic management treatments to be installed in Adelaide Street.

Environmental Implications

18. The recommended concept may require some removal or pruning of vegetation to make way for the traffic treatment and path. This information will only be available on completion of a site survey and subsequent detailed design.

RISK MANAGEMENT CONSIDERATIONS

19.

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|---|
| Council does not endorse the implementation of traffic treatments in Adelaide Street. | Possible | Minor | Medium | Undertake regular speed monitoring, seek Police Services enforcement of speed limit and utilise the Shire's variable message signs as part of safety education. |

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|---|
| The residents adjoining the proposed traffic treatments object to their construction. | Likely | Minor | High | Explain the reasons for the location of the traffic treatments and liaise with the residents during the design and construction phases. |

OFFICER COMMENT

20. The preferred Concept (i.e; Concept 2) comprising the construction of “two chicane island traffic treatments” has been successfully used in other streets within the Shire.
21. It is proposed to undertake traffic speed and volume surveys before the installation of any traffic treatments and again approximately six months after installation to determine the success in reducing speed. Further monitoring of traffic speeds/volumes will be undertaken 12 months thereafter, noting that this process may generate a report to Council on the need to install additional traffic treatments.

A Councillor congratulated shire officers for the community consultation involved in this project.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 11/2016)

That Council:

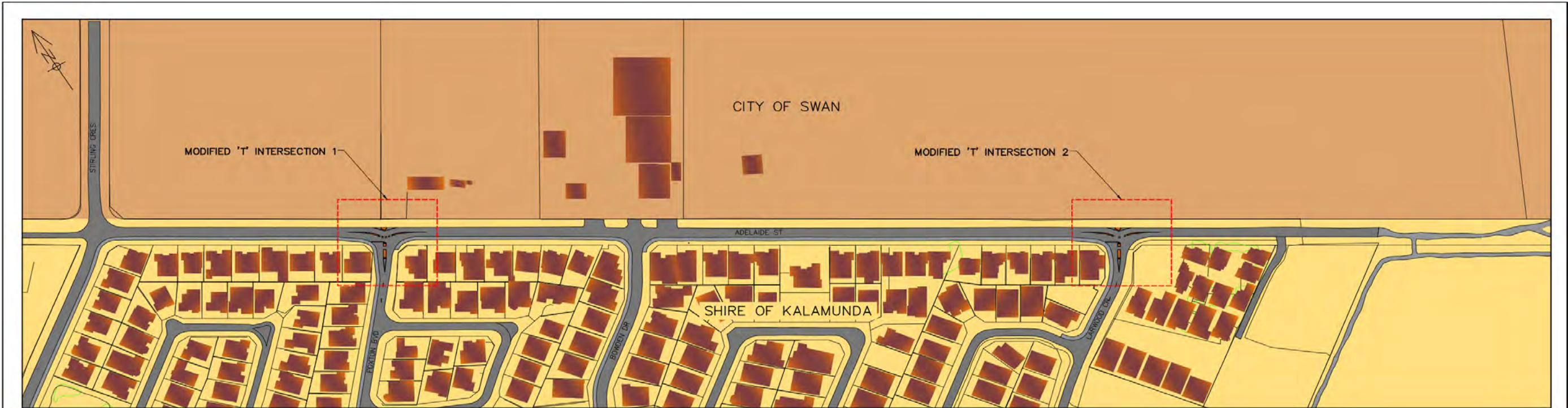
- Notes the outcome of the community consultation on the proposed traffic treatment options for Adelaide Street, High Wycombe.
- Endorses Concept 2 as shown on Drawing No. 4098-410-02-02/0 – Installation of two chicane island traffic treatments in Adelaide Street, High Wycombe for detailed design and documentation.
- Lists an amount of \$160,000 (excluding overhead charges) for consideration in the draft 2016/2017 Road Renewal Capital Works Program for the implementation of Concept 2 traffic treatments in Adelaide Street, High Wycombe.
- Approves further community feedback to advise residents as follows:
 - The final design of the Local Area Traffic Management for Adelaide Street.
 - The Implementation Program.
 - The monitoring and assessment to be undertaken following installation of the traffic treatment.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

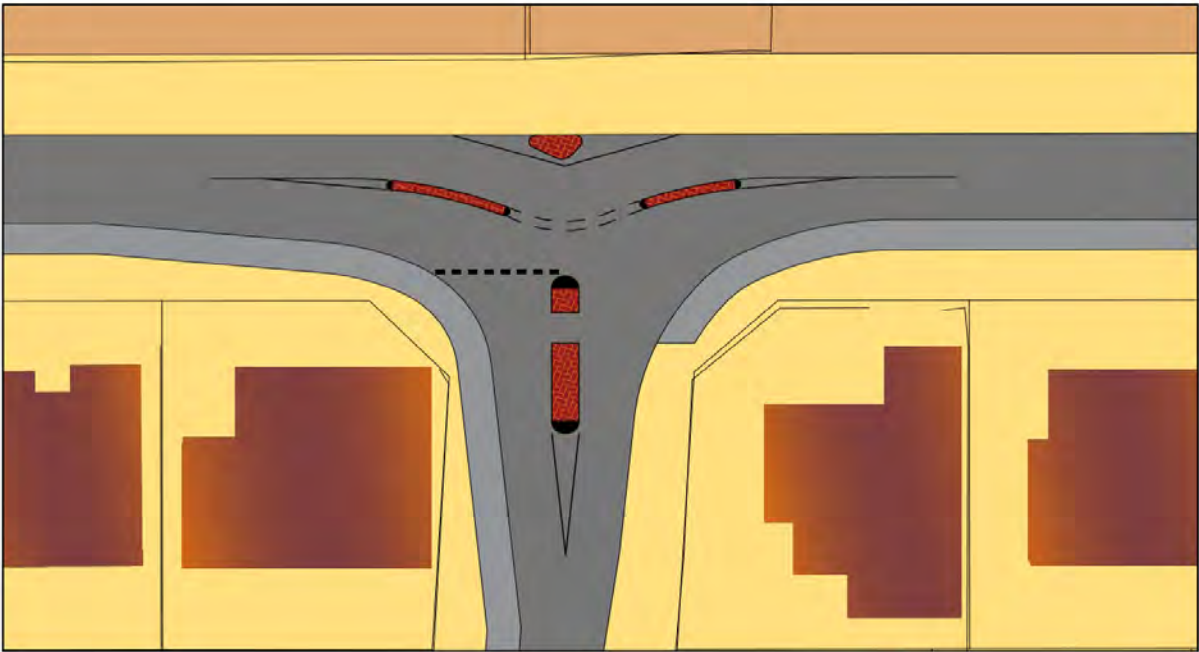
Attachment 1
Concept 1



PLAN
NTS



PHOTOGRAPH
TYPICAL INSTALLATION OF A MODIFIED 'T' INTERSECTION



DETAIL
MODIFIED 'T' INTERSECTION

NOTES:
1. DESIGN SHOWN IS CONCEPTUAL ONLY

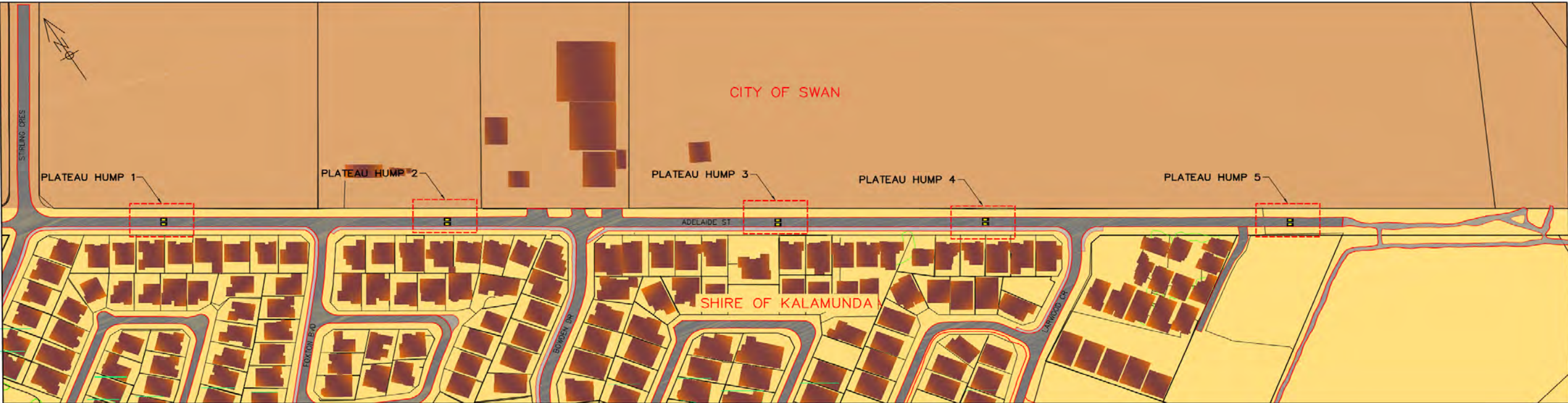
NOT FOR
CONSTRUCTION

| NO. | DATE | REVISION | BY | CHKD | APPR | DATE | SURVEYED | NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED APPROVED. | DESIGNER TO COMPLETE | INFRASTRUCTURE SERVICES | Shire of Kalamunda | ADELAIDE ST – HIGH WYCOMBE TRAFFIC TREATMENTS CONCEPT PLAN 1 – MODIFIED 'T' INTERSECTION |
|-----|----------|--------------------------------|----|------|------|----------|------------|---|----------------------|-------------------------|-----------------------|--|
| | | | | | | | BY DATE | N/A | DESIGNED | AG | 01/10/15 | SCALE: AS SHOWN |
| | | | | | | | DATUM | | DRAWN | AG | 01/10/15 | A1 |
| | | | | | | | PCG94 | | DRAFT CHECK | RC | 08/10/15 | DWG NO. 4098-410-01-01/0 |
| 0 | 08/10/15 | ISSUED FOR PUBLIC CONSULTATION | AG | RC | | 08/10/15 | | APPROVED – Sam Assaad | DESIGN ENGINEER | | | |
| A | 08/10/15 | ISSUED FOR REVIEW | AG | RC | | 01/10/15 | | POSITION – A/Director Infrastructure | | | | |
| | | | | | | | | DATE – 08/10/15 | | | | |

Attachment 2
Concept 2



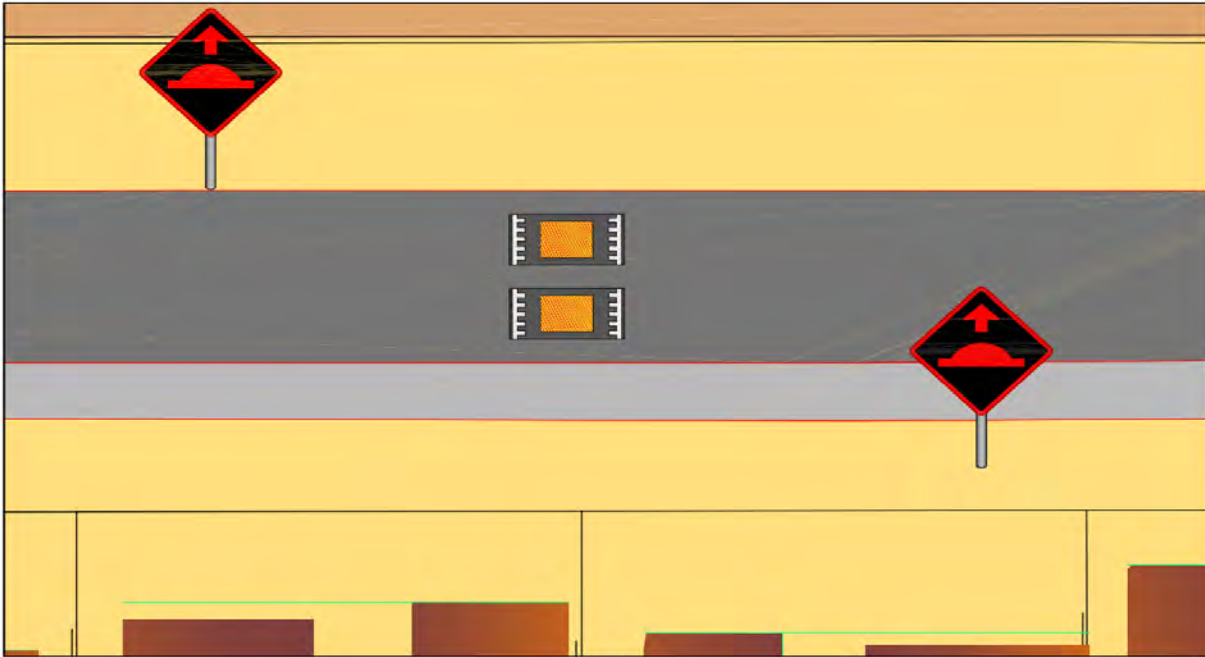
Attachment 3
Concept 3



PLAN
NTS



PHOTOGRAPH
TYPICAL INSTALLATION PLATEAU ROAD HUMPS



DETAIL
PLATEAU ROAD HUMPS

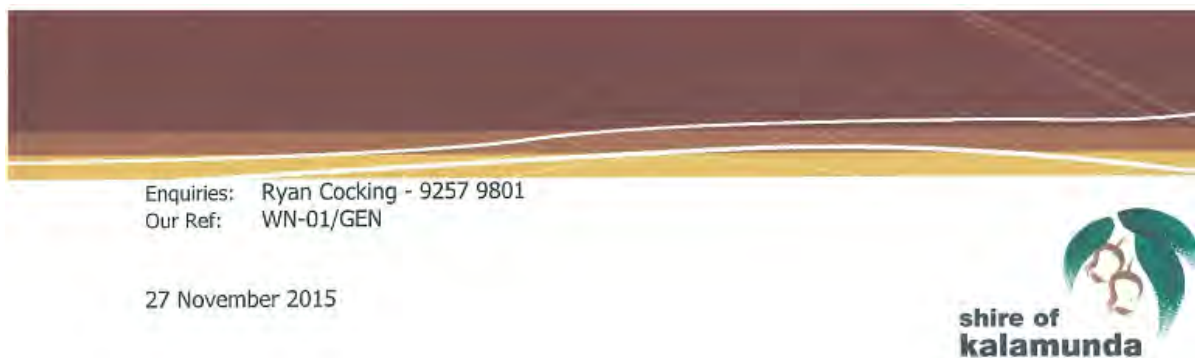
NOTES:
1. DESIGN SHOWN IS CONCEPTUAL ONLY

NOT FOR
CONSTRUCTION

| NO. | DATE | REVISION | BY | CHKD | APPR | DATE | SURVEYED | NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED APPROVED. | DESIGNER TO COMPLETE | DATE | INFRAS | Shire of Kalamunda | ADELAIDE ST – HIGH WYCOMBE TRAFFIC TREATMENTS CONCEPT PLAN 3 – ROAD HUMPS |
|-----|----------|--------------------------------|----|------|------|----------|-------------|---|----------------------|----------|--------|-----------------------|---|
| | | | | | | | BY DATE N/A | APPROVED – Sam Assaad | DESIGNED AG | 01/10/15 | | | SCALE: AS SHOWN |
| | | | | | | | DATUM | POSITION – Director Infrastructure | DRAWN AG | 01/10/15 | | | DWG NO. 4098-410-03-01/0 |
| | | | | | | | PCG94 | DATE – 08/10/15 | DRAFT CHECK RC | 08/10/15 | | | |
| | | | | | | | | | DESIGN ENGINEER | | | | |
| 0 | 08/10/15 | ISSUED FOR PUBLIC CONSULTATION | AG | RC | | 08/10/15 | | | | | | | |
| A | 08/10/15 | ISSUED FOR REVIEW | AG | RC | | 01/10/15 | | | | | | | |

Attachment 4

Letter to Residents



Dear

Traffic Treatments – Adelaide Street, High Wycombe

The Shire is proposing to implement a traffic management scheme along Adelaide Street, High Wycombe with the aim of reducing vehicle speeds and improving traffic safety for residents living in this part of High Wycombe.

To assist with determination of the preferred traffic treatments, three concepts plans have been prepared for your feedback. These concept plans are described below:

Concept 1 Installation of two intersection modification treatments. Refer Attachment 1 – Drawing No. 4098-410-01-01/0 for a photo image of this type of treatment and the proposed locations.

This treatment improves the safety by incorporating a series of 1.2m wide islands that improve traffic safety by creating a deflection in the travelled path of vehicles that wish to continue travelling straight, whilst ensuring turning vehicles are guided through the intersection with the delineation of linemarking, signage and islands. As a result of the installation of this type of treatment there will be an increase in the traffic noise from vehicles braking and accelerating between the treatments.

Concept 2 Installation of two chicane island traffic treatments. Refer Attachment 2 – Drawing No. 4098-410-02-01/0 for a photo image of this type of treatment and the proposed locations.

This treatment incorporates a series of traffic islands that improve traffic safety by creating a deflection in the travelled path of vehicles with the delineation of line marking, signage and angled median island.

Shire of Kalamunda
2 Railway Road, Kalamunda WA 6076
PO Box 42, Kalamunda WA 6926
T: (08) 9257 9999 F: (08) 9293 2715
E: kala.shire@kalamunda.wa.gov.au
www.kalamunda.wa.gov.au

- 2 -

Concept 3

Installation of five sets of rubberised speed cushions along the length of Adelaide Street. Refer Attachment 3 – Drawing No. 4098-410-03-01/0 for a photo image of this type of treatment and the proposed locations.

This treatment improves the safety in the street with the introduction of humps at regular intervals with the aim to reduce and regulate the vehicle travel speeds along this section of road. The location and size of these humps will be modified to address the larger vehicles that use this road. As a result of the installation of this type of treatment there will be an increase in the road noise from vehicles braking and accelerating between and over the treatments.

For further more detailed technical information regarding the abovementioned treatments is available at:

https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/TrafficManagement/Pages/Local_Area_Traffic_Management.aspx

It is advised that whilst each of these treatments will be designed to better manage vehicle travel speed as much as practicable, each treatment is required to be designed to accommodate the existing vehicles up to 19m semi-trailers that are permitted to access this road. This will ensure that unnecessary vehicle noise and kerb/verge damage from large vehicles mounting kerbs is minimised. This may therefore result in a reduced effectiveness for smaller vehicles such as cars and motorcycles.

Please review the concept plans and return the attached completed survey form to clearly indicate your preferred concept. Please note that a reply paid envelope has been supplied for your convenience or alternatively the form can be submitted online at www.kalamunda.wa.gov.au under the 'Have Your Say' section.

The completed survey form with your preferred concept is to be returned to the Shire by **Friday, 18 December 2015**. The results of the community consultation will be reported to Council for consideration and endorsement of the traffic management scheme which received the most support from the community. The design and documentation of the endorsed traffic management scheme will then proceed to enable implementation of the works in the 2016/2017 financial year. The Shire of Kalamunda greatly appreciates your input to this proposed traffic management proposal.

Yours sincerely



Dennis Blair
Director Infrastructure Services

- Attach:
1. Concept 1 Drawing #4098-410-01-01/0
 2. Concept 2 Drawing #4098-410-02-01/0
 3. Concept 3 Drawing #4098-410-03-01/0
 4. Community Consultation Survey Form

[illegible]

[illegible]

Attachment 3



Adelaide Street Traffic Treatments Community Consultation Survey Form

Name: _____

Address: _____

Phone: _____

Please indicate your preference by placing a tick in the box of the concept plan you prefer:

- ☐ **Concept 1** - Installation of two intersection modification treatments
- ☐ **Concept 2** - Installation of two chicane island traffic treatments
- ☐ **Concept 3** - Installation of five sets of rubberised speed cushions along the length of Adelaide Street

Comments

Attachment 5

Community Consultation Survey Results – Adelaide Street

| | Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|----|------------|---------------------------------|-----------|-----------|-----------|--|
| 1. | IE-181147 | Adelaide Street High Wycombe | | | ✓ | <ul style="list-style-type: none"> Concept 3 preferred and request that we are included in the detailed design process before Council accepts final design solution. |
| 2. | IE-181093 | Thirlmere Way High Wycombe | | ✓ | | |
| 3. | IE-181038 | Akebia Way Forrestfield | | | ✓ | <ul style="list-style-type: none"> Heavy duty trucks will damage kerbing in Concepts 1 & 2 and will not be convenient for them. All three concepts will make the trucks slow down and speed up, creating A LOT of extra noise for locals. These are not solutions for a road bearing heavy trucks. Please implement none of these concepts and rethink. |
| 4. | ILT-181136 | Adelaide Street High Wycombe | ✓ | | | <ul style="list-style-type: none"> 50 KPH signs be erected in (4) locations on Adelaide Street on both sides of the street. We request no speed calming devices at or in close proximity to our driveway. |
| 5. | IE-181039 | Midland Road Hazelmere | ✓ | ✓ | | <ul style="list-style-type: none"> Thank you for the opportunity to comment on Traffic Treatment – Adelaide Street, High Wycombe. After careful examination of the three options presented, I strongly support options 1 & 2 because they are the most effective and efficient traffic management scheme for that section of Adelaide Street for all concerned. In particular, option 1 enables motorists and truck drivers to reduce speed and enhance traffic safety with minimal noise impact, whilst accommodating existing vehicles up to 19m semi-trailers that are allowed to access the road as well as other cars and motorcycles. |

| | Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----|------------|----------------------------------|-----------|-----------|-----------|---|
| 6. | IE-181046 | Foxton Boulevard High Wycombe | | | ✓ | <ul style="list-style-type: none">If widths of speed cushions are configured correctly, these could have very little impact on the trucks that use the road, but still affect the cars using the road. |
| 7. | ILT-180948 | Adelaide Street High Wycombe | | | ✓ | <ul style="list-style-type: none">Needs dust control from existing crushing plant. |
| 8. | ILT-180895 | Adelaide Street High Wycombe | | ✓ | ✓ | <ul style="list-style-type: none">For us there are two issues.<ol style="list-style-type: none">Trucks andHoons.<p>None of the above concepts deal <u>both</u> Issues. Concept 2 would have an impact on trucks and concept 3 would be best suited to slowing down hoons. Perhaps traffic treatment like the one on Kenneth Street in Forrestfield/Maida Vale would be better for <u>both</u> these issues – i.e. trucks and hoons.</p> |
| 9. | ILT-180894 | Adelaide Street High Wycombe | | | | <ul style="list-style-type: none">Firstly, I would like to say I am also a truck operator and I agree something must be done to improve the bad situation of trucks speeding up Adelaide Street. All the above concepts are a great idea but by installing these, it will make another problem and that being the noise of trucks decelerating and accelerating at all these points. Don't know what the answer is. Maybe a speed camera and some education and signage to warn of the consequences of continuing in this anti community behaviour. |
| 10. | ILT-180840 | Adelaide Street High Wycombe | | | | <ul style="list-style-type: none">About time something is done!!!! The amount of cars I have seen speeding and do burnouts not to mention, the speed of the trucks. |

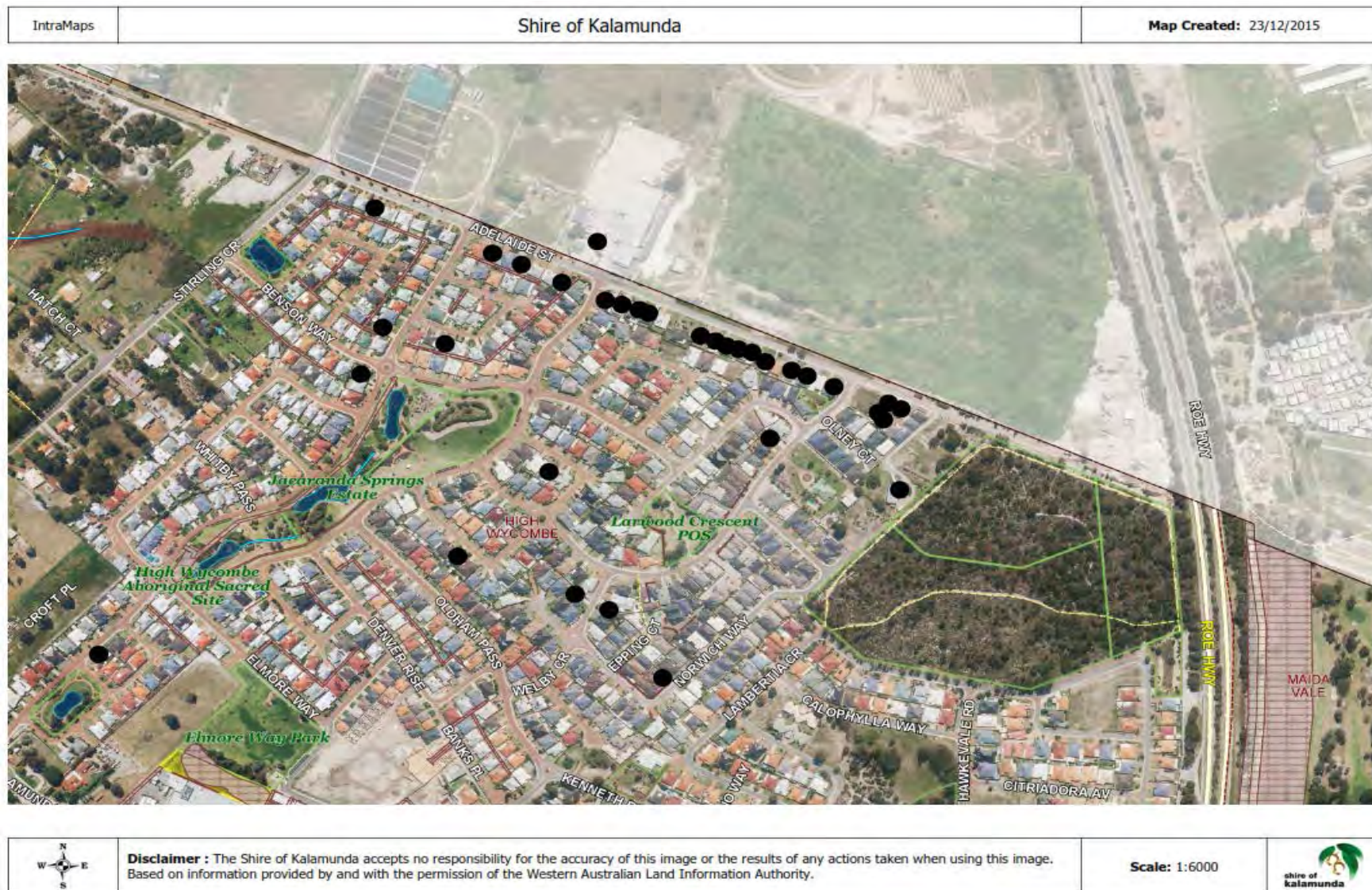
| Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----------|---|-----------|-----------|-----------|---|
| 11. | ILT-180841 Adelaide Street High Wycombe | ✓ | ✓ | | <ul style="list-style-type: none"> Recommend modified 'T' intersection at Adelaide Street and Foxton Blvd (fig Att1) Slow point on Adelaide St – between Bowden Drive and Larwood Crescent (fig Att2) This will beat road calming (speed reduction) with minimal noise negotiating between both. |
| 12. | ILT-180842 Adelaide Street High Wycombe | ✓ | | ✓ | <ul style="list-style-type: none"> Concept one is necessary to stop burnouts. Concept three necessary to stop the great amount of excessive speed. However, I believe the best idea is two speeding camera's in the cement. One facing each way and a 50K sign each end. A speeding fine will eventually get the message across without inconveniencing other motorists. It is good to see something being done as it is amazing no one has been hurt already. |
| 13. | IE-180814 Winton Crescent High Wycombe | | | | <ul style="list-style-type: none"> The Kalamunda Council appears to have its priorities completely scrambled. I would have thought that the first priority in Adelaide Street would be to deal with the vast number of large haulage trucks using the street and polluting it with large amounts of sand and dust (check out the road and footpath). I am well aware that neither Kalamunda or Swan Shires are prepared to take any responsibility for this problem (very poor management on their part for ratepayers). Street modification issues are by far a secondary consideration for the quality of life for the residents (those who have not already sold up and moved) of Adelaide Street. I think this modification issue is a diversion taken because the more serious and difficult issue isn't being tackled. |

| Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----------|-------------|----------------------------------|-----------|-----------|---|
| 14. | ILT- 180583 | Adelaide Street, High Wycombe | | ✓ | |
| 15. | ILT-180593 | Adelaide Street High Wycombe | ✓ | | <ul style="list-style-type: none"> Concept 1, in places shown on your map, are good. Options 2 and 3 will not be practical in this area. p.s. – major problem in Adelaide Street in dust and stones coming from un-tarped loads coming from Hazelmere Inert Recycling, Lot 501 "Swan Shire". |
| 16. | ILT-180631 | Adelaide Street High Wycombe | | ✓ | |
| 17. | ILT-180632 | Foxton Boulevard High Wycombe | ✓ | | <ul style="list-style-type: none"> Do not like concept 1 at all. |
| 18. | ILT-180633 | Adelaide Street High Wycombe | | ✓ | <ul style="list-style-type: none"> Glad to see something is going to be done to decrease speeds of cars and <u>especially</u> the trucks. |
| 19. | ILT-180634 | Adelaide Street High Wycombe | ✓ | | <ul style="list-style-type: none"> Both sets of other works (concept 2 & 3) are proposed to be built directly in front of my house which I don't particularly want. The street is noisy with trucks, not cars, and trucks drive slow already. I would pose restrictions on trucks need to be a higher priority. |
| 20. | ILT-180745 | Adelaide Street High Wycombe | | ✓ | |
| 21. | ILT-180792 | Adelaide Street High Wycombe | | ✓ | |
| 22. | ILT-180793 | Adelaide Street High Wycombe | ✓ | ✓ | <ul style="list-style-type: none"> I think it is good you are doing something about this to slow cars and <u>trucks</u> down. Concept 3 is really good but needs to go all the way across the road, because the way it is will not slow the trucks down. But please do all 3 to make it safe. It needs doing before someone is killed. |
| 23. | ILT-180461 | Adelaide Street High Wycombe | | ✓ | |

| | Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----|------------------------|------------------------------|-----------|-----------|-----------|---|
| 24. | ILT-180460 & IE-180483 | Adelaide Street High Wycombe | ✓ | | | <ul style="list-style-type: none">• Please <u>DO NOT</u> approve the humps (concept 3) because this bumping of the trucks will cause even more dust and rubble to fall onto the road and into the air and increase the noise. The height of the pieces of crushed rubble is a concern. When the Easterlies blow, the dust problem is worsened. This should also be addressed. |
| 25. | ILT-180396 | Adelaide Street High Wycombe | | | | <ul style="list-style-type: none">• Any one of these three would do to stop people speeding during the day and <u>night</u>. I hear them all the time.• Yes, do something to slow the speeding down. |
| 26. | IE-180482 | Welby Crescent High Wycombe | | ✓ | | <ul style="list-style-type: none">• This option looks like it will have the desired effect without making it unduly difficult for residents and the trucks that use the road. |
| 27. | ILT-180525 | Adelaide Street High Wycombe | ✓ | | | <ul style="list-style-type: none">• Chicanes would be better if there was a third chicane to the west of Bowden Drive and Foxton Blvd. It would slow down the rise from East to West |
| 28. | IE-180773 | Thirlmere Way High Wycombe | ✓ | | | |
| 29. | IE-180768 | Norwich Way High Wycombe | | ✓ | | <ul style="list-style-type: none">• More chicanes close to the intersection required. Problem closer to intersections – see tyre marks. Don't see issue with semi-trailers. Wasterock proposal was for trucks to access Lot 20 Adelaide via Talbot Road? On off chance a trailer enters Adelaide Street shouldn't be a problem. |
| 30. | IE-180669 | Welby Crescent High Wycombe | | ✓ | | <ul style="list-style-type: none">• Issue with trucks on Adelaide Street is not only their speed but also amount of dust/rocks generated. If the proponent who is trying to remediate Lot 20 Adelaide Street has organised a road through Lot 152 Talbot Road, why can't WAR also organise to build a road on the property. Safe for all residents! |

| | Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----|------------|----------------------------------|-----------|-----------|-----------|---|
| 31. | IE-180985 | Rowell Gardens High Wycombe | ✓ | | | |
| 32. | IE-180881 | Larwood Crescent High Wycombe | | ✓ | | <ul style="list-style-type: none"> Would not like to see any of the concepts introduced on Adelaide Street, it is only the trucks using the landfill site that speed, so not fair on residents. If Shire does have to use one, please do not let it be speed humps. This will only encourage drivers to use alternate routes to avoid them. |
| 33. | ILT-181004 | Adelaide Street High Wycombe | | ✓ | | <ul style="list-style-type: none"> The speeding trucks need to be stopped. Flaunting all the laws as per the Traffic Act and showing no respect to the residents. |
| 34. | IE-181188 | Adelaide Street High Wycombe | | ✓ | | <ul style="list-style-type: none"> We have major concerns. When we bought the property, there was never any mention of trucks using this road. This is a residential area. My tenants have major concerns as the trucks speed excessively. There are children and it is a hazard. There is also dust and the noise of the trucks. We do not understand why they can't have access on Talbot Road, not Adelaide Street. I know that the residents is Adelaide Street wrote and had a petition some time ago, but obviously went un-noticed. |
| 35. | ILT-181232 | Adelaide Street High Wycombe | | | | <ul style="list-style-type: none"> I have never had any hoon or speed related issues on my street. <p>The only thing I have an issue about is the 20-30 trucks passing my house everyday and the amount of dust/sand etc. drawn down the road from the plant at the end of the street. I doubt any installation will effect this and will be a waste of money.</p> |

Attachment 6



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

12. Wandoo Road, Forrestfield – Community Consultation Outcomes on Proposed Traffic Management Treatments

| | |
|---------------------|---------------------------------------|
| Previous Items | OCM 15/2015; 54/2015 |
| Responsible Officer | Director Infrastructure Services |
| Service Area | Infrastructure Services |
| File Reference | WN-01/GEN |
| Applicant | N/A |
| Owner | N/A |
| Attachment 1 | Wandoo Road Concept 1 |
| Attachment 2 | Wandoo Road Concept 2 |
| Attachment 3 | Wandoo Road Concept 3 |
| Attachment 4 | Letter to Residents |
| Attachment 5 | Community Consultation Survey Summary |
| Attachment 6 | Survey Response Location 1 |

PURPOSE

1. To endorse the proposed traffic management treatments for Wandoo Road following a recent public consultation process.

BACKGROUND

2. At its meeting on 23 February 2015, Council supported the following motion on notice:

"Requests the Chief Executive Officer to investigate options and costs of traffic control devices for Wandoo Road with a view to inclusion as a project for consideration in the 2015/16 budget."
3. Following this Council resolution, the following three concept designs for traffic treatments in Wandoo Road were prepared for further consideration:
 - Concept 1 Drawing No. 4073-001-001-A (Attachment 1) – Installation of a new 2.0m wide path and 1.2m wide median islands.
 - Concept 2 Drawing No. 4073-002-002-A (Attachment 2) – Installation of a new 2.0m wide path and three blister island traffic treatments.
 - Concept 3 Drawing No. 4073-003-003-A (Attachment 3) – Installation of a new 2.0m wide path and three chicane island traffic treatments.
4. Each concept proposed a new 2.0m wide path to be located on the eastern side of Wandoo Road to best utilise the existing street lighting and minimise additional costs resulting from increased vegetation clearing and crossover reinstatements. There is also a requirement to undertake drainage upgrade works to accommodate the proposed path.

5. At its meeting on 25 May 2015, (OCM 54/2015) Council considered a report on the options and cost of concepts proposed for the installation of traffic treatments and a footpath along Wandoo Road, Forrestfield and resolved as follows:

- "1. Supports the construction of footpath along Wandoo Road, Forrestfield to provide pathway connectivity in the area and the implementation of traffic treatments on Wandoo Road to reduce vehicular speeds and improve traffic safety.*
- "2. Notes that an amount of \$20,000 has been included in the draft 2015/2016 Capital Works Program for the community consultation, monitoring of traffic speeds in June and December 2015, Council approval, design/documentation and Western Power design/quotation processes for the construction of a footpath and traffic treatments on Wandoo Road, Forrestfield.*
- 3. Notes that an amount of \$425,000 has been included in the draft 2016/2017 Capital Works Program for the implementation of the approved works in Wandoo Road, noting that this amount may need to be amended when the detailed design and cost estimate are finalised.*
- 4. Notes that a separate report will be provided regarding a policy for the investigation and prioritisation of local area traffic management treatments on the Shire's roads."*

DETAILS

6. In accordance with Resolution 2 of OCM 15/2015, the explanatory letter, copies of the three traffic treatment concepts and the feedback sheet were distributed to 33 properties along Wandoo Road (refer Attachment 4).
7. In addition, "Proposed Traffic Treatments – Have Your Say Signs" were installed in Wandoo Road and the "Have Your Say" section on the Shire's website allowed for electronic feedback forms for the proposed traffic treatments.

STATUTORY AND LEGAL CONSIDERATIONS

8. Nil.

POLICY CONSIDERATIONS

9. The Shire of Kalamunda is in the process of proposing a draft policy to evaluate warrants and appropriate treatments for Local Area Traffic Management Treatments. At present, without this policy in place each site is evaluated on a case by case basis following traffic data being reviewed.

COMMUNITY ENGAGEMENT REQUIREMENTS

10. The community consultation process resulted in 22 responses with the majority supporting Concept 3. The table below details the support for each concept.

| | |
|-----------|----|
| Concept 1 | 8 |
| Concept 2 | 2 |
| Concept 3 | 12 |

A detailed summary of the survey results is provided in Attachment 5.

11. A total of 16 responses were received from residents of Wandoo Road, three from Lewis Road, two from Coolabah Way and one from Blackbutt Way. It is noted that nine of the responses from Wandoo Road supported Concept 3 (refer Attachment 6).
12. Further community consultation will be undertaken to communicate the final design and implementation program for the works.

FINANCIAL CONSIDERATIONS

13. The preliminary estimated cost for each concept is summarised below and includes the estimated cost for the traffic treatments, 2m wide path, street lighting upgrades and modifications to drainage.

| Concept | Construction Amounts | Power & Lighting Upgrade | Total |
|---------|----------------------|--------------------------|-----------|
| 1 | \$325,915 | \$100,000 | \$425,915 |
| 2 | \$224,405 | \$75,000 | \$299,405 |
| 3 | \$209,740 | \$75,000 | \$284,740 |

14. Detailed design work for chicane treatment has commenced with the construction cost estimate still to be completed. An amount of \$425,000 has been included in the draft 2016/2017 Capital Works Program for the implementation of the approved works in Wandoo Road, noting that this amount will need to be amended when the detailed design and cost estimate are finalised. It is noted that this figure related to the higher cost treatment to ensure all concepts were covered from a financial point of view.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.6 – To ensure the optimal management of assets delivers continuity of services to the community.

Strategy 4.6.1 Ensure the Shire has long term asset plans for each of its asset categories and these plans are reviewed regularly.

Strategy 4.6.2 Develop financially sustainable funding models to ensure the Shire can adequately fund its asset plans.

SUSTAINABILITY

Social Implications

16. Assessment of traffic speeds and volumes indicates there are ongoing issues for residents in Wandoo Road. The implementation of the Local Area Traffic Management treatment will reduce traffic speeds and reduce the risk of traffic accidents and property damage.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

RISK MANAGEMENT CONSIDERATIONS

19.

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|---|
| Council does not endorse the implementation of traffic treatments in Wandoo Road. | Possible | Minor | Medium | Undertake regular speed monitoring, seek Police Services enforcement of speed limit and utilise the Shire's variable message signs as part of safety education. |
| The residents adjoining the proposed traffic treatments object to their construction. | Likely | Minor | High | Explain the reasons for the location of the traffic treatments and liaise with the residents during the design and construction phases. |

OFFICER COMMENT

20. The preferred Concept 3 which comprises the construction of "chicane island traffic treatments" has previously been successfully used in streets within the Shire.
21. The construction of a 2.0m wide path has general support of the community to improve the safety of pedestrians and cyclists on Wandoo Road.
22. A number of respondents have suggested the installation of rubberised speed cushions or speed humps in addition to the proposed treatments. These types of treatments have been used previously in the Shire with mixed success as a number have been removed following objections from residents.

23. It is proposed to undertake traffic speed and volume surveys before the installation of any traffic treatments and again approximately six months after installation to determine the effectiveness of these treatments. Further monitoring of traffic speeds/volumes will be undertaken for a twelve month period after installation.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 12/2016)

That Council:

1. Notes the outcome of the community consultation on the proposed traffic treatment options for Wandoo Road, Forrestfield.
2. Endorses Concept 3 as shown on Drawing No. 4073-003-003/A – Installation of a new 2.0m wide path and three chicane island traffic treatments for detailed design and documentation.
3. Approves further community feedback to advise residents as follows:
 - The final design of the Local Area Traffic Management for Wandoo Road.
 - The Implementation Program planned for the 2016/17 financial year.
 - The ongoing monitoring and assessment for 12 months from completion of the works.

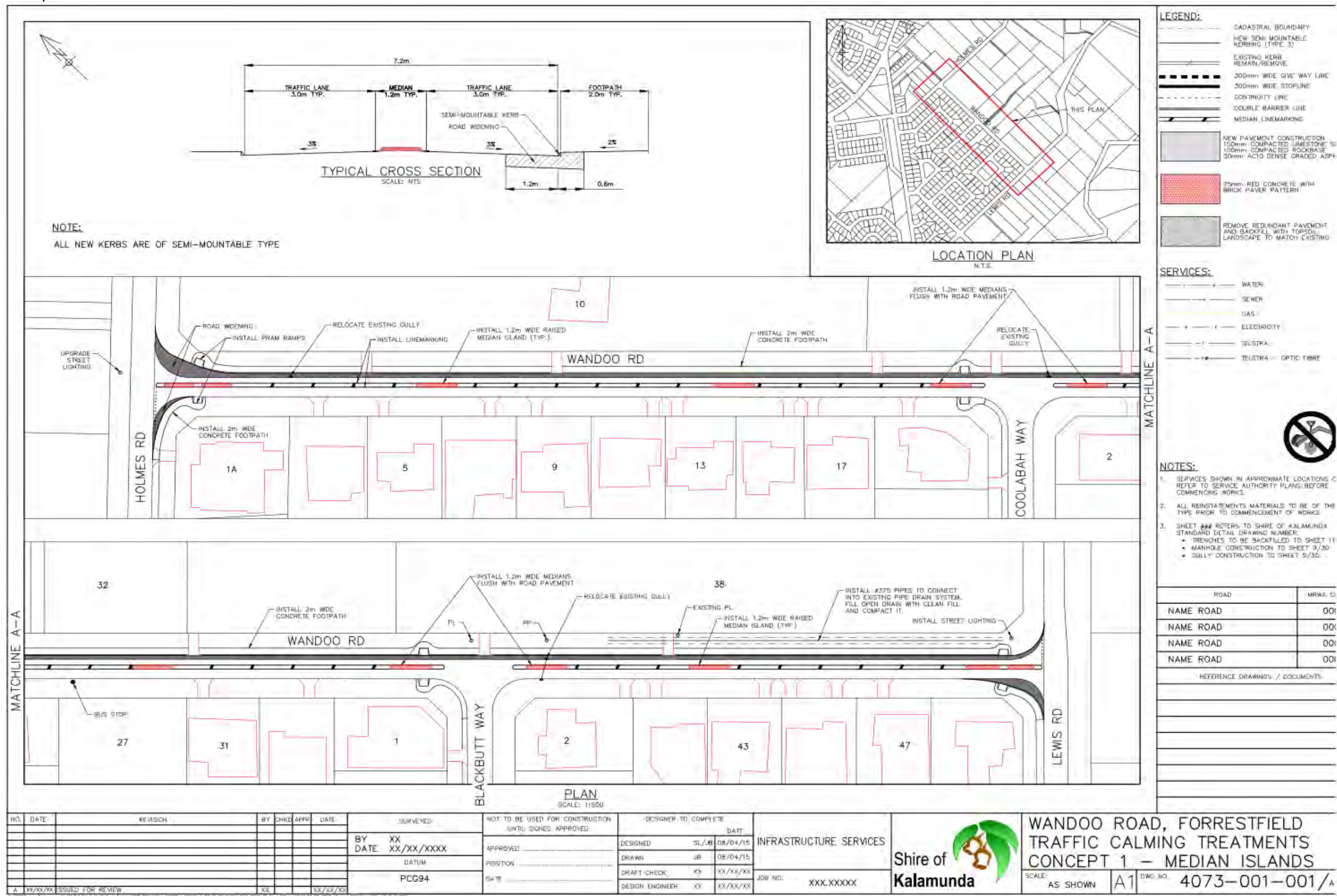
Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

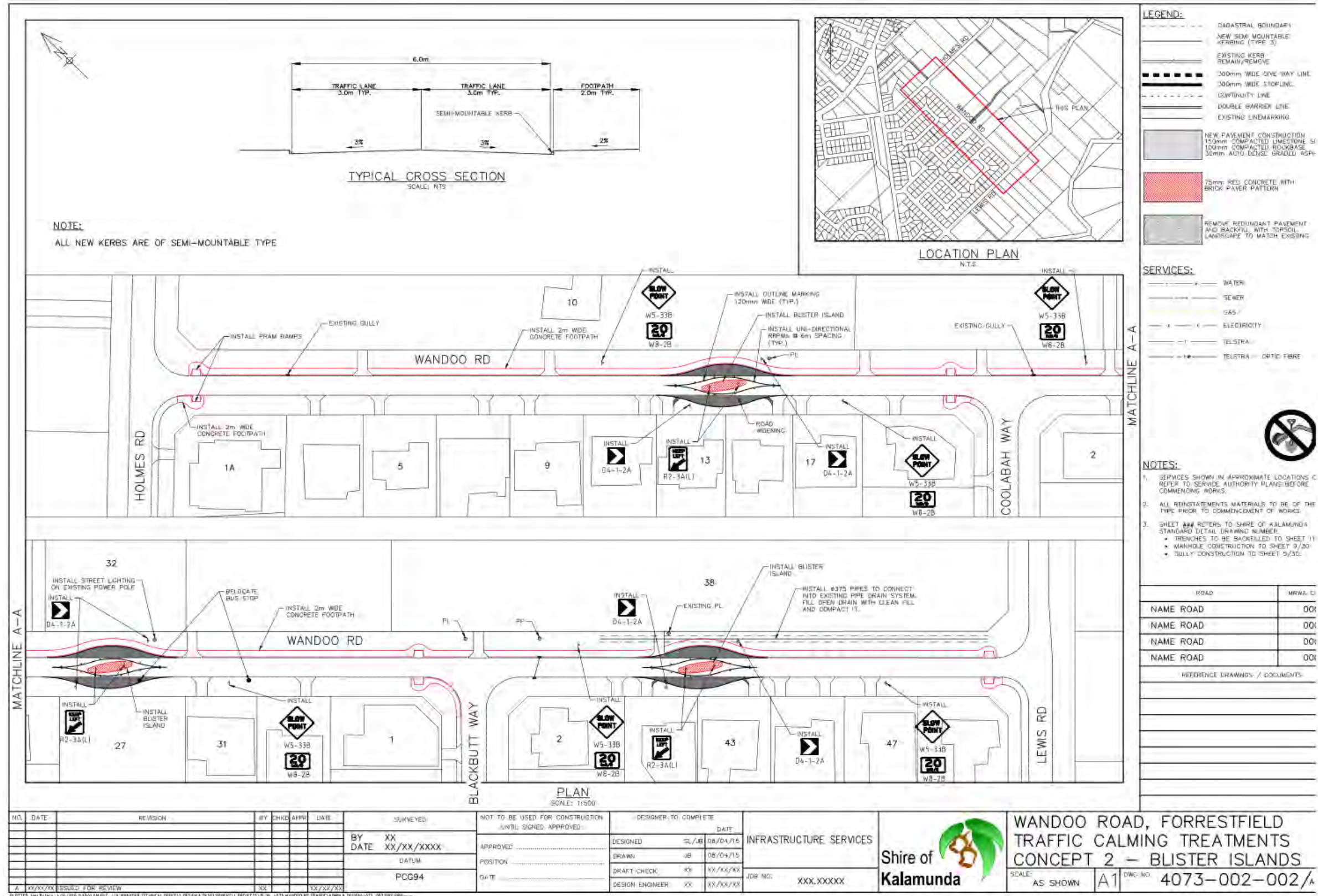
Attachment 1

Concept 1

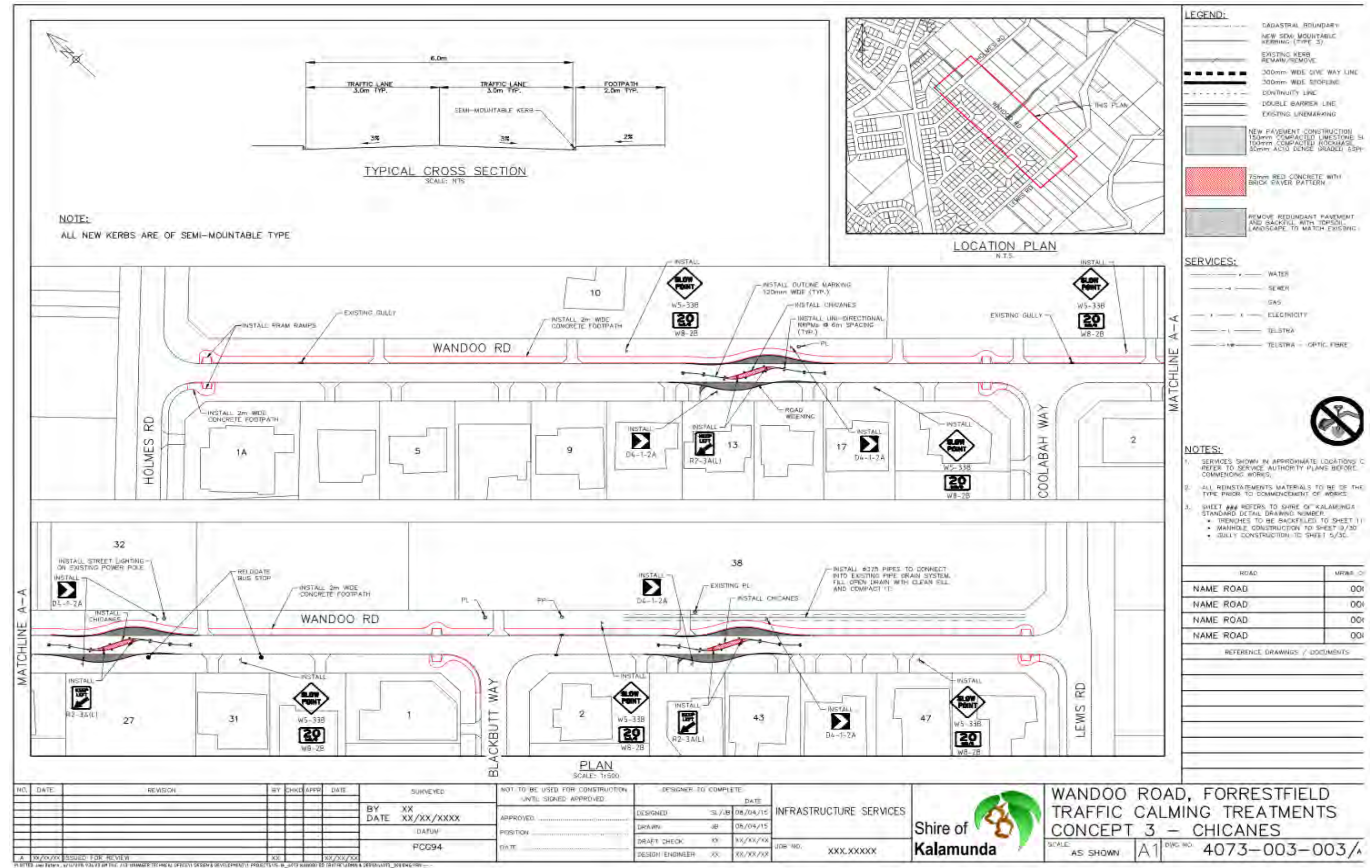


Attachment 2

Concept 2



Attachment 3
Concept 3



Attachment 4

Letter to Residents



Enquiries: Ryan Cocking - 9257 9801
Our Ref: WN-01/GEN

16 September 2015



Dear

Footpath and Traffic Treatments – Wandoo Road, Forrestfield

The Shire is proposing to implement a traffic management scheme along Wandoo Road, Forrestfield and construct a 2.0 metre wide footpath along the eastern side of this road to help with reducing vehicle speeds, improving traffic safety and improving pedestrian connectivity for residents living in this part of Forrestfield. The footpath is proposed along the eastern side to best utilise the existing street lighting and minimise additional costs associated with crossover reinstatements.

To assist with determination of the preferred traffic treatments, three concepts plans have been prepared for consultation with the community. These concept plans are described below:

Concept 1 Installation of a 1.2 metre wide painted median along Wandoo Road, incorporating paved islands (Refer Attachment 1). This treatment improves the safety in the street by reducing the pavement width and physically separating vehicles travelling in opposite directions. The following photo image shows this type of treatment used elsewhere.



Shire of Kalamunda
2 Railway Road, Kalamunda WA 6076
PO Box 42, Kalamunda WA 6926
T: (08) 9257 9999 F: (08) 9293 2715
E: kala.shire@kalamunda.wa.gov.au
www.kalamunda.wa.gov.au

- 2 -

Concept 2

Installation of three blister island type treatments (Refer Attachment 2), incorporates a centrally placed island that improves traffic safety by creating a deflection in the travelled path of vehicles that requires approaching vehicles to approach at an appropriate speed more suited to the surrounding road environment. This treatment can incorporate some minor landscaping. The following photo image shows this type of treatment used elsewhere in the Shire.



Concept 3

Installation of three chicane island traffic treatments (Refer Attachment 3), incorporates a series of 1.2 metre wide islands that improve traffic safety by creating a deflection in the travelled path of vehicles with the delineation of line marking, signage and angled median island. The following photo image shows this type of treatment used.



- 3 -

For further more detailed technical information regarding the abovementioned treatments is available at:

https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/TrafficManagement/Pages/Local_Area_Traffic_Management.aspx

Please review the concept plans and return the attached completed survey form to clearly indicate your preferred concept. Please note that a reply paid envelope has been supplied for your convenience.

The completed survey form with your preferred concept is to be returned to the Shire by Friday 2 October 2015. The results of the community consultation will be reported to Council for consideration and endorsement of the traffic management scheme which received the most support from the community. The design and documentation of the endorsed traffic management scheme will then proceed to enable implementation of the works in the 2015/2016 financial year. The Shire of Kalamunda greatly appreciates your input to this proposed traffic management proposal.

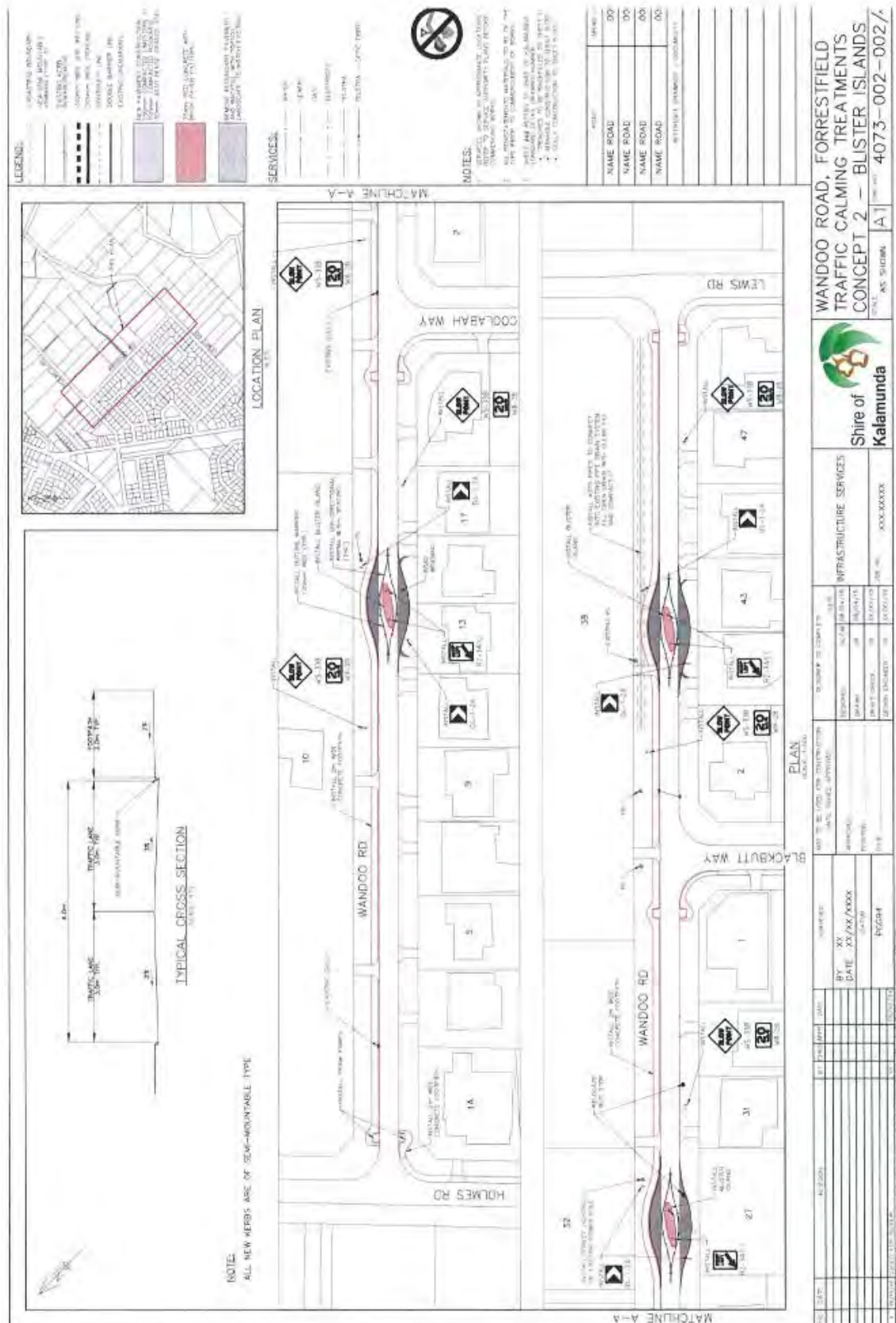
Yours sincerely



Dennis Blair
Director Infrastructure Services

- Attach:
1. Concept 1 Drawing #4073-001-001/A
 2. Concept 2 Drawing #4073-002/002/A
 3. Concept 3 Drawing #4073-003-003/A
 4. Community Consultation Survey Form

Attachment 2



Wandoo Road Traffic Treatments Community Consultation Survey Form

Name:

Address:

Phone:

Please indicate your preference by placing a tick in the box of the concept plan you prefer:

- ☐ **Concept 1** - Installation of a 1.2 metre wide painted median along Wandoo Road, incorporating paved islands
- ☐ **Concept 2** - Installation of three blister island type treatments
- ☐ **Concept 3** - Installation of three chicane island traffic treatments

Comments

Attachment 5

Community Consultation Survey Results

| Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----------|------------|-------------------------------|-----------|-----------|---|
| 1. | ICS-102856 | Wandoo Road Forrestfield | ✓ | | <ul style="list-style-type: none"> Option 1 is ideal as the markings will likely slow people down and island will add safety. Chicanes and blister islands create more car noise and people try to 'race' through them. Their construction will also be the most disruptive. I don't want a 'slow point' sign on my verge which we have spent hundreds on planting only Kalamunda natives! |
| 2. | IE-177628 | Wandoo Road Forrestfield | ✓ | | <ul style="list-style-type: none"> I support 1 for reasons (see below). 2 – does not seem to slow people down. 3 – may slow hooners for short periods, however the increased noise from slowing/acceleration in/out of chicanes will be more obnoxious than current noise levels. Concept 1 will maintain current levels of hooning/noise but increase safety. |
| 3. | ILT-177760 | Wandoo Road Forrestfield | ✓ | | <ul style="list-style-type: none"> Concept 1 is the only one to address vehicles swinging wide from Lewis Road entering onto Wandoo Road – with least impact on access for all residents. Or a combination of designs that has less impact on obstructing driveway access, where applicable but still reduces speed. Aspects of Concept 1 with aspects of Concept 3. |
| 4. | ILT-177759 | Blackbutt Way Forrestfield | ✓ | | <ul style="list-style-type: none"> Anything effective to slow the hooners that <u>race</u> down the street regularly! |

| | Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----|------------|------------------------------|-----------|-----------|-----------|---|
| 5. | IE-177906 | Coolabah Way Forrestfield | ✓ | | | <ul style="list-style-type: none"> Very happy with the plan to construct a footpath along Wandoo Road! Don't feel the need for traffic calming on Wandoo but given the choices we believe Concept 1 is the better option. Thank you for the signage notifying of your proposal, being given the chance to provide feedback is appreciated. |
| 6. | IE-177572 | Lewis Road Forrestfield | ✓ | | | <ul style="list-style-type: none"> Concept 1 is the least of an eyesore and the most comfortable to walk and ride along. My preference would be to leave the road as it is. |
| 7. | ILT-177907 | Wandoo Road Forrestfield | ✓ | | | |
| 8. | ILT-178022 | Wandoo Road Forrestfield | ✓ | | | <ul style="list-style-type: none"> We would be happy with Concept 1. The only difference would be the islands at the entrance from Holmes Road into Wandoo Road and from Lewis Road into Wandoo Road. No other island between Holmes and Lewis. The reason for this is people turning from Holmes and Lewis Roads are badly cutting the corners. |
| 9. | ICS-102855 | Wandoo Road Forrestfield | | ✓ | | <ul style="list-style-type: none"> Thank you, hopefully it will slow down the speedsters. |
| 10. | ILT-177856 | Wandoo Road Forrestfield | | ✓ | | <ul style="list-style-type: none"> The painted area won't stop the kids on skate boards every school holiday. They have chicanes near my mother's house and frankly they are a pain so option 2 is our preferred concept. The footpath is a great idea as lots of people walk on the road. |

| Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----------|------------|------------------------------|-----------|-----------|--|
| 11. | ILT-177958 | Wandoo Road Forrestfield | | ✓ | |
| 12. | ILT-177959 | Wandoo Road Forrestfield | | ✓ | <ul style="list-style-type: none"> We agree in principle with Concept 3 however, we strongly object to a road sign being placed directly in the front of our property. We enjoy unfettered views and access from our frontage and do not wish for the aesthetics of our property degraded by a road sign, nor access restricted. This suggestion and objection is across all concepts. |
| 13. | ILT-177648 | Wandoo Road Forrestfield | | ✓ | <ul style="list-style-type: none"> Our main concern is to slow down the traffic as much as possible. We feel that Concept 3 would be the most effective. |
| 14. | ILT-177647 | Coolabah Way Forrestfield | | ✓ | |
| 15. | ILT-177694 | Wandoo Road Forrestfield | | ✓ | <ul style="list-style-type: none"> Finally thank you! This has become a very dangerous road with very fast speeding cars. Brilliant idea as the area is a lovely family area otherwise. |
| 16. | ILT-177761 | Wandoo Road Forrestfield | | ✓ | <ul style="list-style-type: none"> Good idea, not before time. |
| 17. | ILT-177758 | Wandoo Road Forrestfield | | ✓ | <ul style="list-style-type: none"> If options 2 & 3 is the people's choice can raised islands still be installed at each end of the road to prevent cars cutting the corners and swinging wide entering Wandoo from Lewis Road. Our preferred option is slow points on the T-junctions (as in Lincoln Road) with raised islands at each end and double white lines between T-junctions. If this is not an available option then our vote is for option 3 but placed a little further uphill toward Lewis Road. This will not impact on homes or driveways. |

| | Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----|------------|-----------------------------|-----------|-----------|-----------|--|
| 18. | ILT-177857 | Wandoo Road Forrestfield | | | ✓ | <ul style="list-style-type: none">There are so many young drivers that speed up and down this street that we believe the median strip will do nothing, but worse still, if blister islands were put in place we think these drivers will use these as speedway obstacles, and end up losing control and possibly cleaning up a house or harming pedestrians. |
| 19. | IE-177893 | Lewis Road Forrestfield | | | ✓ | <ul style="list-style-type: none">I would suggest you incorporate a raised ‘speed-hump’ type section through the chicane or around the blister type island as these features alone do not really slow traffic. We walk down Wandoo Road regularly and the footpath would be a great addition. |
| 20. | IE-177897 | Lewis Road Forrestfield | | | ✓ | <ul style="list-style-type: none">We believe Concept 3 to be the best alternative and we would ask that the Shire consider the same for Lewis Road as it is commonly used as a race track by hoons speeding up and down this road particularly at night and early morning but does happen throughout the day as well. |
| 21. | ILT-178021 | Wandoo Road Forrestfield | | | ✓ | <ul style="list-style-type: none">This is so overdue, tried years ago. As well as a roundabout at Wandoo and Holmes Road, as drivers do not slow down and do burnouts constantly. |
| 22. | | Treetop Way Baldivis | | | ✓ | |

| Reference | | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----------|------------|-----------------------------|-----------|-----------|-----------|---|
| 23. | ILT-178164 | Wandoo Road Forrestfield | | | | <ul style="list-style-type: none">While we agree that Wandoo Road needs some sort of traffic calming treatment we do not agree on any of the concepts put forward. We propose to subdivide our property, fronting Wandoo into 3 lots. We have frontage of 37.86 metres. Installation of the paved island, or the blister or the chicane island treatment would severely compromise the 3 double driveways and the crossovers that would be used to service the proposed 3 houses.May I suggest trialling some speed humps, the back hard rubber ones that can be removed. If they work maybe permanent ones.The footpath is an excellent idea, as we get a considerable amount of people exercising and walking their dogs up and around Wandoo Road.A traffic island at the junction of Holmes Road and Wandoo would stop the dangerous way people cut the corner. This would also work for the junction of Wandoo and Lewis Roads. |

| Reference | Details | Concept 1 | Concept 2 | Concept 3 | Comment |
|-----------|--|-----------|-----------|-----------|--|
| 24. | IE-177617 Blackbutt Way Forrestfield | | | | <p>None of the concepts – all would create problems for residents.</p> <ul style="list-style-type: none"> • Concept 1 – paved islands are no deterrent, they are just driven over and ignored the road area outside Dawson's Garden Centre a prime example, where the Shire has used this and it does not work I have seen numerous vehicles just driving straight over them. • Concepts 2 & 3 – would cause problems for the school bus and residents with caravans, trailers, trailer tents. It is very difficult to drive through them when you are pulling any type of trailer, as you end up mounting the kerbs and damaging your vehicle, the kerbing or worse knocking down any posts/road signs erected on them. Who would pay for the repairs? • Concept 4 – Why not install sleeping policemen/speed humps? Say 3 sets at intervals down the street, so vehicles are not able to get up enough speed to race down the street without hitting a hump and causing damage to their vehicle? It would also allow people to get across the street easier, as vehicles would not be speeding. • For several years now (we have been in this area approx. 17 years) myself and friends in the area have asked the Shire for a pavement to be installed on the right hand side of Wandoo Road, coming down from Lewis Road to Holmes Road. A number of people, including members of my family walk and run down Wandoo Road at all times of the day and we either have to risk doing it on the road or on the gravel. It would also enable cyclists to use it, as we get quite a number of them using the street to cut through. |

Attachment 6



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

13. Forrestfield Skate Park—Additional Infrastructure Proposals

| | |
|---------------------|--|
| Previous Items | OCM 109/2015 |
| Responsible Officer | Director Infrastructure |
| Service Area | Infrastructure Services |
| File Reference | |
| Applicant | N/A |
| Owner | |
| Attachment 1 | Forrestfield Skate Park - Lighting Design |
| Attachment 2 | Forrestfield Skate Park - Traffic/Pedestrian Treatment |
| Attachment 3 | Forrestfield Skate Park – Toilet Block Location |

PURPOSE

1. To consider the options and estimated costs to provide the following infrastructure works at the Forrestfield Skate Park:
 - (a) Lighting to provide passive surveillance
 - (b) CCTV to be monitored by the Shire and public
 - (c) Pedestrian crossing on Hale Road adjacent to the roundabout
 - (d) Toilet block

BACKGROUND

2. The construction of the new Forrestfield Skate Park was completed on 6 August 2015 and was immediately used by the community. This has proved to be a popular facility, however complaints have been made about the lack of toilet facilities and anti-social behaviour, particularly in the evenings.
3. At its meeting on 24 August 2015 Council resolved (OCM 109/2015 refers) as follows:
 1. *Request the Chief Executive Officer to:*
 - (a) *Investigate implementation of a youth program at the Forrestfield Skate Park, similar to that at Fleming Reserve whereby users of the skate park are encouraged to take on some ownership of the facility that fosters a sense of pride and respect for the skate park and the general area.*
 - (b) *Provide a report for consideration by Council on the options and costs for the following works at the skate park:*
 - (i) *Installation of lighting to enable passive surveillance.*
 - (ii) *CCTV to be monitored by the Shire and public.*
 - (iii) *Installation of a pedestrian crossing on Hale Road adjacent to the roundabout.*
 - (iv) *Construction of a toilet block.*

4. This report addresses Resolution 1(b) regarding the provision of infrastructure options and associated costs.

DETAILS

5. **Lighting to provide passive surveillance**

- (a) A lighting design for this facility has been prepared by Best Consultants as shown at Attachment 1.
- (b) The estimated cost to implement this lighting plan is \$88,700 (GST exc).
- (c) An application was submitted on 5 November 2015 through the Community Crime Prevention Fund program for \$25,000 funding towards this project. This application was supported by the Forrestfield Police.

6. **CCTV Security System**

- (a) An expression of interest was submitted on 15 December 2015 through the State CCTV Strategy Infrastructure Fund for funding to install CCTVs at four identified crime hotspots, being Hartfield Park Precinct (adjacent to the Forrestfield Skate Park), High Wycombe Precinct (Kalamunda Road), Kalamunda Town Centre Precinct (Haynes Street) and Woolworths Drive Precinct (Forrestfield). This application was supported by Forrestfield Police.
- (b) The total estimated cost to install CCTVs and associated street lighting upgrades at these four precincts is \$238,594. A funding grant of \$198,828 is being sought, with the Shire's contribution being \$39,766.
- (c) The Hartfield Park Precinct proposal covers the Forrestfield Skate Park, BP Service Station, Dawsons Nursery and residential development adjoining the Hale Road/Hartfield Road Intersection. The estimated cost of the works for the Hartfield Park Precinct is \$50,000.
- (d) WA Police will have direct access to the CCTVs at the Forrestfield Skate Park and will be able to respond quickly.

7. **Pedestrian Crossing on Hale Road adjacent to the roundabout**

Due to concerns about pedestrian safety at this location the construction of a pedestrian refuge island facility and footpath connection was implemented immediately at a cost \$9,500 and funded from Job No. 3329 Linemarking and Minor Traffic Management Installation. (Refer Attachment 2)

8. Toilet Block

- (a) A standard design toilet block which accommodates a universal access, single female and single male toilets and considered suitable for this site is shown on Attachment 3 (Drawing No. 4066-410-02-03/B)
- (b) At this site there will be requirement for a robust building with a render finish to allow street/cultural art as it is likely to be a target for graffiti.
- (c) An order of cost estimate to construct this type of toilet block is \$170,000 with a further cost of \$30,000 for connections to the deep sewer which traverses Morrison Oval and for the provision of potable water. These estimated connection costs are based on verbal advice from Water Corporation.
- (d) The suggested location for the toilet block is shown on Attachment 3. This is the preferred location as it will provide toilet facilities for both the skate park and Morrison Oval.

STATUTORY AND LEGAL CONSIDERATIONS

- 9. A Building Licence will be required for the construction of the toilet block.
- 10. The Shire will liaise with the West Australian Planning Commission regarding approval, however such works are incidental and the granting of any necessary planning approval is expected without impact upon delivery.

POLICY CONSIDERATIONS

- 11. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

- 12. The Forrestfield Skate Park Action Group has been consulted on the Skate Park Action Plan and supported the applications for funding for the proposed CCTV and lighting work.
- 13. The proposed infrastructure works will be referred to the Hartfield Park Advisory Committee for discussion and feedback.

FINANCIAL CONSIDERATIONS

- 14. There is currently no funding in the Long Term Financial Plan for the installation of lighting, implementation of CCTV strategy and construction of a toilet block.

15. The funding of these infrastructure works will need to be considered as part of the 2016/2017 budget deliberations as follows, noting that applications have been submitted for State Government grant contributions towards the CCTV Security System and lighting projects:

| | Estimated Total Cost | Grant Amount | Municipal |
|-----------------------|----------------------|-----------------|------------------|
| Lighting | \$88,700 | \$25,000 | \$63,770 |
| CCTV Security System | \$50,000 | \$10,000 | \$40,000 |
| Toilet Block Facility | \$200,000 | - | \$200,000 |
| | | \$35,000 | \$303,770 |

16. These cost estimates are exclusive of GST or overhead allocations.
17. There will also be ongoing maintenance and operating costs associated with the new assets and budget allocations will be regarded in subsequent years.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.3 – To be a community that listens to, engages with and involves its young people in decision making.

Strategy 1.3.2 Ensure youth friendly spaces are considered and designed within new and existing facilities.

OBJECTIVE 1.5 – To provide a safe environment for the entire community to enjoy.

Strategy 1.5.3 Work in partnership with the community and other levels of government to achieve lasting improvements in community safety.

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

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

SUSTAINABILITY

Social Implications

19. The installation of CCTV and lighting aims to reduce the anti-social and criminal behaviour. It is considered and general public will feel confident and safe to visit and use the skate park and associated facilities.

20. The provision of the toilet block will provide much needed facilities for the skate park and Morrison Oval, particularly with the proposed construction of new soccer fields adjoining the skate park.

Economic Implications

21. Funding for the construction of the new infrastructure assets will need to be considered for the Long Term Financial Plan.
22. Applications have been made for funding contributions towards the proposed CCTV security system and lighting projects.
23. Funding will be required in subsequent years of the long term financial plan for ongoing maintenance and operating costs for the new assets.

Environmental Implications

24. The facilities will be sited to ensure minimal bush clearing, recognising that there is still some capacity for minor clearing in accordance with the conditions of the clearing permit.

RISK MANAGEMENT CONSIDERATIONS

25.

| Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|-------------------|--------------------|---------------|---|
| Council may not support the provision of lighting, CCTV Security Systems and toilet facilities | Unlikely | Major | Medium | Provide additional resources to compliment the Forrestfield Skate Park Action Group action plan. Provide additional security patrols. Provide directional signage to toilet facilities on Morrison Oval |
| Council is unsuccessful with application for grant funding | Possible | Major | High | Include municipal funding in the 2016/2017 budget to implement all proposed works. |

OFFICER COMMENT

26. The installation of CCTV and lighting to the Forrestfield Skate Park is supported to address the anti-social and criminal behaviour being conducted in this area since the opening of the facility in September 2015. This is reinforced by the formation of the Forrestfield Skate Park Action Group to address these issues.

27. The provision of a toilet block in the general location shown on Attachment 3 is supported as it will provide a convenient facility for users of the Forrestfield Skate Park and the Morrison Oval soccer pitches as the nearest toilet facility is located at the cricket club.
28. Subject to funding for the proposed construction works being included in the 2016/2017 Capital Works budget it is considered feasible that the works can be completed by 30 June 2017 on the proviso that the planning and approval processes are progressed in the first half of 2016.

A Councillor queried how much had been spent on the skate park. The Director Infrastructure Services took this question on notice and added that once this work is complete there should only be minimal works and maintenance required.

A Councillor asked why toilets had not been included on the original plan as the skate park is isolated from the major buildings and was an award winning development. This question was taken on notice on behalf of the Manager Community Development.

A Councillor noted that additional costs have come about due to anti-social behaviour but recently the local police have indicated that this has diminished and there are now few problems.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 13/2016)

That Council:

1. Notes that the requested pedestrian crossing on Hale Road adjacent to the roundabout was immediately implemented as part of the 2015/2016 Capital Works budget given pedestrian safety concerns at this location.
2. Supports the provision of area lighting, CCTV Security System and toilet block facilities at the Forrestfield Skate Park.
3. Notes that an application has been submitted through the Community Crime Prevention Fund program for \$25,000 funding towards the provision of area lighting at the Forrestfield Skate Park, with a total estimated cost of \$88,700.
4. Notes that an expression of interest has been submitted through the State CCTV Strategy Infrastructure Fund for funding towards the installation of four identified crime hot spots being, Woolworths Drive Precinct – (Woolworths Drive), Hartfield Park Precinct (adjoining Forrestfield Skate Park), High Wycombe Precinct (Kalamunda Road and Kalamunda Town Centre Precinct (Haynes Street), with the estimated cost of works for the Hartfield Park Precinct being \$50,000.

5. Lists for consideration in the draft 2016/2017 budget funding for the following projects at the Forrestfield Skate Park, noting that the breakdown between Grant and Municipal funds will be dependent on the outcomes of the Shire's grant submissions.

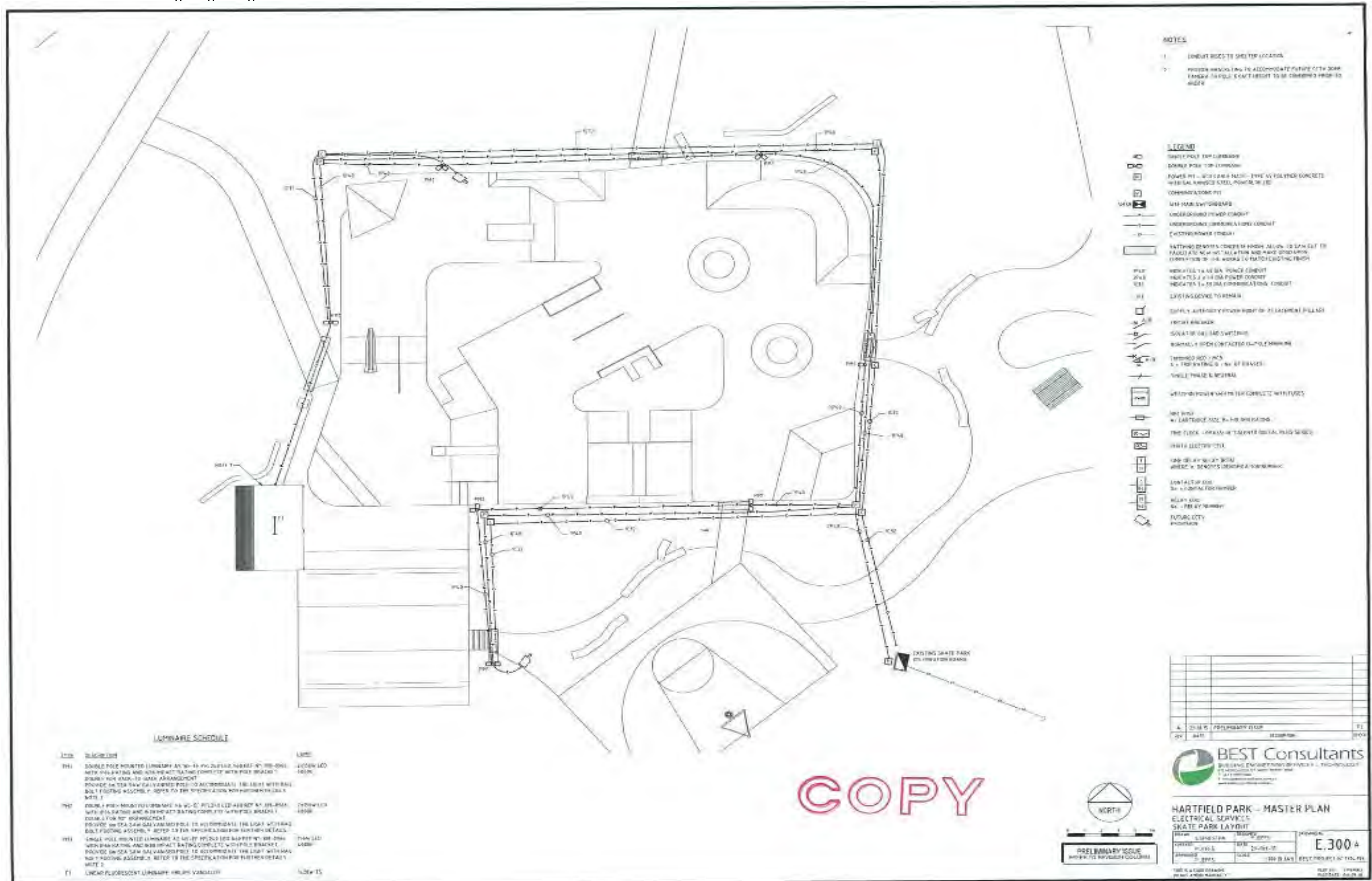
| | | |
|-----|-----------------------|-----------|
| (a) | Lighting | \$ 88,700 |
| (b) | CCTV Security System | \$ 50,000 |
| (c) | Toilet Block Facility | \$200,000 |

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Forrestfield Skate Park – Lighting Design



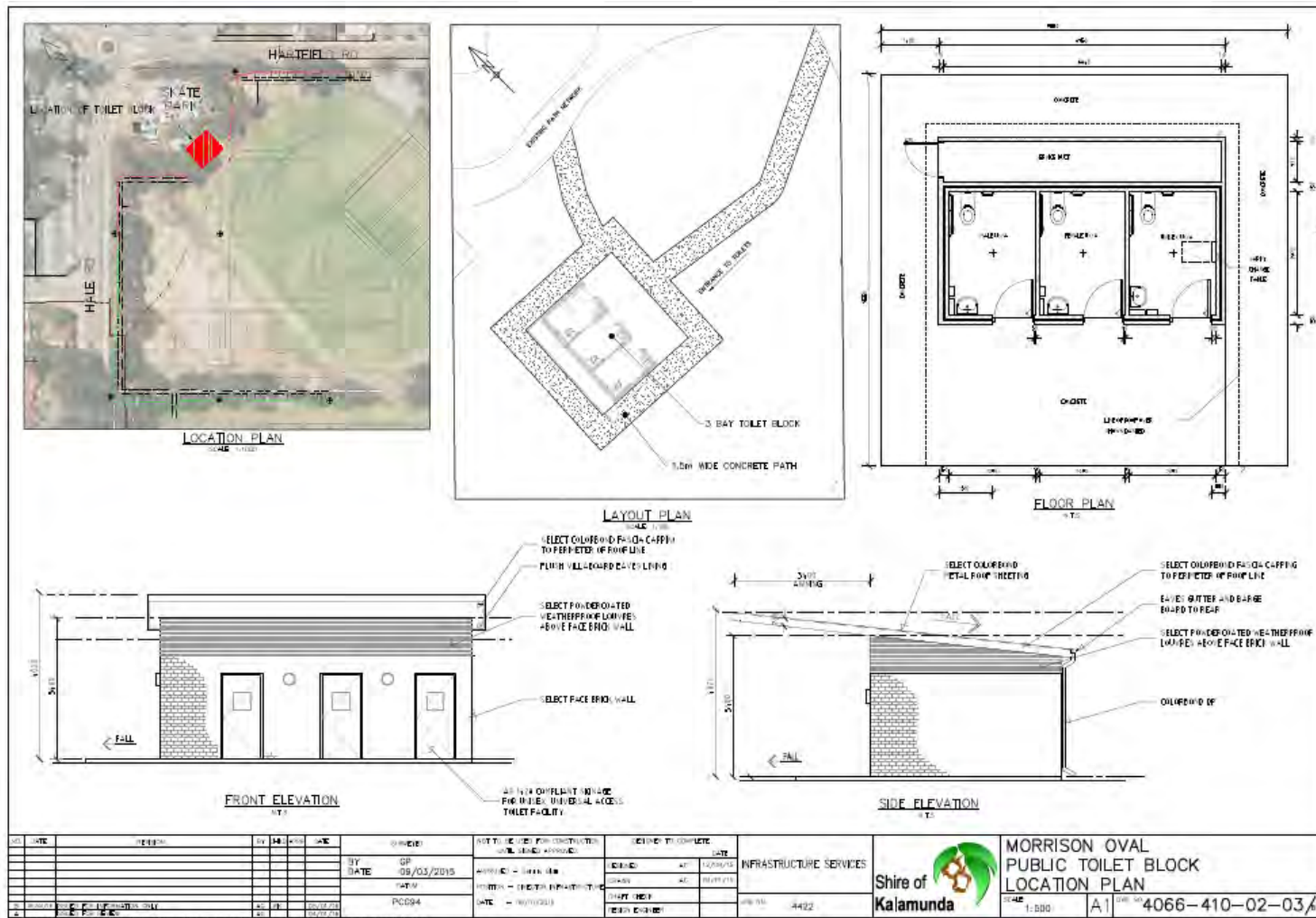
Attachment 2

Forrestfield Skate Park – Traffic/Pedestrian Treatment



Attachment 3

Forrestfield Skate Park – Toilet Block Location



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

14. 20 Bedford Crescent, Forrestfield – Road Closure

| | |
|---------------------|----------------------------------|
| Previous Items | OCM 102/07; OCM 06/2015 |
| Responsible Officer | Director Infrastructure Services |
| Service Area | Infrastructure Operations |
| File Reference | HE-RLW-021; BD-02/020 |
| Applicant | Minorco Pty Ltd |
| Owner | Brian Stinson |

PURPOSE

1. To consider a proposal to close the portion of Bedford Crescent road reserve between Webster Road and Roe Highway and a portion of Webster Road, Forrestfield.

BACKGROUND

2. At its meeting on 23 February 2015, Council considered a report to close a portion of Bedford Crescent road reserve between Webster Road and Roe Highway (OCM 06/2015 refers) and resolved as follows:
 1. *Approve the initiation of the process for the proposed closure of Bedford Crescent road reserve between Webster Road and Roe Highway, Forrestfield in accordance with Section 58 of the Land Administration Act 1997.*
 2. *Notes that a final recommendation will be presented for consideration following completion of the required community consultation.*
3. The Location Plan below shows the proposed closure. (Note: area highlighted in yellow and red to be set aside as a reserve, with a Management Order granted to the Water Corporation and the area highlighted in green to be acquired by the owner of 20 Bedford Crescent).



4. As part of this road reserve closure process, it was proposed that closed portions of road reserve would be considered as follows:
- Road reserve highlighted green – amalgamation into Lot 888 on Deposited Plan 73351 (No. 20 Bedford Crescent).
 - Road reserve highlighted red and yellow – vested to the Water Corporation.

DETAILS

5. The initiation of the process for the proposed closure of Bedford Crescent road reserve in accordance with Section 58 of the *Land Administration Act 1997*, involved further discussions with the Department of Lands and Water Corporation which resulted in the requirement for the following changes:
- The resolution of Council on 23 February 2015 referred to the proposed closure of Bedford Crescent, however the small triangular portion of the road reserve at the Bedford Crescent/Webster Road intersection is considered by the Department of Lands as Webster Road, road reserve.
 - The Water Corporation has a distribution main in the existing Bedford Crescent road reserve which requires protection as long term planning has identified the need to construct pipes within this corridor to support future growth. The Water Corporation now requires the road reserve shown red and yellow on Attachment 1 to be set aside as a reserve with a Management Order in favour of the Water Corporation.
 - Advice has been received from the owner of Lot 888 on Deposited Plan 73351 (No. 20 Bedford Crescent) Minorco Pty Ltd that it consents to the closed road reserve (coloured green) being amalgamated into its land, recognising that it will need to purchase this portion of road reserve based on a valuation by the Department of Lands to determine the market value.

STATUTORY AND LEGAL CONSIDERATIONS

6. If this proposal is accepted, the process will need to be undertaken in accordance with Section 58 of the *Land Administration Act 1997*.

POLICY CONSIDERATIONS

7. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. If Council is supportive of the proposed road reserve closures it will be advertised to seek community comment, submissions and objections. A further report would be provided to allow Council to make a final decision on the proposed closure.
9. Letters are required to be sent to public service providers and other agencies confirming their agreement to the proposed road closure.

FINANCIAL CONSIDERATIONS

10. The cost for any advertising of the proposed road closure is the responsibility of Minorco Pty Ltd, along with the cost of land acquisition.
11. Closure of these portions of Bedford Crescent and Webster Road will eliminate the Shire's future requirement to maintain the existing 120m long x 9m wide section of asphalt/kerbed road adjacent to 20 Bedford Crescent and maintenance of the road reserve, including removal of ongoing illegally dumped waste.
12. There are no financial implications of vesting the remaining road reserve to Water Corporation as this is a nil-cost transaction.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

Strategy 4.1.4 Facilitate the development of industrial land within the Shire.

SUSTAINABILITY

Social Implications

14. The impact on the road reserve closures is likely to have little impact on the community as the sections of road reserve currently provide constructed road access to one lot only, being 20 Bedford Crescent.

Economic Implications

15. Nil.

Environmental Implications

16. No environmental impacts are envisaged on the proposed portions of road reserve to be closed as the portions to be purchased by the owner of 20 Bedford Crescent are already fully cleared and the remaining portion of road reserve proposed to be vested to the Water Corporation has minimal vegetation.

RISK MANAGEMENT CONSIDERATIONS

| 17. | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|-----|--|------------|---------------|--------|--|
| | Council does not approve the proposed road reserve closures. | Unlikely | Insignificant | Low | Ensure Council is fully aware of the rationale for the proposed road reserve closures. |

OFFICER COMMENT

18. The portions of road reserve to be closed are surplus to current and future requirements of the road network.
19. The closure as proposed if approved, will also result in the relinquishing by the Shire of all future maintenance responsibilities.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 14/2016)

That Council:

1. Approve the initiation of the process for the proposed closure of the Webster Road and Bedford Crescent road reserves, Forrestfield (as shown on Attachment 1) in accordance with Section 58 of the *Land Administration Act 1997*.
2. Notes that a further report will be presented for consideration following completion of the required community consultation in accordance with Section 58 of the *Land Administration Act 1997*.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

15. CONFIDENTIAL REPORT – Consideration of Tenders – Morrison Oval Re-Development Project – Earthworks, Irrigation and Turf Installation (RFT 1602)

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

| | |
|---------------------|----------------------------------|
| Previous Items | |
| Responsible Officer | Director Infrastructure Services |
| Service Area | Infrastructure Operations |
| File Reference | |
| Applicant | |
| Owner | |

This item had been circulated to Councillors under separate cover and was discussed at Item 14 behind closed doors.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 15/2016)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Le Grove Landscaping for the provision of the Morrison Oval Re-Development Project – Earthworks, Irrigation & Turf Installation (RFT 1602) for its tendered lump sum price of \$598,293.51 (excluding GST).
2. Notes the reallocation of \$100,000 from the grant funded Hartfield Park Project - Develop three new hockey fields, hockey clubrooms and parking (Budget Code 4415) to the Hartfield Park Project - Playing field space at Morrison Oval (Budget Code 4422) to partially cover the proposed project expenditure arising from award of tender for the Morrison Oval Re-Development Project – Earthworks, Irrigation & Turf Installation (RFT 1602).

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr John Giardina – Complaints re. 189 Orangedale Road

Q. I have received a number of complaints that for months vehicles are being pulled apart in front yard of 189 Orangedale Road; sometimes spilling onto the footpath. Could staff please attend to this?

A. Director Development Services indicated he would have this investigated.

11.2 Cr Sara Lohmeyer – Parking Outside Maida Vale Primary School

Q. I have been approached by the Principal of Maida Vale Primary School who is concerned about the car park at the school. It has had an enormous up-grade but unfortunately parents are constantly parking in a way to cause danger to students. Do the Shire Rangers have any jurisdiction regarding this?

A. The Director Development Services indicated the Shire has involvement with regard to road reserves but not private property; he indicated he would be happy to have a meeting with the Principal.

11.3 Cr Geoff Stallard – Traffic on Watsonia Road

Q1. Can the traffic on Watsonia Road be monitored, many people speed and use this road a short cut?

A1. Director Infrastructure Services indicated Engineering Services plan to carry out a study and inform the police of the outcome. If necessary they will have someone on site to look at the pedestrian use.

Q2. Now that part of the orchard will be residential and pedestrian numbers will increase could the need for a footpath on that part of the road be examined?

A2. Director Infrastructure Services indicated this would be looked at as part of the on-going traffic review.

11.4 Cr Noreen Townsend – Commercial Workshop Hale Road

Q. There seem to be 8-10 cars outside the property on Hale road opposite the old Forrestfield Hall with the garage appearing to be used as a workshop; could this be investigated?

A. Director Development Services indicated this has been investigated and there is no evidence of a commercial operation only private maintenance.

11.5 Cr Tracy Destree – Heritage Listing of Trees

Q1. Please could I be advised what the process is for heritage listing the trees in this Shire and some advice as to what process could be applied to protect trees of some significance?

A1. Director Development Services indicated there were currently no guidelines, they could be considered through the municipal heritage inventory.

Q2. Could this be explored further as I feel there are some which should be listed?

A2. Cr Noreen Townsend indicated that the Community Sustainability Advisory Committee had been working on a register.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Nil.

13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

13.1 Nil.

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Meeting Closed to the Public

That the meeting be closed to the public to discuss Confidential Item D&I 15.

Moved: **Cr Allan Morton**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The meeting closed to the public at 8.05pm. All members of the public and press left the meeting.

14.2 **15. CONFIDENTIAL ITEM - Consideration of Tenders – Morrison Oval Re-Development Project – Earthworks, Irrigation and Turf Installation (RFT 1602)**

Reason for Confidentiality Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

| |
|---|
| Voting Requirements: Simple Majority |
|---|

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 15/2016)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Le Grove Landscaping for the provision of the Morrison Oval Re-Development Project – Earthworks, Irrigation & Turf Installation (RFT 1602) for its tendered lump sum price of \$598,293.51 (excluding GST).

2. Notes the reallocation of \$100,000 from the grant funded Hartfield Park Project - Develop three new hockey fields, hockey clubrooms and parking (Budget Code 4415) to the Hartfield Park Project - Playing field space at Morrison Oval (Budget Code 4422) to partially cover the proposed project expenditure arising from award of tender for the Morrison Oval Re-Development Project – Earthworks, Irrigation & Turf Installation (RFT 1602).

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

14.3 **Meeting Reopened to the Public**

That the meeting reopen to the public.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The meeting reopened to the public at 8.15pm. Members of the public and press were invited to return to the Council Chamber at the resumption of the meeting.

15.0 **CLOSURE**

- 15.1 There being no further business the Presiding Member declared the meeting closed at 8.16pm.

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