

Development & Asset Services Committee Meeting

Agenda for Tuesday 7 March 2017



**shire of
kalamunda**

NOTICE OF MEETING DEVELOPMENT & ASSET SERVICES COMMITTEE

Dear Councillors

Notice is hereby given that the next meeting of the Development & Asset Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 7 March 2017 at 6:30pm.**

Dinner will be served prior to the meeting from 5.30pm.


Rhonda Hardy
Chief Executive Officer
1 March 2017

Our Vision and Our Values

Our Vision

The Shire will have a diversity of lifestyle and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

Our Core Values

Service – We deliver excellent service by actively engaging and listening to each other.

Respect – We trust and respect each other by valuing our difference, communicating openly and showing integrity in all we do.

Diversity – We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Ethics – We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behavior.

Our Aspirational Values

Prosperity – We will ensure our Shire has a robust economy through a mixture of industrial and commercial development.

Harmony – We will retain our natural assets in balance with our built environment.

Courage – We take risks that are calculated to lead us to a bold new future.

Creativity – We create and innovate to improve all we do.

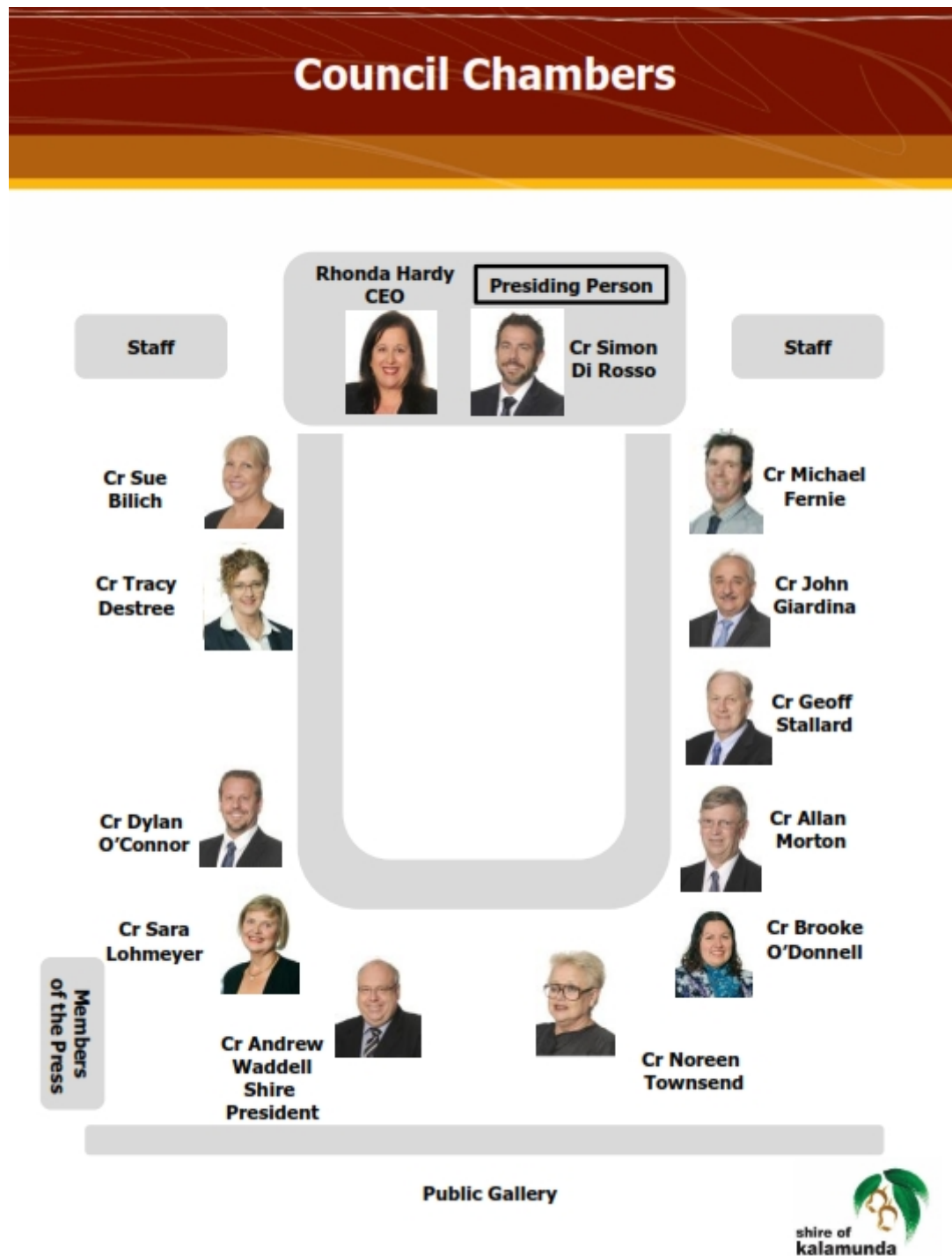


INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE OR COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Standing Committee Meetings – Procedures

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Shire of Kalamunda Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Standing Committee makes recommendations only to the next scheduled Ordinary Council Meeting.
4. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
5. Members of the public are able to ask questions at a Standing Committee Meeting during Public Question Time. The questions should be related to the purposes of the Standing Committee.
6. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Standing Committee Meeting.
7. Comment from members of the public on any item of the Agenda is usually limited to three minutes and should address the Recommendations at the conclusion of the report.
8. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
9. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person chairing the Committee Meeting.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by Shire Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

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 will be summarised.

4.0 PETITIONS/DEPUTATIONS

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Voting Requirements: Simple Majority

- 5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 6 February 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 6 February 2017".

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

8.2 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.

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.

09. Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CL-14/059 & DA16/0568
Applicant	Pachamama Pty Ltd
Owner	L & K West
Attachment 1	Development Plans
Attachment 2	Applicant's Development Application Report
Attachment 3	Applicant's Traffic Impact Statement
Attachment 4	Applicant's Bushfire Management Plan
Attachment 5	Submission Table
Attachment 6	Site Photographs – Driveway Gradient

EXECUTIVE SUMMARY

1. The proposal incorporates the use of the subject site as a child care premises, with a maximum of 38 children and five (5) staff members per day.
2. During advertising, the Shire received 27 submissions, comprising 12 objections, 13 non-objections and two (2) comments on the proposal. Refer to the submission table in (Attachment 5).
3. It is relevant to consider that the applicant also operates two (2) existing child care facilities in the immediate area, one at Lot 19 (36) Marri Crescent and the other at Lot 55 (61) Coolinga Road, Lesmurdie. Consideration has been given to the appropriateness of the scale of child care facilities in the area, and the location of the proposal on Coolinga Road, which is an established residential area.
4. Given concerns in regard to location and amenity impacts of the child care premises from affected residents, it is recommended that the application be refused.

BACKGROUND

5. Land Details:

Land Area:	2,021.8m ²
Local Planning Scheme No. 3 Zone:	Residential R5
Metropolitan Region Scheme Zone:	Urban

6. The site has a 54 metre frontage to Coolinga Road located between the intersections of Bowtell Road and Gladys Road, and currently contains a single house, carport and scattered vegetation. Access to the site is via two single crossovers.

7. The site adjoins an existing child care centre to the north-west (also operated by the applicant), however the area is predominantly characterised by single houses on 2,000m² lots. A 3 metre wide pedestrian access way (connecting with Mick Conti Park) adjoins the south-east boundary of the site.

8. **Locality Plan**



9. **Site History**

The Shire's records indicate that the site has been used as a single house for over 50 years.

DETAILS

10. The proposal incorporates the use of the subject site as a child care premises, incorporating the following key elements:
- A maximum of 38 children comprising 30 children between the ages of 7-12 years old and 8 babies up to 18 months old.
 - Operating days/hours between Monday and Friday, 6:30am to 6:30pm, during school terms only (40 weeks of the year). The caring of up to eight (8) babies (nursery) will occur between the hours of 6:30am and 6:30pm, and after school care for up to 30 children between 3:30pm and 6:30pm (with most children being collected by 5:30pm).
 - The site will have a maximum of five (5) staff members per day.
 - 11 parking bays to the front of the subject site.
 - The existing building and approximately 770m² of outdoor area to the rear of the site is proposed to be used for the child care centre.

11. In terms of the background of the child care service model proposed, the applicant has provided the following additional information:

"Pachamama offers a unique and highly sought after 'nature way' environment, featured this year on Channel 9's Garden Gurus, by Chris Ferreria. The Long Day Care service received an "exceeding the National Quality Standards" rating by Australian Children's Education and Care Quality Authority (ACECQUA), and the OSHCare service won the inaugural Innovation Award from industry's peak body OSHWA. Pachamama has recently received the recognition internationally for the work it is doing in the 'nature way' arena, with 600,000 views of its recent Facebook video.

Pachamama is a significant employer in the Kalamunda Shire, currently spending in excess of \$1 million on wages. It currently employs 45 staff on a permanent and casual basis, the majority of whom live in the Shire of Kalamunda. When at full capacity, this proposal to expand our services will provide further employment opportunities for an additional 8-10 employees resulting in an additional \$300,000 wage opportunities to the local community.

Additionally Pachamama sources most of its food, fuel and trade service requirements from local suppliers supporting the economy by contributing around \$150,000.

Our services are highly regarded and have become the centres-of-choice to the local residents, and many of those working in the educational community significantly comprised of teachers at the numerous local schools (Kalamunda High School, Mazenod College, St Brigid's, Falls Road Primary, Kalamunda Primary, Pickering Brook Primary School, Lesmurdie Primary, Kalamunda Christian and Lesmurdie Senior High School)."

12. While the application solely relates to a self-contained child care premises on the subject site, it is noted that the applicant operates existing child care premises at the adjoining site at 61 Coolinga Road, and at 36 Marri Crescent, Lesmurdie. Details of these uses are as follows:

- **36 Marri Crescent, Lesmurdie** – Development approval initially granted for a child care centre in December 1987. In November 1998, a new application for a child care centre was approved, limiting the number of children to 20, and operation between Monday and Friday only. In June 2003, additions were approved to the child care centre, increasing the maximum number of children from 20 to 30. In July 2003, the Shire reconsidered the application for additions and approved the application based on a maximum of 40 children and 8 staff members, and operating hours between 7am and 6pm, Monday to Friday only. The applicant subsequently lodged an application for review/appeal Town Planning Appeal Tribunal (now known as the State Administrative Tribunal) in respect to the condition limiting the number of children to 40. In December 2003, the Tribunal ordered that the appeal be upheld and limited the number of children under care to 47.

- **61 Coolinga Road, Lesmurdie** – Development approval was granted on 5 December 2013 for 'After School Care'. This approval allows after school care for a maximum of 10 children, on weekdays between 3:30pm and 6:00pm.

13. The applicant has provided a Transport Impact Statement and a Bushfire Management and Evacuation Plan in support of the proposed child care premises. Further discussion regarding these documents is provided in the later sections of this report.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development Act 2005

14. The applicant may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the *Planning and Development Act 2005*, in the event that the Shire decides to not approve the development application, or impose conditions which are unacceptable to the applicant.

Local Planning Scheme No. 3

15. The subject site is zoned 'Residential R5' under the Local Planning Scheme No. 3 (Scheme). The objectives of the Residential zone are as follows:
- To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
 - To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
 - To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
 - To encourage the retention of remnant vegetation.
16. The proposed use is defined under the Scheme as follows:
- "Child care premises has the same meaning given to the term in the Community Services (Child care) Regulations 1988."*
- Under the *Community Services (Child Care) Regulations 1988*, a child care premises has the following meaning:
- "Child care premises means premises specified in a licence or permit as premises in which a child care service may be provided."*
17. Under the Zoning Table (Table 1) of the Scheme, the use 'Child Care Premises' is an 'A' use in the Residential zone, meaning that prior to determining the proposal, it is required to be advertised in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

18. The Scheme car parking requirements for the proposal are as follows:

	Scheme Requirement	Proposed
Child Care Premises	1 bay per staff member, plus 1 bay for every 10 children. 38 children: 4 car bays Five (5) staff: 5 car bays Total: 9 car bays	11 car bays - complies

Planning and Development (Local Planning Schemes) Regulations 2015

19. In considering an application for planning approval, Clause 67 of schedule 2 of the Regulations (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters including, but not limited to:

- the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, that the local government is seriously considering adopting or approving;
- the amenity of the locality including the environmental impacts of the development, the character of the locality, and the social impacts of the development;
- the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- The adequacy of the means of access and egress from the site and arrangements for the loading, unloading, manoeuvring and parking of vehicles.
- The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.
- Whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved.
- The history of the site where the development is to be located.
- The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.
- Any submissions received on the application.

POLICY CONSIDERATIONS

20. The Shire is increasingly receiving enquiries and applications for child care centres in residential areas. Given that there is limited guidance on the appropriateness of the siting, design, scale and operational conditions of a child care centre, and that child care centres can unduly impact on the amenity of a residential area, a Local Planning Policy is currently being developed at the officer level. This draft policy will be brought to Council in the first half of 2017 for consideration and with a view of initiating public advertising.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

21. SPP 3.7 intends to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. The policy applies to development applications located in bushfire prone areas.
22. Under SPP3.7, the proposed child care premises is deemed a vulnerable land use, which is defined as follows:
“A land use where persons may be less able to respond in a bushfire emergency.”
23. The applicant has lodged a Bushfire Management and Evacuation Plan BMEP to support the proposed child care centre. Among other recommendations, this plan recommends that an asset protection zone is established within the subject site, meaning that leaf litter and accumulated ground level fuels need to be removed and maintained, and maintenance of trees. Based on this recommendation, the applicant's Bushfire Consultant assesses the bushfire attack level (BAL) as BAL-29.
24. Under the provisions of SPP 3.7, a vulnerable use should not be supported unless the BMEP is jointly endorsed by both the Shire and the Department of Fire and Emergency Services (DFES). Comments from DFES are summarised below.

COMMUNITY ENGAGEMENT REQUIREMENTS

25. In accordance with clause 64 of the Regulations, and Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals, the amendment was advertised using the following methods:
 - a) Letters to property owners within 100m of the subject site;
 - b) A sign located on site; and
 - f) Copies of the application being made available at the Shire's Administration Offices.
26. During advertising, the Shire received 27 submissions, comprising 12 objections, 13 non-objections and two (2) comments on the proposal. Refer to the submission table in (Attachment 5). It should be noted that the majority of non-objections were received from persons located outside the area directly affected by the proposed child care centre premises.

Internal Referrals

27. **Assets Services**
 - The proposed car parking area needs to be accessed via reasonably steep existing crossovers.
 - There is a 'U' shaped internal driveway leading onto the two (2) crossovers at both ends.
 - Drastic differences in contours within the lot.

- The current gradient of the driveway is approximately 25% (1:4). In this regard, the proposal does not meet the Australian Standard in respect to the driveway gradient which requires a maximum driveway grade of 16% (1 in 6). Driveways steeper than this will be required to be constructed with a sealed pavement suitable for the traction of an average two wheel drive to traverse the driveway in wet weather (refer to Attachment 6).
- Preference would be that the access for the parents parking bays is off Gladys Road due to the topography of the area.

28. **Environmental Health Services**

- The applicant proposes to use the approved kitchen on the adjoining lot for food preparation, consequently there is no requirement to upgrade the existing kitchen on the premises. .
- Based on the wastewater loading proposed and the staggering of the times the children are being cared for, there is no requirement to upgrade the existing effluent disposal system.
- The applicant is required to submit an *Application for Registration of a Food Business*.

29. **Building Services**

- The subject building is required to be upgraded to comply with the Building Code of Australia for a Class 9B 'early childhood building'.
- Access is required to comply with AS1428.1
- A certified Building Application is required.

30. **Environment**

- Any trees requiring protection from development works should be in accordance with AS 4970 2009 "Protection of trees on Development sites".
- Measures are required to be taken to ensure the protection of any vegetation on the site prior to commencement of development works.

External Referrals

31. **Department of Fire and Emergency Services**

- In line with the intent and objectives of SPP 3.7 'vulnerable land uses' require special consideration when located in bushfire prone areas. Achieving the least possible risk from bushfire is critical for all sites, but it is even more important for vulnerable land uses where people are less able to respond in a bushfire emergency. The BMP has not demonstrated that the building is located in BAL-29 or below. The BMP also does not state whether the intention is to increase the building standard of the existing building to comply with the relevant construction standards as per Australian Standard 3959.
- The submitted BMP has not demonstrated that the bushfire protection criteria can be achieved for Elements 1 and 2. Further information is required as per the following:
 - The BAL Contour Map should apply the appropriate methodology as set out in the Guidelines (Appendix 2, page 53-54). The BAL Contour Map supplied is unclear and the BAL ratings cannot be validated.

- The impact of the forested area along Welshpool Road to the south should be shown in the BAL Contour Map. Table 3 (page 21) should be accompanied by a transect showing the measurement points for hazard separation.
 - Photos 6 and 8 do not support the exclusion of this area as low threat. The tree crowns appear to connect with the forested area to the south.
 - The separation distance from the dwelling to the forested area to the south is measured as 23 metres in the BMP. DFES require evidence to support this particularly as the forested area appears to be continuous as it connects to other large tree crowns.
 - There is a strip of vegetation between lots 55 and 59 which is outside the boundaries of both these lots. This area has been excluded as low threat but it is unclear who manages this land.
 - The location of this vulnerable land use represents an extreme bushfire risk. DFES advises to seek a revised BMP for the proposed development application in line with the above to demonstrate how the bushfire risk can be managed.
32. In the event that Council resolves to support the subject application, a revised BMP addressing the above matters should first be provided and endorsed by DFES.

FINANCIAL CONSIDERATIONS

33. In the event that Council refuses the application or imposes conditions that are unacceptable to the applicant, and an application is lodged for review/appeal with the SAT, the Shire may need to engage lawyers to assist in defending the Shire's position.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

35. Consideration should be given to the impact that the proposal may have on the amenity within what is an existing residential area. Several submissions raise concerns in regard to the proposal commercialising an existing residential lot and the associated impacts on the amenity of the residential area.

36. It is noted that the applicant undertook their own independent notification of this proposal with customers of their other child care centres, and that several submissions have been received that support the proposal on the basis that it will facilitate child care services to parents and carers in the community.

Economic Implications

37. The proposal would provide additional local employment opportunities, and the child care services offered would facilitate working opportunities to parents and carers.

Environmental Implications

38. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.
39. The proposal does not incorporate the excessive or unnecessary removal of vegetation.

RISK MANAGEMENT CONSIDERATIONS

40.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The location and nature of the proposed development will result in undue impacts on the amenity of the area	Likely	Significant	High	The officer's recommendation is to refuse this application. In the event that Council resolves to approve the application, conditions should be included which address potential amenity and traffic impacts.

OFFICER COMMENT

41. Given that the proposed child care premises is an 'A' use, Council should exercise its discretion by giving due regard to several matters, including but not limited to the matters listed above under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Scheme objectives of the Residential zone focus primarily on the establishment of residential accommodation however provide limited guidance on the appropriateness of non-residential land uses. Notwithstanding, it is considered that Council should have regard to the following guiding principles:
- The appropriateness of the location of the proposed facility.
 - The potential impact the child care premises may have on the amenity of surrounding residential areas.

42. In regard to the location of the facility, Western Australian Planning Commission's Planning Bulletin 72/2009 recommends locating child care facilities using the following criteria:
- Distribute facilities strategically to provide the maximum benefit to the community it serves.
 - Locate within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities.
 - Located in areas where adjoining uses are compatible with a child care centre (includes considering all permissible uses under the zoning of adjoining properties).
 - Serviced by public transport.
 - Considered suitable from a traffic engineering/safety point of view.
 - Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.
43. It is noted that Gladys Road is a significant thoroughfare for people travelling to work, to and from the hills region on a daily basis, therefore making the location of a child care premises convenient for parents and carers. Additionally, it is acknowledged that there is generally growing demand for child care facilities in residential areas.
44. However, the location and expansion of child care at the subject site raises concern for the following reasons:
- The site is located on a local road (Coolinga Road), which is an established residential area and characteristically carries low volumes of traffic. Additional traffic, particularly early in the morning and late in the afternoon exceeds what could reasonably be expected in the area, and has the potential to unduly impact on the amenity of the residents on Coolinga Road.
 - It is considered that a child care centre of this scale (having regard to the existing child care services in the area) is more appropriately located within close walking distance to commercial, recreation, community nodes and education facilities (for example near Sanderson Road Neighbourhood Centre).
 - Additional child care facilities in this location should be considered further in the context of broader strategic land use planning to determine appropriate distribution of facilities to meet the needs of the community. In this regard, the further expansion of child care facilities in this location is at this stage considered ad-hoc and not in line with the principles of orderly and proper planning.
45. In regard to the impact of the proposal on the amenity of the area, the two (2) key considerations should be noise and traffic. It is noted that the impacts of noise can change based on several variables such the number of children under care, specific activities encouraged by the operator, location of play areas, hours of operation, acoustic treatments to buildings and fences (including landscaping), and layout of the centre. It is therefore not a simple exercise to assess and control levels of noise. In the event that Council resolve to support the proposal, it is considered that a management plan should form a condition of approval.

46. In respect to the scale and intensity of the proposed use, it is relevant to consider that the applicant also operates two existing child care facilities, one at Lot 19 (36) Marri Crescent and the other at Lot 55 (61) Coolinga Road, Lesmurdie. Based on the allowable number of children approved, the existing facilities are permitted to care for up to 57 children. The proposal would increase the total allowable number to 95 children. Based on the 38 children expected to be cared for and five (5) staff members, the applicants traffic impact statement estimates that there will be seven (7) vehicle trips in the morning peak hour, and 31 vehicle trips in the afternoon peak hour, which is above what would be reasonably expected for a single lot on an established residential street.
47. The proposal is considered to increase the child care activities to a scale and concentration that will inevitably generate levels of additional traffic and noise, above what would be reasonably expected in an established residential area. This is considered to have the potential to unduly impact on the amenity of the residents in the vicinity of the proposal. It is important to note that several submissions received from the residential properties in the immediate vicinity of the proposed child care premises (on Coolinga Road) raise significant concern to the proposal, particularly in regard to noise and traffic.
48. A total of 13 submissions were received in support of the proposal. It should be noted however that the majority of these submissions were received from persons not directly affected by the location of the proposed child care premises.
49. The applicant's Transport Impact Statement (TIS) concludes the following in regard to the proposed child care premises:
- *Assessment of the proposed development indicates that it will not have a significant impact on the existing or future road network. As such, no further mitigating road works are required.*
 - *Vehicles accessing the site will use the existing crossovers onto Coolinga Road. These access ways have adequate visibility and are considered acceptable in terms of location and size.*
 - *Refuse vehicle servicing will be on-street via the existing operation utilising wheelie bins.*
 - *The proposed parking supply for staff and pick-up/ drop-off is consistent with Council's accepted parking requirements. The car park design is still at concept stage and will need to comply with the Shire's Local Planning Scheme and Australian Standard A2890.1.*
 - *The public transport infrastructure and existing site provisions for pedestrian facilities is considered adequate for the development.*
 - *It is concluded that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.*

50. While it is noted that the TIS concludes that there is not anticipated to significant adverse impact on the surrounding road network, as noted above, the proposal extends the existing child care uses beyond Gladys Road, onto Coolinga Road which is a local road that characteristically carries much lower volumes of traffic. Furthermore, the Shire's Asset Services raise concern in respect to the current gradient of the driveway does not meet the Australian design standard and the implications for vehicle access to the development and the convenience of parents and carers regularly accessing the site. Whilst works could be undertaken to ensure the driveway gradient met the Australian Standard, the required works would have implications for the internal vehicle access areas and parking due to associated fill, retaining and drainage requirements.
51. Given the above location and amenity considerations, it is recommended that the application for a child care premises at the subject site be refused.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 09/2017)

That Council:

1. Refuses the planning application for a proposed Change of Use from Single House to Child Care Premises at Lot 54 (59) Coolinga Road, Lesmurdie, for the following reasons:
 - a) The scale of the proposed child care premises, in addition to the existing child care facilities at Lot 19 (36) Marri Crescent, and Lot 55 (61) Coolinga Road, Lesmurdie, exceeds what could reasonably be expected within the established residential area.
 - b) The location of the proposed child care premises is not considered to meet all of the objectives recommended under *Western Australian Planning Commission's Planning Bulletin 72/2009 – Child Care Centres*.
 - c) The proposal is considered to have an undue impact on the amenity of the area due to increases in noise and traffic.
 - d) The ad-hoc nature in which child care facilities are proposed in the vicinity of the subject site is considered to be inconsistent with the principles of orderly and proper planning.
 - e) Having due regard to the nature of submissions received.

Moved:

Seconded:

Vote:

Attachment 1

Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie Development Plans



Attachment 2

Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie

Applicant's Development Application Report

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

Attachment 3

Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie

Applicant's Traffic Impact Statement

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

Attachment 4

Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie

Applicant's Bushfire Management Plan

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

Attachment 5

Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie

Submission Table

	Comment	Staff Comment
1.	<p>Objection:</p> <ul style="list-style-type: none"> a) Traffic congestion and safety, particularly given existing issues at corner of Gladys Road and Welshpool Road. b) Safety of parents and children crossing over Gladys Road to the other centres. c) Insufficient parking bay numbers and arrangement, it will encourage customers to park on the verge. d) The proposal is inconsistent with the residential zoning of the land. e) The proposal is effectively a third child care facility in the immediate area, two of which would be adjoined. f) The type of development should be in an area zoned commercial or mixed use. g) The site is more suited around the Ray Owen Sports Centre. h) Another child care centre will only exacerbate the noise emissions in a quiet residential area. 	<ul style="list-style-type: none"> a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) It is noted that there may be instances where parents/carers will cross Gladys Road between the existing child care premises. Control over this issue is beyond the scope of this application. c) The proposal complies with the minimum parking requirements under the Scheme. d) The objectives of the Residential zone do not provide guidance on the suitability of non-residential land uses. However the Scheme does allow for a child care premises to be considered and approved on Residential zoned land. Equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application. e) Noted. f) Ideally child care premises should be located in close walking distance to commercial facilities. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. g) Refer to response (f) above. h) In the event that the application is approved, it is considered that a noise impact assessment and management plan should form a condition of approval.

	i) Insufficient consultation was undertaken.	i) The Shire initially wrote to nearby and adjacent property owners, however this is subsequently increased to a 100 metre radius around the site given the significant interest from surrounding land owners.
2.	Objection: a) Gladys Road is already subject to traffic congestion daily. b) Concern that excessive traffic, parking and limited vision on Gladys Road will result in danger to children and parents crossing the road. c) Increased noise from the already established child care centres.	a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) It is noted that there may be instances where parents/carers will cross Gladys Road between the existing child care premises. Control over this issue is beyond the scope of this application. c) In the event that the application is approved, it is considered that a noise impact assessment and management plan should form a condition of approval.
3.	Objection a) The road conditions on Coolinga Road are a concern for parents picking up children. b) The proposal is not appropriate in a residential area. It is more like a commercial activity centre.	a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) Child care premises are a commercial activity, however the Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application.
4.	Objection: a) Traffic congestion and safety, particularly given existing issues at corner of Gladys Road and Welshpool Road. b) Safety of parents and children crossing over Gladys Road to the other centres. c) Insufficient parking bay numbers and arrangement, it will encourage customers to park on the verge.	a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) It is noted that there may be instances where parents/carers will cross Gladys Road between the existing child care premises. Control over this issue is beyond the scope of this application. c) The proposal complies with the minimum parking requirements under the Scheme.

	<ul style="list-style-type: none"> d) The proposal is inconsistent with the residential zoning of the land. e) The proposal is effectively a third child care facility in the immediate area, two of which would be adjoined. f) The type of development should be in an area zoned commercial or mixed use. g) The site is more suited around the Ray Owen Sports Centre. h) Another child care centre will only exacerbate the noise emissions in a quiet residential area. i) Insufficient consultation was undertaken. 	<ul style="list-style-type: none"> d) The Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application. e) Noted. f) Ideally child care premises should be located in close walking distance to commercial facilities. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. g) See response (f) above. h) In the event that the application is approved, it is considered that a noise impact assessment and management plan should form a condition of approval. i) The Shire initially wrote to nearby and adjacent property owners, however this is subsequently increased to a 100 metre radius around the site given the significant interest from surrounding land owners.
5.	<p>Objection:</p> <ul style="list-style-type: none"> a) Concern regarding the addition of a child care centre to two existing child care centres. b) The land is zoned residential, not for education. 	<ul style="list-style-type: none"> a) Noted. b) The Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application.
6.	<p>Objection:</p> <ul style="list-style-type: none"> a) Why are additional services required for local families if Pachamama is not at capacity and there are other child care services that also service local schools? There many other education and care services in other areas that all have vacancies. 	<ul style="list-style-type: none"> a) There is not a requirement for an applicant to prove the need for a child care centre. However if there is a demonstrable impact on the amenity of an area or the level of service enjoyed by the community, then this is a relevant planning consideration. In this instance, based on the information available, the proposal will not until impact on the level of service enjoyed by the community.

<ul style="list-style-type: none"> b) The development will encroach into an existing residential area and is more suited to a commercial area. c) The only other service within the shire that had this large number of children is Kids Inn in Forrestfield, which is purpose built and is located within a site that is zoned mixed use. d) There is insufficient access for the number of families all collecting their children within a condensed timeframe. e) There are currently four (4) education and care services that have received an overall exceeding National Quality Standards rating. There are many other local services that also provide quality child care. f) Out of school care should be located on or very near a school site. g) Concern that more people will park on the verges and footpaths around the child care centres and cause safety issues. There has been people crossing Gladys Road to collect/deliver children for the existing child care centres. h) Concern regarding impact on property prices and community pride. i) Insufficient consultation was undertaken. 	<ul style="list-style-type: none"> b) Ideally child care premises should be located in close walking distance to commercial facilities. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. c) Noted. d) In the event that the application is approved, access would be required to be upgraded to comply with relevant Australian Standards for vehicle access. e) The quality of the proposed, or any existing, child care premises is not a valid land use planning consideration. f) Ideally child care premises should be located in close walking distance to other educational establishments. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. g) It is noted that there may be instances where parents/carers will cross Gladys Road between the existing child care premises. Control over this issue is beyond the scope of this application. h) This is not a relevant planning consideration. i) The Shire initially wrote to nearby and adjacent property owners, however this is subsequently increased to a 100 metre radius around the site given the significant interest from surrounding land owners.
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	<p>j) Pachamama has notified their database of email addresses about their proposal asking people to submit a supporting email to the Shire. We question the fairness of this when there are limited local residents and some people may submit support without any substantiating grounds to do so.</p> <p>k) The argument of 'community need' can apply to any suburb in Perth.</p>	<p>j) Noted, the Shire has received several submissions as a result of additional consultation undertaken by the applicant. Consideration will be given to any valid comments from a land use planning perspective, irrespective of the number of non-objections or objections received.</p> <p>k) Noted.</p>
7.	<p>Objection:</p> <p>a) Traffic congestion, particularly given existing issues at corner of Gladys Road and Welshpool Road.</p> <p>b) The proposal is more than the single child care centre. It is adding to the two existing child care centres.</p> <p>c) The 6:30am opening hours will result in excessive noise from children playing and will have a significant impact on the amenity of the area.</p> <p>d) The street verge between Bowtell and Gladys Roads is not maintained and vegetation encroaches the road by half a metre in places, forcing traffic to drive into the centre of the road. It is expected that this situation would worsen if the frontage was expanded to 59 and 61 Coolinga.</p> <p>e) The proposed development is not in keeping with the nature of the housing density in the area.</p>	<p>a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.</p> <p>b) Noted.</p> <p>c) The potential amenity impacts have been given due regard in the officer comments section of the report.</p> <p>d) This will need to be managed in the event of the application being approved.</p> <p>e) The Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application.</p>

8.	<p>Objection:</p> <ul style="list-style-type: none"> a) There are issues with the management of the existing child care facilities: <ul style="list-style-type: none"> i. Children are encouraged to yell and scream when on play equipment by supervising staff, ii. An elevated platform was recently erected where fitness and dancing classes are undertaken with loud music and instructors yelling. iii. Bright lights are left on overnight illuminating the signage, which shines into residential homes. b) Traffic congestion and high levels of vehicle movements. c) The proposal is better suited next to an existing school or commercial sector. d) Insufficient parking and concern that there will be increases of people parking on verges and footpaths. e) One of the child care centre vans often pulls up on the road side, interrupting traffic flow, with staff running between child care centres prior to doing school drop offs. f) The current proposal is not a true reflection of how they operate given their past history with the existing child care centres. 	<ul style="list-style-type: none"> a) The management of existing facilities is not under consideration for the proposed development. b) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. c) Ideally child care premises should be located in close walking distance to commercial facilities. However, for the purposes of considering this development application, the Shire is required to consider the suitability of the location of the subject site, rather than other locations. d) The proposal complies with the minimum parking requirements under the Scheme. e) The management of existing facilities is not under consideration for the proposed development. However if vehicles are being unlawfully parked, this is a matter that should be reported to the Shire's Rangers for investigation. f) The management of existing facilities is not under consideration for the proposed development.
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	g) Personal health issues means that there is an increased risk of requiring urgent medical care, we cannot live on a street impeded by excessive traffic.	g) See response (b) above.
9.	Non-objection	Noted.
10.	Objection: <ul style="list-style-type: none"> a) Traffic congestion – Gladys Road between 7am – 9pm and 2:30pm – 6pm is already so congested and banked up to Mazenod College. b) Congestion slows down public transport. c) There are two child care facilities already which add to congestion. A third centre would be conducive to peaceful amenity. d) Traffic safety and risk of accidents at the corner of Welshpool Road and Gladys Road. e) Cars parking/standing on Coolinga Road, forcing residents to thread their cars between. 	<ul style="list-style-type: none"> a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) Noted. c) The potential amenity impacts have been given due regard in the officer comments section of the report. d) See response (a) above. e) The management of existing facilities is not under consideration for the proposed development. However if vehicles are being unlawfully parked, this is a matter that should be reported to the Shire's Rangers for investigation.
11.	Non-objection <ul style="list-style-type: none"> a) The proposal will fill a need that is lacking in the hills area (before and after school care). The use is necessary to cater for the growing demands of the hills community. b) Pachamama is well known to provide high quality childcare. 	Noted.

12.	Non-objection a) We do not see any more difficulties egressing Coolinga/Brady/Welshpool Road than we do currently. b) The main difficulties are existing schools (Mazenod) and shopping centres (Sanderson Road).	Noted.
13.	Non-objection a) Pachamama is a high quality child care provider. b) Child care is important for working families.	Noted.
14.	Non-objection a) Pachamama provides long day care hours that allows parents to work full time and arrive at work early enough to suit most employees. b) The use will allow children to grow and explore in a safe environment that encourage outdoor nature play which is lacking in many day care and after school care environments.	Noted.
15.	Objection a) Traffic safety and risk of accidents at the corner of Coolinga Road and Gladys Road. b) Concern in regard to the proximity of the use to a natural water stream, particularly in regard to effluent disposal requirements. c) Kalamunda Shire should develop or lease underutilised government buildings for these types of community facilities.	a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) If the application is approved, a new effluent disposal system that complies with the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974</i> must be installed. Based on the wastewater loading proposed, it is recommended that the applicant install an Aerobic Treatment Unit with subsoil irrigation. c) This is outside of the scope of this application.

16.	Objection a) The location of the development in a residential area. b) The proposal is unfair if owners wish to sell their existing homes due to increased child noise and associated loss in property value. c) The existing child care centre has traffic issues with the pickup vehicle parking on the footpath and driving on the wrong side of the road.	a) The Scheme does allow for a child care premises to be considered and approved on Residential zoned land, equally, Council may exercise its discretion and determine that the proposal is not appropriate based on the merits of an application. b) Changes to land value is not a valid land use planning consideration. c) The management of existing facilities is not under consideration for the proposed development. However if vehicles are being unlawfully parked, this is a matter that should be reported to the Shire's Rangers for investigation.
17.	Objection a) Existing parking issues and this will remain an issue. b) Staff are parking on the Marri Crescent verge and parents stop vehicles on the road, blocking private driveways. c) The corner of Marri and Gladys Roads is a safety issue.	a) The management of existing facilities is not under consideration for the proposed development. However if vehicles are being unlawfully parked, this is a matter that should be reported to the Shire's Rangers for investigation. b) See response (a) above. c) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network.
18.	Non-objection a) What is intended for the easement at the south-west corner of the subject property?	a) According to the Shire's records, there is no easement within the subject lot.
19.	Non-objection a) Pachamama is essential to use as it allows us to work when required. b) Pachamama is a high quality child care provider.	Noted.

20.	Non-objection a) Pachamama is a high quality child care provider. b) The new investment will be much needed for local families, local jobs and educators. c) Pachamama enables me to sustain my full-time employment.	Noted.
21.	Non-objection a) The facility is needed in one central location for working parents.	Noted.
22.	Non-objection a) Pachamama is essential for child care needs for families. b) Offering services in one general location is convenient and practical. c) The additional capacity for child care services facilitates employment prospects for families. d) Pachamama has created aesthetically beautiful surroundings that inspire children to engage in health outdoor nature play.	Noted.
23.	Comment on the Proposal a) Without Pachamama's services, my employment would not be possible. b) Offering various child care services in one general location is convenient and practical. c) Pachamama is a high quality child care provider. d) Pachamama has created aesthetically beautiful surroundings that inspire children to engage in health outdoor nature play.	Noted.

24.	Comment on the Proposal <ul style="list-style-type: none"> a) Parking is already a major issue surrounding the childcare centre; there are approximately 10 staff cars parked on the verge on any given day. b) The corner of Marri Crescent and Gladys Road is dangerous enough without more cars parked on the verge. c) No objection is raised as long as more parking bays are provided for the child care centre. 	<ul style="list-style-type: none"> a) The applicant has submitted a traffic impact statement that concludes that the development will have no significant adverse impact on the capacity or safety of the surrounding road network. b) See response (a) above. c) The proposal complies with the minimum parking requirements under the Scheme.
25.	Non-objection <ul style="list-style-type: none"> a) The existing child care centre brings big benefits to the community. b) As a resident who lives closer than anyone to the existing child care centre, I have never at any time been disturbed by noise from there. c) Traffic from Welshpool Road intersection is quite heavy, however traffic from the child care centre is staggered and does not affect me or the intersection. d) Any issues with the owners have been dealt with swiftly and positively. 	Noted.
26.	Non-objection <ul style="list-style-type: none"> a) The Western Australian economy is continuing to decline and redundancies increasing across all scale of business. There is a need for adequate day care to ensure that people can meet the limited employment opportunities. b) Additional placement of eight (8) babies would enable more flexibility for all parents and give new parents the opportunity of meaningful employment. 	Noted.

	<ul style="list-style-type: none">c) The location of Pachamama is excellent, allowing for daily commute to the city centre.d) Pachamama is a high quality child care provider.e) The noise generated by the existing child care facility is not excessive.f) The expansion of Pachamama's facilities would be of a great benefit to the local community and should be endorsed by a Shire that is responsive to the majority needs of its inhabitants.	
27.	<p>Non-objection</p> <ul style="list-style-type: none">a) Pachamama provides an essential and valuable community service.b) The location and range of services is excellent.c) I have never noticed excessive noise when visiting, driving past or walking past.	Noted.

Attachment 6

Proposed Change of Use from Single House to Child Care Premises – Lot 54 (59) Coolinga Road, Lesmurdie

Site Photographs





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

10. Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report – Initiate for Public Advertising

Previous Items	SCM02/2012 – April 2012
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-STU-028
Applicant	Shire of Kalamunda
Owner	Various
Attachment 1	Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council the opportunity to consider modifications to the Forrestfield / High Wycombe Industrial Area Stage 1 Local Structure Plan (the Structure Plan).
2. While it is recognised that not every landowner issue may have been addressed in the review, the advertising process provides landowners a formal opportunity to document their concerns and for the Shire to provide a response and consider possible modifications.
3. It is recommended that Council adopt the review of the Structure Plan for the purposes of public advertising.

BACKGROUND

4. Land Details:

Land Area:	Approx. 69 ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Region Scheme Zone:	Urban

5. **Locality Plan:**



6. The Forreestfield / High Wycombe Industrial Area Stage 1 is located within the Shire of Kalamunda (the Shire) and is generally bound by Sultana Road West to the north, Roe Highway to the east, Berkshire Road to the south and Dundas Road to the west.
7. The Structure Plan was prepared in 2012 to facilitate industrial subdivision and development within the area.
8. Since final adoption of the Structure Plan in 2013, subdivision and development has occurred in the area with a number of new developments recently being completed.
9. In 2016, landowners in the area expressed concern to the Shire that the take-up of development had been slower than anticipated and pointed to the operation of the Structure Plan and Development Contribution Plan (DCP) as the primary constraints to development.
10. In response, Taylor Burrell Barnett (TBB) were engaged by the Shire to undertake a review of the existing Structure Plan and DCP. The review (refer Appendix 3 of Attachment 1) identified a series of modifications that the Shire has included in a Structure Plan Modifications Report.

DETAILS

11. The TBB review investigated three key areas relating to the Structure Plan, these were as follows:
 - Land use permissibility and lot sizes;
 - The proposed local road network; and
 - The DCP.

12. In undertaking the review, TBB facilitated a number of landowner consultation sessions and undertook research and analysis of the area in conjunction with traffic engineers and real estate professionals. The outcome of the review and consultation resulted in a series of recommended Structure Plan modifications which have been incorporated into the Structure Plan Modifications Report (Attachment 1).
13. The Structure Plan Modifications Report identifies the preferred land use arrangements and associated lot sizes, future road layout, traffic management measures and DCP items recommended as part of the TBB review. The modified design elements are summarised below.
14. **Subdivision and Development Requirements**
The Structure Plan shall allow a minimum lot size of 2000m² for Lots 3, 4, 5, 6 Ashby Close, Lots 50, 51, 52 Sultana Road West and Lot 547 Berkshire Road, refer pink properties below. All other lots will adhere to the Structure Plan 2012 provisions with a 1ha minimum lot size.



15. The owner of Lot 547 Berkshire Road requested to be provided with the flexibility for subdivision to 2000m² as a trade-off for the whole of Road 1 reservation being located within Lot 547. Details regarding the relocation of Road 1 are outlined in the Movement Network Modifications section of this report.

16. Market analysis undertaken as part of the TBB review indicates that there is no advantage in reducing or removing the minimum lot size for industrial lots within the precinct generally, as the demand is highest for lots that exceed 2ha. However, the TBB review does indicate that Lots 50-52 Sultana Road West and Lots 5-6 Ashby Close may benefit from a reduced lot size to assist in facilitating subdivision and providing an alternative industrial product to the market. Furthermore, the analysis indicated that there may be an opportunity to provide composite uses for some properties. Not all landowners were agreeable to the composite uses but the owner of Lot 50 Sultana Road West indicated a desire to accommodate this land use. Lots 3 and 4 have been provided with the opportunity for subdivision at the request of the landowners.
17. The composite use proposed on Lot 50 Sultana Road West would allow residential development to front onto Sultana Road West to provide a more appropriate interface with adjacent residential land uses on the northern side of Sultana Road West as part of Stages 2 and 3 of the Forrestfield North District Structure Plan (the DSP). Light industrial composite uses and vehicle access will be orientated towards Road 2A and the industrial area in Stage 1.
18. Land use permissibility for the composite use will be administered through a separate Local Planning Scheme No.3 (LPS3) amendment to include Lot 50 Sultana Road West within a Special Use Zone. Subdivision and development requirements will be administered through the Structure Plan.
19. **Movement Network Modifications**
The TBB review also investigated the sufficiency and feasibility of the proposed local road network given the changes in land use and traffic demands as a result of the approval of the DSP.
20. Two categories of movement network recommendations are outlined in the TBB review. Category 1 are infrastructure recommendations required to support the industrial land uses within Stage 1. Category 2 are infrastructure recommendations required to support the development of the broader DSP and are not the responsibility of the Stage 1 area to fund. Category 2 works will be considered as part of a future DCP for the broader Forrestfield North area and focused on the development Precincts 1, 2 and 3 of the DSP.
21. Category 1 recommendations outlined in Section 7.2 of the TBB review (refer Appendix 3 of Attachment 1) have been utilised as a basis for informing modifications outlined in the Structure Plan Modifications Report. A brief summary of the modifications is outlined below.

22.	<table><tr><th>Road</th><th>Summary of Modification</th></tr><tr><td>Berkshire Road</td><td><ul style="list-style-type: none">Modified to accommodate Restricted Access Vehicle 7 movements.Remove recommended upgrades on the Movement Network Plan that have already been undertaken on Berkshire Road by Main Roads WA.</td></tr><tr><td>Milner Road</td><td><ul style="list-style-type: none">Modified to accommodate Restricted Access Vehicle 7 movements up to Nardine Close intersection.</td></tr></table>	Road	Summary of Modification	Berkshire Road	<ul style="list-style-type: none">Modified to accommodate Restricted Access Vehicle 7 movements.Remove recommended upgrades on the Movement Network Plan that have already been undertaken on Berkshire Road by Main Roads WA.	Milner Road	<ul style="list-style-type: none">Modified to accommodate Restricted Access Vehicle 7 movements up to Nardine Close intersection.
Road	Summary of Modification						
Berkshire Road	<ul style="list-style-type: none">Modified to accommodate Restricted Access Vehicle 7 movements.Remove recommended upgrades on the Movement Network Plan that have already been undertaken on Berkshire Road by Main Roads WA.						
Milner Road	<ul style="list-style-type: none">Modified to accommodate Restricted Access Vehicle 7 movements up to Nardine Close intersection.						

Berkshire Road / Milner Road / Dundas Road Intersection	<ul style="list-style-type: none"> Modified from a cul-de-sac to a full movement intersection. Due to the revised planning framework and land uses for Forrestfield North industrial traffic will no longer require priority access to Dundas Road and the primary access demands will be into the industrial estate via Milner Road. Modified to accommodate Restricted Access Vehicle 7 movements and a revised planning framework for Forrestfield North.
Dundas Road	<ul style="list-style-type: none"> Remove all recommended upgrades to Dundas Road. Traffic analysis undertaken by the Shire's consultant traffic engineers indicates that there are no required upgrades to Dundas Road to support traffic generated by Stage 1. Widening will be required as part of the development of the broader Forrestfield North area. Upgrades required for the broader area will be considered as part of the progression of the planning for Forrestfield North.
Ashby Close	<ul style="list-style-type: none"> Modified to accommodate Restricted Access Vehicle 7 movements.
Nardine Close	<ul style="list-style-type: none"> Modified to accommodate Restricted Access Vehicle 7 movements.
Road 1 Relocation	<ul style="list-style-type: none"> Modified to accommodate Restricted Access Vehicle 7 movements and relocated to reflect a revised intersection treatment at Berkshire / Milner / Dundas Road intersection. Road 1 is no longer required in its originally proposed location, where it was to serve as a replacement access to Berkshire Road due to the loss of the Milner Road connection. As the Milner Road connection will be reinstated Road 1 positioning will be better placed further south east, adjacent to the eastern boundary of Lot 547. Road 1 will provide a safe and efficient alternative to Milner Road for access to Nardine Close (given that Ashby Close will only have left in left out access at its intersection with Berkshire Road). The need for Road 1 will grow as the land uses around the train station develop and traffic volumes along Milner Road increase. If Road 1 is not constructed heavy vehicles will still be able to access Nardine Close existing via Ashby Close, however this would not be as safe and efficient as if Road 1 had been constructed.

Road 2A	<ul style="list-style-type: none">• Road 2B to be removed and Road 2A modified to extend and form a cul-de-sac at Lot 50 with existing battleaxe legs from Sultana Road West forming emergency access to Sultana Road West.• Road 2A is to be constructed as a cul-de-sac to separate industrial traffic from the residential traffic that will utilise Sultana Road West. Industrial traffic is to be internalised within the movement network and separated from the future Forrestfield North area.• Modified to accommodate Restricted Access Vehicle 4 movements.• Road reservation width change from 15m to 18m has already been provided in-principle support by the Department of Planning.
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23. **Development Contribution Plan**
Council at the Ordinary Meeting held 19 December 2016 resolved to adopt the annual review of the DCP Report for the Stage 1 area. The DCP Report has been prepared to take into consideration the majority of the Structure Plan review modifications with the exception of Dundas Road. The removal of Dundas Road was included in the Structure Plan Modifications Report after adoption of the DCP Report. The next annual review of the DCP Report will remove the costs associated with the Dundas Road upgrade.
24. **Structure Plan Map Modifications**
Various administrative and illustrative modifications have been proposed to the Structure Plan Map and Movement Network Plan to align with the recommended amendments. Details of these changes are outlined in Part 2 Section 2.1 of the Structure Plan Modifications Report (Attachment 1).

STATUTORY AND LEGAL CONSIDERATIONS

25. **Local Planning Scheme No.3**
The subject site is zoned 'Industrial Development' under LPS3. The objectives of the Industrial Development zone are as follows:
- To provide for orderly and proper planning through the preparation and adoption of a Structure Plan establishing the overall design principles for the area.
 - To permit the development of the land for industrial purposes and for commercial and other uses normally associated with industrial development.
26. **Planning and Development (Local Planning Schemes) Regulations 2015**
Pursuant to Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Shire is required to take the following actions:
- 1) Determine the level of information required to be provided with the structure plan amendment;

- 2) Assess the structure plan against appropriate planning principles;
 - 3) Advertise the structure plan;
 - 4) Consider submissions received during advertising; and
 - 5) Prepare a report and recommendation on the proposed structure plan amendment, and provide it to the Western Australian Planning Commission (WAPC) for a decision.
27. Pursuant to Schedule 2, Part 4 of the Regulations, the WAPC after considering the structure plan amendment and report may:
 - 1) Approve the structure plan; or
 - 2) Require the Shire or the applicant to -
 - a) modify the plan in the manner specified by the WAPC; and
 - b) resubmit the modified plan to the WAPC for approval.
 - 3) Refuse to approve the structure plan.

POLICY CONSIDERATIONS

28. The Structure Plan Report has been prepared in accordance with the requirements of the WAPC's Structure Plan Framework.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

29. The Structure Plan and Structure Plan Modification Report was prepared by the Shire with input from the Shire's various internal service teams over a number of years.

External Referrals

30. Extensive landowner consultation has occurred as part of the TBB review and preparation of the Structure Plan modifications report. Many of the outcomes of this consultation have formed the basis of the recommended modifications and are documented in Appendix 2 of the Structure Plan Modifications Report.
31. Subject to endorsement by Council, the Structure Plan Modification Report will be advertised for 28 days in accordance with the Regulations, which includes letters to surrounding property owners and occupiers, and notice of the Structure Plan Modifications Report being published on the Shire's website and in a newspaper circulating the district.

FINANCIAL CONSIDERATIONS

32. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services annual budget.
33. Infrastructure items associated with the Structure Plan will be met through the adopted and operational Development Contribution Plan.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

35. Stage 1 was originally identified under the Kewdale Hazelmere Integrated Master Plan (2006) as future development areas given the key strategic location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and key road freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway.
36. The Structure Plan site is identified for industrial development in the Shire's Local Planning Strategy (2010).

SUSTAINABILITY

Social Implications

37. Existing rural residential land uses in the area will continue to transition out as the area develops for transport and logistics orientated industrial uses.
38. A key consideration for the planning for Forrestfield North will be to ensure an appropriate interface with the Stage 1 industrial area.

Economic Implications

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

Environmental Implications

40. Lots 223, 497, 498 and 499 Sultana Road West, Forrestfield are identified as Bush Forever area and are set aside as Parks and Recreation. A portion of road reservation abuts the Bush Forever area and during the construction phase, due consideration will have to be given to ensure impacts to this area are minimised.

RISK MANAGEMENT CONSIDERATIONS

41.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Land continues to remain constrained.	Possible	Significant	High	Landowners and Council have been well consulted throughout preparation of the modifications and the advertising process will provide another opportunity for landowners to voice any concerns for consideration.

OFFICER COMMENT

42. The Structure Plan Modifications Report has been prepared in accordance with LPS3 objectives of the Industrial Development zone and the Structure Plan Framework of the WAPC.
43. The TBB review and subsequent Structure Plan Modifications Report was initiated in response to the necessity to revise the 2012 Structure Plan. The process has sought to address landowner/development constraints and provide a more efficient movement network conducive to the needs of the transport and logistics industry.
44. The recommended modifications have also taken into consideration the evolution of planning in the locality including a revised land use framework for Forrestfield North and the planning outcomes envisaged by the DSP.
45. In light of the above, it is recommended that Council endorses the Structure Plan Modifications Report for the purpose of public advertising. While it is recognised that not every landowner issue may have been addressed in the review, the advertising process provides landowners a formal opportunity to document their concerns and for the Shire to provide a response and consider possible modifications.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 10/2017)

That Council:

1. Adopt the Structure Plan Modifications Report (Attachment 1) for Stage 1 of the Forrestfield/High Wycombe Industrial Area for the purpose of public advertising.
2. Authorise advertising in accordance with the requirements stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved:

Seconded:

Vote:

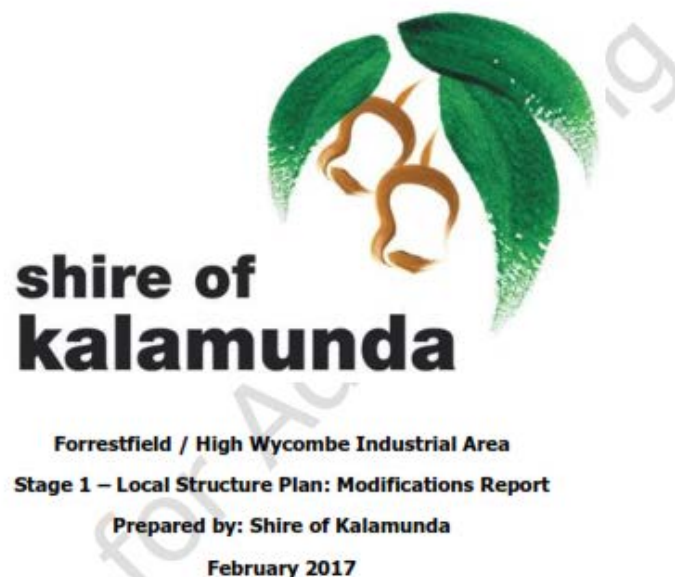
Attachment 1

Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report –
Initiate for Public Advertising

Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report

This attachment is provided online only, please refer to the following link:

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



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

11. Adoption of Local Planning Scheme No. 3 Amendment 91 for Advertising– Lot 50 Sultana Road West, High Wycombe – Special Use Zone

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	SL-08/170
Applicant	Shire of Kalamunda
Owner	Elizabeth Catherine Pettit
Attachment 1	Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report
Attachment 2	Amendment Document

EXECUTIVE SUMMARY

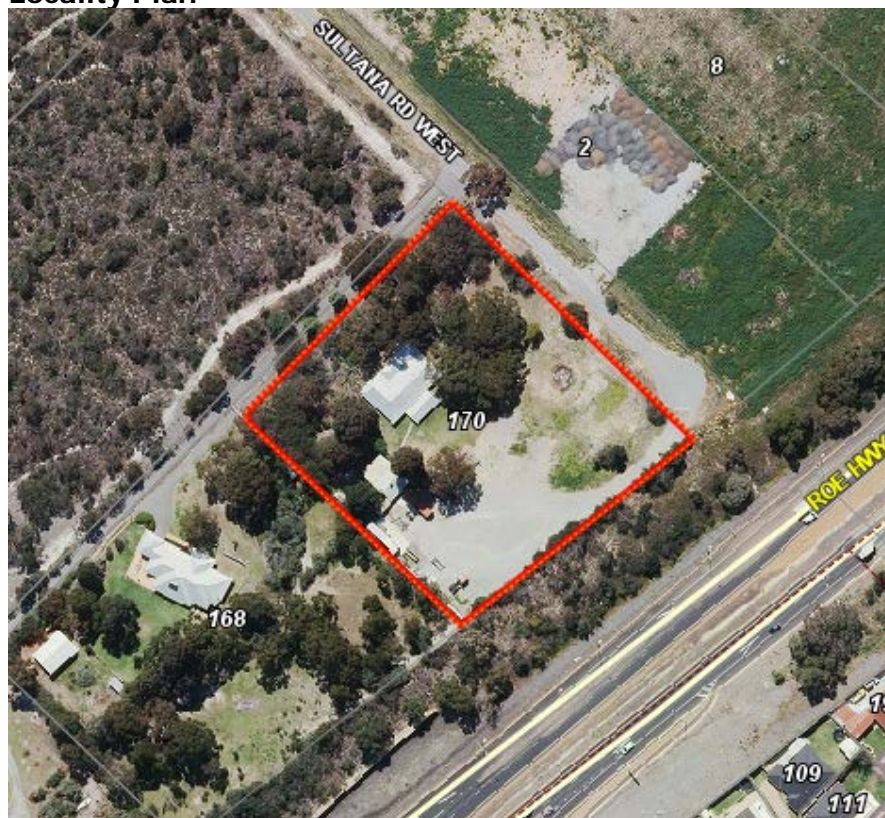
1. The purpose of this report is to adopt, for advertising, Local Planning Scheme No.3 (LPS3) Amendment 91.
2. Amendment 91 proposes to rezone Lot 50 Sultana Road West, High Wycombe (Lot 50) from Industrial Development to Special Use. The area has been identified for composite residential/light industry in the Forrestfield/High Wycombe Industrial Area Stage 1 – Local Structure Plan.
3. It is recommended to initiate Amendment 91 as a standard amendment for the purposes of public advertising.

BACKGROUND

4. Land Details:

Land Area:	1.089ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan**



6. The Forrestfield / High Wycombe Industrial Area Stage 1 is located within the Shire of Kalamunda (the Shire) and is generally bound by Sultana Road West to the north, Roe Highway to the east, Berkshire Road to the south and Dundas Road to the west.
7. The Forrestfield / High Wycombe Industrial Area Stage 1 Local Structure Plan (the Structure Plan) was prepared in 2012 to facilitate industrial subdivision and development within the area. Lot 50 is located in the north eastern corner of the Structure Plan.
8. In 2016, landowners in the area expressed concern to the Shire that the take-up of development had been slower than anticipated and pointed to the operation of the Structure Plan and Development Contribution Plan (DCP) as the primary constraints to development.
9. In response, Taylor Burrell Barnett (TBB) were engaged by the Shire to undertake a review of the existing Structure Plan and DCP (refer Appendix 3 of Attachment 1). As part of the review TBB investigated provisions in the Structure Plan relating to land use permissibility and lot sizes.

10. In undertaking the review, TBB facilitated a number of landowner consultation sessions and undertook research and analysis of the area in conjunction with traffic engineers and real estate professionals. The outcome of the review and consultation resulted in a series of recommended Structure Plan modifications. This included a recommendation to investigate composite residential and light industry uses for some properties. Composite uses facilitate a residential component on light industrial land and provide a suitable interface between industrial zoned land and residential zoned land. Not all landowners were agreeable to the composite uses being identified on their property but the owner of Lot 50 indicated a desire to accommodate this land use.

DETAILS

11. Market analysis undertaken as part of the TBB review indicated that there is no advantage in reducing or removing the minimum lot size for industrial lots within the precinct generally, as the demand is highest for lots that exceed 2ha. However, the TBB review does indicate that Lots 50-52 Sultana Road West and Lots 5-6 Ashby Close may benefit from a reduced lot size to assist in facilitating subdivision and providing an alternative industrial product to the market. Furthermore, the analysis indicated that there may be an opportunity to provide composite residential/light industry uses for some properties, including Lot 50.
12. The composite use proposed on Lot 50 would allow residential development to front onto Sultana Road West to provide a more appropriate interface with adjacent residential land uses on the northern side of Sultana Road West as part of Stages 2 and 3 of the Forrestfield North District Structure Plan (the DSP). Light industry uses and commercial vehicle access will be orientated towards Road 2A and interface with the industrial area in Stage 1.
13. Land use permissibility for Lot 50 will be administered through the Special Use Zone proposed as part of this LPS3 amendment. Subdivision and development requirements will be administered through provisions of the Structure Plan.
14. To ensure the appropriate administration of light industry land uses on Lot 50, it is proposed, as part of the Special Use Zone requirements, all Permitted ("P") uses listed under the Light Industry Zone in Table One of LPS3 become Discretionary ("D") uses. This will ensure that all proposed light industry land uses on Lot 50 are subject to planning assessment and due consideration can be given to the proposed development. Furthermore, it is proposed that Motor Vehicle Wrecking and Fast Food Outlet are classified as uses not permitted in the Special Use Zone due to their incompatibility with the residential component of the composite use.
15. The residential component of the Special Use Zone is proposed to be listed as a ("P") use and Home Occupation as a ("D") use. The proposed permissibility of the residential component is consistent with the Residential Zone of LPS3 and other approved composite areas in the metropolitan region.

STATUTORY AND LEGAL CONSIDERATIONS

16. Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires a resolution of a local government to adopt or refuse to adopt a Local Planning Scheme amendment as well as a justification for the type of amendment (basic, standard or complex).
17. Following adoption, the amendment must be referred to the Environmental Protection Authority for their comment before being advertised for 42 days.

POLICY CONSIDERATIONS

18. Amendment 91 has been prepared in accordance with the Regulations.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Amendment 91 was prepared by the Shire in response to the TBB review and Structure Plan Modifications Report. The TBB review was prepared with input from the Shire's various internal service teams.

External Referrals

20. If Council decide to adopt the proposed amendment for advertising, it will be submitted to the Environmental Protection Authority for their comment and then advertised for public comment for 42 days by publishing a notice in a newspaper circulating in the area, displaying a copy of the notice in the Shire's administration building, providing a copy of the notice to each public authority likely to be affected, publishing a notice and the amendment on the Shire's website and ensuring a copy of the amendment is available for public inspection at the Shire's administration building as per the requirements of regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

FINANCIAL CONSIDERATIONS

21. Administrative expenses are covered by current operating expenditure.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

23. Existing rural residential land uses in the area will continue to transition out as the area develops for transport and logistics orientated industrial uses. A key consideration for the planning for Forrestfield North will be to ensure an appropriate interface with the Stage 1 industrial area. The proposed composite use for Lot 50 will assist with providing an appropriate interface.

Economic Implications

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

Environmental Implications

25. Lots 223, 497, 498 and 499 Sultana Road West, Forrestfield are identified as Bush Forever area and are set aside as Parks and Recreation. A portion of road reservation abuts the Bush Forever area and during the construction phase, due consideration will have to be given to ensure impacts to this area are minimised.

RISK MANAGEMENT CONSIDERATIONS

26.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Land continues to remain constrained.	Possible	Significant	High	Landowners and Council have been well consulted throughout preparation of the modifications and the advertising process will provide another opportunity for landowners to voice any concerns for consideration.

OFFICER COMMENT

27. Proposed Amendment 91 has been prepared in response to the recommendations outlined in the TBB review and extensive consultation with landowners in the area.
28. Not all landowners were agreeable to the composite uses recommended by the TBB review being identified on their property but the owner of Lot 50 indicated a desire to accommodate this land use.

29. Amendment 91 is required to implement the land owners desire to facilitate composite uses on the land and facilitate the subdivision and development outcomes envisaged by modifications to the Structure Plan. Suitable subdivision and development requirements have been outlined in modifications to the Structure Plan (Attachment 1) to facilitate the composite uses. These requirements have been based on other successful composite uses in the metropolitan region. Initiation of Amendment 91 at the same time as the modifications to the Structure Plan will allow these matters to be considered concurrently by all stakeholders.
30. The proposed Special Use Zone is the most appropriate method for applying specific land use permissibility to an individual property. Given the limited take up of the composite use from landowners, it is not considered appropriate to introduce a new zone into LPS3 to facilitate this land use.
31. Advertising the amendment will provide the community and broader stakeholders an opportunity to outline any concerns and for these concerns to be addressed through the planning process.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 11/2017)

That Council:

1. Considers Amendment 91 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment is consistent with the Forrestfield High Wycombe Industrial Area Stage 1 Local Structure Plan (as amended).
2. Pursuant to Section 75 of the *Planning and Development Act 2005* adopts Amendment 91 to Local Planning Scheme No. 3 as at Attachment 2.
3. Forwards the proposed Amendment 91 to Local Planning Scheme No. 3 and supporting documents to the Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005*, advertises Amendment 91 to Local Planning Scheme No. 3 for public comment for 42 days.

Moved:

Seconded:

Vote:

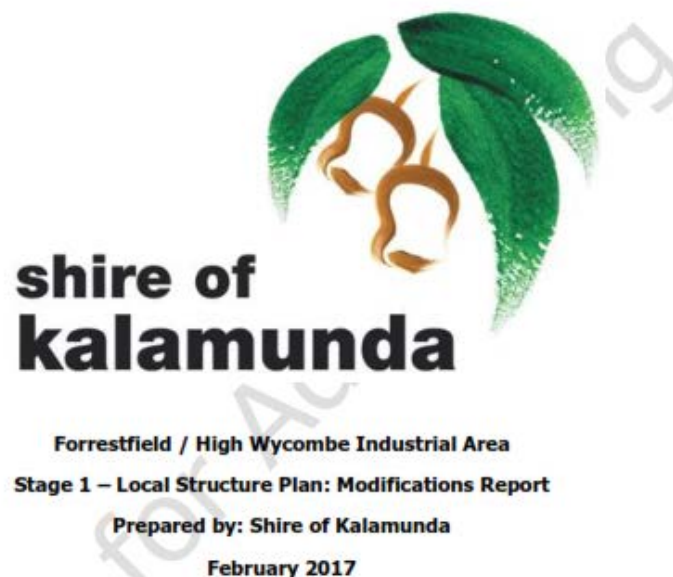
Attachment 1

Adoption of Local Planning Scheme No. 3 Amendment 91 for Advertising– Lot 50 Sultana Road West, High Wycombe – Special Use Zone

Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report

This attachment is provided online only, please refer to the following link:

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



Attachment 2

Adoption of Local Planning Scheme No. 3 Amendment 91

Proposed Scheme Amendment

LOCAL PLANNING SCHEME NO. 3

Amendment No. 91



FORM 2A

Planning and Development Act 2005 (as amended)

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 91

RESOLVED that the local government, in pursuance of Part 5 of the *Planning and Development Act 2005* (as amended), amends the above Local Planning Scheme by:

1. Inserting the following new Special Use Zone in Schedule 4 – SPECIAL USE ZONES:

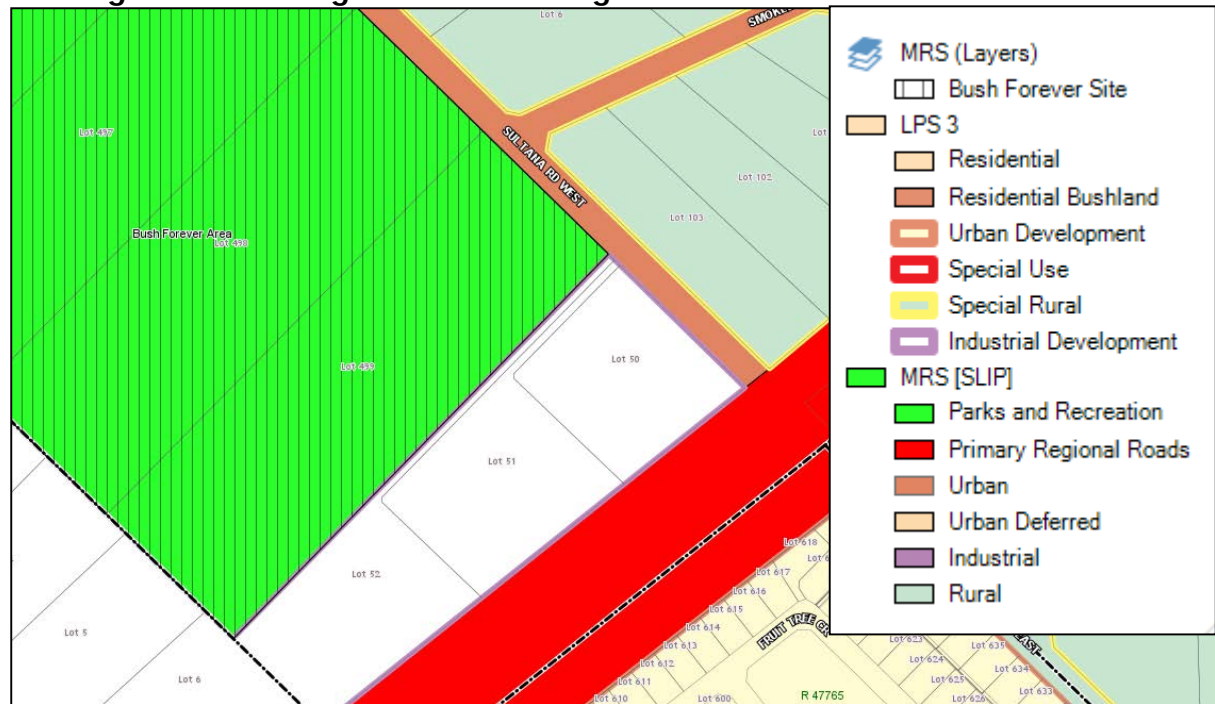
No.	Description of Land	Special Use	Conditions
SU 20.	Lot 50 Sultana Road West, High Wycombe	Those use classes listed under Light Industry Zone in Table One - Zoning Table, except the use classes of Motor Vehicle Wrecking and Fast Food Outlet which are uses not permitted. Single House – (P) Home Occupation – (D)	Those use classes listed under Light Industry in Table One - Zoning Table, their permissibility being in accordance with the symbols cross referenced in Table One except that all "P" uses become "D" uses. Subdivision and development requirements are subject to the Forrestfield / High Wycombe Industrial Area Stage 1 – Local Structure Plan (as amended).

2. Modifying the Local Planning Scheme Map from Industrial Development to Special Use (SU) 20 as per Attachment 1.

Dated this day of **2017**

CHIEF EXECUTIVE OFFICER

Existing Local Planning Scheme 3 Zoning

[illegible]

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

12. Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	KN-03/015
Applicant	Statewest Planning
Owner	Murray and Elise Richards
Attachment 1	Application Plan
Attachment 2	Site Photographs
Attachment 3	Subdivision Concept Plan
Attachment 4	Submission Table

EXECUTIVE SUMMARY

1. To consider a request to modify the High Wycombe Cell U2 Outline Development Plan to re-code lot 5000 (15) Kenneth Road, High Wycombe, from R20 to R30.
2. Under the provisions of State Planning Policy 3.1 – Residential Design Codes the proposed recoding would allow for an average lot size of 300m². This would potentially allow the subject lot to be subdivided into eight lots.
3. The proposal was advertised to the surrounding area and a total of seven (7) responses were received, totalling one (1) non-objection, one (1) objection with no comments, and five (5) objections with comments.
4. It is considered that the comments raised by objectors can be mitigated through the application of appropriate conditions in the development and subdivision application process.
5. Officer recommendation is to support the proposed modification due to the proposals compliance with the State Governments' policy framework, in particular the proximity to transport routes, public recreation areas, and commercial precincts.

BACKGROUND

6. Land Details:

Land Area:	5868 m ²
Outline Development Plan Zone:	R20
Local Planning Scheme Zone	Urban Development
Metropolitan Regional Scheme Zone:	Urban

7. The proposed modification relates to Lot 5000 (15) Kenneth Road, High Wycombe. The subject lot has frontages on to Kenneth Road and Banks Place.
8. The subject lot is surrounded by R20 coded development with the exception of a retirement village at the north-west of the site and the residences located across the road to the south-east, which are coded R25.
9. The property is currently developed and contains a single residence and a number of outbuildings including a pool located within one of the outbuildings. Subdivision concept plans provided by the applicant have shown that the majority of the outbuildings would be removed to allow further development should the proposed modification be approved.
10. A number of drainage easements are located on and around the subject property.

Locality Plan

11.



DETAILS

12. The proposed modification seeks to change the residential density code of the subject property from a density of R20 to R30.

13. The applicant has justified the proposal as follows:

- *Lot 5000 is currently a 5,868m² single residential lot. It has been developed with a dwelling and various outbuildings including a swimming pool (contained within an outbuilding) and sheds.*
- *The site adjoins a partially developed lifestyle village to its north-west.*
- *The property is within approximately 200m of two shopping centres, a medical centre and a tavern, and approximately 250m from a large recreation reserve at Elmore Way.*
- *The site is easily accessible to public transport, being within 200m of bus routes 294, 295, and 299 along Kalamunda Road. The nearest bus stops are 260m from the site.*
- *The property is located outside of the recently modified 20 ANEF Perth airport noise contour so density will not be restricted by aircraft noise.*
- *The existing house and separate enclosed and covered swimming pool are able to be retained such that the streetscape and access to Kenneth Road is not modified.*
- *Access to the area behind the existing residence where subdivision and subsequent development would take place would be off Banks Place.*
- *If development were to take place in accordance with the attached concept plan it would enable the creation of two separate green title lots with the existing house on one and eight (8) proposed strata lots and an access driveway on the other.*
- *The proposed strata lots would range from 293m² to 411m² with an average of 353m², which complies with the R30 code requirements of a minimum 260m², average 300m².*
- *The proposal is consistent with Direction 2031 which essentially seeks to maximise efficient use of space and get the most amount of dwellings to meet the demand for housing as a consequence of rising population needs. It sets a target of 15 dwellings per gross hectare. Based on the current subdivision pattern (R20 density) this figure is not achievable.*
- *Directions 2031 makes a number of assumptions, namely:*
 - *A more compact city is desirable*
 - *We must work with the city we have*
 - *We must make more effective use of the land and infrastructure*
 - *We must prioritise land that is already zoned for development**This proposal meets those objectives.*
- *Over the coming years there is expected to be a large increase in the population of Perth and WA in general. Effective maximisation of space to accommodate the growing population is key and this ideology is consistent with Directions 2031 and the proposal the subject of this request.*
- *Liveable Neighbourhoods seeks to create opportunities for efficiency in walking, cycling, and public transport. This property is well located to achieve these outcomes.*
- *The proposal is consistent with the principles behind the Councils Local Housing Strategy (LHS). Proximity to public transport, shops, POS, housing choice, etc., is discussed above. We note that the Cell U2 ODP is not included in the LHS, which sets out a framework and justification for Scheme Amendments (currently nearing completion) but the nature of the Urban Development zoning enables residential densities to be modified without a Scheme amendment being required.*

- *The combination of green title and survey strata lots will enable the existing house to be retained whilst providing for smaller, more affordable and efficient lots than would otherwise be possible by standard green title subdivision over the property.*

14. As stated above, the concept plan provided shows potential to create eight (8) lots and one common property access on the subject site, in addition to the existing residence already constructed on site.

STATUTORY AND LEGAL CONSIDERATIONS

15. Part 4 – Clause 20 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) outlines that Council must forward their recommendation to the Western Australian Planning Commission (WAPC) for their determination. In the event that the WAPC refuses the modification a right of review (appeal) to the State Administrative Tribunal exists. The WAPC would be the respondent for any such appeal.
16. In the event that the structure plan amendment is approved the Shire is required to have 'due regard' to, but is not bound by, the structure plan when making a decision in regard to development applications or recommendations for a subdivision application.

POLICY CONSIDERATIONS

17. The Shire's Local Housing Strategy was adopted by Council on 24 March 2014. Although the subject land is not specially addressed in the Local Housing Strategy the proposed modification is consistent with the following objectives:
- *To provide for a greater variety of lot sizes and housing types that will cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services, while at the same time meeting the social and economic needs of the Shire's changing demographics.*
 - *To identify suitable areas for greater housing choice which are strategically located, i.e., close to, or well connected to, existing and future services (for example, employment centres, main transport routes/hubs, community facilities, shopping centres, and most importantly, the two District Centres within the Shire – Kalamunda and Forrestfield.*
18. The proposal, given its proximity to amenities and public transport is considered to accord with the objectives of the Local Housing Strategy.

Directions 2031 and Beyond

19. The proposal is consistent with the following objectives of State planning framework *Directions 2031 and Beyond*:
- *We have a responsibility to manage urban growth and make the most efficient use of available land and infrastructure.*

Directions 2031 and Beyond also seeks to achieve a 50 percent improvement on current infill residential development trends.

20. The proposal, given its desire to increase the number of lots and diversify the future housing stock of the area is considered to accord with the objectives of *Directions 2031 and Beyond*.

Draft Perth and Peel at 3.5 Million

21. The proposal is considered to be consistent with the following objectives of the draft *Perth and Peel at 3.5 Million* framework;
- *Increase residential infill development.*
 - *Ensure as many homes as possible are located within existing activity centres and linked with efficient public transport.*
 - *Increase housing diversity and affordability.*
22. The proposal, given its desire to increase housing stock in proximity to amenities and public transport is considered to accord with the objectives of the Draft Perth and Peel framework.

Liveable Neighbourhoods

23. Design Principle 6 of Element 4 of State planning framework *Liveable Neighbourhoods* outlines the need for housing density and diversity to meet changing future community needs. The framework states that a variety of lot sizes and housing types should be distributed through a neighbourhood, and preferably within the same street. Doing this facilitates housing diversity, choice and style within the neighbourhood.
24. The proposal, given its desire to increase the R Coding of this site and in doing so diversify the lot sizes and potential for varied housing stock in the area is considered to accord with the objectives of Liveable Neighbourhoods.

COMMUNITY ENGAGEMENT REQUIREMENTS

P-DEV. 45 – Public Notification of Planning Proposals

Advertising of Planning Applications under part 64 of the Regulations.

25. In addition to where notice is prescribed under part 64 of the Regulations public notice was also given in line with the Shire's P-DEV 45.
26. In accordance with the requirements of the Shire's *P-DEV 45 (Public Notification of Planning Proposals)* the proposal was considered to be a standard application and was advertised to property owners within a 100m radius of the site for a period totalling 28 days. This included an additional 14 days in order to account for the Christmas period.

Advertising commenced on the 2nd of December and concluded on the 30th of December. During this time seven (7) responses were received, totalling one (1) non-objection, one (1) objection with no comments, and five (5) objections with comments.

Within the objections the following concerns were raised:

- The increase in properties within the area will increase the amount of traffic in a quiet residential area, potentially causing accidents;
- The higher density will result in the creation of apartments, which is completely out of sync with the area;
- The roads around the site should not be altered to enable access to the site;
- The corner at Denver Rise and Banks Place is already dangerous, adding more vehicles may result in an accident;
- Construction on any future lots will create undue noise and air pollution; and
- Any increase in the number of two storey dwellings will cause a reduction in privacy for surrounding properties.

Internal Referrals

27. The application was referred to the Shire's Asset Services, who raised no objections to the proposal.

FINANCIAL CONSIDERATIONS

28. In the event that the application is refused, the associated costs relating to defending an appeal in the State Administrative Appeals Tribunal will need to be taken into consideration.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.2: To effectively plan for the diverse range of housing stock that will be required to meet the social and economic needs of the Shire's changing demographic.

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

SUSTAINABILITY

Social Implications

30. Allowing R30 lot sizes will ultimately lead to a greater housing stock within the area, potentially allowing for a broader housing demographic in the area by providing more affordable housing options via smaller lots.

Economic Implications

31. The proposed development seeks to provide additional housing through an increase in density. The ultimate financial implication is the allowance for more housing on this site which will increase the rate base.

Environmental Implications

32. Nil.

RISK MANAGEMENT CONSIDERATIONS

33.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Construction will cause noise and air pollution	Unlikely	Insignificant	Low	Ensure that all construction companies adhere to the requirements of the appropriate legislation.
Increased density will reduce privacy	Unlikely	Moderate	Low	Ensure that all application for development within the area comply with the visual privacy provisions of the Residential Design Codes.
More properties may disrupt the quiet residential nature of the area	Rare	Insignificant	Low	Residents will be required to adhere to the appropriate Noise Regulations.
Reputation damage with the WAPC if Council does not approve the proposed modification to the local structure plan	Moderate	Possible	Medium	Demonstrate the proposed modification to the Local Structure Plan is consistent with State Government Policy.

OFFICER COMMENT

34. The subject lot is located in an area with good access to various nearby amenities. These include shopping and service centres, as well as a number of established transport routes and a recreational reserve. Therefore, an increase in density to a medium density coding of R30 is considered appropriate in this instance.
35. Under the current local structure plan, the site, could potentially accommodate 6 lots. The concept plan submitted in support of the proposal has demonstrated that the subject lot could potentially accommodate an additional 2 lots bringing the total to 8 lots. In this regard, the minor increase in the potential lot/dwelling yield is considered consistent with State Government policy framework.
36. In response to the objections received to the proposal, the following comments are provided:

Increase in Traffic and Potential for Accidents:

It is noted that an increase in the number of residences within the area would cause an increase in the number of motor vehicles within the area. However, it is considered that once the new houses have been constructed the traffic flow to and from the residences would be in line with current traffic trends of the area using an established road network.

Noise and Air Pollution:

Should the subject property be developed then newly created dwellings will at some point be developed by the individuals that purchase them. It is expected that some form of noise or air pollution will be present during the construction period. However, any works that take place on the new lots will be required to adhere to Noise Regulations and development standards, which will minimise the impact upon the surrounding area. Furthermore, any development that takes place will only occur up to the point where the development is complete. Following this point, it is considered that the potential for air and noise pollution will be significantly decreased.

Alterations to the Existing Road Layout:

The model subdivision plan provided by the applicant suggests that access to any newly created lots will be via a common access way that may originate from Banks Place. It is considered that there would be no reason to alter any of the existing roadways to accommodate any proposed lots.

Potential for Apartment Development and Decreases in Privacy Through Two Storey Development:

In line with the provisions of the Residential Design Codes a coding of R30 will allow for the creation of multiple dwellings on lots. However, in regards to the issue of development and issues of privacy, such topics can be dealt with through any development application received by the Shire. Proper assessment by the Shire's Approval Services can ensure that appropriate development occurs on the new lots.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 12/2017)

That Council:

1. Pursuant to Clause 20 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards the proposed amendment to the High Wycombe Cell U2 Outline Development Plan for Lot 5000, High Wycombe (Attachment 1) to the Western Australian Planning Commission for determination.
2. Pursuant to Clause 20 (2) (e) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends that the Western Australian Planning Commission approves the proposed amendment.

Moved:

Seconded:

Vote:

Attachment 1

Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan Application Plan



Attachment 2

Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2
Outline Development Plan

Site Photographs

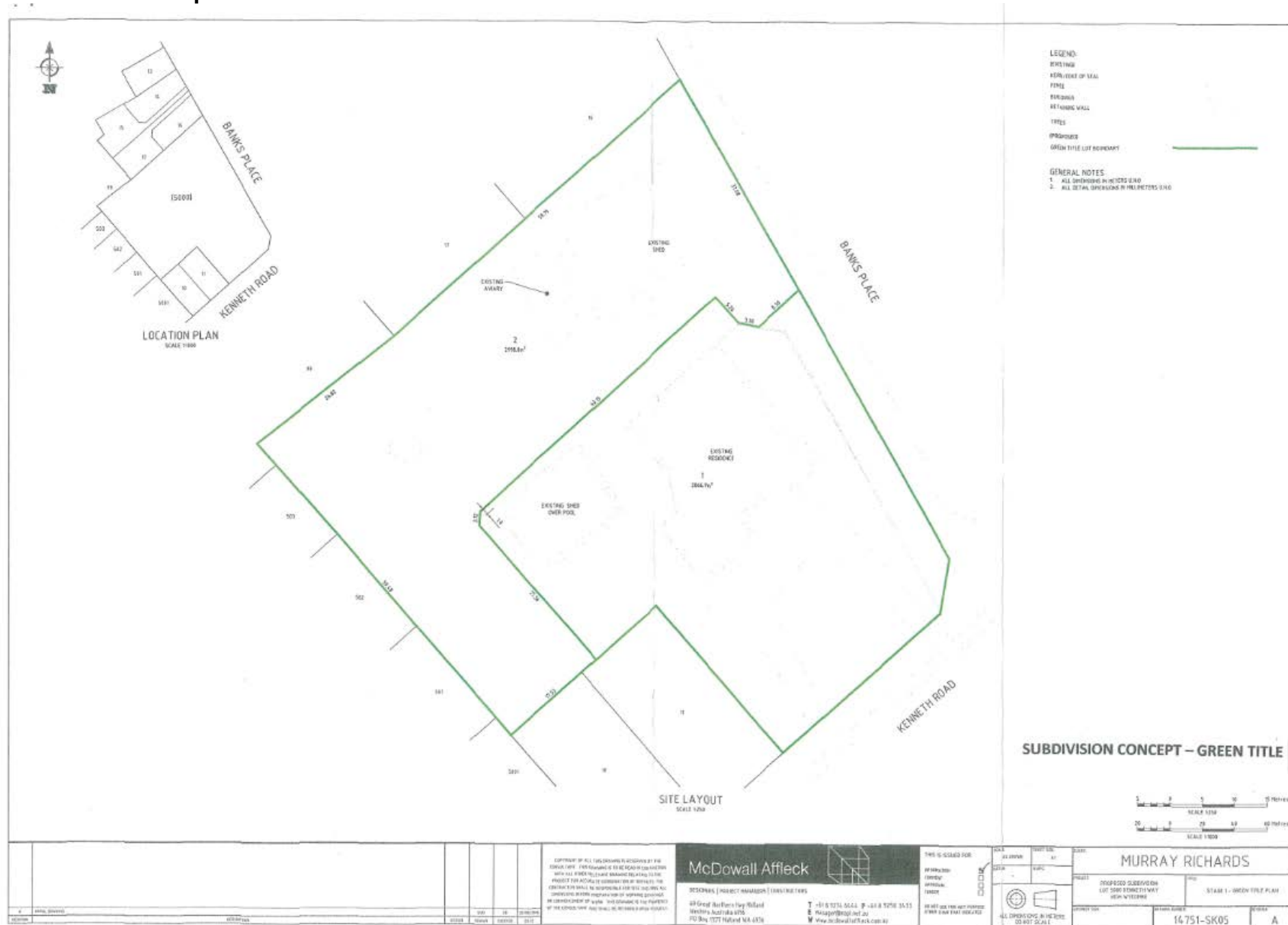






Attachment 3

Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan Subdivision Concept Plan





Attachment 4

Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan

Submission Table

Nature of Submission	Submitter Number	Officer Comment
No objection	2	Noted.
Objection	1	Noted.
Streets will become busier because of increased traffic	3, 4, 5, 7	It is considered that once the new houses have been established the traffic flow to and from the residences would be in line with current traffic trends of the area.
Construction will create noise and air pollution	3	Any works that take place on the new lots will be required to adhere to Noise Regulations and development standards, which will minimise the impact upon the surrounding area. Furthermore, any development that takes place will only occur up to the point where the development is complete. Following this point, it is considered that the potential for air and noise pollution will be significantly decreased.
Increased traffic may cause accidents	3, 4, 5, 7	While driver behaviour is something the Shire cannot police, the Shire's Assets Services have assessed the proposal and have not indicated any safety concerns associated with the ODP design.

Rezoning could create apartments, which is out of sync with the aesthetic of the area	5	In line with the provisions of the Residential Design Codes, a coding of R30 will allow for the creation of multiple dwellings on the lot.
Modifications to Banks Place should not be permitted	5	The model subdivision plan provided by the applicant suggests that access to any newly created lots will be via a common access way that may originate from Banks Place. It is considered that there would be no reason to alter any of the existing roadways to accommodate any proposed lots.
Increase in the chance of two storey development could impact upon neighbour privacy	5, 6	Assessment by the Shire's Development Services at planning applications stage can ensure that the potential for encroachment on privacy is and mitigated as per the requirements of the R Codes.
The density of the area is high enough already	7	The site is adjacent to an area that has been selected to be rezoned as dual density coding R20/R40 under the Shire's Amendment 82. In addition to this the proposal is in line with the various active and proposed State Planning Policies.
Application appears to be driven by greed rather than necessity	7	It is considered that this is not a valid planning concern.

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

13. Delegation to Chief Executive Officer – Public Health Act 2016

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Environmental Health Services
File Reference	
Applicant	N/A
Owner	N/A
Attachments	Nil

EXECUTIVE SUMMARY

1. To consider delegating to the Chief Executive Officer the power to appoint Environmental Health Officers under the *Public Health Act 2016*.
2. In order to carry out its functions efficiently and effectively, Council has the ability to delegate some of its powers and duties to the Chief Executive Officer (CEO) (or to another staff member, in some cases).
3. The *Public Health Act 2016* provides for Council to delegate its power to appoint Environmental Health Officers to the CEO and it is recommended that Council delegates this power to the CEO.

BACKGROUND

4. The *Public Health Act 2016* (the Act) replaces the *Public Health Act 1911*. Although the Act received Royal Assent on 25 July 2016, due to the significance of the changes being introduced through this new Act, it is to be implemented in a number of stages. Stage three (3) of the implementation process has now been initiated and a key part of this relates to provisions for the appointment of Environmental Health Officers.
5. Prior to the introduction the new provisions, Local Government Environmental Health Officer appointments were required to be approved by the Department of Health (DoH) under the provisions of the *Health Act 1911*.

DETAILS

6. The new legislation pertaining to health matters transfers the responsibility for a number of powers and duties from the DoH to local governments, including the appointment of Environmental Health Officers under the provisions of s17 (1) of the Act.
7. The delegation of this power to the CEO will obviate the need to seek Council approval for what is essentially an operational matter.

8. In addition it will accord with the statutory functions of the CEO under the provisions of s5.41 (g) of the *Local Government Act 1995* which provides for the CEO to be responsible for employment, management, supervision, direction and dismissal of staff.

STATUTORY AND LEGAL CONSIDERATIONS

9. Section 17 (1) of the Act – local government to appoint Environmental Health Officers
Section 18 of the Act – qualifications and experience of Environmental Health Officers.
Section 21 (1) (b) of the Act – local government can delegate a power or duty to the Chief Executive Officer.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Nil.

External Referrals

12. Community engagement is not required for this issue.

FINANCIAL CONSIDERATIONS

13. There is no financial impact from this report.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.3 – to lead, motivate and advance the Shire of Kalamunda.

Strategy 6.3.1 Regularly review the organisations structure, policies and procedures in response to changing circumstances.

SUSTAINABILITY

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Delegation of the power to appoint Environmental Health Officers is not supported	Unlikely	Moderate	Low	Ensure Council are aware that the power to appoint new officers can be delegated to the CEO- avoiding the need to refer new appointments to DoH.

OFFICER COMMENT

19. This change will allow the Shire to appoint Environmental Health Officers without the need to seek approval from the Department of Health. Council can chose to delegate this power to the CEO, avoiding the need to refer all these appointments to them for approval. This requirement relates to new appointments.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 13/2017)

That Council:

1. Pursuant to section 21 (1) (b) of the *Public Health Act 2016* delegates to the Chief Executive Officer the power to appoint Environmental Health Officers in accordance with section 17 (1) of the *Public Health Act 2016*.

Moved:

Seconded:

Vote:

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

14.0 TABLED DOCUMENTS

Unconfirmed Minutes – Kalamunda Environmental Advisory Committee –
2 February 2017

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE



MINUTES

KALAMUNDA ENVIRONMENTAL ADVISORY COMMITTEE MEETING 6PM THURSDAY 2 FEBRUARY 2017 ADMINISTRATION BUILDING FUNCTION ROOM

1.0 OPENING OF MEETING

The Presiding Member opened the Meeting at 6:03pm, and welcomed all in attendance. The meeting was informed of the departure of Tamara Wilkes-Jones. The Committee agreed to write a letter to Tamara, thanking her for her service to the Committee, and her great work on environmental matters at the Shire of Kalamunda.

The acting Coordinator Parks and Environment Services, Joanne Smith, introduced herself to the Committee, providing information regarding her background.

2.0 ATTENDANCE AND APOLOGIES

Attendance

Committee Members

Kevin Goss – Presiding Member
Mark Schilling – Deputy Presiding Member
Councillor Brooke O'Donnell – Councillor Delegate
Mike Burbridge – Community Representative
Joy McGilvray – Community Representative
Joanne Smith – Acting Coordinator Parks and Environment Services

Deputy Community Observers

Peter Forrest – Deputy Community Representative
Rupert Duckworth – Deputy Community Representative
Mark Simpson – Deputy Community Representative

Members of Staff

Brett Byfield – Minutes Secretary

Apologies

Councillor Noreen Townsend – Councillor Delegate
Councillor Sara Lohmeyer – Deputy Council Delegate
Councillor Tracy Destree-Thompson – Councillor Observer
Cameron Blackburn – Deputy Community Representative
Sam Assaad – Manager Operations

3.0 CONFIRMATION OF MINUTES

- 3.1 That the Minutes of the Kalamunda Environmental Advisory Committee on the 27 October 2016 as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Joy McGilvray**
Seconded: **Mark Schilling**
Vote: **Carried Unanimously 6 / 0**

4.0 DISCLOSURE OF INTERESTS

4.1 Disclosure of Financial and Proximity Interests:

Nil.

4.2 Disclosure of Interest Affecting Impartiality

Nil.

5.0 CORRESPONDENCE

Nil.

6.0 ITEMS FOR COMMITTEE CONSIDERATION – Presiding Member

6.1 Matters Arising From Previous Meeting

6.1.1 Forrestfield North

The Tender for the Structure Plan Preparation and Coordination will be submitted to Council in the February 2017 round of Council Meetings. Council will make a decision on the successful tenderer. Please note that the Report Item will be a Confidential Item to Council. Following that decision, KEAC will be in the position of considering this item further.

The Committee resolved to request that the soon to be appointed Consultant for Forrestfield North attend the March special meeting to discuss environmental matters relating to Forrestfield North.

6.1.2 Street Tree and Streetscape Policy and Management Procedures

An update following OCM consideration and decision, 19 December 2016, was provided to the meeting. Acting Coordinator Parks & Environment noted that the policy has been adopted. Final part of that will be community engagement material. The policy is very specific to the verge/public areas

6.1.3 Wattle Grove Street Tree Planting Project

An update following OCM consideration and decision, 19 December 2016 was provided to the meeting. Stage 1 of the project was endorsed in December. Stage 1 will proceed in June. The next stages of the project are going up to Council in February 2017.

6.1.4 Community Engagement

Member Comment

Concerns regarding community engagement by the Shire of Kalamunda were raised. There had been disappointing numbers at community engagement workshops. KEAC should provide advice to Council on environmental matters, not outside of its scope. There should be funded community engagement officers to improve communications.

Acting Coordinator Parks and Environment noted an engagement policy is in place at the Shire of Kalamunda.

The Presiding Member stated KEAC's earlier agreed position; that when a recommendation is made to Council, the Committee should take a strong view and advise on how communications and community engagement can take place.

Concern was also raised regarding the use of expertise and resources of the Committee; that the way the Committee is working should be reviewed. It is important for the Committee to initiate, rather than just respond to referrals.

6.2 Local Environment Strategy

Background

The Shire intends that the Local Environment Strategy provides guiding principles on sustainability. The KEAC Meeting of the 27th October 2016 noted that KEAC needs to develop a framework to capture what will be included in the future Local Environmental Strategy.

Details

The Acting Coordinator Parks & Environment created a scoping document **<Attachment 1>** of what would be included in a Local Environment Strategy, and provided key points that KEAC could review. The Acting Coordinator Parks & Environment recommends that KEAC agrees the scope and purpose of the Local Environment Strategy and chooses two key items to focus on, research and develop further. To attempt more could be unmanageable. The topics that are identified in the scoping document as concerning KEAC are:

- *Equity and Local Economy*
 - Forrestfield North
- *Land use and Wildlife*
 - Tree Cover Policy (tree coverage, shade, heat island effect)
 - Wattle Grove Street Tree Planting Program

- Significant Tree Register
- Commemorative tree planting and maintenance
- Sustainable Materials
 - Sustainability
- Zero Waste
 - Waste Management Strategy 2013-2022
- Zero Carbon
 - Carbon Reduction
- Sustainable Water
 - Water Sensitive Urban Design
 - Retrofitting

Statutory and Policy Considerations

The current Kalamunda Environmental Advisory Committee's term of office expires in October 2017. This requires the Committee to target specific items.

Any Policy requiring enforcement should be included under the Local Planning Scheme to ensure that it is enforceable. The KEAC meeting in October 2016 noted the use of Deemed Provisions, to capture development by exception.

Community Engagement Requirements

KEAC, as an advisory group, can provide advice to Council. Each separate part of the Local Environment Strategy will require Council to go out to the community for comment.

Member Comment

Discussion took place on the OnePlanet Framework. It allows for benchmarking against international guidelines, though it should be adapted to the Kalamunda Shire. The framework needs to inform meetings of Council, a tool to assist in decision making. The LES can state annual priorities for environmental strategies within financial resources, should be consistent with the Community Strategic Plan, and be part of the Shire of Kalamunda's performance measures.

The Committee agreed to insert into the Land Use and Wildlife section how friends groups are supported. Environmental staff do an excellent job with the resources available. Resources are limited, and State and Federal grants are limited. Building empowerment in the volunteer groups, making sure they are part of overall achievements in the environmental area in the Shire is important.

The Committee considered it important that the Shire provide the lead in the environment, as leading behaviour by Council will bring attention to environmental issues, and give them greater substance.

Resolution

The Committee resolved that the proposed scope of the Local Environment Strategy follows the OnePlanet structure and its ten headings, as an in-principle position for further work.

The Committee resolved that the purpose of the Local Environment Strategy is a framework for existing and new strategies and policies, for decision making of Council and for engaging the Shire Community. Further, it will allow for the benchmarking and reporting against internationally recognised principles.

The Committee further resolved that it delegate Mike Burbridge to assist the Shire of Kalamunda to build the inventory for the Local Environmental Strategy.

Moved: **Mike Burbridge**
Seconded: **Cr Brooke O'Donnell**
Vote: **Carried Unanimously 6 / 0**

6.3 Trees on Private Property

Background

The Tree and Vegetation Preservation Policy (ENV9) is not an enforceable policy, as it is outside the Local Planning Scheme. Without the ability to enforce the policy, it cannot be part of conditions of development. The Street Tree and Streetscape Policy and Procedures were approved at the December Ordinary Council Meeting, which forms the Council side of vegetation protection.

Details

A policy on Trees on Private Property will require careful consideration and thorough community engagement to be successful, given difficulties experienced in other local government authorities. It is a significant part of any Urban Forest Strategy. To begin discussion on what such a policy would look like, **<Attachment 2>** is the City of South Perth policy.

Statutory and Policy Considerations

- Any Policy created under Deemed Provisions would not affect Subdivisions. It should be noted that the Western Australia Planning Commission has the final say on any conditions added to a subdivision approval.
- Deemed Provisions would be able to affect new dwellings or additions to an existing dwelling.

Community Engagement Requirements

Community consultation is a key issue with any policy relating to private property. A significant amount of time and resources would need to be provided in any education campaign on the benefits on regulation of trees and vegetation on private properties.

Member Comments

A policy like this needs to come from a sound idea, and be part of a defined goal, rather than transpose a Policy from another Council with different requirements, and without the significant diversity of the Shire of Kalamunda. Usually a policy of this nature is an outcome of biodiversity strategy.

A policy of this nature needs to be well researched, due to the possible negative reaction. The planning tool to be used, Deemed Provisions, needs further investigation to ensure that the Committee fully understands its uses and limitations. Bushfire requirements are a significant limiter of any policy of this nature as well.

Resolution

That KEAC:

- Further investigates the reasons, and potential mechanisms for protection of vegetation on private property;
- Looks at the larger questions of why and how we would conserve vegetation in the Shire under existing policies and strategies; and
- Seeks answers to two questions:
 - Precision on how Deemed Provisions will actually apply. Request some examples or case studies; and
 - How a Policy on Private Trees would operate in a bushfire prone area.

Moved: **Mark Schilling**
Seconded: **Joy McGilvray**
Vote: **Carried Unanimously 6 / 0**

7.0 URGENT BUSINESS WITH THE APPROVAL OF THE PRESIDING MEMBER

8.0 DATE OF NEXT MEETING

March Special Meeting:

9.0 CLOSURE
20:25pm