

# Development & Asset Services Committee Meeting

Minutes for Monday 2 October 2017



**city of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.30pm, and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

Sara Lohmeyer	North West Ward
Sue Bilich	(Presiding Member) North Ward
Michael Fernie	South East Ward
John Giardina	South East Ward
Geoff Stallard	South East Ward
Allan Morton	South West Ward
Brooke O'Donnell	South West Ward
Noreen Townsend	South West Ward

##### Members of Staff

Gary Ticehurst	A/Chief Executive Officer
Natalie Martin Goode	Director Development Services
Rob Korenhof	A/Director Asset Services
Simon Di Rosso	General Counsel & Executive Advisor, Governance & Legal
Andrew Fowler-Tutt	Manager Approval Services
Peter Varelis	Manager Strategic Planning
Nicole O'Neill	Manager Customer & Public Relations
Donna McPherson	Executive Research Officer to Chief Executive Officer

**Members of the Public** 11

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Andrew Waddell JP	(Mayor) North West Ward
Dylan O'Connor	North West Ward
Tracy Destree	North Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Dennis Blair	Director Asset Services

**2.3 Leave of Absence Previously Approved** Nil.

### **3.0 PUBLIC QUESTION TIME**

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

#### Questions taken on Notice Development & Assets Committee 4 September 2017

##### **3.1 Mr Peter Forrest, 36 Panoramic Terrace, Kalamunda**

- Q. In relation to Agenda Item 71 Proposed Amendment No. 96 to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones – Public Advertising - can clarification on the permitted use "Shop" be provided in relation to changes of permitted uses without works?
- A. Amendment 96 does not propose any changes to the use class permissibility of a "shop" which is a "P" use in the District Centre and Commercial Zones. A change of use to "shop" in these zones is currently permitted without requiring planning approval if there is no works (building) component. If there is a works component then planning approval would be required.

##### **3.2 Mr Darrell Downing, 3 Quenda Close, High Wycombe**

- Q. Why are the Department of Transport Share Path Design Technical Guidelines, referred to in Report Item 62, not adhered to on Milner Road, Berkshire Road (at gateway project), Maida Vale Road, Kalamunda Road and other roads within the City of Kalamunda?
- A. The City advises these are Technical Guidelines and the actual location of pathways is determined by the responsible authority. The location of pathways in relation to the kerb and property boundary varies between local governments and often between streets in many local governments. The option to construct pathways on the back of kerb is now common in the Perth Metropolitan area, primarily as this location does not result in a strip of verge which is not often maintained by the adjoining property owner. In the case of industrial areas such as Forrestfield/High Wycombe the 1.0 metre offset to the kerb line is supported as it minimises damage by industrial truck traffic crossing the kerb line.

##### **3.3 Mr Peter Forrest, 36 Panoramic Terrace, Kalamunda**

- Q1. Will the City give consideration to referring development proposals to the Environmental Advisory Committee for comment?
- A1. The City is working on a Tree Retention Policy and once this has been adopted there will be the opportunity to refer proposals to the Committee.

Q2. Will the City consider implementing a Design Advisory Committee?

A2. Yes. The Terms of Reference of this Committee have been adopted and the members of the committee will be appointed by Council in November.

3.4 Chris O'Hora, 361 Paulls Valley Road, Paulls Valley

Q. Are there policies or procedures in place for the opening or closing of gates and chained thoroughfares/access ways in the event of an emergency?

A. The emergency management gates for fire access would be unlocked by DFES in the event of an emergency. If there is not enough time for this to occur the barriers are designed to be crashed through by a Four Wheel Drive vehicle.

#### **4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

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

5.1 That the Minutes of the Development & Asset Services Committee Meeting held on 4 September 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (8/0)**

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

6.1 Nil.

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

7.1 **Item 76 - Proposed Chapel and Library – Lot 112 (280) Holmes Road, Forrestfield**

##### **Attachment 5 - Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

7.2      **Item 77 - Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie**

**Attachment 5 - Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

7.3      **Item 78 - Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield**

**Attachment 5 - Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

**8.0      DISCLOSURE OF INTERESTS**

8.1      **Disclosure of Financial and Proximity Interests**

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

8.1.1      Nil.

8.2      **Disclosure of Interest Affecting Impartiality**

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

8.2.1      Cr Geoff Stallard declared an interest affecting impartiality in relation to Item 75 Hummerston Road – Petition for the Construction of the unmade Eastern Section to Fern Road as he has family who own property on Fern and Hummerston Roads.

8.2.2      Cr Brooke O'Donnell declared an interest affecting impartiality in relation to Item 77 Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie as she is works as a Counsellor.

**9.0      REPORTS TO COUNCIL**

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

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

**74. Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan: Report (2017-2018 Annual Review) – Adopt for the Purposes of Public Advertising**

Previous Items	SCM 62/2015 OCM 198/2016
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-STU-028
Applicant	N/A
Owner	Various
Attachment 1	Forrestfield/High Wycombe Industrial Area Stage 1 – Development Contribution Plan – Report: 2017 – 18
Attachment 2	Woodsome Management – Independent Review

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the Forrestfield / High Wycombe Industrial Area Stage 1 - Development Contribution Plan (DCP) Report annual review and advertise the updated rate and relevant documentation for public comment.
2. The review has resulted in a decrease in the contribution rate to \$18.6969 from \$29.79/m<sup>2</sup> due to the Western Power pole relocations being further investigated and infrastructure upgrades to Dundas Road are no longer required.
3. Council is recommended to adopt the DCP for the purposes of public advertising.

**BACKGROUND**

4. The amendment to include the DCP Scheme within the City of Kalamunda's (the City) Local Planning Scheme No. 3 (LPS3) was gazetted in May 2013. This initiation allowed the City to place on development and subdivision approvals, the obligation to pay a DCP contribution.
5. Following the gazettal of the DCP, Council was required to adopt a DCP Report and cost apportionment schedule. The DCP Report and the associated cost apportionment schedule sets out in detail the calculation of cost contributions for development in accordance with the methodology shown in the DCP. The DCP Report needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCP Report does not form part of LPS3 but once adopted by Council, is required by Clause 6.5.11.2 of LPS3 to be reviewed at least annually.
6. The DCP Report has previously been reviewed in December 2016, June 2015 and April 2014.



## Locality Plan

7.



## DETAILS

8. The DCP Report is necessary to bring to account the development of 276,800.5m<sup>2</sup> of land since the DCP became operable. At each DCP Report review, all factors contributing to the contribution rate must be revised.

The significant factors reviewed are as follows:

1. Remaining developable area.
2. Land yet to be acquired.
3. Land valuation.
4. Works completed or partially completed.
5. Cost of works remaining.
6. Administration costs.
7. Works priorities.

9. *Remaining developable area*

The future developable area is expected to provide the contributions necessary to clear all the remaining DCP costs. As at 30 June 2017 approx. 383,717.987m<sup>2</sup> of land is remaining to be developed.



10. *Land Requiring Acquisition*  
As at 30 June 2017, 16,108.5m<sup>2</sup> has been acquired and 13,618m<sup>2</sup> is requiring acquisition.

<b>Acquired Area (m<sup>2</sup>)</b>	<b>Cost (\$)</b>
16,108.5	\$4,188,210 (@\$260/m <sup>2</sup> )
166	\$36,520 (@\$220/m <sup>2</sup> )
<b>Requiring Acquisition</b>	<b>Cost (\$)</b>
13,618m <sup>2</sup>	\$2,995,960 (@\$220/m <sup>2</sup> )

11. *Land Valuation*  
Land to be acquired has been identified in the DCP. In June 2017, an independent valuer was engaged to provide the estimated rate at which land should be acquired at through the DCP. The rate is valued at \$220/m<sup>2</sup>.
12. Lot 51 Sultana Road West requires the partial demolition of an existing masonry garage to permit the construction of Road 2A to facilitate development. In March 2017, the City engaged a quantity surveyor to estimate the cost of demolishing the garage, partial reimbursement for the loss of the built form and costs required to "make good" the remaining parts of the residence. This cost has been estimated at approx. \$60,000. This cost has been included in the estimate to construct Road 2A.
13. *Works Completed or Partially Completed*  
As at 30 June 2017, \$5,404,365.48 worth of works, administrative items and reimbursements have been completed.

<b>Item</b>	<b>Completed</b>
Nardine / Ashby Close	\$464,556.59
Nardine Close Extension (2A) Stage 1	\$24,000.00
Nardine Close Extension (2A) Stage 2	\$12,500.00
Nardine Close/Milner Road Intersection	\$4,677.50
Milner/Berkshire/Dundas Road Intersection	\$4,536.14
Land for Roads	\$4,224,733.38
<b>Subtotal – Infrastructure</b>	<b>\$4,735,003.61</b>
Administration	\$329,740.30
Reimbursements	\$339,621.57
<b>Subtotal – Administrative Items / Reimbursements</b>	<b>\$669,361.87</b>
<b>Total</b>	<b>\$5,404,365.48</b>

14. *Cost of Works Remaining*

As at 30 June 2017, \$10,111,796.74 worth of works are remaining to be completed.

Item	
Berkshire Road*	\$255,364.96
Milner Road*	\$777,979.00
Nardine / Ashby Close*	\$722,033.79
Road 1*	\$536,690.70
Nardine Close Extension (2A) Stage 1*	\$645,411.60
Nardine Close Extension (2A) Stage 2*	\$613,657.67
Sultana Road West*	\$1,003,560.54
Nardine Close/Milner Road Intersection*	\$345,443.91
Ashby Close/Berkshire Road Intersection*	\$233,757.03
Milner/Berkshire/Dundas Road Intersection*	\$591,299.54
Bush Forever Fencing*	\$105,875.33
<i>Contingency on civil (12%)</i>	\$699,728.89
Land for Roads	\$2,995,960.00
<b>Subtotal – Infrastructure</b>	<b>\$9,526,762.95</b>
Administration	\$768,000.00
Gross / Net Variation**	<b>-\$195,463.00</b>
Reimbursements***	\$12,496.79
<b>Subtotal – Administrative Items</b>	<b>\$585,033.79</b>
<b>Total</b>	<b>\$10,111,796.74</b>

\* Items where a 12% contingency is applied.

\*\*The previous DCP calculated contributions based on a gross area (calculated based on total land area) and collected on a net area (deducting areas for road reservations). This has resulted in a short fall. The short fall will be dealt with by Council at the end of the DCP. To ensure this short fall does not exacerbate and is passed on to future contributors, the calculation for contributions has been modified to deduct the shortfall incurred to date.

\*\*\* Remaining reimbursements for Sultana Road West collection error.

15. The City undertook a comprehensive review of the utility relocation cost estimates required as part of the development of the area. The comprehensive review included the preparation of detailed feasibility analysis by Western Power and the City's consultant engineer. The previous standalone utility estimate of approx. \$5.5 million dollars has been removed from the DCP Report and replaced as a separate line item estimate within the respective road upgrades. This has provided a significant reduction in costs and as such is reflected in the rate.

16. *Administration Costs*

Administration costs have been updated to reflect current expenditure until 30 June 2017. The annual figures have been multiplied over the remaining 6 years showing an estimated total cost of \$768,000.

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17. The 2016/2017 annual review included a \$20,000 allowance for staff time and project management costs. Until the 30 June 2017, approx. \$65,000 in staff time has been incurred but only \$20,000 was estimated and thus recovered. It is recommended that Council include \$70,000 for staff time and project management costs in the 2017-18 review to ensure these costs are recovered. The cost break-down is shown in the DCP Report at Appendix K and represents 0.7 full time staff equivalents plus allowances for specialist consultant, legal, survey and valuation services.
18. The administration of the DCP includes but is not limited to the following key tasks:
- Land acquisition management.
  - Scheme review / management.
  - Council reporting requirements.
  - Project management of the delivery of DCP infrastructure.
  - Stakeholder management and engagement.
  - Day-to-day scheme administration.
19. *Works Priorities*  
Subdivision and development within DCPs are staged over a number of years. Contributions are generally collected at the time of subdivision or development. In this context, contributions are collected on a staged basis and there are not always enough funds within the DCP to deliver all of the infrastructure included. For this reason, Clause 6.5.7 (d) of LPS3 requires Council to establish a priority works schedule for the provision of DCP infrastructure.
20. Clause 4 of the DCP Report contains the priority works schedule and outlines the key principles utilised to guide the identification of infrastructure priorities. Subject to the availability of funding, the following items have been determined by the City as current priority items:
1. Administration Costs;
  2. Nardine / Ashby Close design, land acquisition and construction;
  3. Nardine Close / Milner Road intersection design and construction;
  4. Ashby Close / Berkshire Road intersection design and construction;
  5. Berkshire / Milner / Dundas Road intersection design and construction;
  6. Nardine Close Extension (Road 2A: Stage 1) design and construction; and
  7. Nardine Close Extension (Road 2A: Stage 2) design, land acquisition and construction.
21. The identification of priorities will be undertaken as part of the annual cost estimate review and associated DCP Report update, taking into consideration the cost of infrastructure and amount of monies available.
22. Based on the available monies, the following priority works are funded:
1. Administration Costs;
  2. Nardine / Ashby Close design, land acquisition and construction;
  3. Nardine Close / Milner Road intersection design and construction;
  4. Ashby Close / Berkshire Road intersection design and construction;
  5. Berkshire / Milner Road intersection design and construction; and
  6. Nardine Close Extension (Road 2A: Stage 1) design and construction.
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23. The Nardine Close Extension (Road 2A: Stage 2) design, land acquisition and construction will be scheduled once funds become available.

### **STATUTORY AND LEGAL CONSIDERATIONS**

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

### **POLICY CONSIDERATIONS**

26. The review of the DCP has been undertaken in accordance with the requirements of the Western Australian Planning Commission's (WAPC) State Planning Policy 3.6 – Development Contributions for Infrastructure.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

27. The City's finance team have been working closely with planning staff to ensure the appropriate and accurate financial information is provided as key inputs into the annual review.
28. The City's Assets Delivery team have been working closely with planning staff to ensure the efficient and timely delivery of infrastructure associated with the DCP.

#### **External Referrals**

29. Council engaged management consultants Woodsome in August 2016 to review the operational aspects of the DCP and assist the City with developing operational documentation that would streamline the day-to-day management of the DCP.
30. As part of the engagement of Woodsome, the City's annual review and all development related and financial inputs have been independently investigated, validated and verified. The Woodsome review is contained in Attachment 2.
31. *Independent Review*  
The Woodsome review has concluded with the following key findings:
1. The DCS is compliant with the relevant criteria under SPP 3.6 Section 5 Policy Measure. The further refinement and update of the land use development data spreadsheet to produce the Contributions Mastersheet – July 2017 ensures further transparency and accountability.
  2. The preparation of the Contributions Mastersheet – July 2017 reconciles the developed and remaining developable area and rationalises the current lot amalgamations. Outputs from this document are utilised in the DCP calculation.

3. Infrastructure and Administration Costs have been updated and calculated appropriately. Outputs from this document are utilised in the DCS calculation.
  4. A dissection of the receipts and payments for the 2017 unaudited financial year agree with the General Ledger summary provided by the City.
  5. Utilising the key outputs from the Contributions Mastersheet – July 2017 and all costs associated with the DCP, the rate is calculated at \$18.6969.
32. It is recommended to advertise the review to the landowners in Stage 1 for a period of not less than 28 days. The DCP review will be presented back to Council for adoption with a summary of submissions received and any recommended modifications.

## **FINANCIAL CONSIDERATIONS**

33. The operation of the DCP presents a major administrative responsibility for the City. While the DCP is self-funded, the City has an implicit obligation to efficiently and effectively manage the revenues and works.
34. The remaining developable area is reliant on the DCP to provide the necessary infrastructure to facilitate development. In particular, the timely provision of roads and drainage is critical as most developments rely on these improvements for suitable access.
35. Previously, contributions were being based on a gross area (calculated based on total land area) and collected on a net area (deducting areas for road reservations). This has resulted in a short fall of \$195,463 over the operation of the DCP to date. The short fall will be dealt with by Council at the end of the DCP through a Special Area Rate or other funding arrangement.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

36. *Kalamunda Advancing: Strategic Community Plan 2017 - 2027*
- OBJECTIVE 3.1 - To plan for sustainable population growth
- Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.
37. 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.
38. The site is identified for industrial development in the City's Local Planning Strategy (2010).

## SUSTAINABILITY

### Social Implications

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

### Economic Implications

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

### Environmental Implications

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

## RISK MANAGEMENT CONSIDERATIONS

42. 

<b>Risk:</b> Not undertaking the review so the Development Contribution Plan is not in alignment with current costs and infrastructure needs.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Insignificant	Low
<b>Action/ Strategy</b>		
Ensure Council is aware that a DCP review is required to ensure the new rate is reflective of projected costs to deliver infrastructure works and land purchases. Additionally, Clause 6.5.11.2 of LPS3 requires the DCP Report is reviewed at least annually.		
43. 

<b>Risk:</b> There is not enough money collected in the DCP to fund infrastructure upgrades.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Major	High
<b>Action/ Strategy</b>		
Undertake annual reviews to ensure the scope of infrastructure remains relevant and to maintain the currency of the cost of infrastructure, land and other DCP items.		

44.	<b>Risk:</b> There are errors in the calculations.		
	<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/ Strategy</b>		
	Ensure that independent verification of the calculations occur to ensure accuracy.		

#### OFFICER COMMENT

45. The review to the DCP Report has resulted in a decrease in the contribution rate to \$18.6969 from \$29.79/m<sup>2</sup>. This is due to the following contributing factors:
- Western Power pole relocations have been further investigated.
  - Actual costs for power pole relocations are now included within the respective road estimate.
  - Infrastructure upgrades to Dundas Road are no longer required given the review of the infrastructure framework and as such no utility relocations are required on Dundas Road.
46. It is recommended to advertise the review to the landowners in Stage 1 for a period of not less than 28 days. The DCP review will be presented back to Council for adoption with a summary of submissions received and any recommended modifications.
47. The DCP has a cash balance of \$2,937,443.06 as at 30 June 2017. There are a number of infrastructure projects planned in the short term, these are outlined in the works priorities in Section 4 of the DCP Report.

<b>Voting Requirements: Simple Majority</b>
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*Cr Fernie sought clarification on a number of issues within the Forrestfield/High Wycombe Industrial Area Stage 1 – Development Contribution Plan – Report: 2017/2018.*

#### COMMITTEE RECOMMENDATION TO COUNCIL (D&A 74/2017)

That Council:

1. Adopt the Forrestfield/High Wycombe Industrial Area Stage 1 – Development Contribution Plan – Report: 2017 – 18 (Attachment 1) for the purposes of public advertising for a period of not less than 28 days by post to the affected landowners.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (8/0)**



**Attachment 1**

**Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan: Report (2017-2018 Annual Review) – Adopt for the Purposes of Public Advertising**

Forrestfield/High Wycombe Industrial Area Stage 1 – Development Contribution Plan – Report: 2017 – 18

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

**Attachment 2**

**Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan: Report (2017-2018 Annual Review) – Adopt for the Purposes of Public Advertising**

Woodsome Management – Independent Review

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

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

Cr Geoff Stallard declared an interest affecting impartiality in relation to Item 75 Hummerston Road – Petition for the Construction of the unmade Eastern Section to Fern Road as he has family who own property on Fern and Hummerston Roads.

**75. Hummerston Road – Petition for the Construction of the unmade Eastern Section to Fern Road**

Previous Items	PS-13/98
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	HM-03/GEN; IIT-194155
Applicant	Petition
Owner	City of Kalamunda
Attachment 1	Copy of Petition
Attachment 2	Petition Property Locations
Attachment 3	Fern Road current road reserve
Attachment 4	Hummerston Road Location Plan
Attachment 5	Hummerston Road Emergency Access
Attachment 6	Fern and Hummerston Road Connection Options

**EXECUTIVE SUMMARY**

1. To consider a 65 signatory petition from Paulls Valley residents and business owners that was presented at the Development and Asset Services Committee meeting on 12 December 2016. The petition requests that Hummerston Road East from the end of the existing sealed pavement through to Fern Road be re-gazetted and reopened (currently an unconstructed and partially cleared road reserve containing public utility services).
2. Background is provided in relation to past road closures of Hummerston Road and advises on current status.
3. Consideration in relation to concept design and estimated costs associated with the requested extension of Hummerston Road and the upgrade of existing Hummerston Road between its intersection with Aldersyde Road and the end of seal is presented, along with traffic movement data.
4. It is recommended that the request as outlined in the petition not be supported and due consideration be given to the following:
  - a) Ensuring managed access is provided to the Access Track through State Forrest linking Fern Road and the existing Hummerston Road end of seal for use during emergencies, inclusive of maintaining the gates that control this access; and
  - b) Listing funds for consideration in the City's Long Term Financial Plan for upgrading of existing Hummerston Road between Aldersyde Road and the existing end of seal to ensure both asset integrity and road safety.

- c) Listing funds for consideration in the City's Long Term Financial Plan to undertaken legal survey to modify the road reserve for Fern Road.

## BACKGROUND

5. A petition containing 65 signatures from Paulls Valley residents and business owners was tabled at the Development and Asset Services Committee meeting in December 2016 requesting that Hummerston Road East to Fern Road, Piesse Brook be re-gazetted and reopened.
6. In assessing the petition it is advised that the 65 signatures are representative of 28 properties within Paulls Valley and 2 external to the area (refer Attachment 2). Sealed access to Mundaring Weir Road from Paulls Valley is able to be gained through Fern Road, Paulls Valley Road and Asher Road. It is noted that Fern Road and Paulls Valley Road are interlinked, with Asher Road being independent from these two roads. As a consequence, residents and business owners with properties that gain access to Mundaring Weir Road via Asher Road (ie: 19 signatories from 12 properties) have no direct relationship with Fern Road nor the need to connect with Hummerston Road.
7. The City has over time received numerous requests from both the residents of Paulls Valley and Piesse Brook areas for upgrading of a track(s) from the Hummerston Road end of seal through to Fern Road to provide an alternative access during emergency situations, in particular bush fires, and during times when Mundaring Weir Road is closed for various lengths of time to undertake routine maintenance works and various cycling events.
8. Council addressed road closure for Hummerston Road on two occasions during the 1990's, namely:
  - During 1990 when Council considered temporary closure of Hummerston Road between the end of seal and Fern Road, with the method of temporary road closure utilising the erection of barriers on Hummerston Road and the access tracks. As a consequence, this resolution served in only blockading the road reserve from unauthorised vehicles; and
  - During 1999 when Council considered closure of an unconstructed section of Hummerston Road resolving that Administration:

*"Requests the Minister for Lands to approve the closure of portion of Hummerston Road reserve as shown on the plan attached from the boundary of Location 763 to its intersection with Paulls Valley Road and that the land be amalgamated into the surrounding State Forrest 54."*

This closure related to road reserve that was located to the east of Fern Road (ie: not directly related to the matter at hand), with closure as requested subsequently actioned by State Government.
9. A further complication in addressing this petition is the existing Fern Road sealed carriageway from the point at which a proposed extension of Hummerston Road would connect, through to the Fern Road/Mundaring Weir Road intersection, is in part, located outside of the gazetted road reserve. As a consequence, any road construction activity proposed would in the first instance necessitate corrective action from a legal survey perspective. As the land on both sides of this road reserve is National Park, this will require both the excision and release of road reserve from the Park. This process will

require the endorsement of both houses of State Parliament and generally takes in the order of two years or more to complete.

The Fern Road carriageway alignment relative to the gazetted road reserve is shown in Attachment 3.

10. In addressing the Petitioners request; "...that Hummerston Road East to Fern Road, Piesse Brook be re-gazetted and reopened." is not relevant as this section of the Hummerston Road road reserve is still formally gazetted as road reserve and is therefore still vested in care and control of the City. The question arising from the petition is whether or not to extend Hummerston Road along this section of unconstructed road reserve from the end of seal through to its connection with Fern Road.

## DETAILS

### 11. Existing Road Consideration

Hummerston Road is a gazetted public road from Mundaring Weir Road (from just east of the Kalamunda Town Centre) to Fern Road with an overall length of approximately 2.6 km. Its function is designated as an Access Road in the City's Road Hierarchy.

A location plan that identifies the various road linkages in the Hummerston Road/Fern Road/Mundaring Weir Road area is presented as Attachment 4.

12. Hummerston Road is currently constructed with a sealed pavement from its intersection with Mundaring Weir Road to approximately 750m east of its intersection with Aldersyde Road, with the last 750m section being a "No Through Road" to the end of seal.

13. The Hummerston Road carriageway is typically 6m wide, with this width applicable from its intersection with Mundaring Weir Road through to approximately 400m east of its intersection with Aldersyde Road. The carriageway then narrows to approximately 4m wide for a further 350m through to the end of seal.

The 400m by 6m wide section to the east of Aldersyde Road is considered to be in a poor state of repair and will require full pavement rehabilitation in the short to medium term. Pavement deformation is clearly evident within the existing carriageway, and the width is also noted as being somewhat marginal at various locations.

The 350m section of carriageway that is typically 4m in sealed pavement width will require widening to 6m along with full pavement rehabilitation of the existing carriageway, with this section further compromised due to road safety implications arising from existing sight line constraints at two locations along the carriageway alignment.

The 400m section noted for rehabilitation and the 350m section for both widening and rehabilitation are identified in the location plan presented as Attachment 4 and for ease of reference, the relevant road sections are highlighted in "light blue" and "green" respectively.

14. The unconstructed Hummerston Road road reserve of approximately 350m in length through to connection with Fern Road is currently formed as a gravel track. It is in poor condition primarily as a result of scouring due to uncontrolled stormwater runoff and is considered only able to be traversed by a 4-wheel drive vehicle. The track is located within the gazetted Hummerston Road road reserve, and is barricaded at the Hummerston Road entry to exclude use by unauthorised vehicles.

For ease of reference, the unconstructed section of Hummerston Road is highlighted in "yellow", on the location plan presented in Attachment 4, with the gravel track in "dark blue" adjacent to it.

15. Western Power infrastructure consisting of overhead power distribution lines, along with underground Telstra infrastructure, are both located on the northern side along the unconstructed Hummerston Road road reserve.
16. A further gravel track branches off at approximately 45deg from the lower slope of the unconstructed Hummerston Road road reserve and crosses National Park land before connecting to the Fern Road road reserve. This track is considered to be in reasonable condition and is barricaded at the Fern Road entry to exclude use by unauthorised vehicles.
- For ease of reference, this track is highlighted in "dark blue" on the location plan presented in Attachment 4.
17. Photographs relating to each of the access points for both gravel tracks are presented in Attachment 5.

18. **Road Design Consideration**

In assessing the ability to construct a road pavement in the unconstructed section of the Hummerston Road road reserve the following matters require consideration.

19. Design Grade of the Hummerston Road Extension

A key consideration in the design is connecting the existing sealed pavement of Hummerston Road to the existing levels along Fern Road.

A preliminary design assessment indicates that the extension of the pavement from end of seal to the existing Fern Road sealed pavement will result in an average longitudinal grade of approximately 12%, this is fixed due to the alignment of the unconstructed road reserve and the difference in ground levels at the two connection points with existing sealed pavement. The resultant grade is steeper than the desirable grade for truck traffic of 5%, with a practical maximum of 8%. For comparison purposes it is noted that the average grade on the steep section of Welshpool Road East is about 8%.

20. Alternative Hummerston Road Alignment

As previously noted, a second gravel track branches off to the south at approximately 45deg from the lower slope of the unconstructed Hummerston Road road reserve. This track traverses through the National Park prior to connecting to Fern Road approximately 100m north of the Fern Road intersection with Mundaring Weir Road however, it is not located in a gazetted road reserve.

A preliminary assessment of the ground contours indicates that this alignment would not improve the design longitudinal grade in comparison to the design that could be accommodated within the Hummerston Road road reserve. Furthermore, the Department of Biodiversity, Conservation and Attractions (DBCA - formerly the Department of Parks and Wildlife) has advised that any proposal to provide this access through the National Park is likely to have significant impact on the park and would require further detailed investigation.

In considering this alignment it was determined that there was no clear advantage from a design/construction perspective compared to extending Hummerston Road within the unconstructed road reserve. Furthermore, the added complications of excising a road reserve from the National Park resulted in a decision to forgo further consideration of this alternative alignment.

21. Hummerston Road/Fern Road Intersection (Refer Attachment 6)

The Hummerston Road road reserve aligns directly into the Fern Road road reserve at its point of intersection and this option (ie: referred to as Option 1) would align the Hummerston Road pavement directly into the existing Fern Road pavement and make this a priority movement. The section of Fern Road from Mundaring Weir Road would then become a terminating leg at a tee junction and this would also change traffic priority for through movements.

The other feasible option (ie: referred to as Option 2) would result in the Hummerston Road pavement being aligned as a right angle intersection with the existing Fern Road pavement. As a consequence, traffic priority would remain focused on Fern Road. However, this option results in marginal sight lines due to the geometry of the resultant intersection and compromises design standards.

Both Options 1 and 2 are presented in Attachment 6, with Option 1 being the preferred option given the design constraints associated with Option 2.

It is also advised that both options are compromised by the location of the existing gazetted road reserve for Fern Road. As noted previously and shown in Attachment 3, the existing road carriageway making up the section of Fern Road between the new intersection that would be created as a result of extending Hummerston Road (ie: for either option), and Mundaring Weir Road, is in part located outside of the existing dedicated road reserve and would therefore need to be rationalised through excision and release of road reserve from the National Park.

22. Fern Road/Mundaring Road Intersection

The Fern Road/Mundaring Weir Road was also checked to confirm whether or not design standards are compromised with the result that it is able to operate as it currently exists. Improved linemarking will be undertaken as part of the two-staged Mundaring Weir Road Upgrade Project linked to the 2017/2018 and 2018/2019 State Government BlackSpot Programs at this intersection.



23. Property Impacts

The construction of the extension of Hummerston Road will result in an average design grade of 12% and given the topography of this area, will also result in some sizable cut and fill batters that subject to detailed design, may encroach into adjacent rural properties and the National Park.

Similarly, there are possibly some pinch points along the existing 4m wide pavement section of Hummerston Road where detailed design relating to cut/fill batters will need careful consideration to avoid spill into adjacent private properties and the National Park,

24. Western Power Services

The concept design for the proposed extension to Hummerston Road has endeavoured to mitigate impact on the existing Western Power and Telstra infrastructure. However, detailed design will need to be undertaken to determine the extent of impact, if any.

25. Stormwater Drainage

Due to the steep design grade there is a need for stormwater drainage control comprising regular catch drains to moderate discharge flows located strategically along the full length of the proposed extension to Hummerston Road. In addressing this matter, the need for a stormwater disposal site will be dependent on the outcome of detailed design relating to stormwater volume control. If required it would most likely need to be accommodated in an adjacent private property and can be in the form of an easement or excision of land for drainage purposes.

26. Upgrade of Existing Hummerston Road Pavement

The existing Hummerston Road pavement from Aldersyde Road through to the end of seal will require upgrade as follows:

- a) The existing nominal 6m wide pavement for the first 400m will require full pavement rehabilitation and localised widening to ensure a minimum width of 6m is established along the full length
- b) The existing 4m wide section of sealed pavement will need to be upgraded over the remaining length of 350 metres to the 6m wide standard. This will incur significant costs due to the extent of earthworks/hard rock excavation. It may be feasible in this instance to minimise encroachment of batters into the adjacent rural properties through stone pitching or retaining walls. This would need to be confirmed during detailed design.

27. Horizontal Curves on the existing 4m wide section of Hummerston Road

In relation to proposed horizontal geometry it is advised that there is a need to enlarge the radii of two tight bends to appropriate design standards along the section of Hummerston Road between Aldersyde Road and Fern Road. This may result in possible cut/fill encroachment into adjacent properties, with actual impact, if any, subject to detailed design.

28. Vegetation Clearing

There is also a need to remove a number of trees to accommodate widening of the 4m wide section of Hummerston Road as well as the proposed extension through to Fern Road. As a consequence, appropriate process with regard to clearing approvals will need to be accommodated as part of detailed design.

29. **Traffic Impact Consideration**

In addressing current traffic movements the following data was collected using the City's Traffic Classifiers (NB: Reference to "vpd" refers to "vehicles per day"):

- Mundaring Weir Road (East of the Fern Road intersection):  
Data collected March 2017  
Average Week Day Traffic Volume = 615vpd (East-bound)  
Average Week Day Traffic Volume = 640vpd (West-bound)  
Average Weekend Day Traffic Volume = 1,080vpd (East-bound)  
Average Weekend Day Traffic Volume = 1,005vpd (West-bound)
- Mundaring Weir Road (West of the Fern Road intersection):  
Data collected March 2017  
Average Week Day Traffic Volume = 664vpd (East-bound)  
Average Week Day Traffic Volume = 690vpd (West-bound)  
Average Weekend Day Traffic Volume = 1,136vpd (East-bound)  
Average Weekend Day Traffic Volume = 1,075vpd (West-bound)
- Fern Road:  
Data collected March 2017  
Average Daily Traffic Volumes = 63vpd (North-bound)  
Average Daily Traffic Volumes = 62vpd (South-bound)
- Hummerston Road (between Mundaring Weir Road & Roach Road):  
Data collected May 2017  
Average Daily Traffic Volumes = 178vpd (East-bound)  
Average Daily Traffic Volumes = 168vpd (West-bound)

Truck traffic was recorded as being typically less than 10% of traffic volumes recorded in all instances.

30. In reviewing the data collected it is clear that Mundaring Weir Road exhibits a major change in traffic volume between week and weekend days. Both Fern Road and Hummerston Road proved to be reasonably balanced across the whole week, with the data in the case of these two roads reflecting local traffic conditions.

31. The data also indicated approximately 5% more traffic is heading east on Mundaring Weir Road compared to traffic heading west. This is also reflected in the Hummerston Road data, suggesting that some traffic may utilise Hummerston Road as a shortcut to Mundaring Weir Road via Aldersyde Road.

32. Temporary Road Closure

The two tracks have over the years experienced unauthorised use given the vandalism that has been experienced primarily in relation to gate control. The post and chain gate controls recently put in place are yet to be tested, with post foundations being well grounded and the chain being heavy duty.

Appropriate access controls are in place for both Western Power and Telstra maintenance/inspection arrangements, with both the City and the DBCA taking responsibility for track maintenance on an as required basis.

In the event of civil emergency the chain at both gates is unlocked for access.

## **STATUTORY AND LEGAL CONSIDERATIONS**

33. The Hummerston Road road reserve contains native vegetation and as such considerations as to the requirement for a Clearing Permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 would be required in order to undertake earthworks for cut/fill batters that subject to confirmation by way of detailed design, is to be accommodated within the road reserve for both the 4m wide section of sealed pavement and the extension.

## **POLICY CONSIDERATIONS**

34. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

35. Nil.

### **External Referrals**

36. The Local Community will need to be consulted about the extension to Hummerston Road proposal due to potential amenity concerns as a consequence of a likely increase in traffic movement on Hummerston Road when connected to Fern Road. Such a connection will create a more direct route for Paulls Valley residents/business owners and will potentially divert traffic to/from Mundaring Weir Road as a consequence of reduced distance/travel time between the Kalamunda Town Centre and the Mundaring Weir Road/Fern Road intersection.

## **FINANCIAL CONSIDERATIONS**

37. A concept design of the proposed extension to Hummerston Road has been developed based on a balanced cut to fill earthworks approach, with design limited to the fact that an average gradient of 12% needs to be accommodated.
38. When considering the extension as proposed, upgrade of Hummerston Road from Aldersyde Road through to end of seal needs also to be undertaken to ensure the safety of future road users of the proposed road connection.

39. A budget cost estimate has also been prepared for both the extension and the upgrade sections of Hummerston Road – cost estimates are noted as follows:
- a) Hummerston Road Upgrade (Aldersyde Road to end of seal) @ \$495,000
  - b) Hummerston Road Extension (End of seal to Fern Road) @ \$385,000
- The above estimates include a 25% contingency and furthermore, excludes allowance to cover the cost of any required modifications to existing Western Power and Telstra infrastructure, land related costs associated with cut/fill encroachment on adjacent properties and construction costs to accommodate a stormwater disposal site, inclusive of associated land related costs.
- The exclusions noted will be dependent on the outcome of detailed design, with costs that may be incurred to be considered as being additional to the estimates provided.
40. It is noted that the construction of a proposed upgrade to 4m wide section of Hummerston Road is listed in the City's Long Term Financial Plan for funding consideration in 2018/2019 – this project has been budgeted at \$185,000, this resulting in a shortfall of \$310,000 in funding.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

41. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 1.2: To provide safe and healthy environmental for community to enjoy.
- Strategy 1.2.1 Facilitate a safe community environment.
- OBJECTIVE 3.2: To connect community to quality amenities.
- Strategy 3.2.2 Provide and advocate for improved transport solutions.

## **SUSTAINABILITY**

### **Social Implications**

42. The following social implications are noted:
- a) Improved road network connectivity between the Kalamunda Town Centre and the eastern suburbs of the City's jurisdiction/connection with Mundaring.
  - b) Additional "formalised" road access in case of civil emergency in the general area and/or temporary road closure between the Mundaring Weir Road/Hummerston Road and Mundaring Weir Road/Fern Road intersections.
  - c) Impact of additional traffic to residents of Hummerston Road (currently in part a "No Through Road").

## Economic Implications

43. The following economic implications are noted:
- a) Savings fuel/costs as a result of shorter travel distance between Pauls Valley and the Kalamunda Town Centre and, potential diversion of traffic from Mundaring Weir Road to and from the Kalamunda Town Centre.
  - b) The actual cost is unknown at this time and would require a full economic analysis to be undertaken in order to verify overall impact based on the difference between existing/predicted before and after traffic movements.
  - c) Improved road environment from a road safety perspective when comparing the section of Mundaring Weir Road between the Hummerston Road and Fern Road intersections to the Hummerston Road/Fern Road route if the Hummerston Road/Fern Road connection is made.

## Environmental Implications

44. The following environmental implications are noted:
- a) Loss of trees as a consequence of road widening.
  - b) Reduction in carbon emissions due to a potential marked change in traffic movement resulting from the shorter travel distance between Pauls Valley and the Kalamunda Town Centre and, potential diversion of traffic from Mundaring Weir Road to and from the Kalamunda Town Centre.

## RISK MANAGEMENT CONSIDERATIONS

45.	<b>Risk:</b> Support for the extension of Hummerston Road from the end of seal to its connection with Fern Road is not provided.		
	<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	Ensure both public utility service maintenance and emergency access arrangements are in place, maintenance of the gravel tracks on an as required basis is undertaken by both the City and the DBCA, and provide supervised access as and when required and/or appropriate.		

<b>Risk:</b> The removal of native trees will cause community concern.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	High
<b>Action/ Strategy</b>		
Should the project proceed, ensure all property owners along Hummerston Road are advised of the impact of roadworks on native trees. Advertise the proposed works in the local newspapers and on the City's webpage. Submit an application for a Clearing Permit in accordance with legislative requirements.		

## OFFICER COMMENT

46. The construction of the extension to of Hummerston Road with a sealed 6m wide pavement will provide a more direct route to the Kalamunda Town Centre for Pauls Valley residents/business proprietors as well as an alternative route for motorists utilising Mundaring Weir Road, reducing travel distance (one-way) by 2.1km and 1.6km respectively. The extension will also provide a fully constructed alternative access in the area during times of civil emergency.
47. It is to be noted that Mundaring Weir Road functions as a Regional Distributor in the City's Road Hierarchy with road pavement provided to a suitable high volume standard. The Hummerston Road extension would provide an alternative and more convenient option to motorists due to reduced travel distance. However, road hierarchy may be impacted as traffic volume increases and as a consequence, may require alteration of the current Access Road status of Hummerston Road and potentially, further upgrade of the existing road carriageway in the form of road widening.
48. Should Hummerston Road be extended to connect with Fern Road, Hummerston Road residents will experience a marked increase in traffic volume and associated noise due to the reduced distance and more direct nature of travel between the Kalamunda Town Centre and the Fern Road/Mundaring Weir Road intersection.
49. An extension to Hummerston Road would also indirectly impact on the existing Fern Road/Mundaring Weir Road intersection, with probable upgrade required given a change in turning movements that will most likely be generated.
50. The extension of Hummerston Road will provide alternative access in the case of emergencies and flexibility in the road network. However, this must be considered in relation to the significant costs associated with the construction of both the extension and, the rehabilitation and upgrade of the "No Through Road" section of Hummerston Road, as well as addressing the various constraints outlined in this report.

51. As a consequence of reviewing requirements in response to the petition as presented, the need to modify the road reserve for Fern Road from where the Hummerston Road road reserve connects with Fern Road through to its intersection with Mundaring Weir Road is required. This will necessitate corrective action from a legal survey perspective and require the endorsement of both houses of State Parliament.

It is estimated that a budget of \$25,000 is required to undertake this work, with the proposal that this be listed for consideration in the City's Long Term Financial Plan for 2018/2019.

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

*Chris O'Hora, 361 Paulls Valley Road, Paulls Valley spoke against the Officer Recommendation.*

**OFFICER RECOMMENDATION (D&A 75/2017)**

That Council:

1. Does not support the request as outlined in the petition from residents and business owners of Paulls Valley as presented to the Development and Asset Services Committee meeting on 12 December 2016.
2. Ensures that controlled access only is provided to the Access Track located within the unconstructed Hummerston Road road reserve linking Fern Road and the Hummerston Road end of seal for public utility service provider use and during civil emergencies, inclusive of maintaining the gate that controls unauthorised access.
3. Ensures that controlled access only is provided to the Access Track through the National Park linking Fern Road and the Hummerston Road end of seal for use during civil emergencies, inclusive of maintaining the gate that controls unauthorised access.
4. Lists an amount of \$495,000 for consideration in the City's Long Term Financial Plan for an upgrade of the existing Hummerston Road between Aldersyde Road and the existing end of seal (i.e.: pavement rehabilitation of the 6m wide section and widening of the 4m wide section to 6m) to ensure both asset integrity and road safety of this section of road.
5. Lists an amount of \$25,000 for consideration in the City's Long Term Financial Plan for 2018/2019 to undertake legal survey to modify the road reserve for Fern Road from where the Hummerston Road road reserve connects with Fern Road through to its intersection with Mundaring Weir Road.
6. Requests the Chief Executive Officer to advise the petitioners of Council's decision.

Moved:

Seconded:

Vote: **LAPSED**



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**Voting Requirements: Simple Majority**

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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 75/2017)**

That Council:

1. Defer consideration of the Hummerston Road – Petition for the Construction of the unmade Eastern Section to Fern Road Report to the November Ordinary Meeting of Council.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (8/0)**

**Attachment 1**

Hummerston Road - Petition for the Construction of the unmade Eastern Section to Fern Road

**Copy of Petition**

**Petition to re-gazette and re-open Hummerston Road East to Fern Road. Piesse Brook.**

---

**TO WHOM IT MAY CONCERN:**

We the undersigned Residents and Business Owners of Paulls Valley, respectfully request that Hummerston Road East to Fern Road, Piesse Brook be re-gazetted and re-opened for the following reasons:

1. Traffic loads continue to increase on Mundaring Weir Road. The junction of Mundaring Weir Road and Fern Road is on a double blind corner. Using Hummerston Road provides a safe alternative, and removes the requirement to make a dangerous right turn onto Mundaring Weir road.
2. In the event of a fast moving wild fire closing Mundaring Weir Road to traffic, Paulls Valley residents are trapped. Using Hummerston Road East provides an alternate safe route through the valley to Kalamunda.
3. Sporting Events, Power Pole Replacement and Road Maintenance together with traffic accidents do require the closure of Mundaring Weir Road. This results in significant inconvenience to residents. The opening of Hummerston Road will provide a safe alternative.

There has been increasing concern over this issue for many years. In the event someone is seriously injured or killed at the junction of Mundaring Weir Road and Fern Road or is fatally trapped by a Bush fire subsequent to having these concerns brought to the Shire's Attention, it must be noted that the Shire may be considered to have been negligent and failed to act with due diligence.


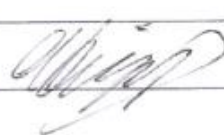
We look forward to a prompt response.

Sincerely;

The Following, Undersigned:

PETITION TO REGAZETTE AND REOPEN HUMMERSTON  
ROAD EAST TO FERN ROAD

PO BOX 676 KALAMUNDA WA 6076

NAME	ADDRESS
	201 Pauls Valley Rd.
	201 Pauls Valley Rd.
Rebecca Robinson	Kalamunda Camel Farm
CALLIS J HENNA	361 Pauls Valley Rd.
Bronwyn Booth	361 Pauls Valley Rd.
C. AURUBIND	291 Pauls Valley Rd
Sarasa Marimuthu	291 Pauls Valley Rd
SARUTHI MARIMUTHU	291 PAULS VALLEY RD.
JUSTIN AURUBIND	291 PAULS VALLEY RD.
VAISNAVI AURUBIND	291 PAULS VALLEY ROAD
VIVEK AURUBIND	291 PAULS VALLEY ROAD
Susan Whitehead	201 Pauls Valley Road.
Vivien Welch.	41 Fern Rd, Pauls Valley
LEA WELCH	41 FERN RD PAULS VALLEY
Thomas Rogers	41 Fern Rd Pauls Valley
Madison Rogers	41 Fern Rd, Pauls Valley
Jazmin Welch	41 fern Rd, Pauls Valley
COLIN HIGGS 	51 FERN RD PAULS VALLEY.
Rachael Higgs	51 Fern Rd, Pauls Valley.

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PETITION TO REGAZETTE AND REOPEN HUMMERSTON  
ROAD EAST TO FERN ROAD

PO BOX 1100 KALAMUNDA WA 6076

NAME	ADDRESS
Thelma Lockman	319 Pauls Valley Rd Pauls Valley
JUDITH CIARLANI	317 PAULS VALLEY RD PV
PETER CIARLANI	317 PAULS VALLEY RD PV
LINDA MUNROE	75 ELSON ROAD PIESSE BROOK
MINNUNZIATA CATELLANI	8 FERN Rd Piesse Brook
Joanne Morgan	241 Pauls Valley Rd, Pauls Valley
Jesse Morgan	241 Pauls Valley Rd, Pauls Valley
Jamie Morgan <i>Jolly</i>	241 Pauls Valley Rd Pauls Valley
Lara Sheppard	Lot 329 Fern Rd Pauls Valley
Steve Sheppard	181 Pauls Valley Rd
Steve Hill	400 Pauls Valley Rd.
STEVE HILL <i>SH</i>	401 Pauls Valley Rd.
Bec Nynne	400 Pauls Valley Rd.
<i>S. Staltari</i> Silvana Staltari	255 Pauls Valley Rd
Steve Penner	255 Pauls Valley Rd.
EMMA-LOUISE HAMILL	37 NANNUP PAULS VALLEY
Vince & Millie Longo	25 Fern Rd Pauls Valley
Prasanna Sangarananda	361 Pauls Valley Rd.
<i>Robert Stanger</i>	P.O. Box 1100 KALAMUNDA 6076
Cassie Mays	361 Pauls Valley Rd.

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of 4



	NAME	ADDRESS
0	Andrew Higgs <i>AHiggs</i>	51 Fern Rd Pauls Valley
	Allister Higgs <i>AHiggs</i>	51 Fern Rd Pauls Valley
	<del>Warren Wicks</del> <i>Wicks</i>	281 Pauls Valley Rd Pauls Valley
	<del>Rockadell Mountain Building</del> <del>Mark + Jennifer Wardle</del> <i>Wardle</i>	361 Pauls Valley Rd Pauls Valley
	A. Ayford	45 E. 2nd St Pauls Valley
	Mark Wardle	361 Pauls Valley Rd Pauls Valley
	LANCE FULLER	LOT 619 ASHER RD PAULS VALLEY
	Robert ARMSTRONG <i>RA</i>	Lot 619 ASHER Rd, Pauls Valley
	<del>Arathia Armstrong</del> ADA ARMSTRONG <i>ADA</i>	Lot 619 ASHER Rd, Pauls Valley
	J. TURKINGTON <i>JT</i>	LOT 1 ASHER RD, PAULS VALLEY
30	JORDIN TURKINGTON	135 ASHER RD, PAULS VALLEY
	Nikki Russell	215 Canning Rd, WALLISTON
	Ashley Wray	196 Asher Rd Pauls Valley
	REX TURKINGTON <i>RT</i>	135 ASHER RD PAULS VALLEY
	ANNE TURKINGTON <i>AT</i>	135 ASHER RD, PAULS VALLEY 6076
	Jenny & Kevin Rutherford	61 Brigita Rd Pauls Valley
	Felicity Shipard	43 Brigita Rd Pauls Valley
	Heath Shipard	43 Brigita Rd P Valley
50	MARK PEACOCK <i>MP</i>	21 Brigita Rd, P. Valley

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4

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Hummerston Road – Petition for the Construction of the unmade Eastern Section to Fern Road

**Legend:**

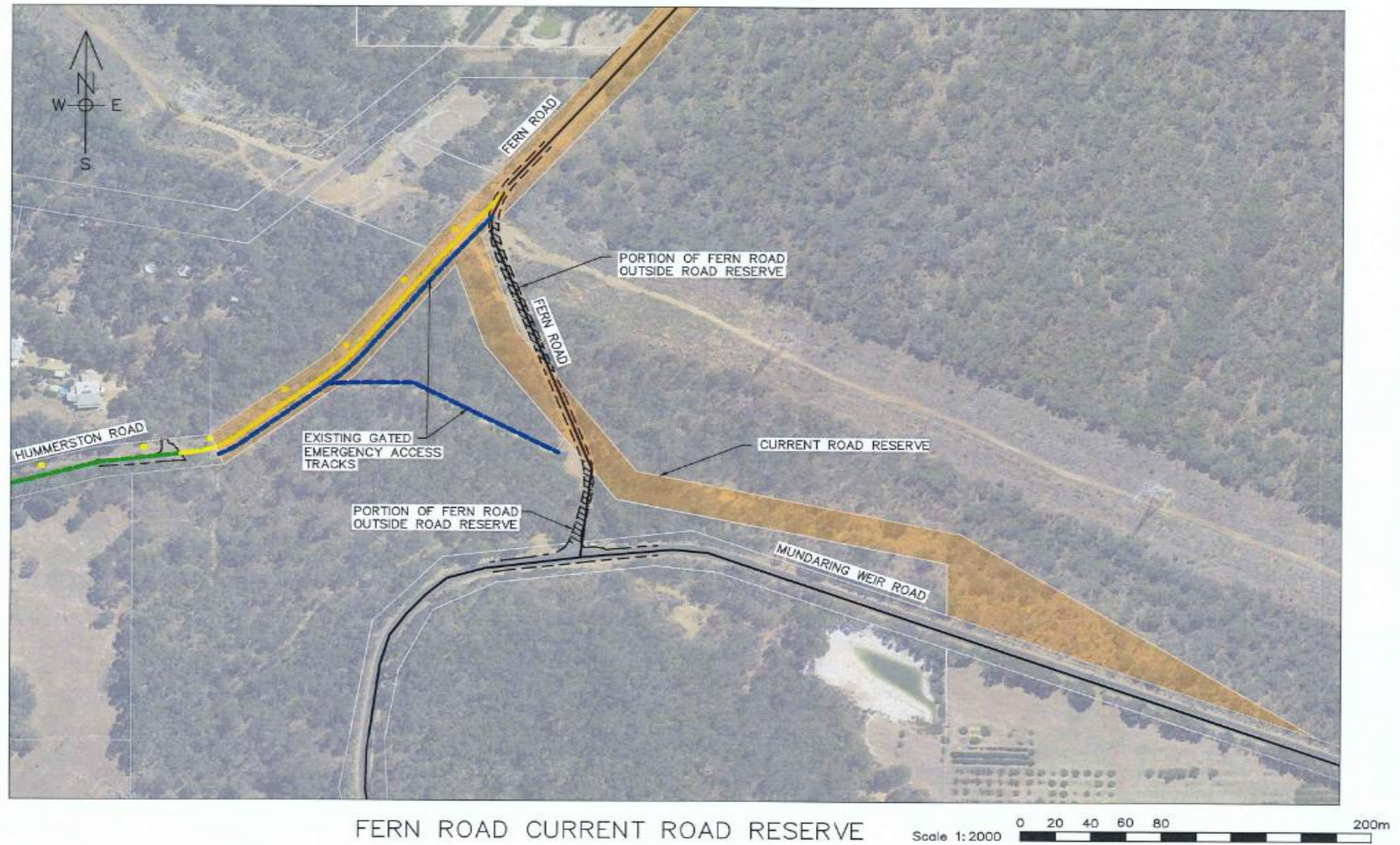
- Number of Petitioners per property
- Asher Road
- Brigita Road
- Elson Road
- Fern Road
- Nannup Place
- Pauls Valley Road
- Hummerston Road



**Attachment 3**

Hummerston Road - Petition for the Construction of the unmade Eastern Section to Fern Road

**Fern Road current road reserve**

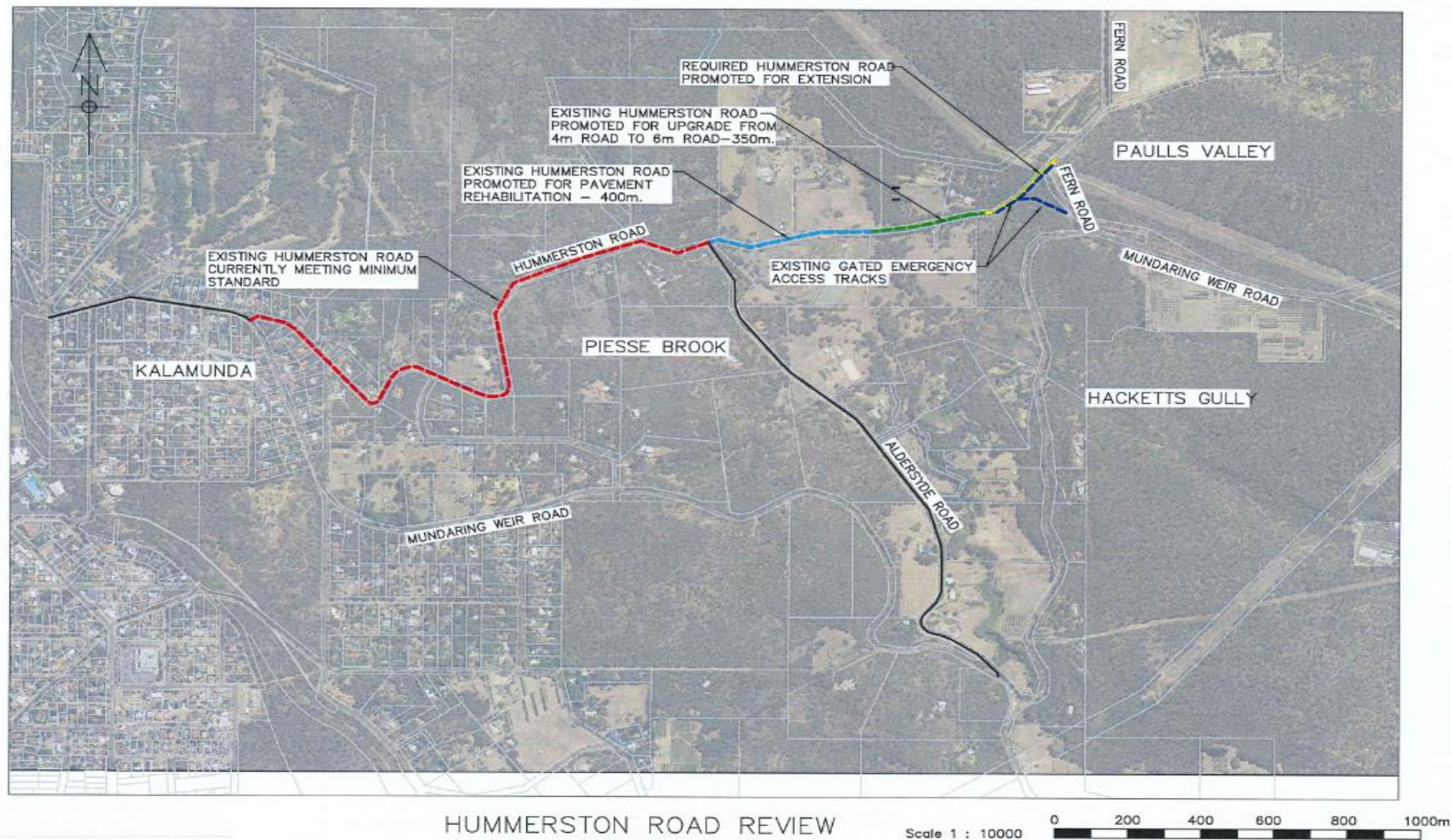




#### Attachment 4

Hummerston Road - Petition for the Construction of the unmade Eastern Section to Fern Road

#### Hummerston Road Location Plan





### Attachment 5

Hummerston Road - Petition for the Construction of the unmade Eastern Section to Fern Road

### Hummerston Road Emergency Access



HUMMERSTON ROAD EMERGENCY ACCESS PHOTOGRAPHS



**Attachment 6**

Hummerston Road - Petition for the Construction of the unmade Eastern Section to Fern Road

**Fern and Hummerston Road Connection Options**



FERN ROAD AND HUMMERSTON ROAD CONNECTION

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

**76. Proposed Chapel and Library – Lot 112 (280) Holmes Road, Forrestfield**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	HL-10/280
Applicant	The Holy Monastery of Saint John
Owner	The Holy Monastery of Saint John
Attachment 1	Development Plans
Attachment 2	Site Photos
Attachment 3	Response from Department of Fire and Emergency Services
Attachment 4	Submission Table
Attachment 5	Confidential Submitters Map
	<i>Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."</i>

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a development application for a proposed chapel and library at lot 112 (280) Holmes Road, Forrestfield. The application proposes the following key elements:
  - A new chapel, to be located in a central area nearby to the existing monk quarters. The chapel is approximately 153m<sup>2</sup> and is capable of seating 60 people;
  - A addition to the existing caretakers dwelling to incorporate a 110m<sup>2</sup> ground floor and second storey addition to include a reading room, lounge room, living space, entry and bedroom; and
  - Parking bays in line with the provisions of the Scheme.
2. 'Place of Worship' is an 'X' (Not Permitted) use within a Special Rural zoning. However, previous approvals exist on the site related to the monastery on site. The site is therefore considered to be a non-conforming land use under Local Planning Scheme No. 3 (The Scheme).
3. While the proposal incorporates a non-conforming land use under the Scheme, Council may exercise its discretion by granting an extension to a non-conforming land use after advertising the proposal.
4. The proposal was advertised in accordance with the City's P-DEV 45 'Public Notification of Planning Proposals'. Five (5) submissions were received during the advertising period, all were non-objections.
5. The recommendation is to approve the application for the new chapel and library, subject to appropriate conditions.

## BACKGROUND

6. At the September Development and Asset Services Committee and Ordinary Council Meetings, Council considered the adoption of Amendment 94 to the Scheme, which proposes to rezone the subject site from Special Rural to Special Use (Place of Worship). The intent of this amendment is to clarify and rationalise the current and future operation of the place of worship activities on site.

Subsequently the applicant has advised that the owner is expecting a donation of approximately 5,000m<sup>2</sup> of land from an adjoining landowner located at 323 Hawtin Road, Forrestfield, to the north-west of the site. Given this will impact on the area subject to the amendment, and to avoid the need to initiate a separate amendment in the future, the applicant is seeking to withdraw their current request for a Scheme amendment. Accordingly, the item which was scheduled to be considered at the Ordinary Council Meeting on 26 September 2017 was removed.

7. **Land Details:**

Land Area:	40,494m <sup>2</sup> (4.05 hectares)
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

8. The subject site is approximately four (4) hectares in size. The front boundary is angled, however the rear of the site regular and rectangular in shape. The site contains seven existing buildings, including a church, accommodation, toilet block, hall and storage two (2) storage sheds. The southern portion of the site contains a creek with an easement, and mature vegetation. The site has a frontage of approximately 210m and a maximum depth of approximately 256m.
9. The site slopes from north-east to south-west, falling approximately 8m from the north-east side boundary to the south-west side boundary.
10. Various building and planning approvals apply to the site, dating back to 1980. All approvals are related to the monastery and place of worship use. The monastery is still operating on site.



## Locality Plan

11.



## DETAILS

12.

The application proposes the following key elements:

- a) A new chapel, to be located in a central area nearby to the existing monk quarters. The chapel is approximately 153m<sup>2</sup> and is capable of seating 60 people;
- b) A addition to the existing caretakers dwelling to incorporate a 110m<sup>2</sup> ground floor and second storey addition to include a reading room, lounge room, living space, entry and bedroom; and
- c) Parking bays in line with the provisions of the Scheme.

13.

Under the provisions of the Scheme a total of 53 additional car parking bays are required to be provided on site to accommodate the new library/accommodation building and chapel. The applicant has supplied a site plan that details the provision of a total of 87 parking bays, which includes the 13 bays that are already present on site (i.e. 21 bay surplus).

14. Following assessment against the relevant provisions of the Scheme it was determined that the applicant is seeking a variation to the side boundary setback for the library as follows:

	<b>Scheme requirement</b>	<b>Proposed</b>
<b>Setback of Library from Side (north-east) Boundary</b>	10m	7.5m

All other aspects of the proposal are compliant with the Scheme requirements.

15. The applicant has submitted that the purpose of the new chapel and library is to allow for services to be run simultaneously in both the English and Greek language. The new library will be to store documents relating to the Greek Orthodox faith in both languages, for the use of the parishioners.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

16. Clause 4.2.2 (Objectives of the Zones – Rural) of the Scheme stipulates that the objectives for the Special Rural zone are as follows:

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

17. Under the Scheme, the proposed addition is defined as follows:

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

18. A Place of Worship is an 'X' (Not Permitted) use within the Special Rural zone. However, because the place of worship was in operation before the gazettal of the current Scheme it is considered to be a non-conforming land use.

19. Clause 4.8 (a) (Non-Conforming Uses) of the Scheme stipulates as follows:

***"Except as otherwise provided in this Scheme, no provision of the Scheme is to be taken to prevent –***

- a) The continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme"***



20. Clause 4.9.1 (b) (Extensions and Changes to a Non-Conforming Use) of the Scheme stipulates as follows:

*"A person must not –*

*b) Erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use...without first having applied for and obtained planning approval under the Scheme."*

21. Approvals have been granted by the City prior to the gazettal of the current Scheme, which means that the use is permitted to continue to operate at this time. In addition to this, the above clause state that the applicant is able to apply to Council to extend or erect buildings related to the non-conforming land use.

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

22. In considering an application for planning approval, Clause 67 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- a) The compatibility of the development within its settings.
  - b) The preservation of amenity in the locality.
  - c) Any local Planning Policy adopted by the local government.
  - d) Any relevant submissions received on the application.
23. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act (2005)*.

### **POLICY CONSIDERATIONS**

#### **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

24. The subject site is located within a Bushfire Prone Area. Under the provisions of State Planning Policy 3.7 (SPP3.7) the land use place of worship is classified as a 'vulnerable land use', meaning a land use where persons may be less able to respond in a bushfire emergency. Because of this the applicant is required to submit a Bushfire Management Plan and Emergency Evacuation Plan for the approval of the City and the Department of Fire and Emergency Services (DFES).
25. The applicant provided a Bushfire Management Plan and Evacuation plan that were referred to DFES. Initial comments from DFES were that the proposal was not supported due to incomplete information. The applicant revised their plan, which was in turn resubmitted to DFES. Recent correspondence from DFES (See Attachment 3) indicated support for the proposal subject to modifications of the Bushfire Management Plan.
26. It is considered that the alterations required by DFES can be conditioned as part of any approval granted by the City.

27. SPP 3.7 also recommends a notification be placed on the certificate of title where a site is subject to a Bushfire Management Plan. This has been recommended as condition of approval.

### **Draft Local Planning Policy PDEV-55 – Places of Worship**

28. It is noted that the nature of places of worship are evolving to include multi-use facilities such as community purposes, educational establishments and child care facilities. The intensification of places of worship raises legitimate planning issues in respect to potential amenity impacts arising. The policy will provide development controls and assist in the assessment and determination of places of worship.
29. This policy is currently being drafted and will be presented in late 2017 or early 2018.

### **Council Policy ENV 4 – Flood and Stream Management**

30. ENV 4 – Flood and Stream Management (ENV 4) is one of Council's environmental policies. A key objective of ENV 4 is to coordinate land and water management programs and encourage buildings and other obstructions to be located clear of the passage of waters. ENV 4 recommends that no buildings or associated development be allowed within 15m of the banks of water courses, including creeks. The proposed development falls outside of the 15m setback distance from the creek and therefore meets the main objective of ENV 4.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

31. The proposal was referred to the City's Environmental Health, Building, Environmental and Assets Services. Their comments are summarised below.
32. Environmental Health  
General comments:
- a) No sanitary facilities are located within the proposed development area. Applicant has advised that they will maintain setbacks to the existing effluent disposal system.

The following advice notes are recommended to be included in the Notice of Determination for this application:

- a) Clearances are to be maintained from the waste water disposal system(s) to new buildings and boundaries in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- b) The applicant must submit floor plans and an application for a Certificate of Approval under the *Health (Public Buildings) Regulations 1992* to the City of Kalamunda and receive approval prior to use of the building

33. Building

General comments:

- a) Detailed toilet facilities do not indicate the capacity to service the proposed additional structures and existing buildings.

The following advice notes are recommended to be included in the Notice of Determination for this application:

- a) Accessibility requirements are required to be identified on the plans.
- b) Fire separation measures are required to be put in place.
- c) A new stormwater tank is shown on the plans as 'installation by owner', but no further details have been provided. If the tank is greater than 5000L a building permit will be required.
- d) Prior to commencing works on site the applicant is required to submit a certified building permit application for the approval of the City's Building Services.

34. Environment

General comments:

- a) There are two creeks running through the property, one of which has an active drainage easement on it.
- b) Some vegetation is noted near to the location of the proposed library, however the actual sites of the proposed chapel and library appear relatively clear of vegetation.

The following advice notes are recommended to be included in the Notice of Determination for this application:

- a) The applicant is to ensure that development does not occur within 15m of the creek (including the drainage easement) as defined under the City's Local Policy ENV4 – Flood and Stream Management.

35. Assets

General comments:

- a) Two creeks are noted on the site.
- b) The number of parking bays provided on the plans should be checked against the provisions of the Scheme to ensure that they are sufficient.

Recommended conditions:

- a) Vehicle parking, maneuvering and circulation areas are to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the City.
- b) Storm water drainage from roofed and paved areas is to be disposed of on-site to the specification and satisfaction of the City.
- c) Applicant is to maintain a 15m clearance from any structure to the top of the creek embankment.

## **External Referrals**

36. The application was advertised under the provisions of P-DEV 45 (Public Notification of Planning Proposals) and involved letters being sent out to the surrounding affected neighbours. During advertising a total of five (5) submissions were received, comprising of three (3) non-objections and two (2) non-objections with comments.

37. The following key comments were raised during the advertising period:

- a) Ensuring that parking does not occur on Holmes Road; and
- b) Protecting the existing creeks on site.

Further discussion regarding these comments are provided in the officer comment section of this report and (Attachment 4).

## **FINANCIAL CONSIDERATIONS**

38. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

39. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

## **SUSTAINABILITY**

### **Social Implications**

40. Provision of the new chapel will allow members of the Greek Orthodox Community to access religious services in both the Greek and English language. This would potentially allow for a greater connection to a given individual's religion.
41. It is important to consider the impact of the proposed development on the rural amenity of the area. This is discussed further in the Officer Comment section of this report.

### **Economic Implications**

42. Nil.

## Environmental Implications

43. The proposed development does not result in excessive or unnecessary removal of vegetation and will be setback an appropriate distance from the creeks running through lot.

## RISK MANAGEMENT CONSIDERATIONS

44.

<b>Risk:</b> An increased number of cars attending the site result in parking overflowing onto the surrounding streets.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Significant	Medium
<b>Action/ Strategy</b>		
Ensure that adequate parking is provided on site as part of the application process.		

<b>Risk:</b> The proposal will unduly impact on the rural amenity of the area.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/ Strategy</b>		
Ensure that Council is aware that the proposed development will not impact on the amenity of the area and is considered an appropriate use considering the historical place of worship use of the site.		

## OFFICER COMMENT

45. In response to the comments received during the advertising period the following is noted:

### Concerns regarding overflow parking onto Holmes Road:

The applicant expects a maximum of 50 people to attend a standard church service at the Chapel, however it is noted that the numbers may fluctuate during holiday periods.

To accommodate this, the applicant has provided plans that will create a 21 bays surplus of parking on the subject site (87 parking bays in total), well above the requirements of the Scheme. It is considered that the chances of overflow parking will be minimal, though appropriate conditions can be placed on any approval given to ensure that all parking will be contained to the subject property.

### Protection of the Existing Creeks:

It is considered that the two (2) creeks on site are located a sufficient distance away (over 15m) from the proposed chapel and library to not be affected by the development. The creek at the eastern side of the property is covered by an easement, and development near to either creek will be subject to the

provisions of the City's ENV4 – Flood and Stream Management Policy. It is considered that any future applications for the subject site will have to take these matters into account.

It is noted that the above comments were included in responses that did not raise objections to the proposal.

46. A non-conforming land use is a use that was once lawfully authorised, however subsequent provisions of a new Scheme or amendment to existing Scheme change the permissibility of the use to 'X' (not permitted). It is considered that the request to construct a chapel and library building, to extend the non-confirming use, is ultimately a question of whether the continuation and expansion of the place of worship use is appropriate in the Special Rural zone. In this respect, the proposal has historically operated on the site and there are no recorded complaints or compliance issues associated with the existing operation. As a separate matter, the applicant is currently progressing a Scheme Amendment which seeks to bring the land use into conformity with the current Scheme through a 'Special Use' in Appendix 4 of the Scheme. This is considered appropriate to legitimise the uses historically occurring on the site.
47. With the exception of the side boundary setback the proposal is compliant with the development requirements as stipulated within the Scheme.
48. In summary, it is considered that the proposed development will not unduly impact on the amenity of the rural area and should be approved, subject to appropriate conditions and advice notes.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 76/2017)**

That Council:

1. Approve the application for a proposed Chapel and Library at Lot 112 (280) Holmes Road, Forrestfield, subject to the following conditions:
  - a) The development is to be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) Prior to occupation of the chapel and library, vehicle parking, maneuvering and circulation areas are to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the City of Kalamunda.
  - c) Stormwater drainage from roofed and paved areas is to be disposed of on-site to the specification and satisfaction of the City of Kalamunda.
  - d) The new chapel and library extension are to be constructed of similar and/or sympathetic materials as the existing structure(s) on site, to the satisfaction of the City of Kalamunda.

- e) Prior to lodgement of a building permit application, revised documents are to be submitted to the City of Kalamunda outlining compliance with the modifications requested by the Department of Fire and Emergency Services to the Bushfire Management Plan supplied.
- f) Prior to occupation of the chapel and library, information is to be provided to the City of Kalamunda to demonstrate that the measures contained in the bushfire management plan that address the bushfire protection criteria contained in the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas, have been implemented during development works.
- g) A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram plan or plan of survey (deposited plan). The notification is to state as follows:

*"This land is subject to a Bushfire Management Plan."*

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote:

For

**Cr Michael Fernie  
Cr John Giardina  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Brooke O'Donnell  
Cr Noreen Townsend  
Cr Sue Bilich**

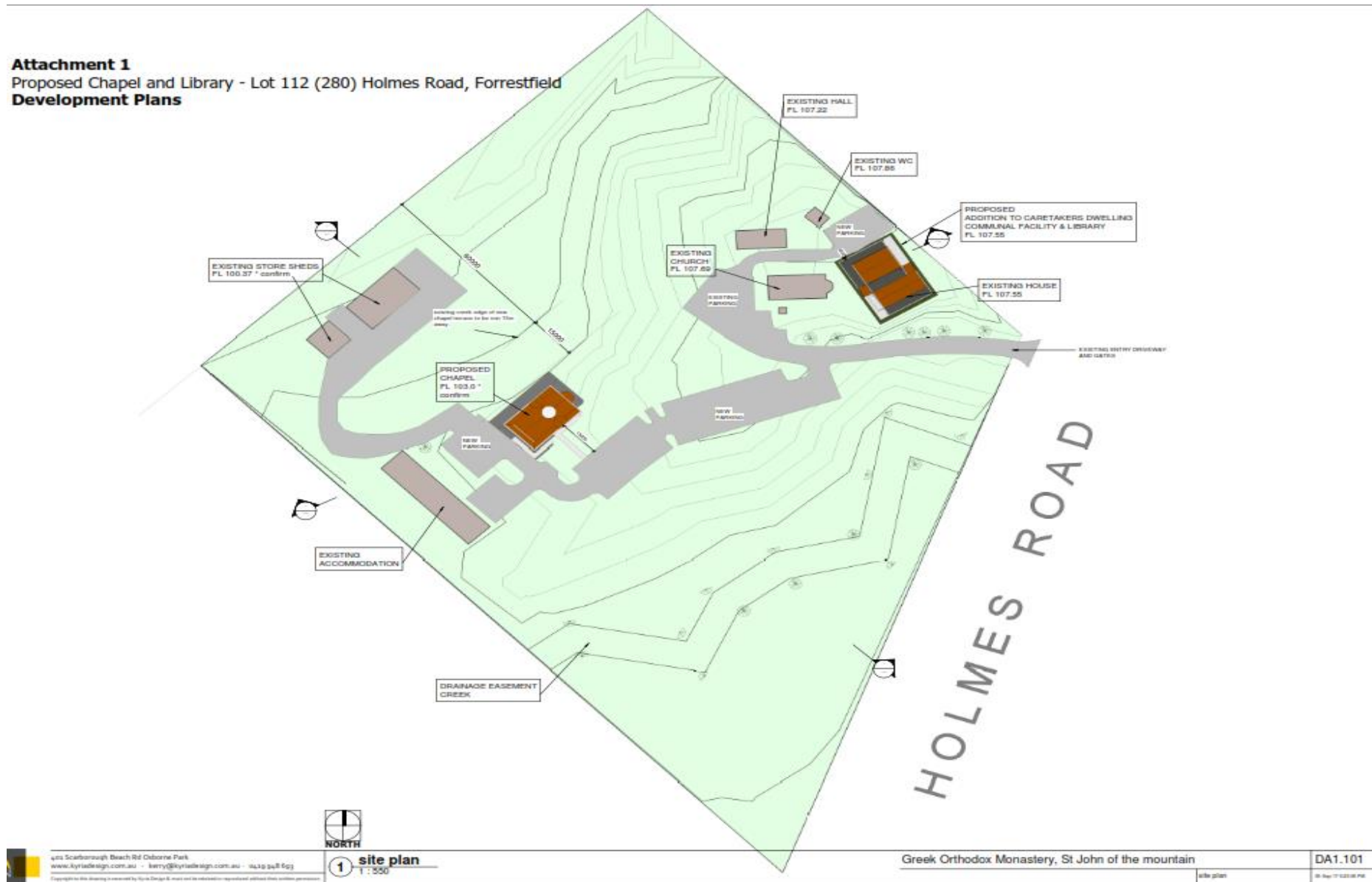
Against

**Cr Sara Lohmeyer**

**CARRIED (7/1)**

# Attachment 1

## Proposed Chapel and Library - Lot 112 (280) Holmes Road, Forrestfield Development Plans





**Attachment 2**

**Proposed Chapel and Library – Lot 112 (280) Holmes Road, Forrestfield**  
Site Photos

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

### Attachment 3

#### Proposed Chapel and Library - Lot 112 (280) Holmes Road, Forrestfield Response from DFES



Our Ref: D01374

Luke Harris  
Shire of Kalamunda  
[Luke.Harris@kalamunda.wa.gov.au](mailto:Luke.Harris@kalamunda.wa.gov.au)

Dear Mr Harris

#### RE: VULNERABLE LAND USE AT LOT 112 HOLMES ROAD, FORRESTFIELD

I refer to an email received by the Department of Fire and Emergency Services (DFES) on 16 June 2017 regarding the submission of a revised Bushfire Management Plan (BMP), prepared by Green Start Consulting dated 12 June 2017 (v3), for the above development application. DFES provide the following comments with regard to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines).

#### Assessment

##### 1. Policy measure 6.5 c) Non-compliance with the Bushfire Protection Criteria

Issue	Assessment	Action
<b>Siting and Design - Separation distance for proposed extension</b>	<p>Notwithstanding, that Planning Bulletin 111/2016 states that the deemed provisions exempt renovations, alterations, extensions, improvement or repair of a building from SPP 3.7 that do not result in the intensification of land use (i.e. the proposed library extension), DFES provide the following comments to ensure the accuracy of the BMP.</p> <p>The distance from the proposed extension to Plot 2 Class G Grassland is shown as 11.5 metres on the site plan and within the tables. The distance should be measured from the building extension to the boundary of the subject site, as no area within Plot 2 has been excluded as low threat. It is unclear if this has been applied as the arrow extends within Plot 2.</p>	Modification/ clarification required.
<b>Element 4: Water</b>	<p>The BMP states that a 120,000L dual purpose tank with 10,000L reserved for firefighting purposes will be installed to comply with Element 4. This is not supported. A dedicated tank should be installed for firefighting purposes for the following reasons:</p> <ul style="list-style-type: none"><li>• In the event of an emergency incident firefighters may drain the entire domestic tank in suppression efforts. Until the tank is refilled residents cannot return to their homes.</li><li>• When a tank, used mainly for domestic purposes, is</li></ul>	Modification required.

	<p>entirely emptied the sediment at the bottom of the tank may be disturbed when re-filling which can make the water unpotable.</p> <ul style="list-style-type: none"><li>• There is no guarantee that the tank will have the reserve of 10,000L as this is at the discretion of the land owner.</li></ul>	
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**Recommendation – supported subject to modifications**

The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved.

However modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications, outlined in the table above, will not affect the development design, these modifications can be undertaken without further referral to DFES.

If you require further information, please contact Advisory Services Coordinator Sasha De Brito on telephone number 9482 1764.

Yours sincerely



**Michelle Neil**  
**DIRECTOR ADVISORY SERVICES**

7 August 2017

#### **Attachment 4**

Proposed Chapel and Library – Lot 112 (280) Holmes Road, Forrestfield

#### **Submission Table**

<b>Nature of Submission</b>	<b>Submitter Number</b>	<b>Applicant's Justification</b>	<b>Officer Comment</b>
<b>No Objection</b>	<b>1, 2, 3</b>	Nil	Noted
<b>No Objection</b> Please ensure that parking is contained to the subject site	<b>4</b>	Nil	It is considered that due to the provision of ample parking on site no overflow should occur onto Holmes Road, however a condition of any approval given should be that parking is only to take place on site.
<b>No Objection</b> Please ensure that the water courses on site are not impacted by works	<b>5</b>	Nil	The streams in question are already known to the City and are protected.

**Attachment 5**

Proposed Chapel and Library – Lot 112 (280) Holmes Road, Forrestfield

**Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

**Provided under separate cover.**

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

Cr Brooke O'Donnell declared an interest affecting impartiality in relation to Item 77 Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie as she works as a Counsellor.

**77. Proposed Home Business (Hypnotherapy and Counselling Services) – Lot 39 (12) Plume Court, Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CR-10/012
Applicant	Julie Harris
Owner	Julie Harris

Attachment 1	Initial Applicant Submission
Attachment 2	Site Plan
Attachment 3	Floor Plan
Attachment 4	Submitters Table
Attachment 5	Confidential Submitters Map

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a development application for a proposed Home Business (Hypnotherapy and Counselling Services) at Lot 39 (12) Plume Court, Lesmurdie.
2. The applicant is anticipating a maximum of two (2) persons per day and twelve (12) per week attending the site, all with prior appointment confirmation.
3. The application was advertised in accordance with the City's P-DEV 45 (Public Notification of Planning Proposals). Over the course of the advertising a total of two (2) objections and one (1) non-objection to the proposal were received. One of the objectors formally retracted their objection to the proposal at a later date.
4. It is recommended to approve the application for the home business, subject to appropriate conditions.

**BACKGROUND**

**5. Land Details:**

Land Area:	961m <sup>2</sup>
Local Planning Scheme Zone:	Residential R10
Metropolitan Regional Scheme Zone:	Urban



## DETAILS

6. The applicant is seeking approval to operate a home business from the subject property. As part of the home business the applicant intends to provide counselling and hypnotherapy services.
7. The applicant has submitted that their main area of expertise is grief and loss and in assisting clients to overcome associated trauma. The applicant has also advised that they are also qualified to work with addictions that include food, gambling, internet, on-line role play games and nicotine, with a preference to deal with behavioural addictions rather than with those related to substance abuse. In this regard, the applicant has advised that the counselling services will not extend to be people dealing with substance addiction.

Noting the above, as part of the home business the applicant submits that the counselling offered will focus on the following:

- Grief;
- Phobias;
- Stress/Anxiety;
- Depression;
- Insomnia;
- Relationships (also including work related issues);
- Behavioural Addictions; and
- Self Esteem.

8. The home business is proposed to operate from Monday to Saturday (Closed Public Holidays) between the hours of 9am and 6pm. A maximum of two (2) people per day i.e. twelve (12) people per week are proposed to attend the site, with all associated parking to be retained on the subject site.
9. The home business will be conducted from a bedroom inside the existing dwelling which will be converted to a therapy room for use by patrons. The room is approximately 8 square metres in size.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

10. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No.9 (the Scheme) states that the objectives of the Residential zone are as follows:
  - *To provide primarily for single residential development whilst allowing for a range of 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.*
11. Under the Scheme a home business is defined as follows:

**"home business"** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which-

  - a) *Does not employ more than 2 people not members of the occupier's household;*
  - b) *Will not cause injury to or adversely affect the amenity of the neighbourhood;*
  - c) *Does not occupy an area greater than 50 square metres;*
  - d) *Does not involve the retail sale, display or hire of goods of any nature;*
  - e) *In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, and; and*
  - f) *Does not involve the use of an essential service of greater capacity than normally required in the zone"*



12. Under the Scheme, 'Home Business' is a 'A' use, meaning the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.

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

13. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires that Council give due regard to a number of matters, including:
  - a) The compatibility of the development within its settings;
  - b) Amenity of the locality;
  - c) The amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety; and
  - d) Any relevant submissions received on the application.

### **POLICY CONSIDERATIONS**

14. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

15. The proposal was referred to the City's Environmental Health department for their assessment and comment.
16. The Environmental Health department reviewed the proposal and determined that they had no concerns regarding the proposal and therefore no conditions are required.

#### **External Referrals**

17. The proposal was advertised for a period of 14 days in accordance with the City's Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals). As part of this advertising letters were sent to surrounding neighbours inviting comment. During the advertising period a total of two (2) objections with comments and one (1) non-objection were received.

Following completion of the advertising period one of the objecting parties made contact with the assessing officer and formally withdrew their objection, stating that they no longer had any concerns regarding the proposal. As a consequence there is only one (1) objection to the proposal. Refer Attachment 4.

18. The following key concerns were raised as part of the remaining objection:
  - a) the types of persons who would attend the home business could potentially increase the risk of damage to property, adults, or children (concerns were raised regarding the potential for individuals with a history of drug problems could attend the site);

b) an increase in traffic in the area could cause traffic congestion or accidents;  
and

c) patrons of the home business will park outside of the subject property.

19. The concerns raised are addressed in the officer comment section of this report.

## **FINANCIAL CONSIDERATIONS**

20. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 -Plan for diverse housing, facilities and industry  
to meet changing social and economic needs.

## **SUSTAINABILITY**

### **Social Implications**

22. An increase in the number of persons visiting the site may have an impact upon the amenity of the surrounding properties.

23. The proposed counselling services provides an opportunity for people in the local community experiencing personal problems such as grief and loss, to seek qualified help.

### **Economic Implications**

24. Approving the operation of a home business within the boundaries of the City would allow the owner of the property to work from home and reduce additional expenditure on the hiring of local halls or centres on behalf of the applicant.

### **Environmental Implications**

25. Nil.

## RISK MANAGEMENT CONSIDERATIONS

26.

<b>Risk:</b> The amenity of the area is unduly affected.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Ensure that conditions are imposed stipulating maximum number of patrons to attend the site at any one time and that all parking is to be contained on site.		

## OFFICER COMMENT

27. The proposal is compliant with the requirements of a Home Business under the Scheme. The very nature of this type of land use activity, being of a small scale, maximum of twelve (12) persons per week, and also the activity being relatively benign, suggests amenity impacts to the surrounding residential area from people and vehicles attending the site are unlikely. Similarly, concerns regarding on street parking, traffic congestion and vehicle safety arising from the proposal are also unlikely.
28. Concerns raised regarding “undesirable people” attending the site and the risks they present are noted. However, the nature and range of the counselling services to be offered will be of interest to people from all sections of society who are coping with personal issues and would benefit from the proposed services offered as they seek to overcome their problems. The applicant has advised that the counselling services offered do not extend to addictions associated with substance abuse.

### Voting Requirements: Simple Majority

*Mr Daniel Ryan of 8 Plume Court Lesmurdie spoke against the Officer Recommendation.*

*Ms Julie Harris (the Applicant) spoke in support of the Officer Recommendation.*

## COMMITTEE RECOMMENDATION TO COUNCIL (D&A 77/2017)

That Council:

1. Approves the application for a Home Business (Hypnotherapy and Counselling Services) at Lot 39 (12) Plume Court, Lesmurdie subject to the following conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) The Home Business is to comply with the Council’s definition of a Home Business as set out under Local Planning Scheme No. 3.
  - c) The Home Business is to only operate from Monday to Saturday (Closed Public Holidays) between 9am and 6pm.

- d) Patrons are to attend the site by appointment only. A register of patrons is to be kept and made available to the City of Kalamunda upon request.
- e) A maximum of twelve (12) patrons to attend the site per week, with no more than two (2) patrons attending the site per day.
- f) All parking associated with the development is to be contained on site.
- g) The Home Business is only permitted to operate within the area as identified on the attached approved plans.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Noreen Townsend**

Vote: For

**Cr Sara Lohmeyer**  
**Cr Noreen Townsend**

Against

**Cr Michael Fernie**  
**Cr John Giardina**  
**Cr Geoff Stallard**  
**Cr Allan Morton**  
**Cr Brooke O'Donnell**  
**Cr Sue Bilich**

**LOST (2/6)**

**Attachment 1**

Proposed Home Business (Hypnotherapy and Counselling Services) - Lot 39 (12) Plume Court, Lesmurdie

**Initial Applicant Submission**

Julie Elsie Harris  
Counselling & Hypnotherapy Services  
12 Plume Court  
Lesmurdie WA 6076

13/06/2016

To the Planning Department  
Kalamunda Shire

**Re – Application from Julie E Harris for HOME OCCUPATION**

Please find attached the hard copy of my completed Home Occupation Application, I have also included as requested a CD being the electronic copy of my plans and land titles for 12 Plume Court Lesmurdie, ABN is 169204371

I am a Professional Counsellor and Clinical Hypnotherapist and wish to work from my home, I will not have any employees. I am a professional and would like to add have the appropriate Insurance in order as well as Senior First Aid, Police Clearance as per my regulating Superiors in my industry.


I do not anticipate more than a maximum of two persons at one time (relationship work) and **mostly will be assisting an individual client**. My 'initial' hours of operation will Monday to Saturday from 9am to 6pm. These 'intended' hours are just to begin with as I hope to be more helpful to clients by offering them appointments out of their working hours to make their lives easier and less stressful ☺ I intend to review the hours of operation according to client trends. *I anticipate (hopefully) two clients per day.*

I live in a cul-de-sac and do not see any issue at all with parking as I have a long drive way with plenty of free space. I have not purchased any signage as yet and am aware of the guidelines and regulations to adhere to if my working from home application is approved.

I have a therapy room set up for my clients which measures 7.78sq metres, it is situated near a clean modern bathroom which was newly renovated prior to my purchasing the property. I understand you may send a letter out to my neighbours and as a matter of courtesy I will speak to them myself about my intentions to work from home which I do not believe will affect anyone else in any way ☺

I have also enclosed a copy of the '**discounted fee**' I should be entitled to as I am currently participating in a Government course with NEIS (National Employment Incentive Scheme) this course has enabled me to learn 'how' to run my business properly. Thank you for your time and consideration, please telephone me on my mobile should you have any queries as this is the most time efficient way to contact me

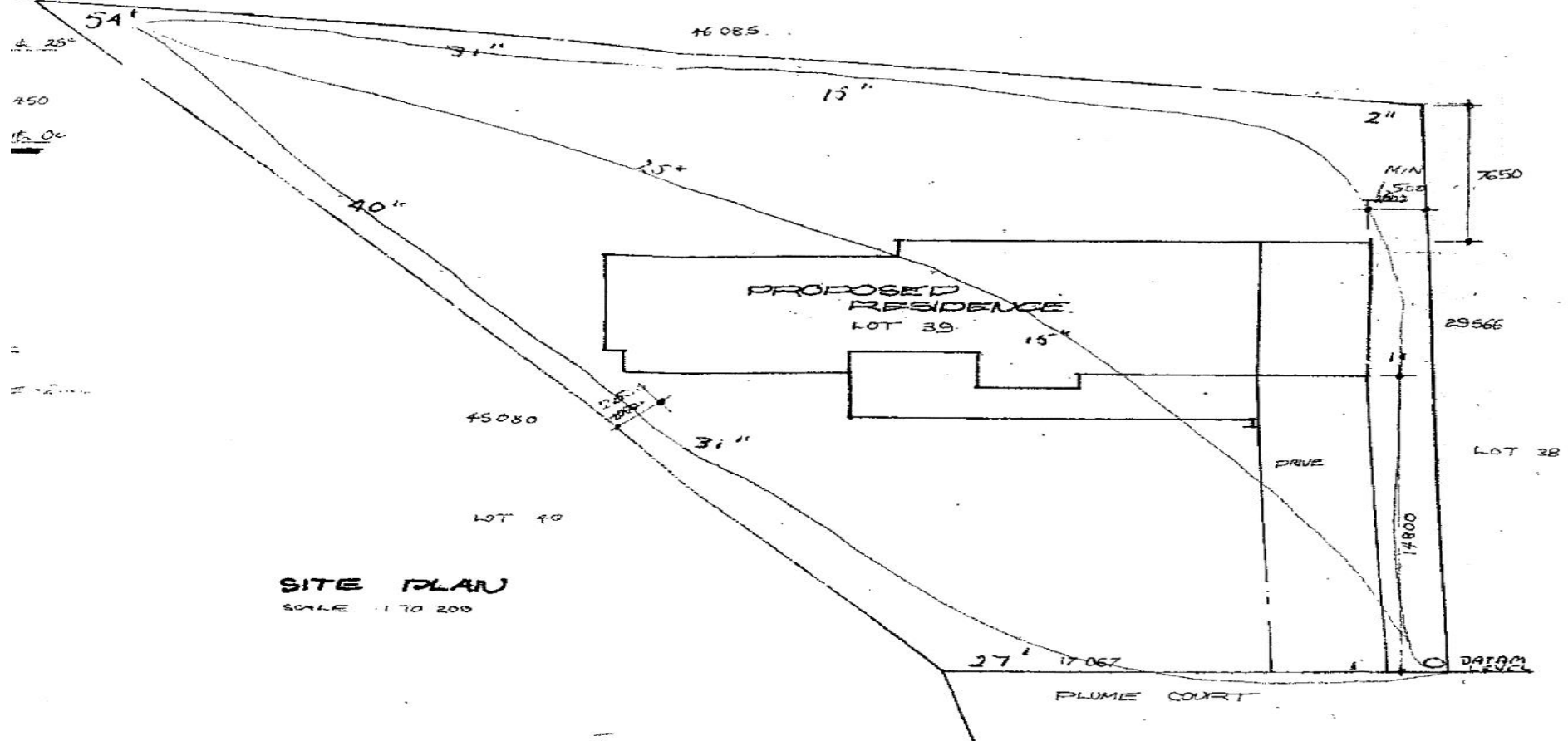
Yours Sincerely

  
Julie Elsie Harris

**Attachment 2**

Proposed Home Business (Hypnotherapy and Counselling Services) - Lot 39 (12) Plume Court, Lesmurdie

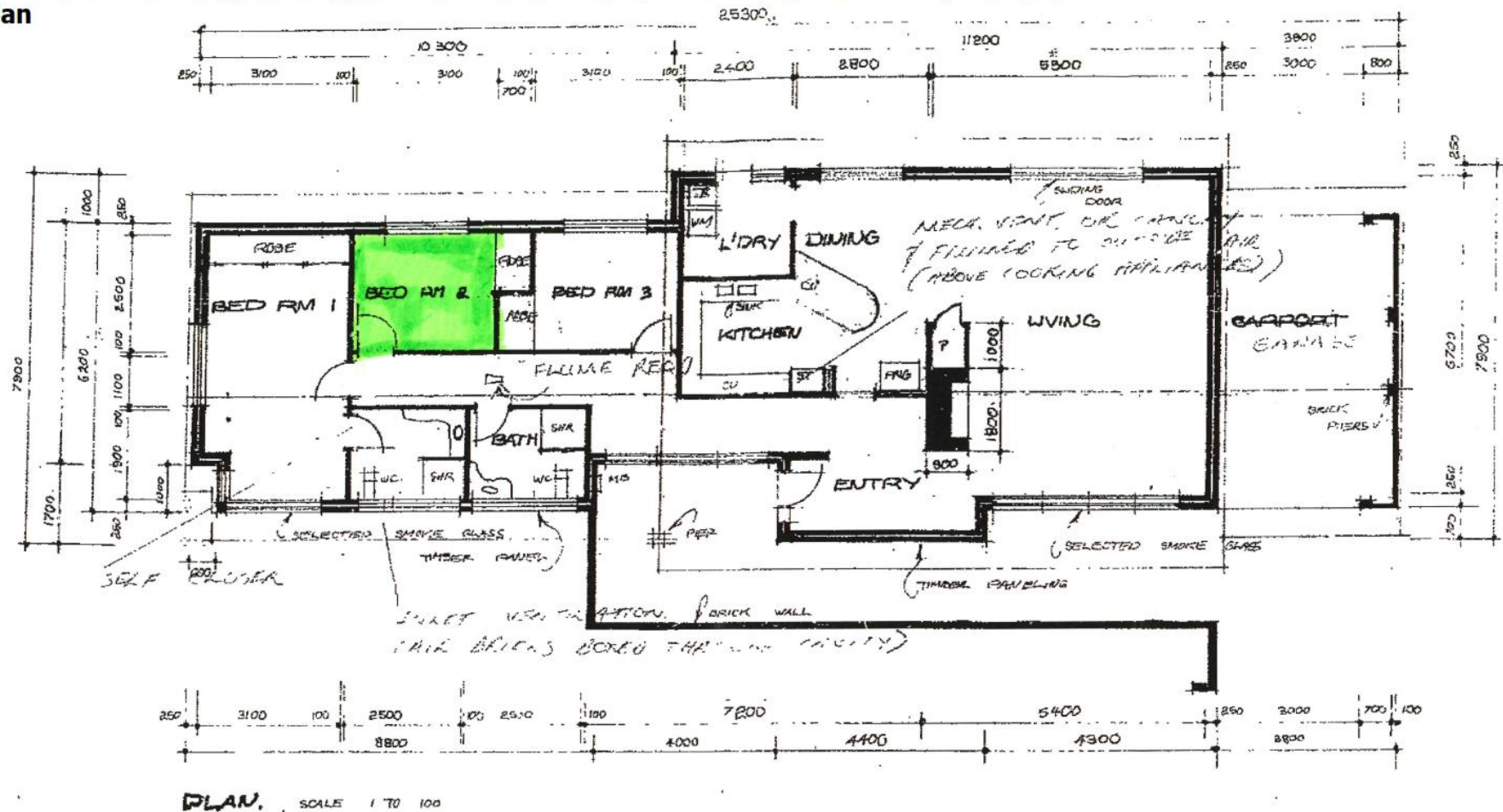
**Site Plan**



### Attachment 3

Proposed Home Business (Hypnotherapy and Counselling Services) - Lot 39 (12) Plume Court, Lesmurdie

### Floor Plan



#### Attachment 4

Proposed Home Business (Hypnotherapy and Counselling Service) – Lot 39 (12) Plume Court, Lesmurdie

#### Submission Table

Nature of Submission	Submitter Number	Applicant's Justification	Officer Comment
<b>No Objection</b>	<b>1</b>	Nil	Noted
<b>Objection</b> The potential increase in traffic will cause accidents and congestion. In addition to this, patrons will park on the street	<b>2</b>	The applicant submits that they will only be seeing two persons per day, which will only allow for two extra cars in the street per day. They further submit that they have ample space on site for parking.	It is considered that the increase in the number of cars will be minimal. As part of any approval it can be conditioned that all parking is to remain confined to the site.
<b>Objection</b> There is a chance that the safety of children, peoples and property within the area will become compromised through unsuitable people attending the site	<b>2</b>	The applicant submits that they do not wish to deal with these types of persons as their own safety may be compromised.	Concerns raised regarding "unsuitable people" attending the site and the risks they present are noted. However, the nature and range of the counselling services to be offered will be of interest to people from all sections of society who are coping with personal issues and would benefit from the proposed services offered as they seek to overcome their problems.



**Attachment 5**

Proposed Home Business (Hypnotherapy and Counselling Service) - Lot 39 (12) Plume Court, Lesmurdie

**Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

**Provided under separate cover.**

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

**78. Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	DA17/0237 and LW-4/215
Applicant	Terence and Donna Crestwell
Owner	Terence and Donna Crestwell
Attachment 1	Development Plans
Attachment 2	Applicant's Justification
Attachment 3	Site Photos
Attachment 4	Submission Table
Attachment 5	Confidential Attachment - Submitters Map
	<u><i>Reason for confidentiality:</i></u>
	<i>Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"</i>

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a planning application for a proposed outbuilding in the south-east portion of the subject site.
2.
  - a) The proposal incorporates the following variations to Local Planning Policy PDEV 20 Outbuildings and Sea Containers (PDEV 20):
  - b) Floor area of 160m<sup>2</sup> in lieu of the allowable 100m<sup>2</sup> for an individual outbuilding;
  - c) Wall height of up to 5.5m in lieu of the allowable 4m;
  - d) Roof pitch height of 7.83m in lieu of the allowable 4.8m; and
  - e) The outbuilding is located forward of the dwelling alignment.
3. During advertising of the proposal, the City received two (2) objections raising the following concerns:
  - a) Alternative locations behind house or behind winter creek are preferred.
  - b) The outbuilding will impact on the existing visual amenity of the streetscape.
  - c) The proposal does not comply with PDEV 20.
  - d) The size, height and building bulk of the building.
  - e) Earthworks which will increase impact of size and height.
  - f) The proposal incorporates tree removal, interference of winter creek and impact on natural habitat.
  - g) Asbestos contamination concerns associated with the bringing of fill to construct the crossover.

4. In summary, it is noted that the outbuilding exceeds the allowable floor area, wall height, and roof pitch height, and is located in a position that is not recommended under PDEV 20. However, it is considered that the chosen location is the least constrained on the site, and the topography of the site contributes significantly to the variations to wall and roof pitch height. The applicant also proposes to plant 55 new trees/shrubs to assist with screening the subject outbuilding from the Lewis Road and neighbouring properties.
5. On balance, it is recommended that the application be approved subject to appropriate conditions.

## **BACKGROUND**

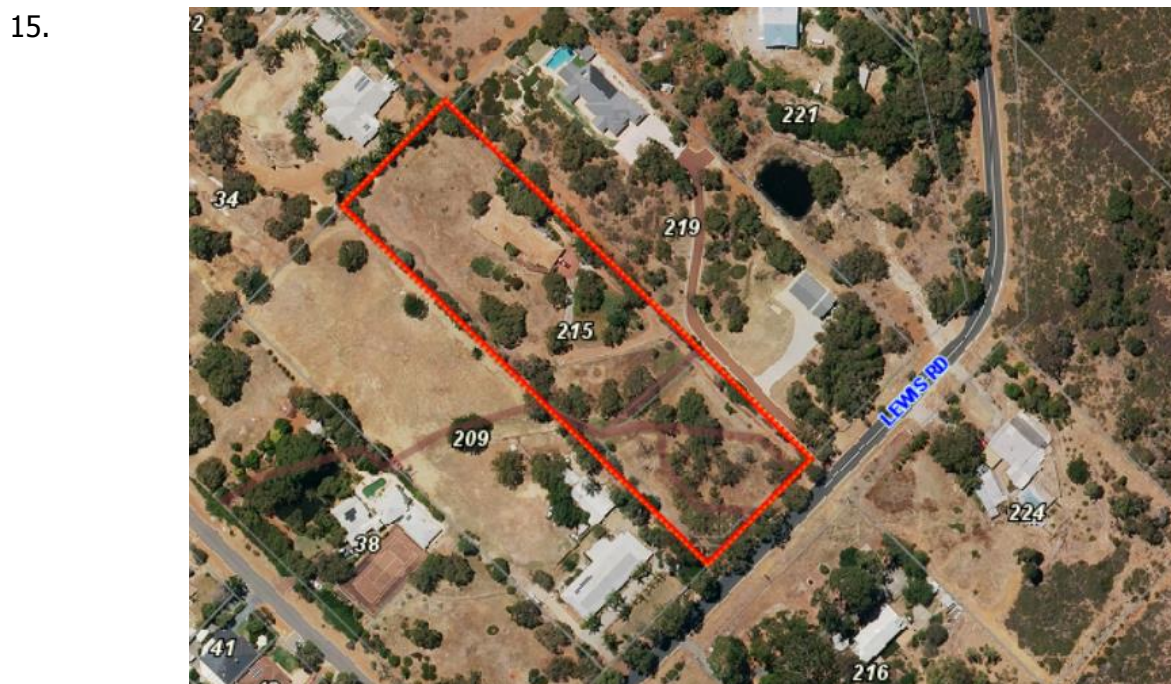
6. On 13 October 2016, the City refused an application for development approval for a similar sized outbuilding located in the south-western corner of the subject site for the following key reasons (summarised):
  - a) Non-compliance with P-DEV 20 – Outbuildings and Sea Containers given 160m<sup>2</sup> floor area, 6.3m roof pitch height.
  - b) South-west side setback variation of 5m in lieu of the allowable 10m in a Special Rural zone.
  - c) The location of the outbuilding in front of the existing dwelling and on top of a drainage easement.
7. In regard to the new application, which is the subject of this report, the applicant originally provided plans showing the proposed outbuilding with a 200m<sup>2</sup> floor area, 4m wall height and 6.8m roof pitch height, setback 10m from the south-western boundary adjacent to the neighbours existing house. No vegetation screening was proposed at the time.
8. The original plans were advertised and assessed, however on the advice that the City's Officers would likely recommend refusal of the application, the applicant provided amended plans showing the proposed outbuilding located on the eastern side of the property, with a reduced floor area to 160m<sup>2</sup>, reduced pitched roof height, and vegetative screening from the primary street and eastern and western side. It is also noted that revised outbuilding location is acceptable from the perspective of the drainage easement locations.
9. During assessment of the development application an unauthorised 6m wide crossover was installed in the location indicated on the site plan (Attachment 1). As a separate matter, a concerned neighbouring land owner contacted WorkSafe with concerns over asbestos contamination in the fill that was being brought to the site. The City's Environmental Health services found asbestos was present on the surface of the fill brought onto site of the unauthorised crossover and have directed the owner to remove the offending material.

10. **Land Details:**

Land Area:	9,938m <sup>2</sup>
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

11. The subject site is approximately 1 hectare in size, regular and rectangular in shape, and contains a single dwelling and scattered areas of mature vegetation. It has a frontage of approximately 54m and a depth of approximately 185m. The area to the side and behind the existing dwelling is currently cleared for the purpose of containing sheep.
12. The topography of the site is constraining in some aspects; the site slopes down from the primary street to a winter creek which runs horizontally across the lot. The area south-west of the winter creek is subject to waterlogging after heavy rainfall. The topography then slopes up from the creek to a high point on the north-east corner of the site behind the existing dwelling. The site slopes from north-east to south-west, falling approximately 8m from the north-east side boundary to the south-west side boundary.
13. The site is located in an area characterised by small rural landholdings of approximately 1 hectare in size.
14. The adjoining property at 219 Lewis Road, Forrestfield contains an existing 15m x 9m (135m<sup>2</sup>) outbuilding in the front area of the site that was approved by the City in 2012. This outbuilding incorporated significant fill given the slope of the site, however is largely screened from view of Lewis Road.

**Locality Plan**



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## DETAILS

16. In the latest revision of the plan, the proposed outbuilding incorporates the following key characteristics:
- a) Floor area of 160m<sup>2</sup>;
  - b) Wall height of up to 5.5m above natural ground level (4m wall height from slab level, plus up to 1.5m of fill);
  - c) Roof pitch height of up to 7.83m above natural ground level (6.33m roof pitch height from slab level, plus up to 1.5m of fill);
  - d) Setback 15m from the front, 14m from the north-east (side), 30m from the south-west (side) boundaries;
  - e) Proposed to be clad with green 'pale eucalypt' or 'mangrove' coloured metal sheeting; and
  - f) A new crossover from Lewis Road to service the outbuilding.
17. In support of the application, the applicant submitted justification (refer to Attachment 2), which is summarised as follows:
- a) The proposed outbuilding is of a similar size to outbuildings located on adjoining properties.
  - b) The location of the outbuilding is compliant with the relevant setbacks.
  - c) The slab height is 2m lower than the road and the nature of fill is consistent with developments on surrounding properties.
  - d) The wall height is required to accommodate a motorhome.
  - e) A steeper roof pitch is considered to improve the aesthetics of the building, and will reduce leaf build up and associated fire hazard.
  - f) The new crossover will not require the removal of any verge trees. The existing driveway is not designed to accommodate a motorhome. The new crossover will provide access to emergency service vehicles.
  - g) The trees required to be removed were all planted by the applicant.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

18. The subject site is zoned Special Rural under the City's Local Planning Scheme No. 3 (Scheme). Clause 4.2.2 (Objectives of Zones – Rural) of the Scheme states that the objectives of the Special Rural zone are to:
- a) To enable smaller lot subdivision to provide for uses compatible with rural development.
  - b) To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.
19. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

## POLICY CONSIDERATIONS

### PDEV 20 – Outbuildings and Sea Containers

20. The proposal does not meet the following requirements of PDEV 20:

	<b>PDEV 20 Requirement</b>	<b>Proposed Outbuilding</b>
<b>External Wall Height</b>	4m	5.5m
<b>Roof Pitch Height</b>	4.8m	7.83m
<b>Maximum Floor Area – individual outbuilding</b>	100m <sup>2</sup>	160m <sup>2</sup>
<b>Location of Outbuilding</b>	Behind the dwelling alignment and/or will not be directly visible from the street.	In front of the dwelling alignment, however behind the front setback area. Landscaping proposed to screen building.

21. PDEV 20 is currently in the process of being reviewed and amended to increase the allowable floor area for a single outbuilding in the Special Rural zone to 150m<sup>2</sup>. These amendments are being presented to the September Ordinary Council Meeting for the purposes of public advertising.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

22. The application was referred to the City's Assets and Environment Service teams for comment. The comments received are detailed below.

23. Assets

The following conditions are recommended in the notice of determination for this application:

- Crossovers shall be designed and constructed to the specification and satisfaction of the City.
- Vehicle access ways shall be suitably constructed, sealed and drained to the specifications and satisfaction of the City.
- On site disposal of storm water or construction of storm water on-site detention to achieve predevelopment hydrological regimes (5 year storm event) prior to outflowing.

24. Environment

The following condition is recommended in the notice of determination for this application:

- Any trees requiring protection from development works should be in accordance with AS 4970 2009 'Protection of trees on Development sites'.

The following advice notes are recommended in the notice of determination for this application:

- a) Any proposed crossover should be positioned so it does not conflict with street trees. Any crossover is recommended to be positioned a minimum of three meters away from a street tree, this distance is measured from the centre of the tree. This allows root system sufficient room for growth.
- b) Land uses, activities and land management practices in a Special Rural zone are to ensure development in harmony with natural environment.

### **External Referrals**

- 25. The application was advertised to surrounding land owners for a period of 14 days. During the advertising period, the City received two (2) objections to the proposal, refer (Attachments 4 and 5).
- 26. The concerns raised during advertising are summarised as follows:
  - a) Alternative locations behind house or behind winter creek are recommended.
  - b) Visual amenity – the outbuilding will impact existing streetscape.
  - c) The proposal does not comply with PDEV 20.
  - d) The size, height and building bulk of the building.
  - e) Earthworks which will increase impact of size and height.
  - f) The proposal incorporates tree removal, interference of winter creek and impact on natural habitat.
  - g) Asbestos contamination concerns associated with the bringing of fill to construct the crossover.
- 27. Responses to the concerns raised are addressed in the officer comment section of the report and Attachment 4.

### **FINANCIAL CONSIDERATIONS**

- 28. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

- 29. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

## SUSTAINABILITY

### Social Implications

30. Consideration should be given to whether the location, bulk and scale of the proposed outbuilding will unduly impact on the streetscape or amenity of adjoining land owners. This is discussed further in the Officer Comment section of this report.

### Economic Implications

31. Nil.

### Environmental Implications

32. The application incorporates the removal of 12 trees within the subject site. The applicant proposes to revegetate with 55 trees/shrubs on the subject site. In the event that this application is approved, the applicant will be required to plant the proposed landscaping as a condition of approval.
33. Drainage easements currently exist over the front portion of the property. The applicant recently received approval from the City's Asset Services to relocate easements after undertaking works to move drainage channels at the site. The change in the location of the easements is currently in the process of being registered with Landgate.

## RISK MANAGEMENT CONSIDERATIONS

34.	<b>Risk:</b> The outbuilding will unduly impact on the amenity of the streetscape and adjoining properties.		
	<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/ Strategy</b>		
	Ensure that the proposed outbuilding is appropriately setback from boundaries, and appropriate landscape screening is planted.		

## OFFICER COMMENT

35. It is noted that all boundary setbacks comply with the requirements of the Scheme and that the verge is heavily vegetated which would partially screen the propose outbuilding. However additional vegetation is proposed by the applicant through the planting of 55 trees/shrubs to screen the building (refer to Attachment 1). The proposed colour and material of green powder coated steel complies with Table 2 of PDEV 20 and is considered to be complimentary to the landscape character of the area.



- 
36. The proposed floor area of the outbuilding is 160m<sup>2</sup> which exceeds the recommended 100m<sup>2</sup> maximum floor area for an individual outbuilding under PDEV20. It is noteworthy that PDEV 20 allows an aggregate floor area of 200m<sup>2</sup> for more than one (1) outbuilding on a Special Rural lot, which could theoretically result in two individual 100m<sup>2</sup> outbuildings side by side one another and would comply with that aspect of the policy. Additionally, PDEV 20 is currently in the process of being reviewed and amended to increase the allowable floor area for a single outbuilding in the Special Rural zone to 150m<sup>2</sup>. These amendments are being presented to the September Ordinary Council Meeting for the purposes of public advertising.
37. Larger outbuildings are not uncommon on small rural landholdings; for example, both adjoining sites contain outbuildings that would exceed the allowable 100m<sup>2</sup> floor area. In this regard it is not considered that the size of the outbuilding will in itself unduly impact on the character of the area, but it is important to consider the location of the outbuilding and likely impact on the visual amenity of the area.
38. While it is not generally desirable from a planning perspective to locate outbuilding in front of the dwelling, the location of the outbuilding is supported for the following reasons:
- a) The dwelling is located approximately 116m from the front boundary. If the City were to strictly enforce the locational requirements of PDEV 20, this would effectively sterilise the front section of the site from any non-habitable buildings, which is not considered reasonable in this particular instance.
  - b) The setbacks of the outbuilding are fully compliant with the Scheme.
  - c) Site visits by the City's officers has confirmed that the site is highly constrained given difficulties with topography, drainage, and vegetation. If the outbuilding were to be moved further to the rear of the site, its location would conflict with a creek and wet marshy areas in the centre of the site and/or steep sloping land to the rear. In the event that Council resolves to refuse the application, there would be significant constraints to relocating the outbuilding to an accessible position towards the rear of the site.
  - d) The applicant proposes to install a significant amount of revegetation and landscaping for screening the outbuilding.
39. It is noted that the wall and roof pitch height variations proposed are largely due to fill in a low lying area of the site that was previously used as a drainage easement. Having regard to the sloping nature of the site, and the level of the outbuilding when compared to the level of the front of the property at Lewis Road, the floor level of the outbuilding will still be approximately 2m below the level of Lewis Road. Therefore from a streetscape perspective, it is not considered that the building height variations will result in a significant undue impact, particularly given the level vegetative screening proposed by the applicant. In addition, regarding the roof pitch height variation, it is considered that a steeper roof pitch does contribute towards an enhanced aesthetic appearance of an outbuilding in a rural area.
-

40. In respect to the second crossover, it is noted that the City's Asset Services raised no significant concerns from an engineering perspective. Given the relatively wide frontage width of the subject site and that the crossover does not result in excessive or unnecessary removal of vegetation, no objections are raised to the additional crossover from a planning perspective.
41. In summary, while it is noted that the outbuilding exceeds the allowable floor area, wall height, and roof pitch height, and is located in a position that is not recommended under PDEV 20, it is considered that the chosen location is the least constrained on the site, and the topography of the site contributes significantly to the variations to wall and roof pitch height. The applicant also proposes to install 55 new trees/shrubs to assist with screening the subject outbuilding from the Lewis Road and neighbouring properties. On balance, it is recommended that the application be approved subject to appropriate conditions.

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

*Mr Keith Moses of 209 Lewis Road Forrestfield spoke against the Officer Recommendation.*

*Mr Terry Crestwell (the Applicant) of 215 Lewis Road Forrestfield spoke in support of the Officer Recommendation.*

### **COMMITTEE RECOMMENDATION TO COUNCIL (D&A 78/2017)**

That Council:

1. Approves the application for an outbuilding at Lot 11 (215) Lewis Road, Forrestfield, subject to the following planning conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) Information being provided to the City of Kalamunda prior to the lodgement of a building permit application to demonstrate that the location of the outbuilding is clear of any drainage easements.
  - c) The outbuilding shall not be used for habitable, commercial or industrial purposes.
  - d) The stormwater being disposed of on-site and/or directed to an appropriate drainage channel and disposed of to the satisfaction of the City of Kalamunda.
  - e) Prior to the lodgement of a building permit application, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved by the City of Kalamunda. For the purposes of this condition, additional landscaping areas are required to screen the outbuilding from Lewis Road and adjoining properties and appropriate pot/plant sizes are to be used to effect mature screening.

- f) Landscaping shall be completed in accordance with the approved detailed landscape plan prior to completion of the outbuilding and thereafter maintained to the satisfaction of the City of Kalamunda.
- g) Crossover(s) shall be designed and constructed to the specification and satisfaction of the City of Kalamunda.
- h) Existing verge trees being protected from development works in accordance with AS 4970 (2009) "Protection of trees on Development sites".

Moved: **Cr John Giardina**

Seconded: **Cr Michael Fernie**

Vote: For

**Cr Michael Fernie**  
**Cr Sara Lohmeyer**  
**Cr John Giardina**  
**Cr Allan Morton**  
**Cr Brooke O'Donnell**  
**Cr Sue Bilich**

Against

**Cr Geoff Stallard**  
**Cr Noreen Townsend**

**CARRIED (6/2)**

### Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield Development Plans



## Attachment 2

Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield

### Applicant's Justification

#### Shed at 215 Lewis Road Forrestfield

##### Shed Size

- 160m<sup>2</sup> to house a caravan (then later a motor home), a vehicle (currently in the weather), household storage, fencing, livestock feed and other items.
- This is either the same or smaller than my neighbouring properties. One is ~160m<sup>2</sup>, the other is ~200m<sup>2</sup> (shed, shed addition and joining stables).

##### Shed Location

- It's well away from the boundaries - 14m from the north east boundary and 30m from the south west boundary with mature trees screening.
- I have moved the proposed location from 10m to now 30m off Lot 10's boundary. His shed is 7.5m from the boundary.
- I am happy to plant even more screening plants or erect a fence along that part of the boundary

##### Fill

- Slab height is 2 metres lower than the road. Any lower would make it too difficult to reverse a caravan in or out of the shed properly and safely.
- Fill is 1m - it will be the same level as the driveway.
- Lot 7 has a shed with 3m of fill plus a 4m wall height - see photo.
- It will not need a retaining wall as the site will naturally slope away from the shed.
- The neighbour at Lot 10 can't be concerned about fill. He was happy to artificially raise his back paddock adding 6000m<sup>3</sup> of fill (? Shire approved). This has caused flooding at my place (see photo) and has also covered an easement in his paddock which was there to allow me to access my services. I have a 1000 litre per day water leak which I am unable to access, costing \$1000 every year.

##### Shed Height

- A 4m wall height is required to park a motorhome (the same height as Lot 7).
  - 15 degrees is the standard roof pitch for Stratco.
  - As there are a massive amount of surrounding eucalypt trees - 37 within 20m of the shed - a higher roof angle has been advised to allow leaf litter to slide off the roof therefore decreasing the fire hazard due to leaf build up.
- A 25 degree roof will have an overall height of 6.3m (4.3m from road level with screening from trees).
- A 20 degree roof will have an overall height to 5.8m (3.8m from road level with screening from trees).

##### Crossover

- No trees need to be removed.
- I am unable to drive a caravan or motor home into the shed from my driveway due to the turning circle needed. Many properties in the immediate area have 2 crossovers, the neighbour two properties down has 3 - see attached diagram.
- Another access is also important in the event of a fire. A fire truck is not able to access the house from the driveway due to the width and weight of the truck over the bridge. (this occurred in 2001 when a fire truck tried to enter).

##### Tree Removal

- I have planted more trees (now mature) than need to be removed.
- There will be 56 trees retained of which I have planted 20 of them.



### **Attachment 3**

Proposed Outbuilding – Lot 11 (215) Lewis Road, Forrestfield

#### **Site Photos**



**View as seen from the primary street. Outbuilding proposed to be located approximately where the person is standing.**



**View from lot towards Lewis Road, eastern side near driveway.**





**Proposed location of outbuilding, stakes indicate proposed outbuilding area. View from lot towards Lewis Road.**



**Existing trees onsite at front of property.**





**View from driveway parallel to Lewis Road of proposed outbuilding location. Note neighbouring house location in background**

#### Attachment 4

Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield

#### Submission Table

Nature of Submission	Submitter Number	Applicant's Justification	Officer Comment
<p><b>Objection</b> Location – alternative locations behind house or behind winter creek preferred. Alternative locations to the side/rear of existing dwelling would be more appropriate.</p>	1, 2	<p>The location of the shed needs to be at the front of the property due to the steep nature of the block, existing waterway and wetland area.</p> <p>The outbuilding is well away from the boundaries – 14m from the north-east boundary and 30m from the south-west boundary with mature trees screening.</p> <p>I have moved the proposed location from 10m to 30m off the western neighbour's boundary. His shed is 7.5m from the side boundary.</p> <p>I am happy to plant even more screening plants or erect a fence along that part of the boundary.</p>	<p>Though it is possible to relocate the outbuilding, due to the steep topography of the lot towards the eastern rear corner of the lot it is the Officer's opinion that significant earthworks, fill and/or retaining, and installation of a driveway would be required to construct the proposed outbuilding to the side or rear of the existing dwelling.</p> <p>The applicant is unwilling to consider the side or rear as an alternative location.</p> <p>Relocating the outbuilding to the rear of the site would also result in the building being significantly closer to, and potentially impacting on the amenity of, the dwellings at the rear of 219 Lewis Road, and 34 Wandoo Road, Forrestfield.</p>
<p><b>Objection</b> The proposal will impact on existing streetscape and is viewable directly from the street.</p>	1, 2	<p>A number of properties in our area have sheds visible from the road. Ours has good coverage and blends well with surrounds.</p>	<p>The outbuilding is partially visible from the primary street and is located forward of the dwelling, which is not recommended under PDEV 20. Due to the position of the dwelling located to the rear of the lot and</p>

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			existing creek there are physical constraints which must be given regard when determining this application.
<b>Objection</b> Does not comply with City's requirements	<b>1</b>	<p>We are seeking approval to build a shed to house a motorhome, a vehicle (currently in the weather), fencing, livestock feed and other items for storage.</p> <p>This is either the same or smaller than my neighbouring properties.</p>	<p>Side setbacks comply with Local Planning Scheme No 3. Outbuilding height, floor area, and location as viewable from the street and does not comply. Refer to the officers comment section of the report regarding compliance with PDEV 20.</p>
<b>Objection</b> Size, height and building bulk.	<b>1, 2</b>	<p>A 4m wall height is required to park a motorhome. 15 degrees is the standard roof pitch for Stratco. A 25 degree roof will have an overall height of 6.3m (4.3m from road level with screening from trees).</p> <p>To keep with the country/bush look we are asking for a higher pitched roof which will blend with the surrounds due to the good tree screening from the road.</p> <p>A higher roof angle has been advised to allow leaf litter to slide off the roof therefore decreasing the fire hazard due to leaf build up.</p>	<p>The applicant is seeking variations in height, floor area, and location which can be considered by Council. Variations to PDEV 20 are able to be considered and the decision will be at the discretion of Council.</p>

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<b>Objection</b> Earthworks will increase impact of size and height	<b>2</b>	Slab height is 2m lower than the road. Any lower would make it difficult to reverse park a caravan properly or safely.  Fill is 1m – 1.5m, it will be the same level as the driveway.	The property naturally slopes down from the primary street to the creek so some fill will be required. This will however contribute to the overall height and bulk of the proposed outbuilding.
<b>Objection</b> Tree removal, interference of winter creek and impact on natural habitat	<b>1</b>	I have planted more trees (now mature) that need to be removed. There will be 56 trees retained of which I have planted 20 of them.  No trees need be removed for the crossover.	The applicant has identified the trees to be removed and proposed replacement and planting of vegetative screening. The proposed outbuilding will not encroach on the varied drainage easements (yet to be registered with Landgate).
<b>Objection</b> Disagree with labelling of wetland and topographic features on the plans provided, suggests drainage solutions.	<b>1</b>	The location of the shed needs to be at the front of the property due to the steep nature of the block, existing waterway and marshy areas.	The City's Officers understand the winter creek is subject to waterlogging and periodic flooding due to the sites topography. Retention or channelling of stormwater onsite and management of water flows between property boundaries is a civil matter separate to this application.
<b>Objection</b> Unauthorised crossover – removal of vegetation for installation of existing unauthorised crossover. Asbestos contamination concerns.	<b>1</b>	Nil.	The City's Environmental Health Services have been notified, undertaken tests, and ordered the removal of the contaminated material by a certified Asbestos Removalist. The removalist report suggested the asbestos

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			material may have been placed on the site after the unauthorised crossover had been installed. This is a matter that is being addressed separate to this application.

**Attachment 5**

Proposed Outbuilding – Lot 11(215) Lewis Road, Forrestfield

**Submitters Map**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person."*

**Provided under separate cover.**



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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Nil.

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

12.1 Nil.

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

13.1 Nil.

**14.0 TABLED DOCUMENTS**

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

15.1 Nil.

**16.0 CLOSURE**

16.1 There being no further business the Presiding Member declared the meeting closed at 8.10pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017