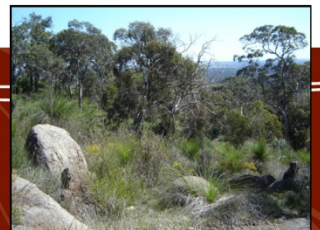


Development & Infrastructure Services Committee Meeting

Minutes for Monday 9 June 2014

UNCONFIRMED



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kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.35pm, and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Shire President) North Ward
Margaret Thomas JP	(until 7.22pm) North Ward
Simon Di Rosso	(Presiding Member) North Ward
Allan Morton	South West Ward
Noreen Townsend	South West Ward
Justin Whitten	South West Ward
Geoff Stallard	South East Ward
John Giardina	South East Ward
Frank Lindsey	South East Ward
Andrew Waddell JP	North West Ward
Dylan O'Connor	North West Ward
Bob Emery	North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Charles Sullivan	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Nicole O'Neill	Public Relations Coordinator
Meri Comber	Governance Officer

Members of the Public 33

Members of the Press 0

2.2 Apologies

Nil.

2.3 Leave of Absence Previously Approved

Nil.

Councillor Bilich indicated that she would be absent for the Corporate & Community Services Meeting on 16 June 2014 as she is attending the National General Assembly of Local Government in Canberra.

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 A Deputation has been requested by Teresa Faranda and authorised by the Shire President regarding Item 32. The Parking of One Commercial Vehicle – Lot 205(31) Ind Street, Lesmurdie, she was joined by Greg Funnell and Terry Izzard.

A Councillors asked Teresa Faranda if the noise level of her vehicle was similar to that made by a Diesel Four-wheel drive, she confirmed that it was.

A Councillor asked if the Shire had a Policy to address vexatious complaints; this matter appeared to be wasting the time of Shire Staff. The Chief Executive Officer advised there was no policy in place, in all neighbour to neighbour complaints there is always a large amount of work required and it becomes more of a policing exercise. The Director Development Services confirmed that if issues arise the Shire must investigate.

A Councillor noted that the photograph of the truck had been corrected and asked for confirmation that there was only one truck at the premises. This was confirmed.

A Councillor asked if the Officer Recommendation as it stood was acceptable, Teresa Faranda indicated more lenience on the time would be preferred.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 12 May 2014, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (12/0)**

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

8.1.1 Nil.

8.2 Disclosure of Interest Affecting Impartiality

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

8.2.1 Nil.

9.0 REPORTS TO COUNCIL

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

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

30. Child Care Premises - Lot 34 (338) Hale Road, Wattle Grove

Previous Items	OCM 08/2012 and OCM 181/2013
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	HL-01/338
Applicant	J A Al-Masri
Owner	Hale Trust
Attachment 1	Enlarged Site Plan
Attachment 2	Landscaping Plan
Attachment 3	Internal Floor Plan
Attachment 4	Elevations
Attachment 5	Uniform Fencing Details Abutting Public Open Space
Attachment 6	Wattle Grove Cell 9 Structure Plan
Attachment 7	Site Plan

PURPOSE

1. To consider a planning application for a child care premises at Lot 34 (338) Hale Road, Wattle Grove. Refer to (Attachments 1 to 5).

BACKGROUND

2. **Land Details:**

Land Area:	1.05ha
Local Planning Scheme Zone:	Urban Development (Commercial)
Metropolitan Regional Scheme Zone:	Urban

Locality Plan

- 3.



4. The property falls within the Wattle Grove Cell 9 Structure Plan (the Structure Plan) which identifies the property for Commercial purposes. Refer to the Wattle Grove Cell Structure Plan (Attachment 6).
5. In November 2013, Council resolved (En Bloc Resolution OCM 181/2013) to approve an application to build a health and fitness centre in the north west portion of the property. Refer to the Site Plan (Attachment 7).
6. In July 2013, the WA Planning Commission approved an application to subdivide the property into three freehold lots. Clearance is yet to be issued for this subdivision. The proposed planning application is consistent with the approved subdivision application.

DETAILS

7. Details of the application are as follows:
 - A single storey child care premises is proposed to be built in the north east portion of the property which abuts an area shown on the Structure Plan identified for public open space.
 - A total of 13 car parking bays are proposed to be available for the proposed child care premises.
 - There will be a maximum of 86 children and 12 staff on site at any one time.
 - Shade trees are proposed within the car parking area for the proposed child care premises.
 - Access to the child care premises is proposed via the adjoining lot.
 - The child care premises is proposed to operate between Monday and Saturday 6.00am to 6.00pm.
 - Uniform fencing is proposed along the boundary adjoining the Public Open Space consisting of 1.8m high brick piers with wrought iron infill bars.

STATUTORY AND LEGAL CONSIDERATIONS

8. Local Planning Scheme No. 3

Clause 4.2.1 (Objectives of the Zones – Urban Development) of Local Planning Scheme No. 3 (the Scheme) stipulates that the objectives for the Urban Development zone are the following:

- To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.

To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.

9. The property is identified as "Commercial" on the Structure Plan. The Scheme states that where a designation is shown on a Structure Plan, the permissibility of the use would be as if the land is zoned for that purpose.
10. Table 1 (Zoning Table) of the Scheme does not include the zoning Urban Development, and therefore does not stipulate which uses are permissible in that zoning. However, since the Structure Plan was adopted it has been the intention that the property be developed for commercial purposes.
11. Under Table 2 (Site Requirements) of the Scheme, the following provisions apply to properties zoned for commercial purposes:

	Scheme Requirement	Proposed
Side Setback	0m	13.2m
Rear Setback	0m	4.68m
Site Coverage	60% Maximum	47%
Plot Ratio	0.6 Maximum	0.4

12. The Scheme car parking requirements for the use Child Care Premises are as follows:

Car Parking Requirement	Required	Proposed
Child Care Premises	1 bay per staff member, plus 1 bay for every 10 children = 86 Children = 9 bays minimum. 12 Staff = 12 bays minimum	13
Total:	21	13

13. Clause 5.8.2 of the Scheme stipulates that Council may, at its discretion, apply a greater or lesser requirement for parking than that stipulated in the Scheme, if the proposed use is likely to demand a greater or lesser need for car parking bays, having regard to the scale and nature of the intended use.

14. Clause 5.8.3 (Reciprocal Parking) of the Scheme stipulates that the Shire may vary the parking requirements when it is considered reasonable to do so by the recognition of reciprocal arrangements for parking or access or circulation. In making its decision on application for such recognition, the Shire is to take into consideration the following matters:
- (i) *“the nature of the proposed development in relation to the existing or future development of any land within the immediate vicinity of the subject land;*
 - (ii) *the hours of normal operation of the intended use and abutting land uses;*
 - (iii) *any such matters as the local government considers relevant, including any legal agreements between affected landowners.”*
15. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including:
- The compatibility of the development within its settings.
 - The likely effect of the scale and appearance of the proposal.
 - Whether the proposed means of access and egress from the property are adequate.
 - Any State Planning Policy.
 - Any relevant submissions received on the application.
16. 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

Local Planning Policy DEV41 – Framework for assessing requests for variations to the number of car parking bays.

17. Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays stipulates that a reduction in parking will only be considered by Council and not under delegation.

COMMUNITY ENGAGEMENT REQUIREMENTS

18. There is no statutory requirement for the proposal to be advertised.

FINANCIAL CONSIDERATIONS

19. If approved, the proposal will incur developer contributions in accordance with the Cell 9 provisions contained in Schedule 11 of the Scheme.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

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

SUSTAINABILITY

Social Implications

21. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*. Provision of child care premises recognises the demographic of the area predominated by young families.

Economic Implications

22. Approval of the child care centre will provide more employment opportunities for the local population.

Environmental Implications

23. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 24.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|---------------|--------|--|
| Council may resolve to not support the proposal. | Possible | Insignificant | Low | Ensure Council is aware that the proposal is considered an appropriate use in the proposed location. |

OFFICER COMMENT

25. The proposal is compliant with the Scheme with the exception of the car parking requirements.
26. There are 194 car parking bays proposed as part of the Shopping Centre and health and fitness centre proposal on adjoining Lot 34, and Lot 0 Hale Road, this represents a surplus of four bays. If the application was approved there would be a shortfall of four bays associated with the operation of the Shopping Centre, Health and Fitness Centre and proposed Child Care Centre.
27. The shortfall of four bays is considered acceptable for the following reasons:
- Access to the fitness centre is via the Shopping Centre site which has reciprocal rights of access.
 - The Shopping Centre and health and fitness centre have a surplus of four parking bays in total.
 - The peak operating hours of the shopping centre will be during the daytime on Saturdays and Sundays, the peak operating hours for the health and fitness centre will be in the evenings, and the peak operating hours of the child care premises will be prior to 8.30am and between 4.30pm and 6.00pm Monday to Friday.
28. From a planning perspective it is considered that the proposal will have no significant impact on the amenity of the area given its scale, appearance, layout and purpose.
29. The proposal represents an important element of the commercial development of the Wattle Grove Cell 9 area, providing a much needed facility for the local community.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 30/2014)

That Council:

1. Approves the application dated 1 April 2014 for a child care premises at Lot 34 (338) Hale Road, Wattle Grove, subject to the following conditions:
- a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
 - b. Vehicle parking, manoeuvring and circulation areas, except for the overflow area, to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
 - c. The provision and maintenance of a total of 13 car spaces including a minimum of (1) disabled car bay. All car parking and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter.

- d. The provision of shade trees to car parking area to the satisfaction of the Shire.
- e. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the satisfaction of the Shire.
- f. All stormwater to be managed in accordance with the adopted Drainage Strategy for the Wattle Grove Cell 9 Structure Plan.
- g. The development shall be connected to reticulated sewer.
- h. A contribution to the Shire of Kalamunda in accordance with Schedule 11 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for Wattle Grove Cell 9. The contribution shall be paid in full prior to the issue of a Certificate of Occupancy.
- i. A geotechnical report being submitted prior to the issue of a building licence detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (Clearance, quantity, soil permeability and location and size of soakwells).
- j. Prior to issuing the building licence, the landowner, shall grant to the public an easement in gross pursuant to sections 195 and 196 of the *Land Administration Act 1997* over the proposed lots for the purposes of vehicular and pedestrian access (Easement). The Easement shall be prepared by the Shire's solicitors and shall be in accordance with the specifications of and to the satisfaction of the Shire. The applicant shall be responsible to pay all costs associated with the Shire's solicitor's costs of and incidental to the preparation of (including all drafts), stamping and registration of the Easement at Landgate.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (12/0)**

Enlarged Site Plan



Child Care Premises
Lot 34 (338) Hale Road, Wattle Grove
Landscaping Plan

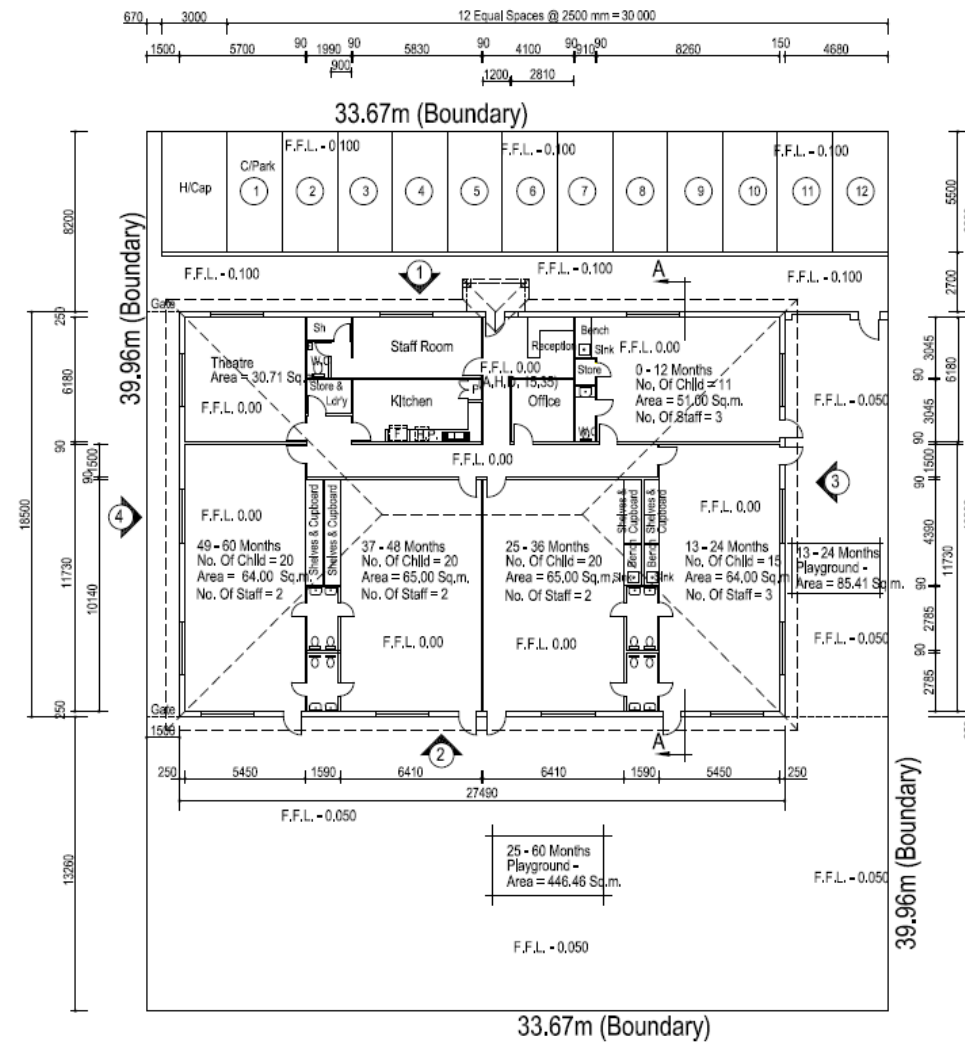


Attachment 3

Child Care Premises

Lot 34 (338) Hale Road, Wattle Grove

Internal Floor Plan

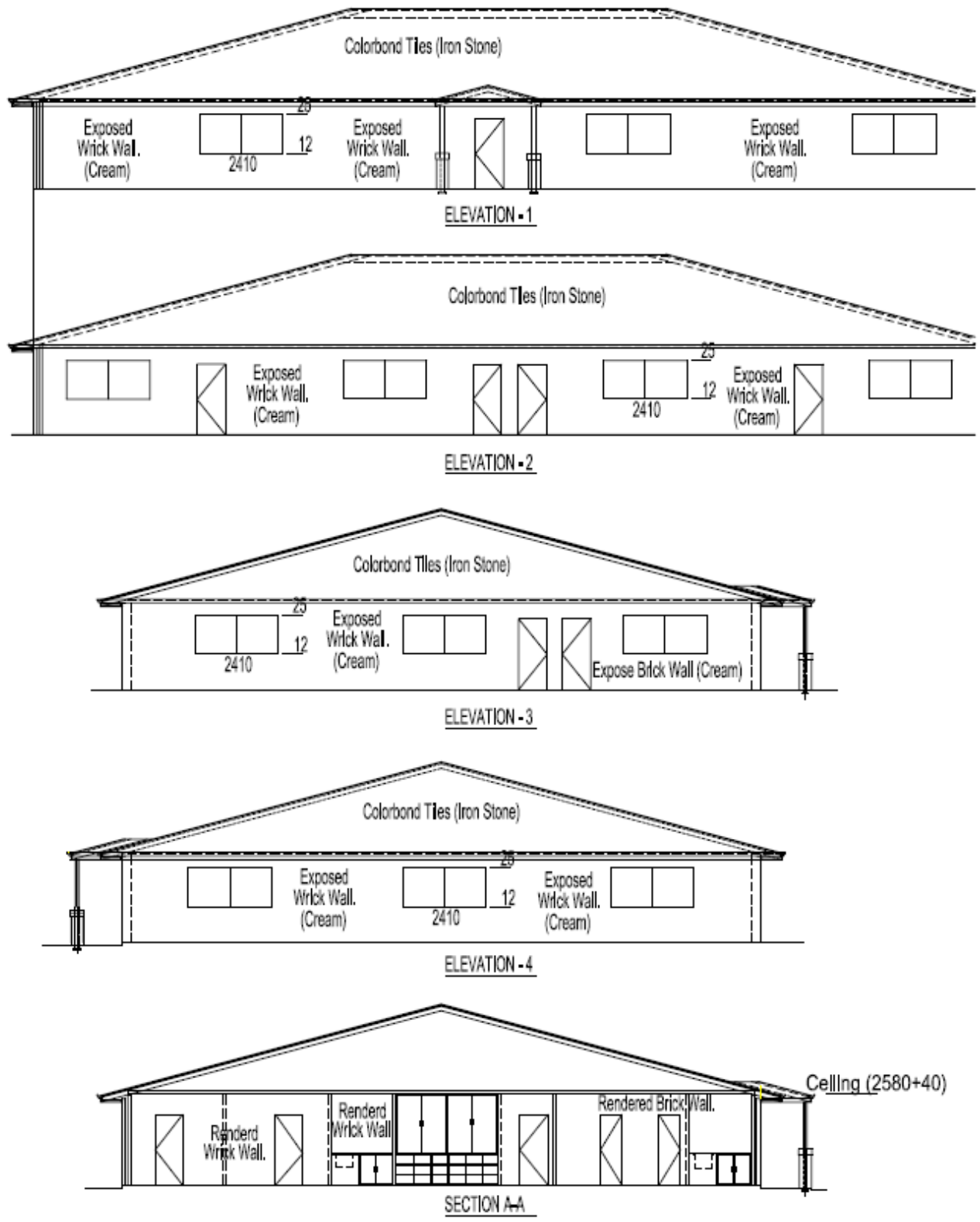


Attachment 4

Child Care Premises

Lot 34 (338) Hale Road, Wattle Grove

Elevations

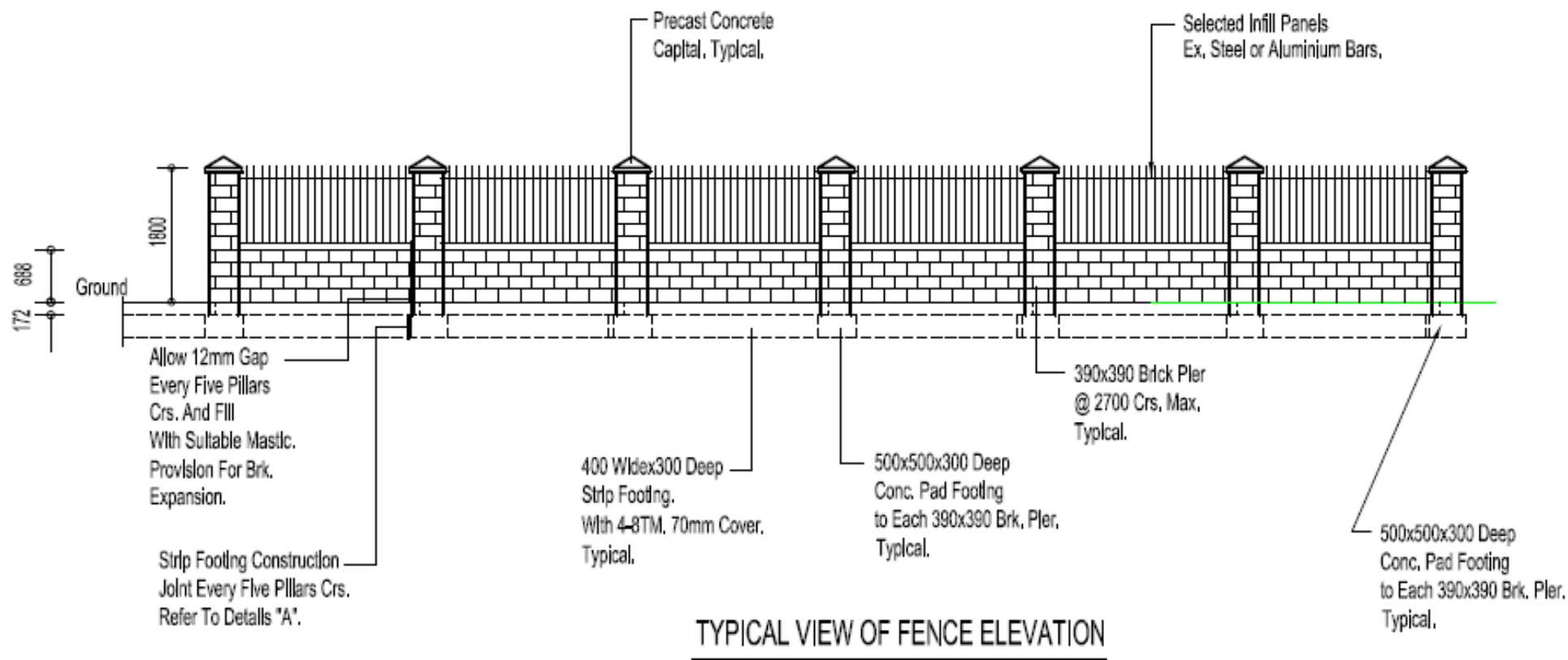


Attachment 5

Child Care Premises

Lot 34 (338) Hale Road, Wattle Grove

Uniform Fencing Details Abutting Public Open Space

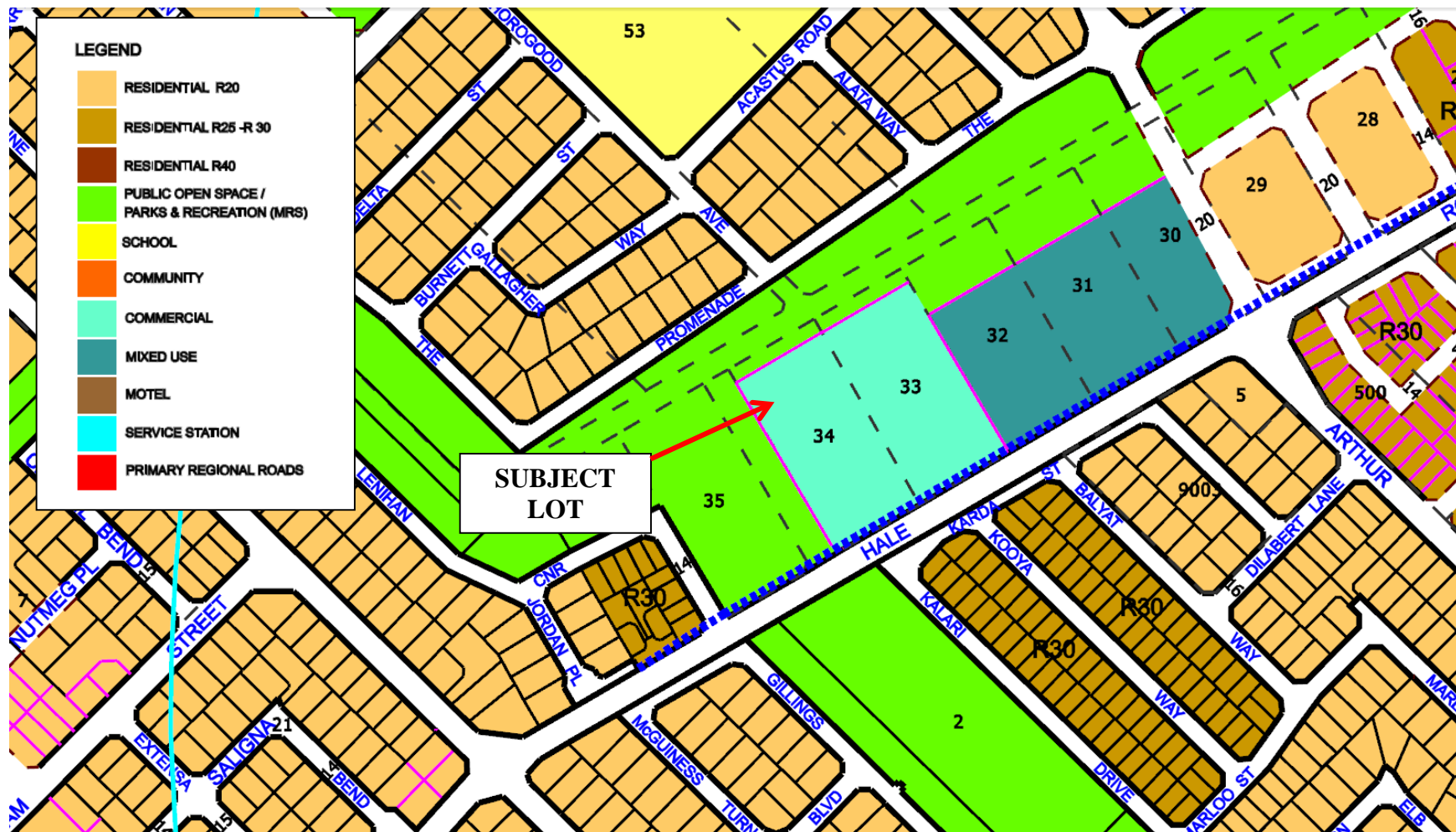


Attachment 6

Child Care Premises

Lot 34 (338) Hale Road, Wattle Grove

Wattle Grove Cell 9 Structure Plan

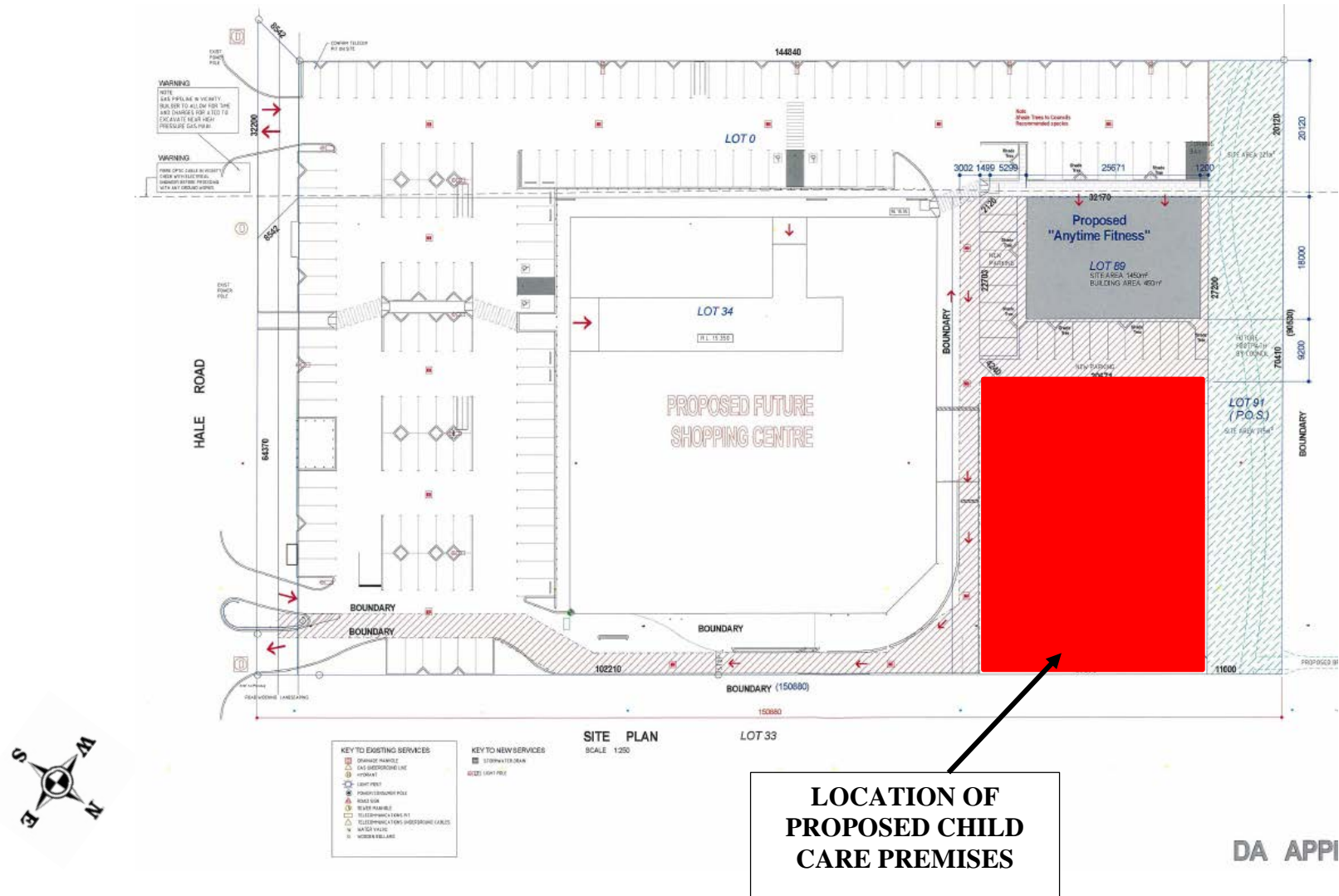


Attachment 7

Child Care Premises

Lot 34 (338) Hale Road, Wattle Grove

Site Plan



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

31. Local Planning Scheme No.3 Amendment - Special Control Area - Bushfire Prone Area

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-STU-031
Applicant	N/A
Owner	Various owners
Attachment 1	Bushfire Prone Area Mapping
Attachment 2	Bushfire Hazard Assessment Report

PURPOSE

1. To consider whether to initiate an amendment to the Shire's Local Planning Scheme No 3 (the Scheme), to introduce a 'Bushfire Prone Area' as a Special Control Area on the Scheme map as "BPA". Refer (Attachment 1).
2. To adopt the Bushfire Hazard Assessment Report for the Shire of Kalamunda. Refer (Attachment 2)

BACKGROUND

3. The Victorian bushfires in 2009 and the more recent bushfires in the Perth Hills areas of Roleystone/Kelmscott, and Parkerville/Stoneville, highlight the need for bush fire risk mitigation to be strengthened in the planning process.
4. Recommendations contained in the Western Australian Keelty Reports (2010- 2011) identified the need for planning reform to assist the assessment of bushfire risk through all stages of the planning process. This included:
 - Declaration of a Bushfire Prone Area(s) through Local Planning Schemes; and
 - Continuous implementation of the "Draft State Planning Policy 3.7" (SPP 3.7) and the "Draft Planning for Bushfire Risk Management Guidelines" (the guidelines) in every planning decision.
5. The Shire of Kalamunda has extensive areas of bushland, with approximately 74% of the vegetation classified as State Forrest, Regional Parks, conservation areas and local natural areas.
6. In November 2012, the Shire engaged a consultant to undertake a bush fire hazard assessment for the Shire of Kalamunda.

DETAILS

7. The Bush Fire Hazard Report (the Report) for the Shire was undertaken in accordance with the guidelines detailed in Appendix 1 of the "Planning for Bush Fire Protection Guidelines Edition 2". The report has enabled the Shire to prepare a map identifying bushfire prone areas in the Shire for inclusion in the Scheme, to enable building applications to be assessed in accordance with the Building Code of Australia (BCA) and *AS3959 "Construction of Buildings in a Bush Fire Prone Area"*. Refer (Attachment 2).
8. The report makes the following recommendations:
 1. That the Shire adopt the Bush Fire Hazard Assessment.
 2. That the Shire of Kalamunda declares Bush Fire Prone Areas based on the information contained in the report for inclusion in the Scheme in accordance with the Guidelines.
 3. That the Shire of Kalamunda review its firebreak notices to ensure the recognition of the requirements of the Bush Fire Prone declaration.
9. In respect to the last recommendation, the matter of reviewing firebreak notices will be considered at the conclusion of the Scheme amendment process.
10. In response to recommendation 2. of the Report, the proposed amendment to the Shire's Scheme will introduce a Bushfire Prone Special Control Area to be designated on the Scheme maps as BPA, with the purpose and intent of:
 1. Identifying land that is bushfire prone given it is subject to, or likely to be subject to, a bushfire hazard;
 2. Ensuring that development within a BPA is designed in accordance with *AS3959* to address the level of bushfire hazard applying to the land; and
 3. Facilitate improved strategic planning for bushfires and more effective bushfire risk management.
11. The amendment will also introduce administrative provisions for BPA's in Part 6 – Special Control Areas of the Scheme. These provisions will allow the Shire through the Guidelines, to appropriately assess and determine in a consistent manner all planning applications in BPA's.
12. The BPA mapping provides bushfire hazard assessment for all the private and public land within the Shire of Kalamunda boundaries. The mapping establishes areas within the Shire that based on the vegetation type and class are rated as "Low", "Moderate" or "Extreme".
13. Bush Fire Hazard Assessment is the process of classifying the bushland in the Shire, in accordance with Guidelines, for the purpose of declaring BPA's of land. Hazard levels are then further upgraded, through the identification of the land with the slope greater than 10 degrees.

-
14. Once the final rating of low, moderate or extreme is assigned to the land, a 100m buffer is added around any land rated moderate and extreme. The resulting map represents a BPA for the Shire. Refer (Attachment 1).
15. The Bush Fire Hazard Assessment process is based on the predominant vegetation type. In areas of moderate risk these include:
- Areas containing pasture or cropping areas with slopes in excess of 10 degrees;
 - Open woodland and shrub lands; and
 - Low shrubs with slopes of less than 10 degrees.
- In areas of high risk, these include:
- Forests;
 - Woodlands; and
 - Tall shrubs.
16. In determining applications in BPA's, applicants will be required to provide the following to be undertaken by a suitably qualified professional:
- Bushfire Attack Level Assessment (BAL) in accordance with the Guidelines; and
 - Bush Fire Hazard Level Assessment Report to demonstrate that all relevant bushfire protection criteria in the Guidelines have been considered and complied with.
17. A BAL is calculated based on the type of bushfire hazard vegetation, the distance from the vegetation and the positioning of the vegetation, i.e. up slope or downslope and the degree of the slope. A BAL figure determines the building standard in accordance with the *AS3959*.
18. The building of a single house in a BPA will require planning approval from the Shire. The only exemptions are listed below:
- Gates and driveways that are compliant with the Guidelines;
 - Outbuildings further than 6m away from any development used for permanent or temporary habitation; and
 - Swimming Pools.
 - Building extension to single dwellings.

STATUTORY AND LEGAL CONSIDERATIONS

19. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
20. *Australian Standard AS3959: Construction of buildings in bushfire-prone areas (2009, AS3959)* is applicable to residential buildings in BPA's. Application of *AS3959* requires that an area be designated or declared bushfire prone before the standard can be enforced.

21. *AS3959* is primarily concerned with improving the ability of buildings in designated BPA to better withstand attack from bushfire, giving a measure of protection to the building occupants as well as to the building itself.

POLICY CONSIDERATIONS

Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management

22. The Western Australian Planning Commission (WAPC) has released a Draft State Planning Policy 3.7- Planning for Bushfire risk Management for public comment. It is anticipated that the policy will be adopted by the end of 2014.

The objectives of Draft State Planning Policy 3.7 Planning for Bushfire Risk Management (SPP 3.7) are as follows:

1. Facilitate the avoidance of placing people, property and infrastructure in areas of extreme bushfire risk.
2. Reduce vulnerability to bushfire through the identification and assessment of bushfire hazards and risk in decisions at all stages of the planning process, including strategic planning, regional and local planning schemes, and structure planning through to subdivision and development.
3. Ensure that subdivision, development and land-use proposals take into account bushfire protection requirements and include specified fire protection measures, especially over land that has or will have a moderate or extreme bushfire hazard level, and/or land where construction standards of BAL-12.5 and above apply.
4. Achieve a responsible and balanced approach between bushfire risk management measures and landscape amenity and biodiversity conservation objectives.

Draft Planning for Bushfire Risk Management Guidelines

23. The Draft Planning for Bushfire Risk Management Guidelines (The Guidelines) have been prepared by the WAPC, and have been released for public comment with the new draft policy. The Guidelines include supporting information from the Department of Fire and Emergency Services (DFES), for decision-making authorities, planners, proponents, referral agencies and fire consultants to assist in implementation of SPP 3.7: Planning for Bushfire Risk Management, specifically while:
- Determining appropriate land use planning in relation to bushfire risk mitigation across the State;
 - Specifying the requirements which must be met at each stage of the planning process; and
 - Ensuring that necessary bushfire protection measures are incorporated into proposed developments.
24. These revised guidelines are designed to supplement the objectives and policy measures established in SPP 3.7, to assist in their interpretation, and provide advice on how bushfire risk is to be addressed when designing or

assessing a proposal within a bushfire-prone area. It is intended that these guidelines will be reviewed regularly to respond to changing circumstances.

25. The Office of Bushfire Risk Management (OBRM) has endorsed these guidelines as a standard. As an OBRM-endorsed standard, these guidelines, in conjunction with SPP 3.7, will be the predominant document in Western Australia for use by DFES as well as other referral authorities, once adopted.
26. The Guidelines sets out the process for conducting a Bushfire Hazard Assessment in Appendix two. The classification on vegetation types is undertaken in accordance with AS3959 which is then classified in the guidelines as being "low", "moderate" or "extreme" rated vegetation.
27. Appendix four of the Guidelines establishes the bushfire protection "performance principles" and "acceptable solutions" for key management issues such as the siting and design of development. In regard to the siting of development, a 100m minimum Hazard Separation is required from vegetation to every building. Within the 100m separation, every building is to be surrounded by a 20m Building Protection Zone.

COMMUNITY ENGAGEMENT REQUIREMENTS

28. If the amendment is initiated by Council, it is proposed to formally advertise the amendment for an extended period of 60 days. The provisions of the *Town Planning Regulations 1967* and *Planning and Development Act 2005* require a 42 day advertising period.
29. The amendment is required to be advertised in the form of a notice being published in a district newspaper, and comments would be sought from affected landowners and applicable government agencies.
30. An extended advertising period will allow for two open days to be held to provide the community the opportunity to discuss the implications of the proposed amendment with the Shire.

FINANCIAL CONSIDERATION

31. All costs associated with the advertising of the proposed Scheme amendments will be met through the Shires adopted budget.
32. In the event that the proposed amendment is approved, the Shire will have to give consideration to increased staffing levels, to ensure appropriate enforcement of building standards and increased bushfire protection measures and compliance on individual properties. This will be considered at the conclusion of the Scheme amendment process and at the appropriate budget review process.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.4 - To ensure the community has the resilience to respond and protect itself from danger and disasters.

Strategy 1.4.1 The Shire is well prepared and has plans and resources ready to respond to any disaster or danger that may confront its community.

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

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

SUSTAINABILITY

Social Implications

34. The amendment will ensure that residential development in BPA's is undertaken in such manner as to minimise the risk on life and property.

Economic Implications

35. The BAL assessment process and associated elevated construction standards, under *AS3959*, will result in an increase in the construction costs of new housing.
36. All new development in BPA will require a bushfire hazard and BAL assessment to be undertaken by a suitably qualified bushfire consultant.
37. There will be some situations where development in BPA's is precluded due to the BAL rating being too high, the vegetation not being able to be modified to an acceptable level, and/or the slope being too great.

Environmental Implications

38. Notwithstanding pressure from landowners to remove vegetation within Fire Hazard Separation Areas and Building Protection Zones, the application of *AS3959* will allow for the retention, where appropriate, of some vegetation.

RISK MANAGEMENT CONSIDERATIONS

39.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to initiate the scheme amendment	Unlikely	Extreme	Extreme	Ensure Council is aware that there may be significant legal ramifications for the Shire if the amendment does not proceed. Highlight that for the land identified as Bushfire prone, the Shire has no operative Scheme provisions for the purpose of applying <i>AS3959</i> .
Landowners may dispute being included in a BPA.	Likely	Major	High	Require the landowner to submit appropriate justification as to why a lower assessment should be applied.

OFFICER COMMENT

40. The recent fires in Parkerville and Stoneville and resulting loss in property, highlight the ever increasing threat of bushfires to 'Hills' communities. The Shire of Kalamunda is not immune to the threat due its extensive areas of vegetation and natural topography.
41. The expansion of the urban-rural interface, increased numbers of people opting for a rural residential lifestyle and the drying climate with resulting increased fuel loads, are all the elements that have contributed to the increased bushfire risk.
42. The proposed Scheme amendment will give statutory effect to strengthen the planning process, and provide the Shire with the ability to assess subdivision/development in bush fire prone areas, thus avoiding inappropriately located development in areas with moderate or high risk bushfire risk.
43. The Bush Fire Hazard Assessment Report (Attachment 2) provides the appropriate level of direction for the Shire through the BPA mapping, to classify the bushland areas, both public and private, across the Shire in accordance with the Guidelines as either low, moderate or extreme risk. This has enabled the declaration of BPA's and the application of *AS3959*, and by association the Building Code of Australia.

44. Based on the BPA maps approximately 78% of the Shire is classified as an extreme fire risk. It should be noted however, that the majority (69%) of this area is identified as reserved land comprising predominantly State Forest.
45. Understanding the extent of the extreme bushfire risk in the Shire, legal advice has been received which indicates there are substantive legal ramifications for both Council and the Shire if the proposed amendment is not initiated.
46. The Scheme, unless otherwise stated, presently excludes single houses and associated outbuildings from requiring planning approval. In the context of this amendment, consideration has been given as to whether single dwellings and associated outbuildings should be excluded from requiring planning approval in areas of risk. In circumstances where the risk is either moderate or high, it is considered appropriate not to exclude such buildings from requiring planning approval. To do otherwise, may have legal ramifications for Council and the Shire.
47. It should be noted that the assessment level and therefore the BPA mapping will change over time as areas are either cleared for development or revegetated. The maps will be re-assessed using the latest aerial photography at least once every 5 years and amended as required.
48. It is acknowledged that the designation of BPA's will affect landowners financially. This will occur primarily through the engagement of suitably qualified consultants to prepare bushfire hazard, and BAL assessments, and increased building construction costs. Given the substantive risk involved, such costs are unavoidable.
49. The importance of establishing a robust statutory and policy planning framework for bushfires is acknowledged. The draft SPP 3.7 and Guidelines have been prepared with an aim to strengthen the implementation of bushfire risk mitigation through the planning system. The Shire has consulted with the WAPC in respect to these draft documents and the implications for the proposed amendment. As a consequence, some minor changes have been made to the proposed Scheme provisions. It is anticipated that some further changes may result through the advertising of the amendment. On the whole however, it is considered that the proposed amendment is consistent with the intent of SPP 3.7 and the Guidelines.
50. The proposed Scheme amendment will provide the Shire with the necessary framework by which development in BPA's can be considered in the planning process in a consistent manner. It will ensure the Shire can apply *AS3959*, where appropriate in the planning and building process, in order to mitigate against bushfire risk.

A Councillor asked how the requirement of a 20mtr buffer with no vegetation could be achieved and who would police this, also if this would apply to all buildings or only new properties. Director Development Services noted that this did not mean no vegetation but low manageable vegetation to reduce the fuel load, with no trees overhanging homes. This will be enforced through bushfire notices and inspection will take place as part of the annual inspections of fire breaks, this will apply to all houses. Changes to building standards will only apply to new homes.

A Councillor queried the application of AS3959 (which allows for the retention of some vegetation), with regard to who would decide what is appropriate vegetation. Director Development Services noted that alongside Building Applications residents would include a Bush Fire Management Plan prepared by a consultant with the credentials to make that identification.

A Councillor queried the necessity of Fire Prone Area information being placed on the property title. The Director Development Services indicated this is to make prospective purchasers aware that the property is in a fire risk area and potentially of a Bush Fire Management Plan; it will not restrict the selling of a property. It will only be applied with a planning approval, it will not be placed on all properties within a bush fire prone area unless requested to do so by the State Government.

A Councillor requested clarification on how the areas were determined. Director Development Services informed that the assessment has followed the State Government Guidelines. A number of reserves have been excluded, the document is out for public comment so specific areas can be addressed. He pointed out that over half of the homes lost in the Kelmscott/Roleystone fire were in residential areas, caused by blown embers being sucked into evaporative air conditioning units. If precautions such as seals on air conditioning units and aluminium fly screens were used the cause for concern can be greatly reduced.

A Councillor asked if Council failed to adopt this plan what would the consequences be, the Director Development Services took this question on notice as he has confidential legal advice that he would circulate to Councillors regarding this.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 31/2014)

That Council:

1. Adopts the Bushfire Hazard Assessment Report and mapping;
2. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO.</p>
--

Resolved that the Council in pursuance of Part 5 of the *Planning and Development Act 2005* amend the above Local Planning Scheme by:

- a) Deleting clause 5.6.1 and inserting the following clause in its place:

“5.6.1 *Except for development in respect of which the Residential Design Codes apply and development in a Bushfire Prone Area, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such condition as the local government thinks fit.”*

- b) Deleting clause 5.9.1 (iii).
c) Deleting clause 5.9.2 (iv) and renumbering remaining clauses accordingly.
d) Deleting clause 5.11.1 (i)(e)
e) Deleting clause 5.11.2 (vi) and renumbering remaining clauses accordingly.
f) Deleting clause 5.12.1 (i)(e) and renumbering remaining clauses accordingly.
g) Deleting clause 5.12.2 (v)
h) Deleting clause 5.13.1 (i)(f)
i) Deleting clause 5.13.2 (vi)
j) Amending Clause 6.1.1:

(1) to renumber the second sub-clause “(f)” in clause 6.1.1 to “(g)”;

(2) to insert a new subclause “(h)” as follows;

“(h) Bushfire Prone Areas shown on the Scheme Map as BPA”

- k) Inserting a new clause 6.6 to follow existing clause 6.5 'development contribution areas (DCA)' as follows:

“6.6 Bushfire Prone Areas

6.6.1 Interpretation

In clause 6.6, unless the context otherwise requires:

“AS3959” means Australian Standards AS 3959 Construction of buildings in bushfire-prone areas, as amended from time to time;

“Bushfire Attack Level” means the bushfire attack level of a site assessed in accordance with AS3959;

“Bushfire Prone Area” means a bushfire prone special control area shown on the Scheme Map as BPA and certified by the Fire and Emergency Services Commissioner;

“Bushfire Risk Management Guidelines” means the policy entitled ‘Planning for Bushfire Risk Management Guidelines and Appendices’, as amended from time to time;

“State Planning Policy 3.7” means State Planning Policy 3.7 Planning for Bushfire Risk Management, as amended from time to time;

6.6.2 Purpose

The purpose and intent of designating a Bushfire Prone Area is to:

- (a) identify land that is bushfire prone by reason of it being subject to, or likely to be subject to, a bushfire hazard;*
- (b) ensure that development within a Bushfire Prone Area is effectively designed in accordance with AS3959 to address the level of bush fire hazard applying to the land; and*
- (c) facilitate improved strategic planning for bushfires and more effective bushfire risk management.*
- (d) implement the requirements under State Planning Policy 3.7 and related Bushfire Risk management guidelines.*

Note: The designation of particular parts of the district as Bushfire Prone Areas does not mean that land not designated as a Bushfire Prone Area is free from risk associated with bushfire threat.

6.6.3 Applications in a Bushfire Prone Area

An application for planning approval within a Bushfire Prone Area must be accompanied by:

- (a) a bushfire attack level assessment carried out in accordance with the methodology contained in the Bushfire Risk Management Guidelines by a suitably qualified professional; and*
- (b) a bushfire management plan carried out in accordance with the Bushfire Risk Management Guidelines which addresses each criteria to the satisfaction of the Shire.*

6.6.4 Development requirements in a Bushfire Prone Area
Development in a Bushfire Prone Area shall comply with AS3959.

6.6.5 Determination of applications in a Bushfire Prone Area
(1) *Without detracting from clause 3.4.2 or clause 10.2, the local government in:*

- (a) determining an application for planning approval;*
or

- (b) making a recommendation in respect of an application for subdivision approval; or*
- (c) the adoption or amendment of a structure plan resulting in the introduction or intensification of development;*

in respect of land in a Bushfire Prone Area, shall have due regard to:

- (a) State Planning Policy 3.7;*
 - (b) the Bushfire Risk Management Guidelines;*
 - (c) AS3959;*
 - (d) any other relevant policy or standard dealing with areas subject to bushfire hazard; and*
 - (e) any relevant advice in relation to the application from the local government's Chief Bush Fire Control Officer.*
- (2) Notwithstanding any other provision of this Scheme, the local government may refuse to approve a proposed development within a Bushfire Prone Area, if the local government considers:*
- (a) the proposed development does not comply with State Planning Policy 3.7, the Bushfire Risk Management Guidelines, AS3959 or any relevant other policy or standard applicable to Bushfire Prone Areas;*
 - (b) the level of bushfire hazard to which the proposed development is likely to be subject presents an unreasonable level of risk to life and property; or*
 - (c) the site of the proposed development is assessed to have a bushfire attack level of BAL-40 or BAL-FZ.*

- I) Amending clause 8.2 "Permitted Development" by deleting subclause (b) and substituting the following subclause:

"(b) The erection on a lot of a single house including any extension, ancillary outbuildings, swimming pools, driveways and gates, except where:

- (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;*
- (ii) the development will be located in a heritage area designated under the Scheme; or*
- (iii) the development is located in a Bushfire Prone Area with the exception of:*

- *Gates and driveways that are complaint with the Bushfire Risk Management Guidelines; and*
- *Outbuildings further than 6m away from any development used for permanent or temporary habitation; and*
- *Swimming pools."*

Amending Schedule 1 by inserting the following definition in appropriate alphabetical order:

"Bushfire Prone Area" has the meaning given to it by clause 6.6.1;

"Bushfire Risk Management Guidelines" has the meaning given to it by clause 6.6.1;

m) Including Designated Bush Fire Prone Area Mapping under the Scheme.

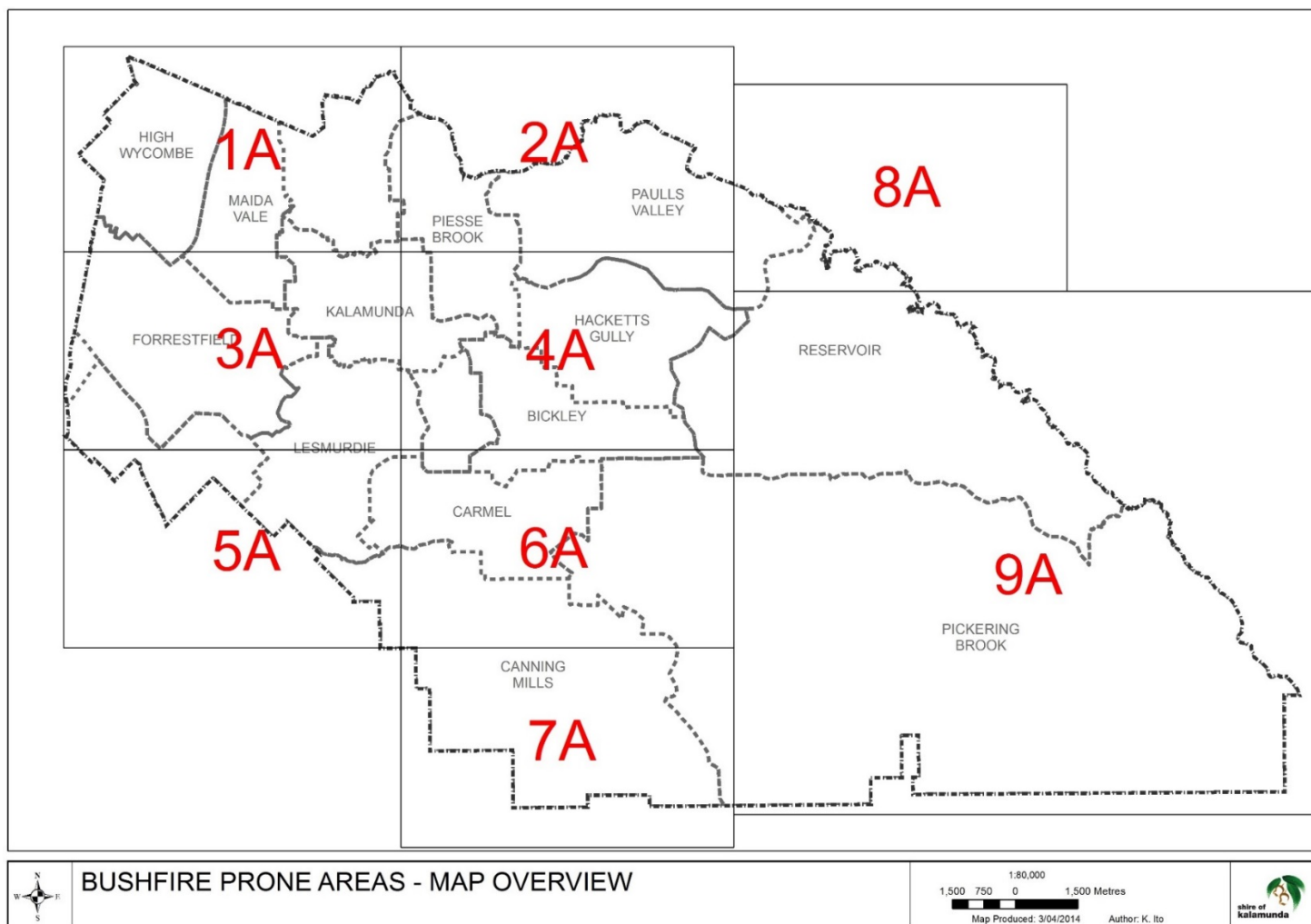
3. Request the Chief Executive Officer advertise the amendment for a minimum of 60 days including two (2) open forum evenings for all interest groups, key stakeholders and community members during the advertising period.
4. Adopt the amendment documents, and that the Amendment being formally advertised for 60 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (12/0)**






















Attachment 1
Bushfire Hazard Assessment Report
Bushfire Prone Area Mapping






LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP OVERVIEW

LEGEND














METROPOLITAN REGION SCHEME RESERVES

 PARKS AND RECREATION	 PRIMARY REGIONAL ROADS
 RESTRICTED PUBLIC ACCESS	 OTHER REGIONAL ROADS
 RAILWAYS	 PUBLIC PURPOSES -
 PORT INSTALLATIONS	<small>DENOTED AS FOLLOWS:</small>
 STATE FORESTS	 H HOSPITAL
 WATER CATCHMENTS	 HS HIGH SCHOOL
 CIVIC AND CULTURAL	 TS TECHNICAL SCHOOL
 WATERWAYS	 CP CAR PARK
	 U UNIVERSITY
	 CG COMMONWEALTH GOVERNMENT
	 SEC STATE ENERGY COMMISSION
	 SU SPECIAL USES
	 WSD WATER AUTHORITY OF WA
	 P PRISON















LOCAL SCHEME RESERVES

 LOCAL OPEN SPACE
 PUBLIC PURPOSES
 PUBLIC PURPOSES
<small>DENOTED AS FOLLOWS:</small>
 AC AGED CARE
 AG AGRICULTURE PROTECTION BOARD & CONSERVATION
 AM ST. JOHN AMBULANCE
 AQ AQUATIC CENTRE
 BS BUS STATION
 CH CHURCH
 CO COUNCIL OFFICES
 CP COMMUNITY PURPOSE
 EL ELECTRICAL SUB STATION
 EX TELEPHONE EXCHANGE
 H HALL / COMMUNITY CENTRE
 HOS HOSPITAL
 K KINDERGARTEN
 LIB LIBRARY
 MUS RAILWAY MUSEUM
 PB PUBLIC BUILDING
 POL POLICE STATION
 PS PRIMARY SCHOOL
 WA WATER TANK

ZONES

 RESIDENTIAL	 GENERAL INDUSTRY
 RESIDENTIAL BUSHLAND	 LIGHT INDUSTRY
 URBAN DEVELOPMENT	 RURAL AGRICULTURE
 COMMERCIAL	 RURAL COMPOSITE
 DISTRICT CENTRE	 RURAL CONSERVATION
 MIXED USE	 RURAL LANDSCAPE INTEREST
 SERVICE STATION	 SPECIAL RURAL
 SPECIAL USE	
 PRIVATE CLUBS & INSTITUTIONS	

OTHER

 R20 R CODES	 SCA-KALAMUNDA TOWN CENTRE
 AI ADDITIONAL USES	 DESIGN CONTROL AREA
 RI RESTRICTED USES	 SPECIAL USE AREA
 SCHEME BOUNDARY	 ENVIRONMENTAL CONDITIONS
 LOCAL GOVERNMENT BOUNDARY	 SC3 - SCA 20ANEF
 DA DEVELOPMENT AREA	 SC4 - SCA 300M POULTRY FARM BUFFER
	 NO ZONE
	 "BPA" - BUSHFIRE PRONE AREA

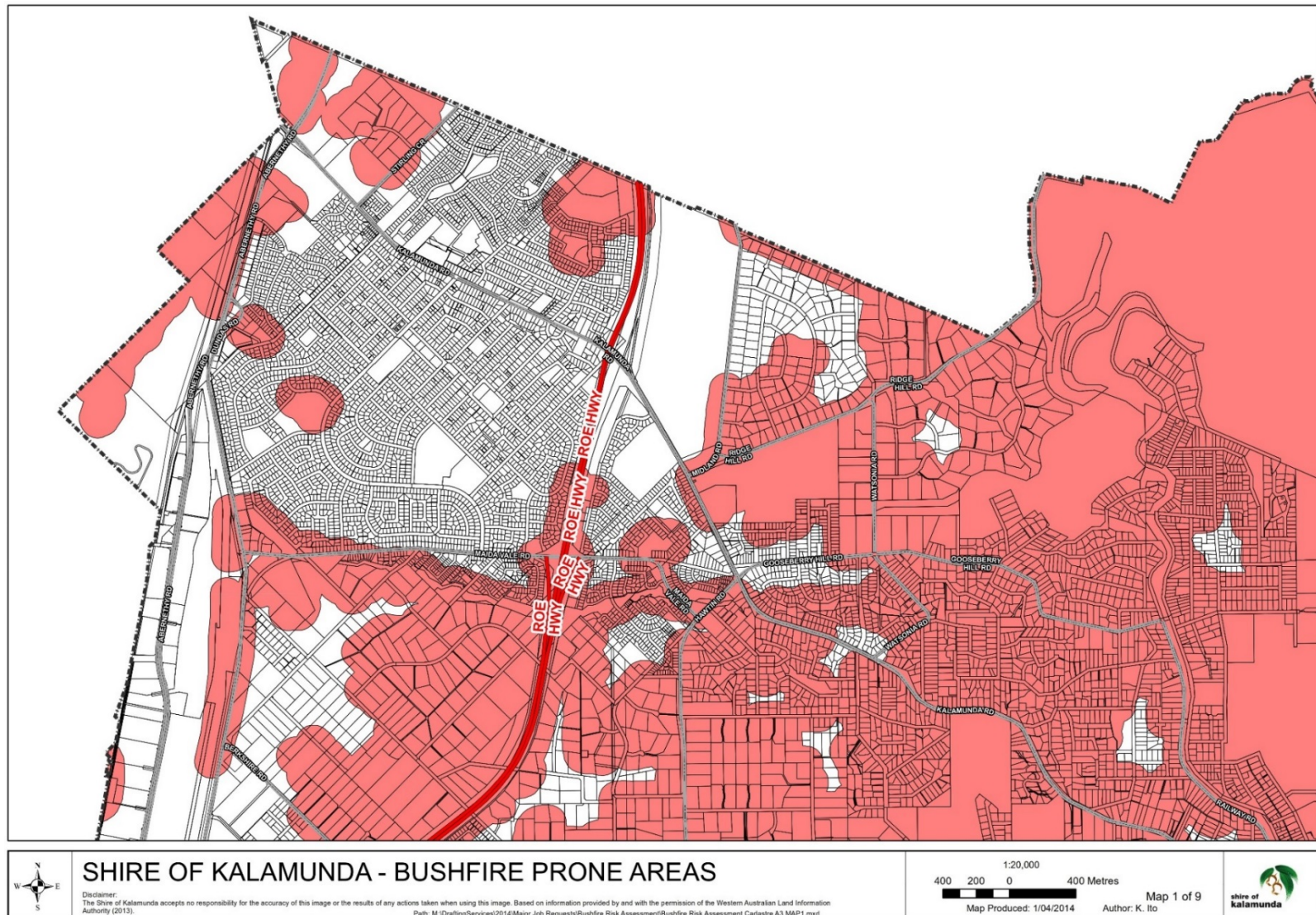
VERSION No 1

SHIRE OF KALAMUNDA

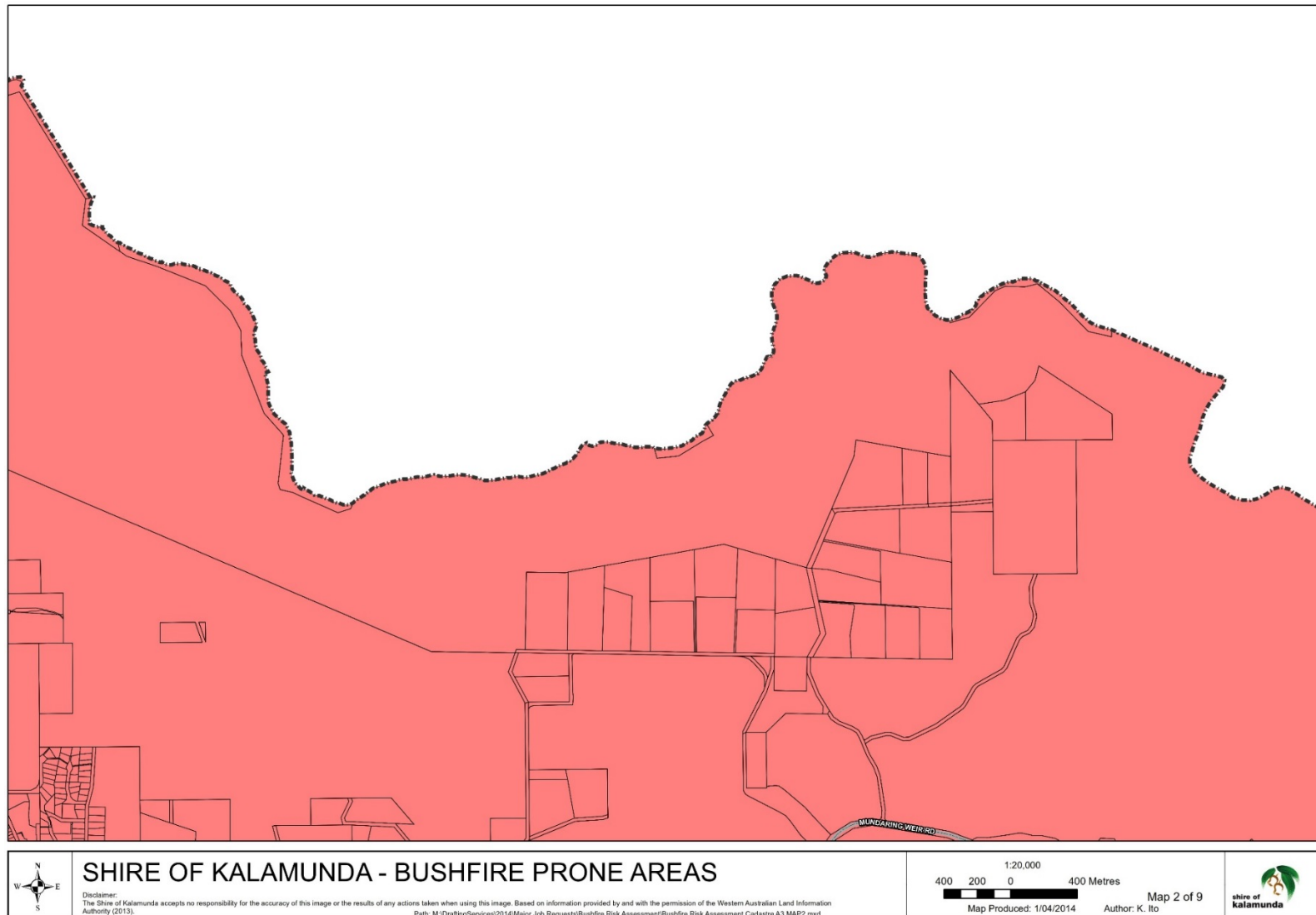
LOCAL PLANNING SCHEME NO. 3

(DISTRICT SCHEME)

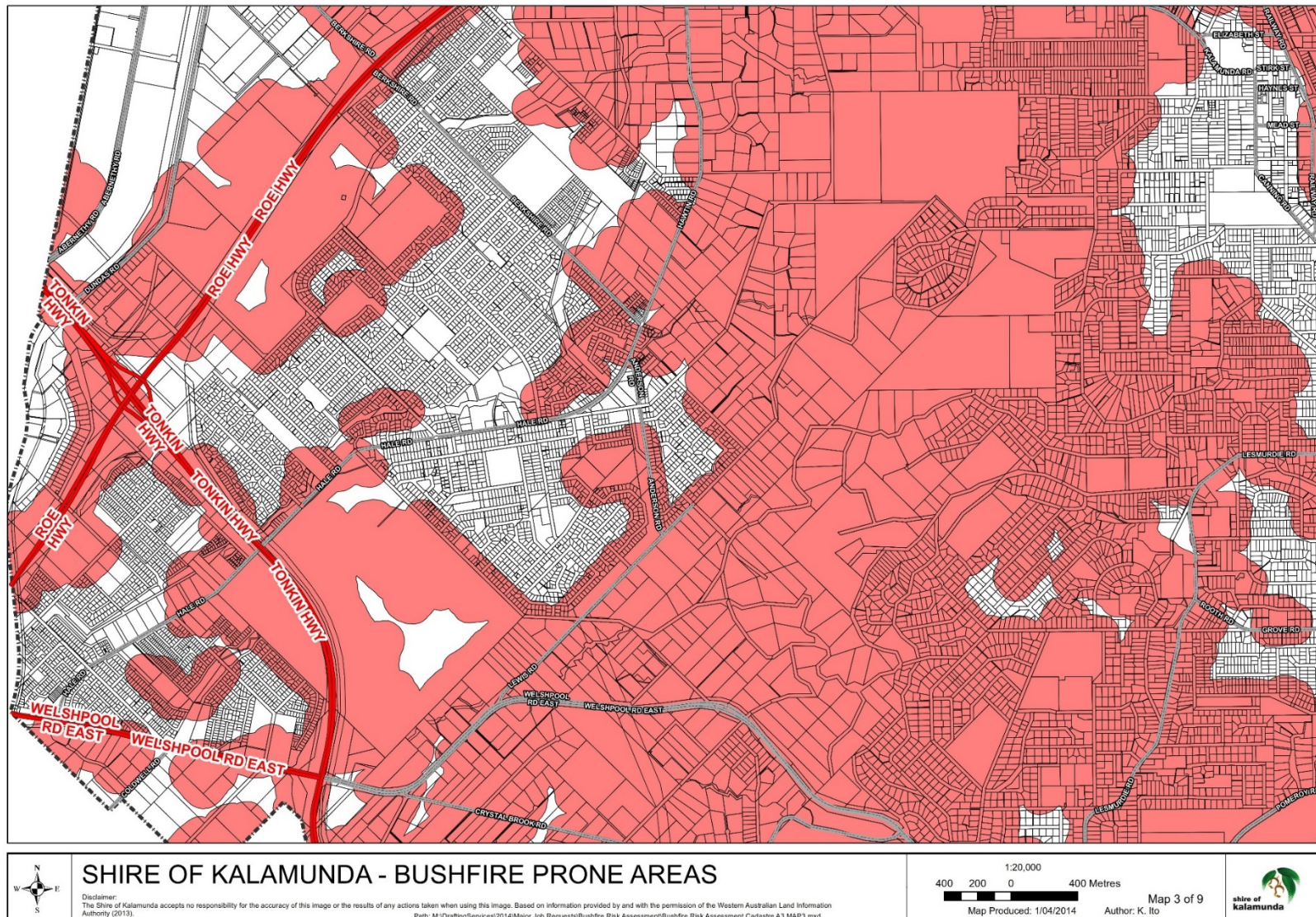
LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP LEGEND



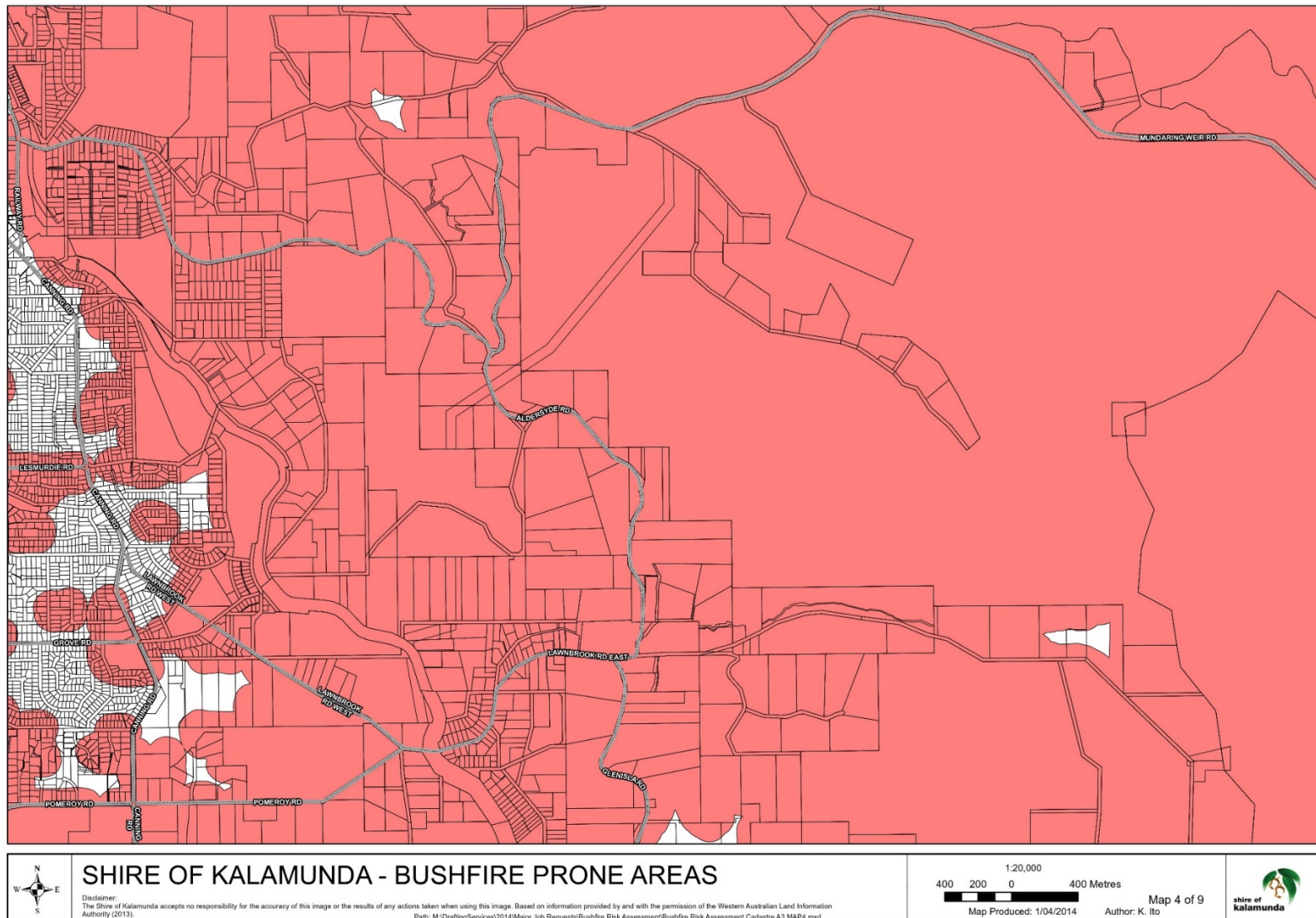
LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 1A



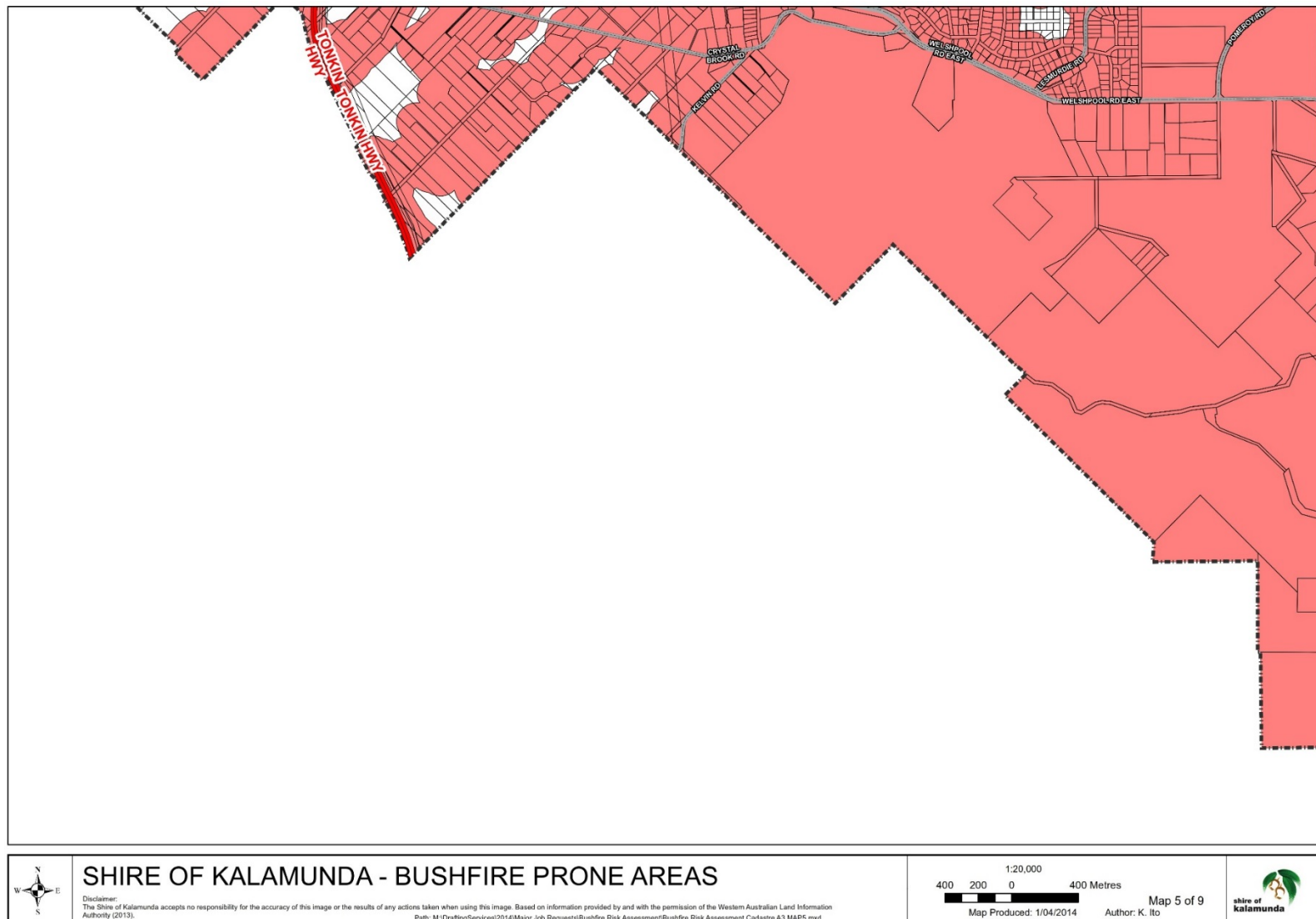
LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 2A



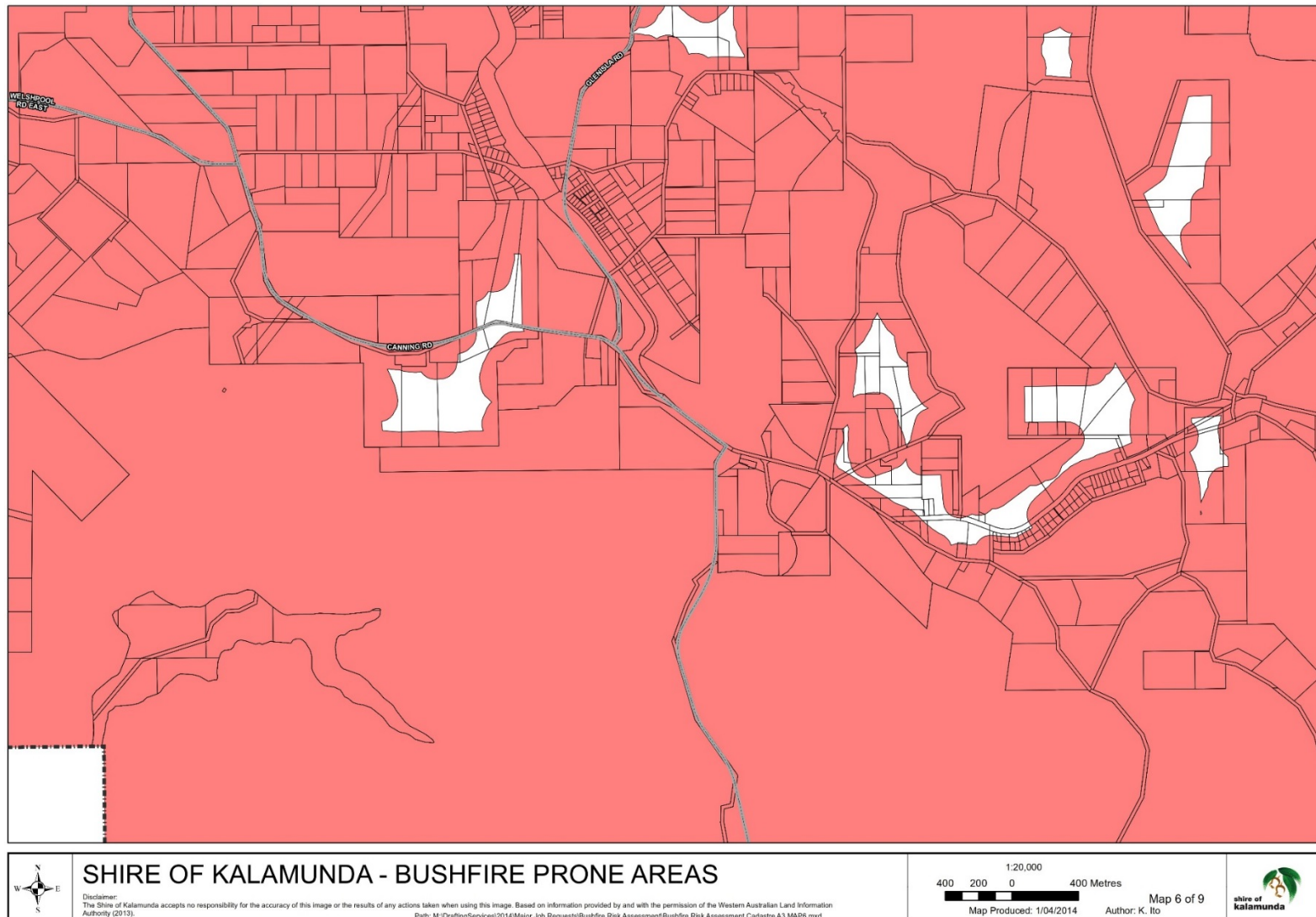
LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 3A



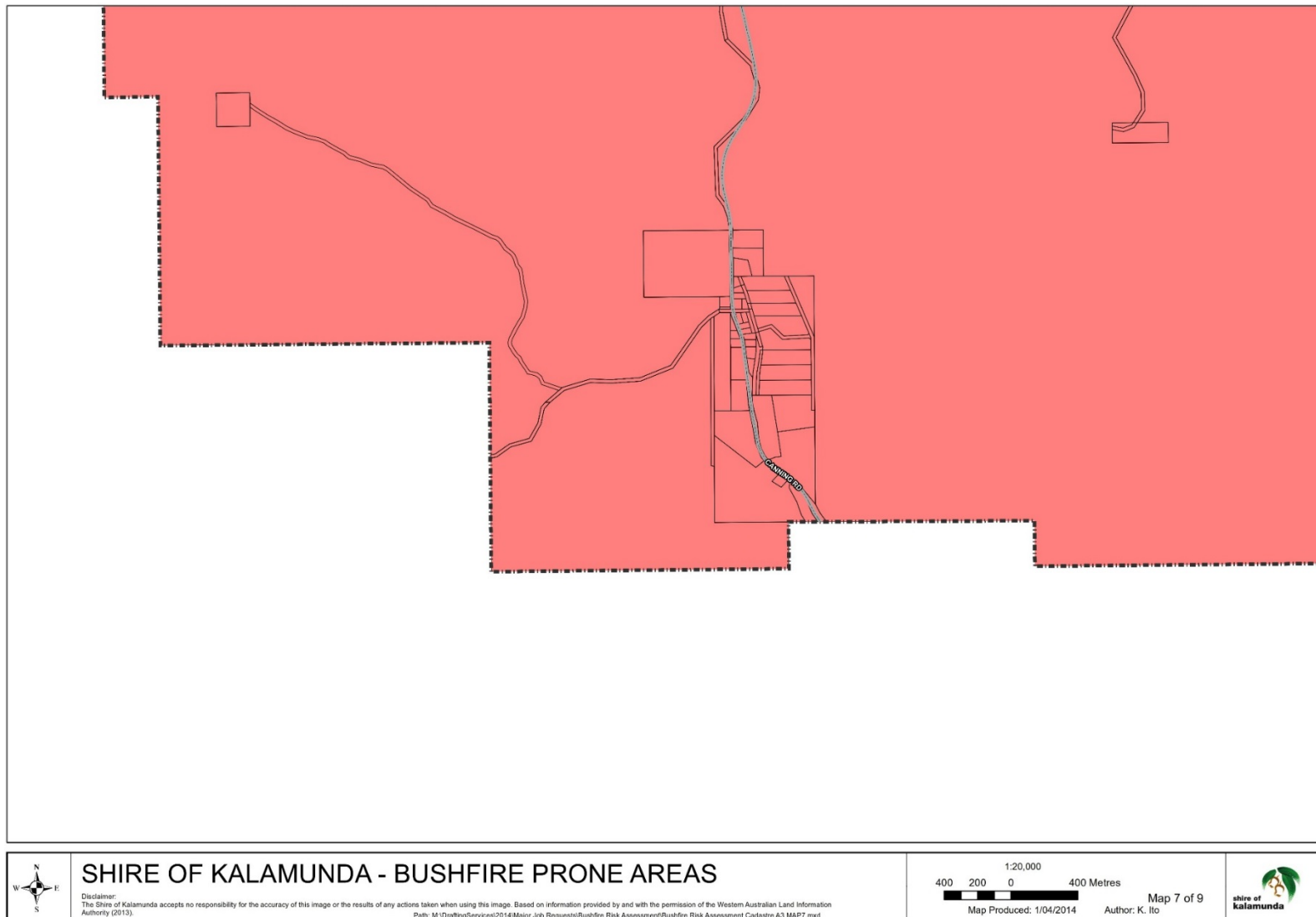
LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 4A



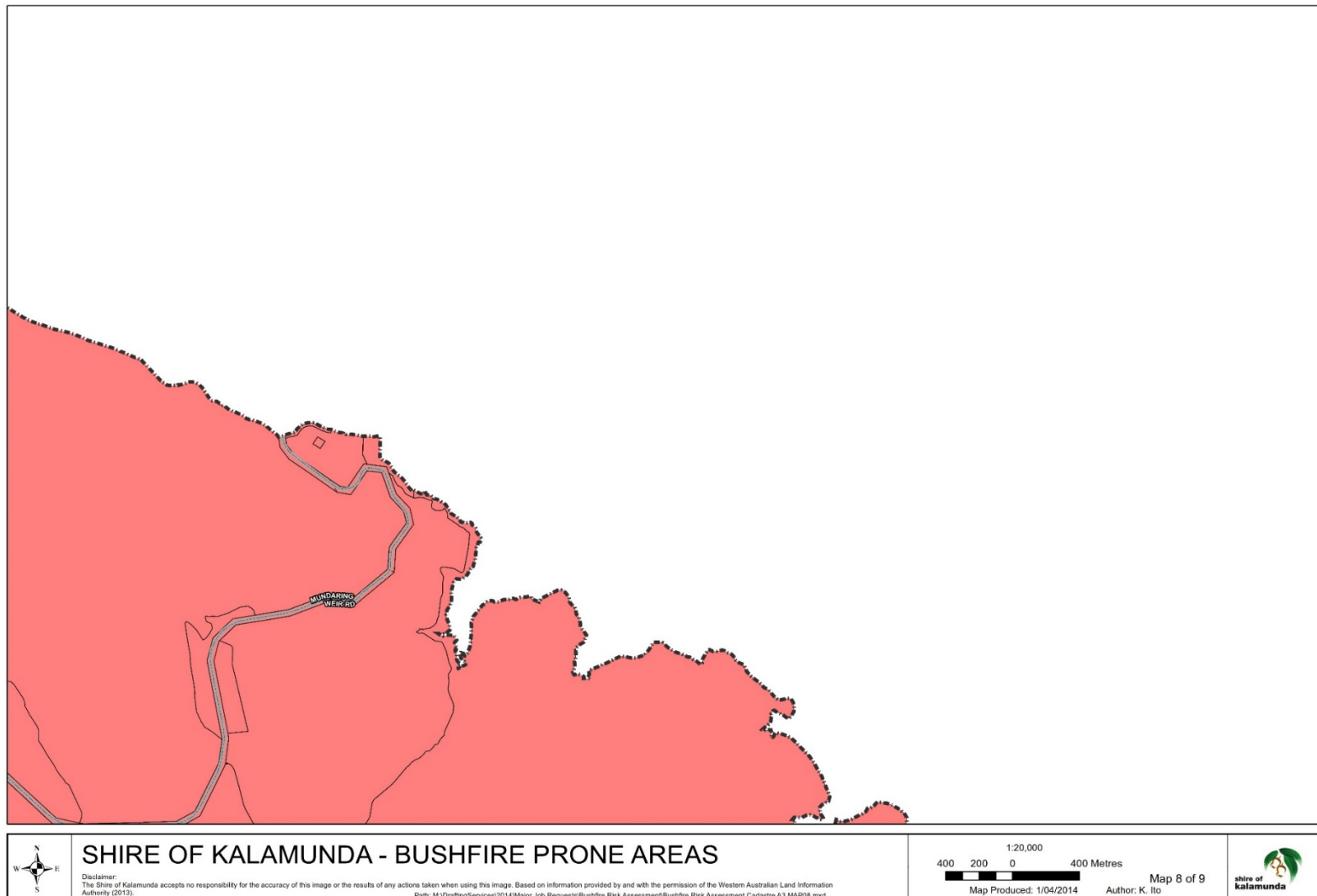
LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 5A



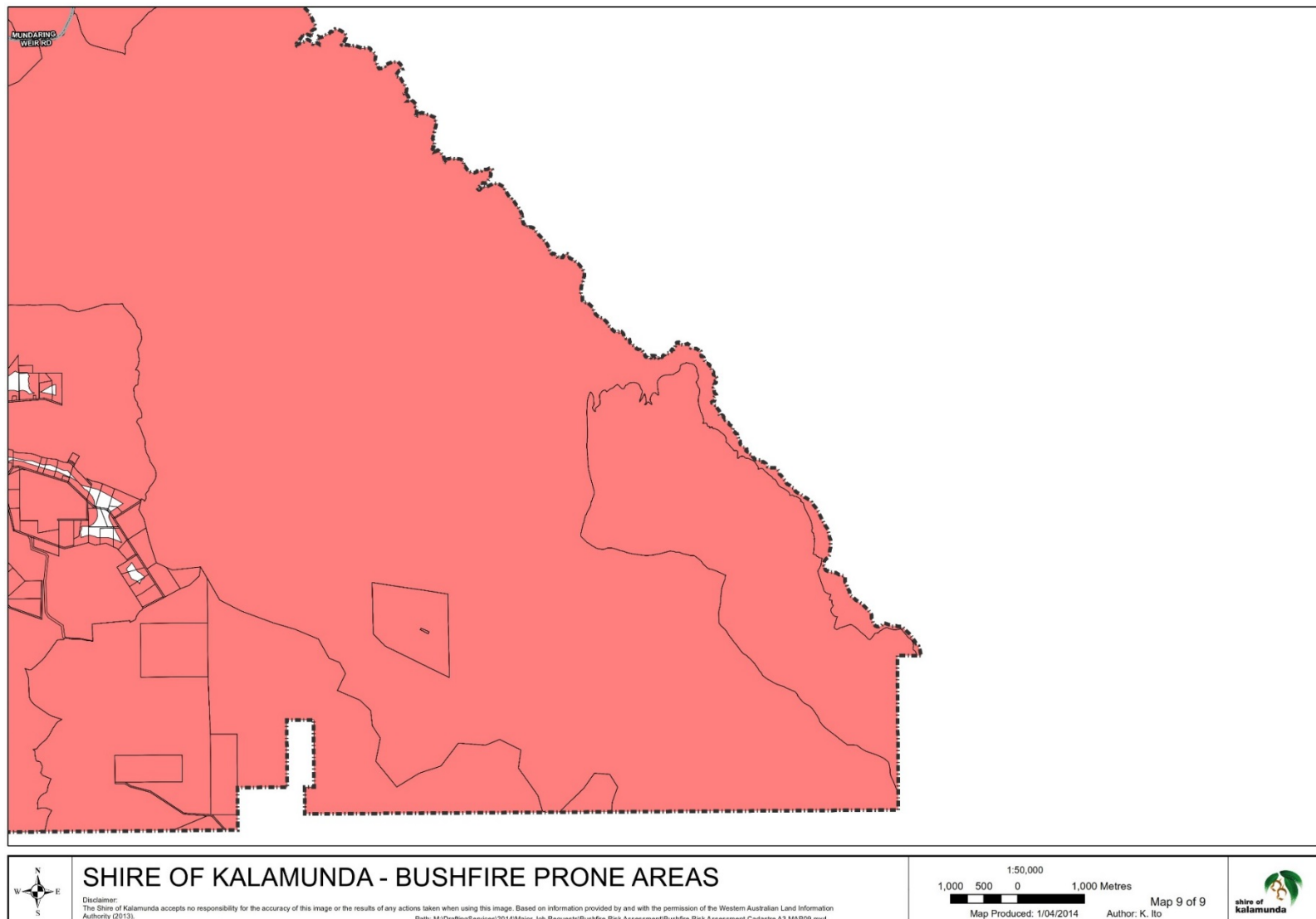
LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 6A



LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 7A



LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 8A



LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 9A

Attachment 2

Bushfire Hazard Assessment Report

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

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

32. The Parking of One Commercial Vehicle – Lot 205 (31) Ind Street, Lesmurdie

Previous Items	Nil.
Responsible Officer	Director of Development Services
Service Area	Development Services
File Reference	IN-01/015
Applicant	T Faranda
Owner	P and T Faranda
Attachment 1	Site Plan
Attachment 2	Photograph of the Commercial Vehicle
Attachment 3	Photograph of the Proposed Parking Area
Attachment 4	Photograph of the Proposed Parking Area as Viewed from Ind Street
Attachment 5	Submission Table
Attachment 6	Photograph of Materials Stored Against Dividing Fencing with 29 Ind Street
Attachment 7	Photograph of Materials Stored Within Drive Way of 31 Ind Street

PURPOSE

1. To consider an application for retrospective approval to continue to park one commercial vehicle (Isuzu tip tray truck) at Lot 205 (31) Ind Street, Lesmurdie. Refer to (Attachments 1 to 4).

BACKGROUND

2. Land Details:

Land Area:	1,736sqm
Local Planning Scheme Zone:	Residential R10
Metropolitan Region Scheme Zone:	Urban

Locality Plan

3.



4. The subject property contains a single dwelling, associated outbuildings, and has direct access to Ind Street via a sealed driveway. Semi-mature vegetation exists towards the rear of the property.
5. Complaints have previously been received by the Shire from nearby landowners regarding the parking of the commercial vehicle on the property. The nature of the complaints relate to the noise emitted by the vehicle which allegedly leaves the property prior to 6.00am.

DETAILS

6. Details of the application are as follows:
 - The commercial vehicle will be driven by those residing at the property as part of their employment.
 - The applicant has advised that typically the vehicle would leave the property between the hours of 5.00am and 8.00am. The return time is dependent on the location of the job site.
 - The commercial vehicle is proposed to be parked at the rear of the property where the topography falls, adjacent to an existing outbuilding (shed).
 - A 1.8m high Colorbond gate exists across the driveway adjacent to the house which screens the vehicle from the street.
7. Details of the commercial vehicle proposed to be parked on the property are as follows:

	TRUCK	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Isuzu	
TYPE	Tip tray	
YEAR	2004	
LENGTH	7.4m	11m Maximum
HEIGHT	2.3m	4.3m Maximum
WIDTH	2.4m	2.5m Maximum
TARE WEIGHT	3.7 tonnes	
LICENCE NO.	1BNW 050	

STATUTORY AND LEGAL IMPLICATIONS

8. Under the Zoning Table (Table 1) of the Local Planning Scheme No. 3 ("the Scheme") the use "Commercial Vehicle Parking" is classed as an 'A' use in a Residential zoning meaning that it is not permitted, unless Council has granted planning approval after the proposal has been advertised to affected landowners by the Shire.

9. Under Schedule 1 of the Scheme (Land Use Definitions) commercial vehicles are defined as being:

“a vehicle whether licensed or not, and include propelled caravans, trailers, semi-trailers, earth moving machines whether self-propelled or not, motor wagons, buses and tractors and their attachments but shall not include any motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes.”
10. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be “*generally*” in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
11. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
12. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings; the preservation of the amenity of the locality; the likely effect of the scale and appearance of the proposal; whether the proposed means of access and egress from the property are adequate; any local planning policy adopted by Council; and any relevant submissions received on the application.
13. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property

14. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) stipulates that the Shire may give notice of an application for approval to park a commercial vehicle or require the applicant to give notice of the application in respect of any such notice, clauses 9.4.3 to 9.4.6 of the Scheme apply.
15. In assessing the application, Council is to give consideration to the Policy which stipulates the following provisions applicable to parking commercial vehicles on residential zoned properties:
 - The commercial vehicle shall be parked entirely on the lot behind the front alignment of the dwelling, and preferably behind the rear realignment of the dwelling. If the vehicle is parked alongside the dwelling then gates and/or fencing of a minimum height of 1.8m shall be erected to satisfactorily screen the vehicle from the public realm.

- The commercial vehicle must be parked on the lot so that it does not interfere with the access and/or egress of other vehicles. Where possible, vehicles shall be parked such that they do not need to be reversed out.
- Spray painting, panel beating and major servicing on the commercial vehicle will not be permitted on the lot. Maintenance is limited to oil and grease changes, changes of tyres (not repair of tyres), and other minor maintenance as approved by Council.
- Washing of the commercial vehicle on the lot is limited to the use of water and mild detergent, and excludes the use of any solvents, degreasing substances, steam cleaning and any other processes.
- The commercial vehicle shall only be started and/or manoeuvred on the lot in such manner and at such times approved by Council, being consistent with the provisions of the Environmental Protection (Noise) Regulations. Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays shall apply, unless otherwise approved by Council.
- The idling times for start up and cool down on the property shall be restricted to 5 minutes per day unless otherwise approved by Council.
- Maintenance and cleaning of the commercial vehicle on a residential lot to be permitted only between 8.00am and 7.00pm Monday to Saturday, and 9.00am and 6.00pm Sunday, unless otherwise approved by Council.
- If a commercial vehicle owner, who has been granted approval to park a commercial vehicle on a lot, wishes to replace the vehicle with another commercial vehicle, a further application to Council is required.

COMMUNITY ENGAGEMENT REQUIREMENTS

16. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. Three objections and nine non-objections were received. Refer to the Submission Table (Attachment 5).
17. The following concerns were raised during advertising:
 - The hours the commercial vehicle is operated.
 - The commercial vehicle being noisy when being driven along Ind Street.
 - Materials being loaded onto and unloaded off the vehicle when parked on site.
 - The vehicle allegedly being used as part of a business operating at the property.
 - Oil from the vehicle running off into an adjoining property.

18. In response to the concerns raised, the applicant has advised the following:

"It is driven off the property once in the morning and back onto the property once late in the afternoon. This is reasonable and in line with other vehicle activity in the area.

Operations are conducted at other premises as determined by the contract / customer. All materials needed for a job are ordered/stored and picked up from my suppliers with only leftovers from a job being brought home. These are stored out of sight and are not visible from the road and can only be seen if you enter the property.

Only two aspects of the business are run from the property and have been done so for 20 years: management (I do this) and parking the vehicle. This is in line with a large number of other properties in the area. The company vehicle is parked down the back and out of view so as not to impact on the ambience of the street.

The vehicle has never had an oil leak, and still doesn't after 19 years. This issue has been investigated by the Shire and no evidence was found of diesel oil spillage."

FINANCIAL CONSIDERATION

19. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

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

SUSTAINABILITY

Social Implications

21. Alleged early morning movements may impact on the amenity of some residents in terms of noise.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.

RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may not resolve to approve the application.	Possible	Insignificant	Low	Ensure Council is aware that the proposal is compliant with the Scheme and Policy requirements with the exception of the hours of operation.

OFFICER COMMENT

25. Some landowners have expressed strong opposition to the proposal to park a commercial vehicle on the property primarily on amenity grounds and the time the vehicle will leave and return to the property.
26. Complaints have also been received by the Shire previously regarding the noise emitted by the vehicle as it leaves the property.
27. From a planning perspective the proposal is compliant with Policy and Scheme requirements except for the hours of operation.
28. If Council approves the application it will be required that the hours of operation be in accordance with the Policy.
29. The visual amenity impacts are considered minimal given the degree of screening from existing fencing, a 1.8m high Colorbond gate, vegetation and the location on the property where the vehicle is parked.
30. An inspection of the site from an adjoining property revealed that materials are being stored within the applicant's drive way and against the dividing fence in the form of metal mesh used to reinforce concrete. Refer to the photographs of materials stored against dividing fencing with 29 Ind Street (Attachment 6) and of materials stored within the drive way of 31 Ind Street (Attachment 7). The storage of materials associated with a business is a prohibited use on a residential zoned property, and therefore the applicant will be required to cease this immediately and remove the materials.
31. Although there is evidence that a small quantity of oil has leaked onto an adjoining property from 31 Ind Street, there is no evidence to suggest that this originated from the commercial vehicle.

The photograph of the Commercial Vehicle provided by the applicant and presented in the Agenda (Attachment 2) was incorrect, this has been amended and is now the same vehicle as shown in (Attachment 3).

Duncan McConachy, Neil Holtham and Cindy Malthouse spoke against the Recommendation.

The speakers queried the time allotted and why the Presiding Member tried to prevent them digressing from the subject; at a Committee meeting, three speakers are allowed to speak against any recommendation with a limit of three minutes per speaker. A Deputation may be applied for and if accepted by the Shire President may have two speakers for a maximum of 15 minutes, a Deputation may be presented to a Committee meeting or an Ordinary Council meeting. This matter will progress to the Ordinary Council Meeting on 23 June 2014.

A Councillor asked if the applicant were to change the vehicle would an application be required to come back to Council, Director Development Services confirmed that it would.

A Councillor requested clarification, if this vehicle had been 3.5 tonnes (rather than 3.7 tonnes) would an application to Council have been necessary. The Director Development Services confirmed it would not, however he noted that whatever the vehicle it would still be necessary to comply with environmental noise regulations.

A Councillor foreshadowed an adjustment to the timing at point f. of the Officer's Recommendation to change the restricted start up time for the vehicle from 7.00am to 6.00am. The Officer's Recommendation lapsed and a new Motion was put and carried.

A Councillor asked how the hours on the Officer's Recommendation had been derived, the Director Development Services noted that they come out of Point 3g. of the Shire's Commercial Vehicle Parking Policy (which copied those hours from the environmental noise regulations).

Councillor Thomas left the meeting at 7.22pm, immediately after the vote was taken.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION TO COUNCIL (D&I 32/2014)

That Council:

1. Approves the retrospective planning application dated 9 March 2014 for Peter and Teresa Faranda to continue to park one commercial vehicle, an Isuzu truck (registration number 1BNW 050), at Lot 205 (31) Ind Street, Lesmurdie, subject to the following conditions:
 - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 1).
 - b. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - c. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray

painting, external welding or the removal of major body or engine parts is permitted.

- d. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
- e. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- f. Movement and start-up times of the vehicle being restricted to 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
- g. Materials associated with the landowner's business not being offloaded and stored on the property. All material associated with the landowner's business being removed from the property within 28 days of Council's decision.

Moved: **LAPSED**

Seconded:

Vote:

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 32/2014)

Voting Requirements:

That Council:

1. Approves the retrospective planning application dated 9 March 2014 for Peter and Teresa Faranda to continue to park one commercial vehicle, an Isuzu truck (registration number 1BNW 050), at Lot 205 (31) Ind Street, Lesmurdie, subject to the following conditions:
 - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 1).
 - b. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - c. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
 - d. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
 - e. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other

processes which may cause pollution or degradation of the environment.

- f. Movement and start-up times of the vehicle being restricted to **6.00am** and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
- g. Materials associated with the landowner's business not being offloaded and stored on the property. All material associated with the landowner's business being removed from the property within 28 days of Council's decision.

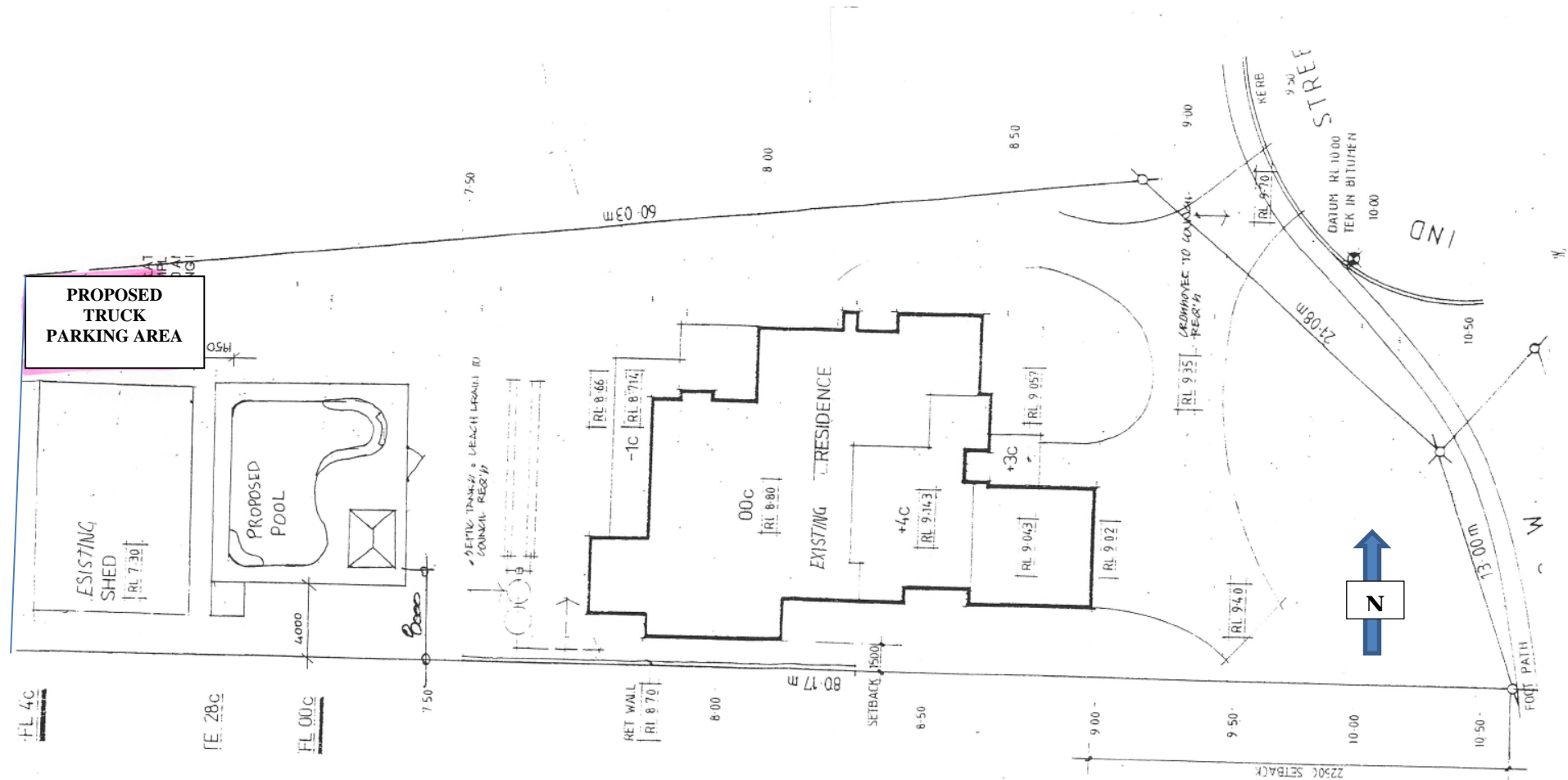
Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (12/0)**

Attachment 1

The Parking of One Commercial Vehicle – Lot 205 (31) Ind Street, Lesmurdie Site Plan



Attachment 2

The Parking of One Commercial Vehicle – Lot 205 (31) Ind Street, Lesmurdie

Photograph of the Commercial Vehicle



Attachment 3

The Parking of One Commercial Vehicle – Lot 205 (31) Ind Street, Lesmurdie

Photograph of the Proposed Parking Area



Attachment 4

The Parking of One Commercial Vehicle – Lot 205 (31) Ind Street, Lesmurdie
Photograph of the Proposed Parking Area as Viewed from Ind Street



**PROPOSED PARKING
AREA (BEHIND EXISTING
GATES WHICH ARE BEING**

Attachment 5

The Parking of One Commercial Vehicle – Lot 205 (31) Ind Street, Lesmurdie

Submission Table

Details		Comments	Staff Comment
1.	D and J McConachy 29 Ind Street LESMURDIE WA 6076	<p>Objection.</p> <p>a) The vehicle being used as an integral part of a business.</p> <p>b) Employees drive their vehicles to the property playing loud music.</p> <p>c) The vehicle idling for up to 5 minutes, 1.5m from our bedroom, and then departing/arriving at all hours, often as early as 5.00am and late in the evening.</p> <p>d) Equipment being loaded and unloaded (Reo bars, reinforce mesh, planks and formwork) adjacent to our boundary. As close as 1.5m from our bedroom.</p> <p>e) Oil/fuel from the vehicle escapes from their property onto ours.</p>	<p>a) Based on the advice provided by the applicant the activity is deemed to be a home office which is permitted without the Shire's consent.</p> <p>b) Noted.</p> <p>c) The Local Planning Policy allows idling times for start-up and cool down on the property to be up to 5 minutes per day unless otherwise approved by Council.</p> <p>d) Storage for such purposes is not permitted on Residential zoned properties. The applicant will be required to cease the activity immediately.</p> <p>e) An inspection of the property revealed that at some point oil had run off the applicant's property into theirs however there is no evidence to suggest that this originated from the commercial vehicle.</p>

2.	C Malthouse 27 Ind Street LESMURDIE WA 6076	<p>Objection.</p> <p>a) Materials being loaded onto and off loaded from the vehicle.</p> <p>b) The vehicle leaves the property as early as 5.40am.</p> <p>c) The vehicle is noisy when being loaded and when passing my house.</p>	<p>a) Storage for such purposes is not permitted on Residential zoned properties. The applicant will be required to cease the activity immediately.</p> <p>b) If Council approves the application it will be required that the hours of operation be in accordance with the Policy.</p> <p>c) Noted.</p>
3.	N and W Holtham 44 Ryan Way LESMURDIE WA 6076	<p>Objection.</p> <p>a) The truck and its trailer move as early as 5.30am (Monday to Saturday) most days, which has and continues to impact negatively on the amount and quality of sleep within our household.</p> <p>b) The truck and the trailer come and go from the property throughout any given day.</p> <p>c) The truck has a loud distinctive reversing beep which is very audible each time it is driven down the driveway.</p>	<p>a) If Council approves the application it will be required that the hours of operation be in accordance with the Policy.</p> <p>b) The Policy stipulates start up times of between 7.00am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays shall apply, unless otherwise approved by Council.</p> <p>c) Noted.</p>

		<p>d) There is a large shed at the rear of 31 Ind Street from which the contents of the truck and trailer, such as wooden planks, Rio steel meshing and other metal products are often unloaded into or loaded from.</p> <p>e) Our pool entertainment area is within meters of where the truck and its trailer are currently parked. Its operational usage creates undue noise and smells derived from the revving of the truck engine, its reversing beeper, the commotion of loading and unloading work equipment and materials, and its pungent exhaust fumes, all of which impede on a quality of life and a level of peace that would be considered reasonable.</p>	<p>d) Storage for such purposes is not permitted on Residential zoned properties. The applicant will be required to cease the activity immediately.</p> <p>e) The activity will be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
4.	I Mart 21 Ind Street LESMURDIE WA 6076	No objection.	Noted.
5.	B and C Roy 24 Ind Street LESMURDIE WA 6076	No objection.	Noted.
6.	W and R Loughrey 24 Ryan Way LESMURDIE WA 6076	No objection.	Noted.
7.	I Russell 28 Ind Street LESMURDIE WA 6076	<p>No objection.</p> <p>The coming and going of the vehicle does not cause me any problem.</p>	Noted.

8.	S Paini 26 Ind Street LESMURDIE WA 6076	No objection. As this is a commercial vehicle and used for employment I have no objections.	Noted.
9.	C and V Vlam 32 Ind Street LESMURDIE WA 6076	No objection.	Noted.
10.	G Funnell 30 Ind Street LESMURDIE WA 6076	No objection.	Noted.
11.	T Ryan 23 Ind Street LESMURDIE WA 6076	No objection.	Noted.
12.	K Hall 18 Ind Street LESMURDIE WA 6076	No objection.	Noted.

Attachment 6

The Parking of One Commercial Vehicle – Lot 205 (31) Ind Street, Lesmurdie

Photograph of Materials Stored Against Dividing Fencing with 29 Ind Street



Attachment 7

The Parking of One Commercial Vehicle – Lot 205 (31) Ind Street, Lesmurdie

Photograph of Materials Stored Within Drive Way of 31 Ind Street



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

33. Home Occupation (Hairdressing) – Modification to existing approval - Lot 5 (25) Ravenswood Road, Maida Vale

Previous Items	Nil.
Responsible Officer	Director of Development Services
Service Area	Development Services
File Reference	RV-02/025
Applicant	P Pullella
Owner	P Pullella

Attachment 1

Submission Table

PURPOSE

1. To consider a retrospective application to increase the approved hours of operation, and number of clients permitted to attend, an existing Home Occupation (hairdressing) at Lot 5 (25) Ravenswood Road, Maida Vale.

BACKGROUND

2. **Land Details:**

Land Area:	1.01ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Region Scheme Zone:	Rural

Locality Plan

- 3.



4. The subject property and those surrounding contain a single dwelling and associated outbuildings.

5. In October 2000, planning approval was granted for a Home Occupation (hairdressing) at the property, conditions for which included that a maximum of 6 clients can attend the property per week by prior appointment only, and the hours of operation were to be between 9.00am and 5.00pm Monday to Saturday.
6. In July 2007, planning approval was granted for a maximum of 20 clients to attend the property per week by prior appointment only. The hours of operation remained unchanged.
7. Complaints have recently been received by the Shire from nearby landowners regarding the operation of the home occupation. It is alleged that up to 60-80 clients attend the property per week, and allegedly the business operates from 6.30am on some days.
8. Following receipt of the complaints, the Shire requested confirmation from the land owners that they were complying with the conditions of the current (2007) approval. The landowner subsequently lodged a proposal to extend the hours of operation and number of patrons permitted.

DETAILS

9. Details of the application are as follows:
 - To increase the maximum amount of clients able to attend the property from 20 to 25 clients per week by prior appointment only.
 - To operate the home occupation at the following times:

Mondays – 3.30pm to 8.30pm
Tuesdays – 9.00am to 8.30pm
Wednesdays – 3.30pm to 8.30pm
Thursdays – 9.00am to 8.30pm
Fridays – 9.00am to 5.00pm
Saturdays – 8.30am to 5.00pm
 - The applicant has advised that on occasions only family members requiring haircuts will attend the property in the evening on Mondays and Tuesdays.

STATUTORY AND LEGAL IMPLICATIONS

10. Under Schedule 1 (Land Use Definitions) of Local Planning Scheme No. 3 ("Scheme") the use Home Occupation is defined as being the following:

"Means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

 - (a) *does not employ any person not a member of the occupier's household;*
 - (b) *will not cause in jury to or adversely affect the amenity of the neighbourhood;*

- (c) *does not occupy an area greater than 20 square metres;*
 - (d) *does not display a sign exceeding 0.2 square metres;*
 - (e) *does not involve the retail sale, display or hire of goods of any nature;*
 - (f) *in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
 - (g) *does not involve the use of an essential service of greater capacity than normally required in the zone."*
11. Under the Zoning Table (Table 1) of the Scheme the use "Home Occupation" is classed as a 'P' use on a Special Rural zoned property, meaning it is permitted subject to complying with the Scheme provisions.
12. Clause 4.2.2 (Objectives of the Zones – Special Rural) stipulates that an objective of the Special Rural zoning is *"to retain amenity and the rural landscape in a manner consistent with orderly and proper planning"*.
13. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
14. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings; the preservation of the amenity of the locality; the likely effect of the scale and appearance of the proposal; whether the proposed means of access and egress from the property are adequate; any local planning policy adopted by Council; and any relevant submissions received on the application.
15. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

16. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

17. The proposal was advertised for 14 days to affected property owners for comment in accordance with Clause 9.4.3 of the Scheme. One objection was received during advertising. Refer to the Submission Table (Attachment 1).

18. The concerns raised are with regard to the proposed hours of operation and number of patrons' allegedly attending the site. The potential for chemicals from the hairdressing products used leaching into the ground was also raised.

FINANCIAL CONSIDERATION

19. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

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

SUSTAINABILITY

Social Implications

21. Potential impact on the amenity of the area in relation to increased traffic and noise over an extended period.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 24.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|-------------|--------|---|
| Council may resolve to approve the application | Possible | Minor | Medium | Ensure Council is aware that the home occupation is operating outside of the conditions of approval previously granted, and that as a consequence this is having an unacceptable impact on the amenity of local residents due to the hours of operation and number of clients attending the property. |

OFFICER COMMENT

25. Complaints have been received by the Shire previously regarding the hours of operation and number of clients attending the property which goes beyond what has been approved by the Shire. Moreover, some landowners have expressed strong opposition to the proposal due to the perceived impact this will have on their amenity and potentially the local environment.
26. It is noted however that there would be some difficulty ascertaining patrons of the Home Occupation from persons visiting for other reasons. That said, it is evident from discussions with the applicant that numbers to the property associated with the home occupation have exceeded those permitted under the current approval.
27. By definition, a Home Occupation should not adversely affect the amenity of the neighbourhood. The increased number of clients and hours of operation suggest the proposal does not comply with this requirement.
28. Whilst it is noted that the definition of Home Occupation makes no reference to limiting the numbers of clients attending and the hours of operation, it is reasonable to argue that the proposed increases are more akin to the operation of a shop.

Patricia Puellella spoke against the Officer Recommendation.

A Councillor asked if no additional time was granted would she be happy to continue with the current times and this was confirmed by the applicant.

A Councillor asked if a change of hours to 7am to 7pm, would solve the problem Patricia Puellella agreed it may.

A Councillor asked for clarification of the change of hours, Patricia Puellella indicated that she would like to add two hours to Wednesday and Thursday evenings.

A Councillor asked how many clients attended at any one time, Patricia Puellella indicated she only had one chair, however occasionally a mother and daughter or two sisters would come together usually in the same vehicle.

Councillors asked for confirmation that Patricia Puellella was aware that the Recommendation was for a refusal of the additional hours and asked if she would she prefer to withdraw her application. She confirmed she was aware it was a refusal but would still like her application to be considered.

A Councillor foreshadowed a new motion, that the item be deferred for one month, thus giving an opportunity to see if it was possible to look at extending the hours. A Councillor foreshadowed a motion that the hours of operation be extended.

The Presiding Member put the Officer Recommendation no seconder was found and the motion lapsed; the first foreshadowed motion was presented. Councillors went into debate; the motion to defer the item was then put and was carried.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION TO COUNCIL (D&I 33/2014)

That Council:

1. Refuses the retrospective planning application to increase the hours of operation and maximum number of clients able to attend the home occupation (hairdressing) at Lot 5 (25) Ravenswood Road, Maida Vale, for the following reasons:
 - a. The proposed hours of operation and increased number of clients would have an unacceptable impact on the amenity of the neighbourhood.
 - b. The proposal being more akin to the use 'Shop' which is a non-permissible use on properties zoned Special Rural.

Moved: **Cr Noreen Townsend**

Seconded:

Vote: **LAPSED**

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 33/2014)

That Council:

1. Defer Item 33. Home Occupation (Hairdressing) – Modification to existing approval - Lot 5 (25) Ravenswood Road, Maida Vale until July 2014
Development & Infrastructure Services Meeting.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

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

CARRIED (9/2)

Attachment 1

Home Occupation (Hairdressing) – Modification to existing approval - Lot 5 (25) Ravenswood Road, Maida Vale

Submission Table

Details		Comments	Staff Comment
1.	K and C Caporn 45 Ravenswood Road MAIDA VALE WA 6057	<p>Objection.</p> <p>a) This business should not be operating at all in this area and should be relocated to a shopping centre. No doubt they will have as many customers if allowed.</p> <p>b) The noise associated with the business affects our main bedroom, kitchen and dining areas.</p> <p>c) Most weeks there have been more than 20 clients, even at 7.00am on Saturdays, also double clients in the evenings to 9.00pm. No consideration for anyone, especially us.</p> <p>d) There is the problem of chemicals from the hairdressing applications leaching into the ground.</p>	<p>a) Local Planning Scheme No. 3 does allow for consideration to be given to allowing a home occupation for hairdressing to be considered on Special Rural zoned properties with appropriate conditions of approval.</p> <p>b) Noted.</p> <p>c) In July 2007, planning approval was granted for a maximum of 20 clients to attend the property per week by prior appointment only. The hours of operation were to be between 9.00am and 5.00pm Monday to Saturday.</p> <p>d) Chemicals from hairdressing products are not considered to be having a significant impact on the local environment.</p>

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

34. Draft Municipal Heritage Inventory Review

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	
Applicant	Shire of Kalamunda
Owner	Various
Attachment 1	Plan depicting the location of places on the draft Municipal Heritage Inventory
Attachment 2	Draft Municipal Heritage Inventory

PURPOSE

1. To consider the draft review of the Municipal Heritage Inventory for the purpose of public advertising.

BACKGROUND

Land Details:

Land Area:	Various land within Shire of Kalamunda
Local Planning Scheme Zone:	Various – Refer Attachment 1
Metropolitan Regional Scheme Zone:	Various

2. The *Heritage of Western Australia Act 1990* (the Act) requires all local government authorities in Western Australia to compile, and periodically review, a Municipal Heritage inventory (MHI) of buildings within its district which are, or may become of cultural heritage significance.
3. The Shire's current MHI was prepared by the Kalamunda and Districts Historical Society and adopted in 1997. Since this time, significant changes have occurred to some sites which has meant that several of the places included on the MHI have been substantially altered or demolished. In addition, a MHI now required to be compiled in accordance with the State Heritage Office publication, 'Criteria for the Assessment of Local Government Places,' which outlines the process of evaluating and categorising heritage places.
4. A review of the current MHI is also important as Part 7 of the Shire's Local Planning Scheme 3 (the Scheme) contains provisions relating to Heritage Protection and specifies that the Local Government is to establish and maintain a Heritage List to identify those places worthy of conservation. Clause 7.1.2 of the Scheme goes further to outline that in preparation of the Heritage List, the Local Government is to:

- (a) Have regard to the municipal inventory prepared by the Local Government Pursuant to Section 45 of the *Heritage of Western Australia Act 1990*.
 - (b) Include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.
5. The Shire does not currently have a heritage list as part of its scheme.
6. In 2012 the Shire engaged Hocking Heritage Studio to assist with the review, and to ensure that a comprehensive and up to date draft inventory was prepared. A plan depicting the location of the places included on the inventory is included as Attachment 1. A full copy of the revised MHI is included as Attachment 2.
7. During the course of reviewing the MHI, the Shire sought nominations for heritage places through advertisements in local newspapers and contact with local community groups. A number of newly nominated places were duplicates of places already being assessed.

DETAILS

Review of the Inventory

8. The following places were considered as part of the review:
 - All of the 176 places included on the 1997 MHI;
 - All of the 72 places that were nominated for the 1997 MHI but not included at the time; and
 - 38 additional places which were nominated by members of the public in 2012.
9. Each of the above places were assessed against the criteria recommended by the State Heritage Office (SHO). These criteria relate to the aesthetic, historic, and research value of the place, in addition to its rarity, representativeness, condition, integrity and authenticity. This assessment criteria is consistent with that recommended by the SHO.
10. Through this review and assessment process, 204 places were selected for the revised MHI, and categorised as below. A further 61 places were not selected for the revised MHI, for various reasons these places were not considered to adequately meet any of the assessment criteria.

Categorising the Inventory

11. The revised MHI adopts a new method of categorising the 204 heritage places which includes allocating one of the four below management categories to each. These management categories correspond to the 'levels of significance' which the State Heritage Office recommend be applied to each item on a MHI.
 - (1) **Exceptional significance** – Essential to the heritage of the locality. A rare or outstanding example.

Desired outcome: the place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place and be in accordance with a conservation plan (if one exists).

- (2) **Considerable significance** – Very important to the heritage of the locality. High degree of integrity/authenticity.
Desired outcome: conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.
- (3) **Some/Moderate significance** – Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.
Desired outcome: conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.
- (4) **Little significance** – Does not fulfil the criteria for entry in the Local Heritage list.
Desired outcome: photographically record prior to major development or demolition. Recognise and interpret site if possible.

- 12. The revised MHI identifies 18 Category 1 places, 49 Category 2 places, 70 Category 3 places and 57 Category 4 places. The above categorisation quantifies the importance of the heritage place to the locality. The principal difference between the categories is that places listed under 1 and 2 are considered significant enough to warrant inclusion on a Heritage List linked to the Scheme. The matter of compiling a heritage list will be considered as part of a separate planning process following the adoption of the MHI.

STATUTORY AND LEGAL CONSIDERATIONS

- 13. The *Heritage of Western Australia Act 1990* (the Act) requires all local government authorities in Western Australia to compile, and periodically review and update, a Municipal Inventory of buildings within its district which are, or may become of cultural heritage significance.
- 14. Part 7 of the Scheme details the provisions applicable to heritage protection.
- 15. The MHI itself has no legislative consequences for the owners of properties. Rather, it will inform the preparation of the Heritage List containing places of the highest cultural significance in accordance with Clause 7.1 of the Scheme.

POLICY CONSIDERATIONS

- 16. The requirements of the Act are reinforced through State Planning Policy 3.5 – Historic Heritage Conservation.

COMMUNITY ENGAGEMENT REQUIREMENTS

17. If Council adopts the draft MHI, it will be formally advertised for a period of 60 days by way of advertisement in local newspapers, on the Shire's website, by writing to the owners of affected properties, and an information open day.

FINANCIAL CONSIDERATIONS

18. The cost of advertising the draft MHI will be met under the Development Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Strategic Priority 4: Kalamunda Develops

OBJECTIVE 4.4 – To enhance and protect the historic heritage of the Shire.

Strategy 4.4.1 – Continue to support the preservation of historic sites and buildings through the ongoing review and maintenance of the Shire's Municipal Inventory Register.

SUSTAINABILITY

Social Implications

20. Inventory of historically significant places initiates a sense of identity and continuity for the community.

Economic Implications

21. The MHI is merely a record keeping tool for places which are, or may become of cultural heritage significance. Inclusion of a property on the MHI will not impact on its value, management or insurability.

Environmental Implications

22. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 23.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|---|
| Council may resolve not to advertise the draft Municipal Heritage Inventory | Unlikely | Major | Medium | Ensure Council is aware of the requirements for a Municipal Heritage Inventory to be prepared under the <i>Heritage of Western Australia Act 1990</i> . |

OFFICER COMMENT

24. The MHI review includes a thematic history of Kalamunda which provides a framework to understand and recognise the cultural heritage significance of places within the Shire, thus ensuring the MHI is as representative as possible. Of interest is the evolution of the Shire in order to understand and identify the key turning points in its history, the main periods of development, and influential factors that have shaped the Shire's distinctive character evident today.
25. The Shire has a statutory obligation to review its MHI every 4 years. The current MHI has been in place since 1997 and therefore is in need of review.
26. In addition to meeting the requirements of the Act, an up-to-date and comprehensive MHI can assist the Shire to:
- Provide a cultural and historic record of the district;
 - Inform the future heritage list which may be incorporated into the Scheme and linked to a local planning policy which guides the management and preservation of heritage places; and
 - Achieve the heritage conservation objectives of the Shire and where appropriate the State.

The Presiding Member adjourned the meeting from 7.45pm to 7.47pm to allow members of the gallery to leave.

A Councillor asked what impost there is for any property on this listing for the private owner. The Director Development Services noted that normal planning approvals applied, but as this is not a State List there is no impost to private owners. If, for example, an application was made for a demolition the Shire would have photographic evidence of what had been on a property. Properties on the State Register are handled by separate legislation.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 34/2014)

That Council:

1. Endorses the draft Municipal Heritage Inventory included as Attachment 2 for a 60 day public consultation period, to include notification to all affected landowners and an open information day.

Moved: **Cr Noreen Townsend**

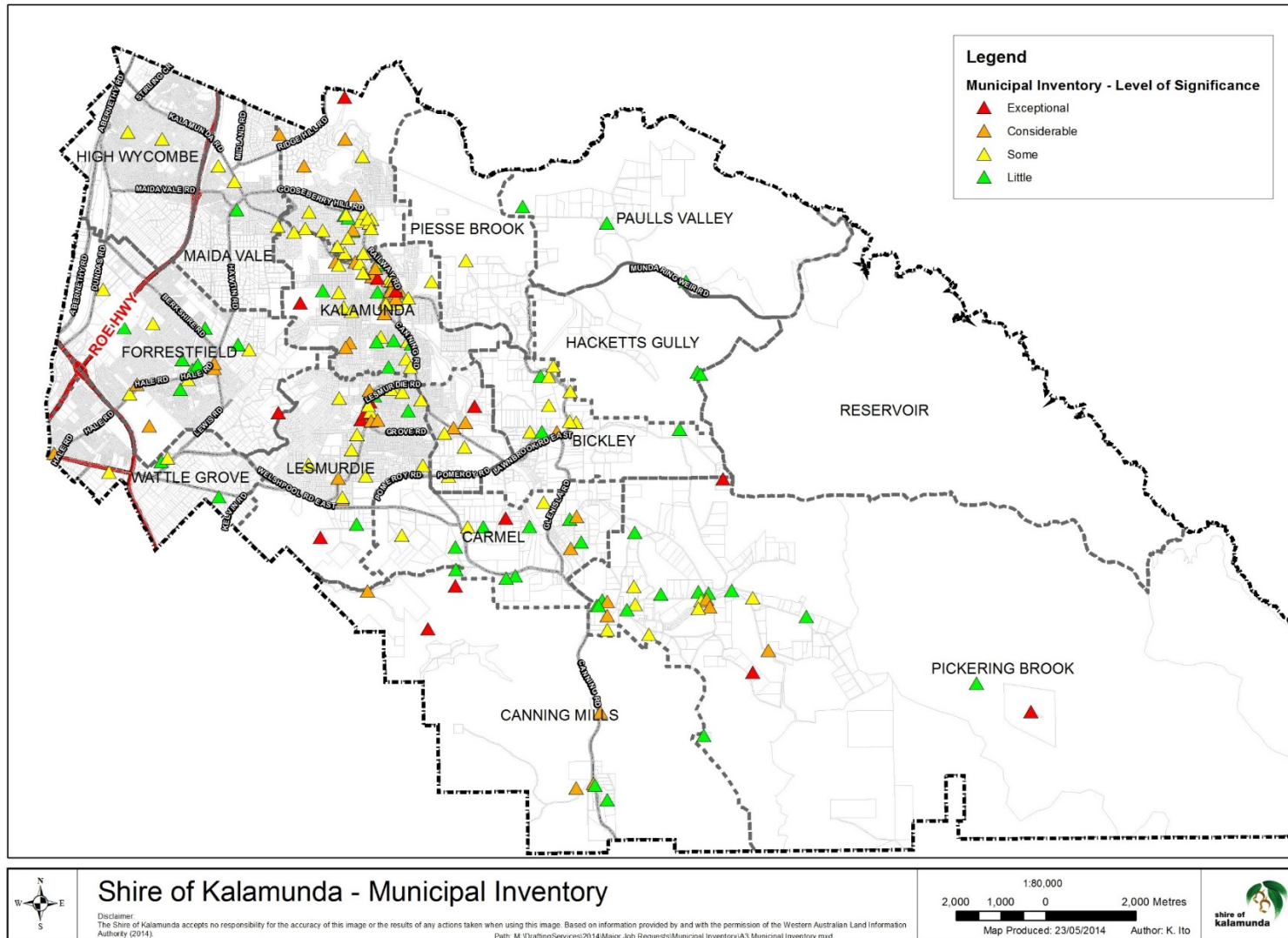
Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

Draft Municipal Heritage Inventory Review

Plan depicting the location of the places on the draft Municipal Heritage Inventory



Attachment 2

Draft Municipal Heritage Inventory

[Click HERE to go directly to the document](#) *(Please Note: Large File – 45MB)*

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

35. Annual Caravan Park Licence Renewals

Previous Items	D&I 31/2013
Responsible Officer	Director Development
Service Area	Health & Ranger Services
File Reference	LE-LIC-001
Applicant	N/A
Owner	N/A

PURPOSE

1. To approve the renewal of annual Caravan Park Licences for all caravan parks located within the Shire.

BACKGROUND

2. The *Caravan Parks and Camping Grounds Act 1995* (Act) and the *Caravan Parks and Camping Grounds Regulations 1997* (Regulations) requires that the Local Government annually inspects and licences all caravan parks within its municipality.

DETAILS

3. All Shire Environmental Health Officers are authorised persons under the Act and Regulations to inspect caravan parks but not to issue annual licences.

Currently there are four approved caravan parks operating within the Shire of Kalamunda:
 - Discovery Holiday Park 186 Hale Road Forrestfield – approved late 1960's and comprises 148 sites – mix of caravans, park homes and cabins;
 - Forrestfield Village 351 Hawtin Road Forrestfield approved in 1968 and comprises 53 park home sites;
 - Hillview Lifestyle Village 597 Kalamunda Road High Wycombe approved in 2006 and comprises 272 park home sites; and
 - Advent Park 345 Kalamunda Road Maida Vale – approved in 2008 and comprises 35 caravan sites.

STATUTORY AND LEGAL CONSIDERATIONS

4. *Caravan Parks and Camping Grounds Act 1995*
Caravan Parks and Camping Grounds Regulations 1997

POLICY CONSIDERATIONS

5. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

6. Nil.

FINANCIAL CONSIDERATIONS

7. Licence fees are based upon the number of sites and set under the Act and Regulations. The current fee is \$6 per site and the annual fees applicable are as listed below:
- Discovery Holiday Park - licence fee \$888.
 - Forrestfield Village - licence fee \$318.
 - Hillview Lifestyle Village - licence fee \$1632.
 - Advent Park - licence fee \$210.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Strategic Priority 6: Kalamunda Leads, Providing Good Government

SUSTAINABILITY

Social Implications

9. Nil.

Economic Implications

10. Nil.

Environmental Implications

11. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 12.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|---|
| That Council do not approve the licences. | Rare | Minor | Low | Council is aware of requirements of Act and Regulations |

OFFICER COMMENT

13. The above four operating caravan parks have been inspected by Shire Officers and have been found to be compliant with no issues reported.

A Councillor asked when the last time the \$6 site fee had been reviewed. The Director Development Services took this question on notice.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 35/2014)

That Council:

1. Approves the renewal of the caravan park licences, subject to receipt of the required licence fees, for:
 - Discovery Holiday Park, 186 Hale Road Forrestfield.
 - Forrestfield Village, 351 Hawtin Road Forrestfield.
 - Hillview Lifestyle Village, 597 Kalamunda Road High Wycombe.
 - Advent Park, 345 Kalamunda Road Maida Vale.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

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

36. Request to Purchase a Portion of Reserve R37218 – 19 Dampiera Court, Maida Vale

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services Directorate
File Reference	DM-01/GEN
Applicant	Daniel Van Der Kooy
Owner	Crown
Attachment 1	Portion of Reserve to be acquired

PURPOSE

1. To consider a request from the owner of 17 Dampiera Court, Maida Vale to acquire a portion of Reserve R37218 from the Department of Regional Development and Lands.

BACKGROUND

2. The requested portion of Reserve R37218 is in Maida Vale and is 1,214sqm in size and is vested with the Shire of Kalamunda as Local Open Space with the address of 19 Dampiera Court. This is shown in (Attachment 1).
3. Based on the records available there is no creek or vegetation of any significance within this portion of the Reserve.
4. There are several ways to enter the reserve and the portion of Local Open Space that the applicant wishes to acquire has never been developed or used for that purpose.

DETAILS

5. The adjoining owner was written to advising of the request and asked for a response by 25 April if they wished to purchase up to 50% of the land. He has indicated he would be interested in 50%.

STATUTORY AND LEGAL CONSIDERATIONS

6. The proposal if approved by Department of Regional Development and Lands will be required to be advertised in accordance with Section 58 of the *Land Administration Act 1997* for a 30 day public comment period and then presented to Council for recommendation.

POLICY CONSIDERATIONS

7. There are no policy implications.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. There will be a 30 day public consultation period for the advertising of the proposal.

FINANCIAL CONSIDERATIONS

9. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Strategic Priority 4: Kalamunda Develops - Using our land and assets diversely and effectively

SUSTAINABILITY

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 14.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|---------------|--------|--|
| Council may not resolve to approve the application. | Possible | Insignificant | Low | Ensure Council is aware that the application is compliant. |

OFFICER COMMENT

15. The applicants have agreed in writing to pay all costs associated with the acquisition, which will include costs for advertising the proposal.
16. The adjoining landowner at 110 Holmes Road has indicated that he would be interested in acquiring 50% of the land. It is therefore proposed that 50% of the land area between 110 Holmes Road and 17 Dampiera Court be made available to the owner of 17 Dampiera Court and the other 50% be made available to the owner of 110 Holmes Road.

17. Should approval to purchase the subject land be granted it should be noted that it will be a requirement to rezone the land from Local Open Space to Residential.

A Councillor asked how the owners of Lot 52, 51 and 50 would access the reserve for recreational purposes. Director Development Services indicated access would be via Dampiera Court and the adjoining road.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 36/2014)

That Council:

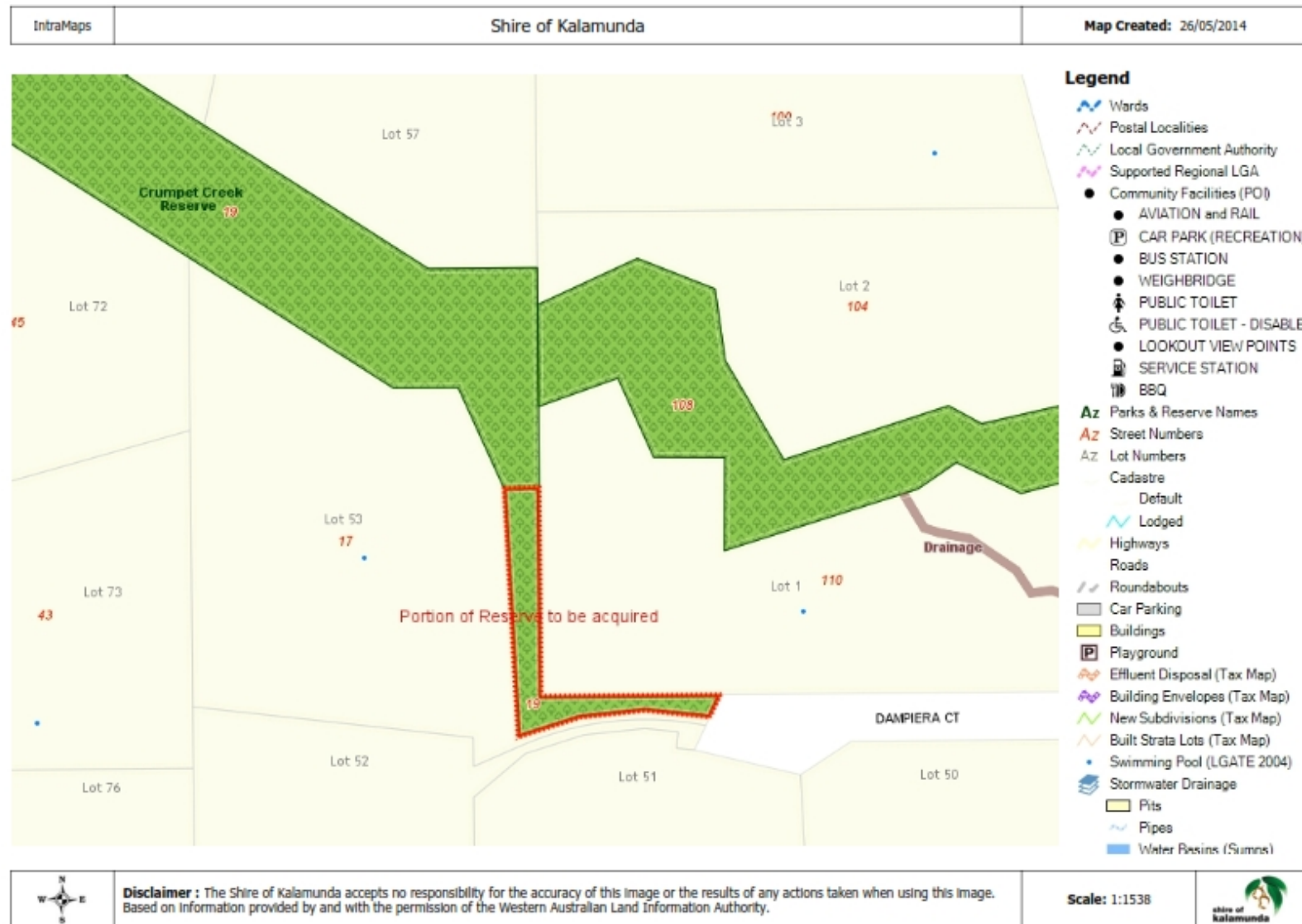
1. Advertises the proposed disposal of approximately 1,214sqm as shown in (Attachment 1) being a portion of Reserve 37218 for 30 days.
2. Subject to no objection to the proposal, supports the disposal of the portion of R37218 to the owner of 17 Dampiera Court and owner of 110 Holmes Road and forwards the matter to the Department of Lands for their determination.
3. Requests that all costs associated with the acquisition be borne by the applicants.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**



Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1



IntraMaps	Shire of Kalamunda	Map Created: 26/05/2014
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Property		Locality	MAIDA VALE , 6057	Land Parcel	
PIN	203338	MRS Amendment (See Planning)	No	Land ID	2014005
Lot Number	10220	MRS Zoning	RURAL	Lot Type	CROWN [H] - Lot 10220
Plan Number	D059765	LPS Amendment (See Planning)	No	Address	19 DAMPIERA COURT, MAIDA VALE, 6057 - Landgate (Tenure)
Strata		LPS3 Zone	LOCAL OPEN SPACE		
Legal Area	1214.000 m ² / 0.12140 ha	LPS3 R-Code	No LPS3 RCode	Assess No	
Reserve	R 37218	WATER	Not in a Water	Records	
Title Status	Current	CATCHMENT	Catchment Area	Google Maps	Street View
Updated On	16/05/2014				
Ward	NORTH WARD				

	Disclaimer : The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Based on Information provided by and with the permission of the Western Australian Land Information Authority.	Scale: 1:1538	
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Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

37. Roe Highway and Berkshire Road land requirements for Main Roads Intersection Improvements

Previous Items	Nil
Responsible Officer	Director Infrastructure Services
Service Area	Engineering Services
File Reference	ILT-155309; EG-RDM-020
Applicant	Main Roads Western Australia
Owner	N/A
Attachment 1	Request letter from Main Roads WA dated 20 March 2014 (Ref: 12/4294)
Attachment 2	MRWA Plan No. 1260-138-2 detailing the requested dedication area

PURPOSE

1. To consider a request for Local Authority concurrence to the dedication of land as road for the intersection improvements at Roe Highway and Berkshire Road, Forrestfield.

BACKGROUND

2. On 20 March 2014, the Shire received a letter requesting the Shire as Local Authority to provide its concurrence to the dedication of land at the intersection of Roe Highway and Berkshire Road, Forrestfield for future intersection improvements. This letter included a line plan detailing the requested dedication (Attachment 2).

DETAILS

3. The subject land is located adjacent to the intersection of Roe Highway and Berkshire Road, Forrestfield. These land parcels are currently owned by the WA Planning Commission, the State of WA and private property.
4. As the Local Authority forms part of the land, the Shire needs to provide its concurrence to the dedication of this land for road purposes.

STATUTORY AND LEGAL CONSIDERATIONS

5. This *Land Administration Act 1997* requires the Local Authority concurrence be given for the dedication of land as road.

POLICY CONSIDERATIONS

6. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

7. Nil.

FINANCIAL CONSIDERATIONS

8. Main Roads will indemnify the Shire for any costs and charges relating to the dedication action.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

10. The planned upgrades at the intersection of Roe Highway and Berkshire Road are likely to provide an improved level of service to both vehicles and pedestrian travelability. This will therefore provide improved social connections between the Forrestfield and High Wycombe localities.

Economic Implications

11. The planned upgrades at the intersection are likely to improve the efficiencies of road freight along with reducing the frequency and severity of crashes at this intersection. This will therefore provide an economic benefit to the businesses in the area that send and receive freight along with an economic benefit to the state by the crash cost savings from improving the intersection layout.

Environmental Implications

12. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 13.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---------------------------------------|------------|-------------|--------|--|
| Negative impact on public reputation. | Unlikely | Minor | Low | Ensure customers are referred to Main Roads for further details. |
| Council does not approve request. | Unlikely | Major | High | Advise Council approval vital to enable improvements to intersection to proceed. |

OFFICER COMMENT

14. The land is required for Main Roads to undertake works as a part of future planned upgrades at Roe Highway and Berkshire Road intersection.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 37/2014)

That Council:

1. Agrees to the dedication of the land shown shaded on (Attachment 2), the subject of Main Roads Land Dealings Plans 1260-138-2 as a road pursuant to Section 56 of the Land Administration Act 1997.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1



ABN: 50 860 676 021

Enquiries: Patrick Ryan on 08 9323 4651
Our Ref: 12/4294
Your Ref:

20th March 2014

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

Dear Ms Hardy,

ROE HIGHWAY / BERKSHIRE ROAD SLK 30.84 TO SLK 31.30 INTERSECTION IMPROVEMENTS FORRESTFIELD

Attached for consideration by the Council are plans depicting land required for improvement works to be carried out on the Roe Highway / Berkshire Road SLK 30.84 to SLK 31.30 Intersection Improvements, Forrestfield. In order for the project to proceed, the land shown shaded on the enclosed copies of Land Dealings Plans 1260-138-2 is required for inclusion in the road reserve.

Main Roads will approach all land owners and other affected parties and arrange for acquisition to be finalised. To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* that local governments resolve to dedicate the road.

It would be appreciated if Council could consider the matter at its next meeting and provide the following statement in a letter to Main Roads marked to my attention. This will satisfy the requirements of Regional and Metro Services (RMS) at the Department of Lands who will be arranging dedication when the land has been acquired.

"Council at its ordinary meeting held on (Day Month Year) passed a resolution for the dedication of the land the subject of Main Roads Land Dealing Plans 1260-138-2 as a road pursuant to section 56 of the Land Administration Act 1997."

In addition please provide a copy of the minutes of the Council meeting relating to the resolution for Department of Lands records.

Main Roads will indemnify the Council against any costs and claims that may arise as a result of the dedication

If you require any further information please contact me on 08 9323 4651.

Yours faithfully

Patrick Ryan
Project/Contract Manager
Metropolitan Region

Don Aitken Centre, Waterloo Crescent, East Perth or PO Box 6202 EAST PERTH Western Australia 6892
Telephone: 138 138 Facsimile: (08) 9323 4600 TTY: (08) 9428 2230
Email: enquiries@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au

LOT	DESCRIPTION	L/T	DIMENSION	TOTAL AREA REQUIRED	REMARKS
1	LOT 60	195/195	HPS	1.00N 1M	
2	LOT 58	136/175	HPS	23.4M ²	
3	LOT 60	221/164	TALUBA SECURITIES PTY LTD.	36.0M ²	
4	LOT 61	195/195	HPS	38.2M ²	
5	LOT 61	181/167	HPS	1.00N 1M	
6	LOT 60	235/180	WHP	1.00N 1M	
7	LOT 60	235/180	WHP	40M ²	

AMENDMENTS

LEGEND

- [Shaded Area] LAND REQUIRED FOR ROAD PURPOSES
- [Line] BOUNDARY TO BE SURVEYED

NOTES

- OPENINGS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.
- S.L.K. IS A PRIVATE STAGHIT LINE DOWNTOWN AND IS APPROXIMATE ONLY.
- CADASTRAL HOOD - CADASTRA
- HORIZONTAL DATUM IS M.S.A. N.

METROPOLITAN REGION

APPROVED FOR IMPLEMENTATION

VOLUNTARILY [] DATE []

AUTHORITY P. 21/18 S/V/12

APPROVED L. 21/18 S/V/12

mainroads
PROPERTY MANAGEMENT

Telephone 0000 4000 Fax 0000 4000

ROE HWY H18
LAND DEALINGS
30.7 - 31.4 S.L.K.

LOCAL AUTHORITY T20 SHIRE OF KALBARIA
DATE 12/3/91

THIS DRAWING IS AN AMENDMENT OF THE APPROVED DRAWING

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 MEETING CLOSED TO THE PUBLIC

14.1 Nil.

15.0 CLOSURE

15.1 There being no further business the Presiding Member declared the meeting closed at 7.52pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2014