
Shire of Kalamunda

Planning Services Committee

Agenda for 14 June 2010





NOTICE OF MEETING PLANNING SERVICES COMMITTEE

Councillors,

Notice is hereby given that the next meeting of the Planning Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

Monday 14 June 2010 commencing at 6.30pm.

For the benefit of Committee Members, staff and members of the public, attention is drawn to the following requirements as adopted by Council.

Open Council Meetings – Procedures

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Committee makes recommendations only to Full Council (Held on the third Monday of each month at 6.30 pm).
4. Members of the public are able to ask questions at a Committee Meeting, however, the questions should be related to the functions of the Committee.
5. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Committee Meeting.
6. Comment from members of the public on any item of the Agenda is usually limited to 3 minutes and should address the recommendations (at the conclusion of the report).
7. It would be appreciated if silence is observed in the gallery at all times except for Question Time.
8. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person Chairing the Committee or Council Meeting.
9. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice at the meeting by signalling to a staff member.

James Trail
Chief Executive Officer

8 June 2010

**** Dinner will be served at 5.30pm ****

AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Meeting of 10 May 2010.

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

9.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 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. (Sections 5.70 and 5.71 of the Local Government Act 1995)

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.

10.0 REPORT TO COUNCIL

Please Note:

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

<u>Report Number</u>	<u>Page Number</u>
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39. Lot 800 (1136) Abernethy Road, High Wycombe - Two Warehouses and Offices	25
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41. Disposal of Scarab Road Sweepers – T0914	35

REPORTS

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

34. Policies for the Planning and Development Directorate - Proposed Revocations

Previous Items: N/A
Responsible Officer: Director, Planning & Development Services
Service Area: Planning Development Services
File Reference: OR-CMA-016
Applicant: N/A
Owner: N/A

Attachments: **Attachment 1** – DEV 1 – Additional Accommodation
Attachment 2 – DEV 12 – Design Aesthetics – Guidelines
Attachment 3 – DEV 13 – Dual Use Pedestrian/Cycle Paths
Attachment 4 – DEV 19 - Notification to Affected Landowners
Attachment 5 – DEV 30 - Rezoning of Properties to Residential R20 or Higher
Attachment 6 – DEV 36 - Subdivision in Rural Zones

PURPOSE

1. For Council to consider the revocation of various Planning Policies as contained in the Shire's Policy Register.

BACKGROUND

2. The Policy Register is currently being reviewed and, where considered necessary, amendments and revocations for Council consideration are being recommended.
3. Revocations are being considered for a number of reasons including potential ambiguity, requirements outlined in certain policies being the same as other documents (e.g. *2008 Residential Design Codes*) or interpretation issues, and therefore, are not adding value to the existing legislative position.

DETAILS

4. Council is requested to consider revoking the following policies:
 - DEV 1 – Additional Accommodation ([Attachment 1](#))
 - DEV 12 – Design Aesthetics – Guidelines ([Attachment 2](#))
 - DEV 13 – Dual Use Pedestrian/Cycle Paths ([Attachment 3](#))
 - DEV 19 - Notification to Affected Landowners ([Attachment 4](#))
 - DEV 30 - Rezoning of Properties to Residential R20 or Higher ([Attachment 5](#))
 - DEV 36 - Subdivision in Rural Zones ([Attachment 6](#))

5. Additional Accommodation

Clause 7.1.1 of the Residential Design Codes (R-Codes) stipulates the requirements for ancillary accommodation being:

- i) The sole occupant of occupants are members of the family of the occupiers of the main dwelling;
- ii) The lot is not less than 450sqm in area;
- iii) The open space requirements of Table 1 are met;
- iv) There is a maximum floor area of 60sqm; and

One additional car space is provided.

6. The above provisions can be varied under the performance criteria of the Codes, subject to the accommodation meeting the needs of large or extended families without compromising the amenity of adjoining properties. Any variation would then be assessed against Clause 10.2 of LPS 3 (matters to be considered by local government).

7. Taking into consideration the above, the subject policy is redundant. Conditions will be imposed on any form of approval regarding those who are permitted to reside in the accommodation.

8. Design Aesthetics

Clause 10.2 of LPS 3 stipulates what matters the Shire is to take into consideration when determining planning applications, these include:

- “(i) the compatibility of a use or development with its setting;*
- (n) the preservation of the amenity of the locality; and*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.”*

9. Considering the above, the subject policy is redundant due to being the same as LPS 3.

10. Dual Use Pedestrian/Cycle Paths

The following Development Control Policies released by the Western Australian Planning Commission, outline the requirements for dual use paths:

- DC 1.5 – Bicycle Planning ; and
- DC 2.6 – Residential Road Planning.

11. The requirements of the above legislation is taken into account when development and subdivision applications are received, and the paths required as either conditions of approval in its recommendation to the WA Planning Commission or to be shown prior to being approved by the Shire.

12. Notification to Affected Landowners

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- Section 9.4 of LPS 3 outlines the requirements when a planning application is required to be advertised, being no less than 14 days.
13. Clause 6.2.4.5 of LPS 3 outlines the requirements when a structure plan is satisfactory to advertise, being no less than 21 days.
14. In addition to the above, clause 10.2 of LPS 3 requires Council to have due regard of any submission received when determining planning applications.
15. Rezoning of Residential Properties to Residential R20 or Higher
When rezoning requests are received, the proposal is assessed as to whether it meets the needs and Shire's objectives for the locality, so as to strategically promote the orderly and proper development of the land in future.
16. Subdivision in Rural Zones
The following sections of LPS 3 stipulate what the subdivision requirements are in various rural zonings:
- Section 5.9 - Residential Bushland;
 - Section 5.10 - Special Rural Zone;
 - Section 5.11 - Rural Landscape Interest Zone
 - Section 5.12 - Rural Conservation Zone;
 - Section 5.13 - Rural Agriculture Zone; and
 - Section 5.14 - Rural Composite Zone.
17. Taking into consideration the above, the policy is redundant due to the requirements being already stipulated in other legislation.

STATUTORY AND LEGAL IMPLICATIONS

18. Local Planning Scheme No. 3 (LPS 3) allows the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area. The Scheme allows Council to amend or rescind its planning policies.
19. A Local Planning Policy is not part of the Scheme and does not bind the Council in its decision making, however, Council is to have due regard to the Policy when making a decision.

POLICY IMPLICATIONS

20. If Council revokes the Policies, they will be removed from the Shire's Policy Register.

PUBLIC CONSULTATION/COMMUNICATION

21. There is no Scheme requirement for the policies to be advertised prior to being revoked. Should Council revoke the policies, a notice of revocation will be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area, in accordance with clause 2.5(b) of Local Planning Scheme No.3.

FINANCIAL IMPLICATIONS

22. There will be a cost involved in publishing a notice of revocation, this is, however, covered in the adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

23. **Strategic Planning Implications**
- The removal of the policies will assist with determining applications.
24. **Sustainability Implications**
- Social implications**
- Nil
- Economic Implications**
- Nil
- Environmental Implications**
- Nil

OFFICER COMMENT

25. Local Planning Policy DEV 1 – Additional Accommodation is a redundant policy, due to the requirements being already stipulated in the *2008 Residential Design Codes*.
26. The following local planning policies are redundant due to the requirements being already stipulated in LPS 3:
- DEV 12 – Design Aesthetics
 - DEV 19 – Notification to Affected Landowners;
 - DEV 30 – Rezoning of Properties to Residential R20 or Higher; and
 - DEV 36 – Subdivision in Rural Zones.

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27. Local Planning Policy DEV 13 – Dual Use Pedestrian/Cycle Paths is a redundant policy due to the requirements being already stipulated in the following policies prepared by the Western Australian Planning Commission:
- DC 1.5 – Bicycle Planning ; and
 - DC 2.6 – Residential Road Planning.
28. Given that the requirements contained in these policies is the same as other legislation and that they are matters considered routinely to ensure orderly and proper planning, it is recommended that the subject policies be revoked by Council.

OFFICER RECOMMENDATION**PS 34/2010**

1. That Council revokes the following planning policies in accordance with clause 2.5 of Local Planning Scheme No 3:
 - DEV 1 - Additional Accommodation
 - DEV 12 - Design Aesthetics – Guidelines
 - DEV 13 - Dual Use Pedestrian/Cycle Paths
 - DEV 19 - Notification to Affected Landowners
 - DEV 30 - Rezoning of Properties to Residential R20 or Higher
 - DEV 36 - Subdivision in Rural Zones

2. A notice of revocation be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area.

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

35. Local Planning Scheme No. 3 Amendment No. 20 - Provision Relating to Unkempt Land - Final Adoption

Previous Items: PS 98/2008, PS 28/2010
Responsible Officer: Director, Planning & Development Services
Service Area: Planning Development Services
File Reference: PG-LPS-003
Applicant: N/A
Owner: N/A

Attachments: Nil

PURPOSE

1. For Council to consider whether to recommend final approval for Amendment No. 20 to Local Planning Scheme No. 3 (LPS 3) by inserting a provision related to unkempt land.

BACKGROUND

2. Text Amendment

In November 2008 Council resolved to instruct staff to prepare a report relating to a Scheme Amendment to include a provision on unkempt land for its consideration (Resolution 157/2008).

3. In December 2008 Council resolved to initiate Amendment No. 20 to LPS 3, to insert into the Scheme the following provision:

"5.23 Unkempt Land

- i) For any land within the district, where in the opinion of the Council, any refuse, rubbish, derelict vehicles or disused material is likely to adversely affect the amenity of an area, or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring within a specified time the removal from the land of such refuse, rubbish, derelict vehicles or disused materials.*
- ii) Every owner or occupier of land to whom a notice is served shall comply with it within the time period specified; and*
- iii) Any person who fails to comply with any notice served commits an offence and is liable to action under clause 11.4 of the Scheme."*

4. In May 2010 Council resolved to defer an item to grant final approval to the subject Amendment due to requiring a definition for the terms 'derelict vehicles' and 'disused materials'.

DETAILS

5. The amendment provision will allow Council to consider taking action against landowners for sites which are visually obtrusive and detract from the general amenity of the area.

STATUTORY AND LEGAL IMPLICATIONS

6. The *Town Planning Regulations 1967* establish procedures relating to amendments to Local Planning Scheme amendments. If Council resolves to adopt the amendment, then it will be ultimately determined by the Minister for Planning.
7. If the amendment is finalised it will become an enforceable provision of the Local Planning Scheme. LPS 3 sets out the penalties for non-compliance by reference to Section 218 of the *Planning and Development Act (2005)*. Presently, if the Shire wishes to enforce action under the Scheme, it is via Court action. In the future however, the issue of non-compliance may be dealt with by way of fines administered by the Shire once the WA Planning Commission has introduced uniform fines Regulations.
8. The term 'derelict vehicles' is not specifically defined in the *Local Government Act 1995*, however, it is referred to under the definition for disused materials, being:
"disused material includes disused motor vehicles, old motor vehicles and old machinery."
9. Schedule 3.1 Division 1 of the Local Government Act stipulates that notices may be issued by local government to:
*"Ensure that overgrown vegetation, rubbish, or **disused material**, as specified, is removed from land that the local government considers to be untidy."*

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. As the amendment is to the Scheme text and is not site specific, the formal advertising (which lasted 42 days) was limited to a local public notice in a paper circulating in the District.
12. During the formal advertising period no submissions were received by the Shire.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications**
 - Nil.
15. **Sustainability Implications**
Social implications
 - There is the potential for animosity amongst land owners if neighbours seek Council intervention.

Economic Implications

- Nil.

Environmental Implications

- Unkempt sites may include fire hazards or environments which harbour vermin.

OFFICER COMMENT

16. The issue of amenity is a subjective matter, particularly in relation to unkempt land, therefore there is a potential for varying interpretations.
17. It is considered appropriate to modify the amendment from its initiated version by including reference to the Local Government Act 1995 in regard to the definition of "disused material". This will be included under Schedule 1 of the Scheme "Dictionary of defined words and expressions".
18. The amendment will assist in the governance aspects of the Shire's land control responsibilities therefore it is recommended that it be adopted.

OFFICER RECOMMENDATION**PS 35/2010**

1. That Council:
 - 1) Adopts Scheme Amendment No. 20 with modification, inserting the following into the Local Planning Scheme No.3:
 - a. *"5.23 Unkempt Land*
 - i) *For any land within the district, where in the opinion of the Council, any refuse, rubbish, derelict vehicles or disused material is likely to adversely affect the amenity of an area, or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring within a specified time the removal from the land of such refuse, rubbish, derelict vehicles or disused materials.*
 - ii) *Every owner or occupier of land to whom a notice is served shall comply with it within the time period specified; and*
 - iii) *Any person who fails to comply with any notice served commits an offence and is liable to action under clause 11.4 of the Scheme.*
 - b. Including in Schedule 1 "Dictionary of defined words and expressions" the following general definitions:

"Disused material" has the same meaning as defined in Schedule 3.1 of the Local Government Act 1995.
 - 2) Duly executes the Amendment documents and forwards them to the Minister for Planning requesting that final approval be granted.

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

36. Townscape Improvement Plan – Kalamunda Town Centre & Lesmurdie Shopping Centre

Previous Items: PS 85/08
 Responsible Officer: Director, Planning & Development Services
 Service Area: Planning & Development Services
 File Reference: PG-STU-016, PG-STU-018
 Applicant: N/A
 Owner: N/A

Attachments [Attachment 1 – Kalamunda Town Centre Locality Plan](#)
[Attachment 2 – Lesmurdie Shopping Centre Locality Plan](#)
[Attachment 3 – Kalamunda Town Centre Issues & Opportunities](#)
[Attachment 4 – Kalamunda Town Centre Enhancement Principles](#)
[Attachment 5 – Kalamunda Streetscape Master Plan](#)
[Attachment 6 – Kalamunda Development Opportunities – Railway Road](#)
[Attachment 7 – Kalamunda Canning Road Frontage Enhancement](#)
[Attachment 8 – Kalamunda Haynes Street Detail](#)
[Attachment 9 – Kalamunda Landscape Master Plan](#)
[Attachment 10 – Lesmurdie Issues and Opportunities](#)
[Attachment 11 – Lesmurdie Concept Plan](#)
[Attachment 12 – Lesmurdie Main Entry Enhancement](#)
[Attachment 13 – Lesmurdie Centre Extension and Pocket Park](#)

PURPOSE

1. For Council to consider the Townscape Improvement Plans for Kalamunda Town Centre and the Lesmurdie Shopping Centre.

BACKGROUND

2. In 1987, the Shire commissioned an Improvement Plan for the Kalamunda Town Centre. The aim of the study was to formulate a preferred development strategy which addressed problems inherent in the centre and establish development guidelines in order to retain the character of the town centre. These development guidelines were incorporated into the Shire's Town Planning Scheme.
3. In October 2008, Council resolved to adopt the Kalamunda Town Centre Improvement Action Plan. The plan identified a number of actions to be undertaken to improve the visual appearance relating to the natural and built environment and the commercial viability of the town centre. The actions were a result of a public workshop held to examine community values, concerns and visions for the

Kalamunda town centre.

4. In April 2009, the Shire commissioned an urban design consultant to prepare a Townscape Improvement Plan for the Kalamunda Town Centre and the Lesmurdie Shopping Centre.

DETAILS

5. The Townscape Improvement Plan for the Kalamunda Town Centre comprises land bounded by Canning Road, Stirk Street, Railway Road and Mead Street. Refer [\(Attachment 1.\)](#) Locality Plan. The Townscape Improvement Plan for the Lesmurdie Shopping Centre comprises land wholly occupied by the shopping centre on Sanderson Road. Refer [\(Attachment 2.\)](#) Locality Plan.

6. **Townscape Improvement Plan – Kalamunda Town Centre**

- The Improvement plan identifies a number of issues and opportunities to enhance the town centre relating to land use, built form and development; landscape and Village Life. Refer [\(Attachment 3.\)](#) Issues and Concepts. Recommendations to enhance the town centre are based on a number of planning design principles, including new development and redevelopment, special sites, pedestrian access and permeability; active shop frontages and preservation of the town's setting. Refer [\(Attachment 4.\)](#) Enhancement Principles. Examples of these enhancement principles are explained in [\(Attachment 5.\)](#) Streetscape Master Plan, [\(Attachment 6.\)](#) Development Opportunities Railway Road, [\(Attachment 7.\)](#) Canning Road Frontage Enhancement and [\(Attachment 8.\)](#) Haynes Street Detail.
- In regard to new development opportunities, [\(Attachment 6.\)](#) illustrates the potential for a mixed use development on the corner of Railway Road and Stirk Street which can take advantage of the elevated land providing views to the coastal plain.
- The Improvement Plan provides recommendations on improved landscaping with particular emphasis on suitable street trees for both the verge and car parking areas for the town centre. The recommended trees were selected for their tolerance of the Kalamunda soil and climate conditions and their suitability for the character of the Kalamunda town centre. They include a mixture of Australian natives and deciduous exotic trees. Refer [\(Attachment 9.\)](#) Landscape Master Plan.
- Recommendations are also provided on street furniture including seating, litter bins, tree guards, hand rails, street and park lighting, road and pedestrian paving and colour, information signage, and appropriate "colour palette" for use with the private and public domain.

7. **Townscape Improvement Plan – Lesmurdie Shopping Centre**

- The key issues and opportunities facing the shopping centre are categorised as land use, built form and development; landscape and community life. Refer [\(Attachment 10.\)](#) Issues and Opportunities.
- Recommendations to improve and enhance the shopping centre are described in [\(Attachment 11.\)](#) - Concept Plan; [\(Attachment 12.\)](#) – Main Entry Enhancement and [\(Attachment 13.\)](#) – Centre Extension and Pocket Park.
- [\(Attachment 11.\)](#) identifies a number of potential improvements to the

shopping centre including the upgrading vehicle and pedestrian access to the shopping centre with improved landscaping, widening of Sanderson Road and creation of median islands to create a defined entry to the shopping centre and upgrading of existing bush reserves and options for community facilities on the degraded areas of the bush reserves.

- **(Attachment 12.)** focuses specifically on improving the visual appearance of the main entry to the shopping centre with recommendations on improving the landscaping, lighting arrangements and colour schemes of the buildings.
- **(Attachment 13.)** provides recommendations to improve existing Shire reserves which adjoin the shopping centre which are considered an under-utilised resource and potential for new retail development on redundant car parking areas.
- The Improvement Plan includes recommendations on landscaping of the centre including a suitable mix of Australian and native street trees and plantings to median islands.
- Recommendations are also provided on street furniture including seating, litter bins, tree guards, hand rails, street and park lighting, road and pedestrian paving and colour, information signage, and appropriate “colour palette” for use with the private and public domain.

STATUTORY AND LEGAL IMPLICATIONS

8. The Townscape Improvement Plans are essentially a strategic planning tool. However, Part 6 Special Control Areas of Local Planning Scheme No 3 will be required to be amended to reflect recommendations pertaining to design criteria contained in the improvement plans.

POLICY IMPLICATIONS

9. The Townscape Improvement Plan may require new planning policies to be drafted to reflect the proposed recommendations.

PUBLIC CONSULTATION/COMMUNICATION

10. It is proposed that in addition to the standard advertising procedure, separate public workshops will be held for the Kalamunda and Lesmurdie improvement plans.
11. At the conclusion of the advertising period, the improvement plans will be referred back to Council for endorsement.

FINANCIAL IMPLICATIONS

12. Implementation of the recommendations contained in each of the improvement plans will require financial commitments from Council through the annual budgeting process. Implementation will also require financial commitments from landowners/businesses to ensure the private domain embraces the philosophy behind the improvement plans. It is likely that the financial commitments will extend over a 5 year period. A business plan/case will be prepared to that effect.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**13. Strategic Planning Implications**

- The Townscape Improvement Plan is a strategic planning tool that will guide future development consistent with the values, concerns and visions expressed by the community of both the private and public domain for the next 20 years.
- Refer Strategy 2.3.1 – Undertake revitalisation of town centres through the implementation of Town Centre Improvement Action Plans.

14. Sustainability Implications**Social Implications**

- The proposed improvements to the Kalamunda Town Centre and Lesmurdie Shopping Centre will make both areas more attractive to local residents and those living outside the Shire.

15. Economic Implications

- Recommendations contained in both improvement plans will assist local businesses in attracting people to the centres and improve the commercial viability of their businesses.

16. Environmental Implications

- The identification and planting of suitable native and exotic trees will improve the visual amenity of the centres and provide suitable shade in the summer and sunlight in the winter.

OFFICER COMMENT

17. The Townscape Improvement Plans for the Kalamunda Town Centre and Lesmurdie Shopping represent a comprehensive review of the previous Kalamunda Town Centre Study commissioned in 1987 and is consistent with the Strategic vision endorsed by Council in its Strategic Plan 2009-2014.
18. Importantly, the improvement plans are consistent with and complimentary to the values, concerns and visions expressed by the Community in the Kalamunda Town Centre Improvement Action Plan which formed the basis for the preparation of the improvement plans.
19. Recommendations contained in the improvement plans will provide opportunities for future development in the public and private domain to target areas which have poor amenity in terms of the built form, pedestrian access and permeability and landscaping. Conversely, those areas with opportunities for development due to their location and site conditions have also been identified.
20. It is therefore recommended that the Townscape Improvement Plans for the Kalamunda Town Centre and Lesmurdie Shopping Centre be noted and advertised for public comment.

OFFICER RECOMMENDATION

PS - 36/2010

1. That Council adopts the Townscape Improvement Plan for the Kalamunda Town Centre and the Lesmurdie Shopping Centre for the purpose of advertising and agrees that it be made available for public comment incorporating a public workshop for each of the improvements plans and public notices.

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

37. Public Art Strategy – Kalamunda Town Centre

Previous Items: N/A
Responsible Officer: Director Planning & Development Services
Service Area: Planning and Development Services
File Reference: PG-STU-019
Applicant: Maggie Baxter
Owner: N/A

Attachments [Attachment 1 – Locality Plan](#)

PURPOSE

1. For Council to consider a Public Art Strategy for the Kalamunda Town Centre.

BACKGROUND

2. Following the decision of the Shire to commission an urban design consultant to prepare a Townscape Improvement Plan for the Kalamunda Town Centre a consultant was commissioned to prepare a Public Art Strategy for the Kalamunda Town Centre.

DETAILS

3. The Strategy builds on and expands on a number of key art opportunities identified with the Townscape Improvement Plan for the Kalamunda Town Centre and identifies additional opportunities for public art commissioned by the Shire of Kalamunda and private developers.
4. In addition to the art strategy building on the Townscape Improvement Plan, preparation of the strategy included consideration of a number of local factors. These included forest location and natural environment; scale of the art works not detracting from the character of the town centre, materials and colours suitable for the climate, public safety and access, and art work themes.
5. The Strategy separates the proposed artworks into three commissions. The location of each of the proposed artworks is identified in ([Attachment 1.](#)) Locality Plan.

Stage 1 Commissions:

These are linked thematically to the Kalamunda forest environment.

a) Intersection of Haynes Street and Railway Roads.

- This commission is for a tall stand alone three dimensional artwork of approximately 4 metres which will provide a strong focal point at the top of Haynes Street. The artwork will provide a link to the artwork leading to the entry point of the Kalamunda Cultural and Community Centre.

b) Small artworks integrated into and on the planter boxes in Haynes

Street.

- This commission is for an artist to work in collaboration with the builder contracted to make the planter boxes recommended as part of the Townscape Improvement Plan for the town centre. The artwork may take the form of a variety of small metal artworks.
- c) Seat and pavement artworks on the corner of Barber and Haynes Streets**
- Utilising an existing mature marri tree, the proposal is to build on the seating proposal identified in the Kalamunda Townscape Improvement Plan. Artwork could be included in the paving surrounding the proposed seat. One or more small to medium scale sculptures could also be included.
- d) Medium scale sculpture, corner of Canning and Haynes Street.**
- The commission is for a medium scale, three dimensional artwork of no more than 1.6m high, positioned on the corner of Canning Road and Haynes Street. The work should be more abstract than the gum nuts sculpture located at the roundabout on Canning and Kalamunda Roads, focusing on shape texture and pattern.

Stage 2 Commissions:

Stage 2 and three commissions are more playful and although two of the sculptures do focus on the environment, others respond more to user needs and human activity.

- e) The northern entrance to the Bibbulmun Track at the intersection of Mead and Railway Road.**
- Artwork at this location is intended to celebrate the beginning or end of the track. The artwork can be playful and interactive and could include a sound element. It should be strongly linked to the forest, but should intrigue not replicate.
- f) Interactive play sculptures, POS between Haynes Street, Barber Street and the back of the Central Mall.**
- There are two distinct but adjoining spaces in this location. The location selected for this artwork is located closest to the community hall. The location is already used as a seating spot for families and workers having lunch.
 - The commission is for a series of interactive play sculptures that children can safely climb over, through and on. The artwork should engage and intrigue children on more than one occasion. Tough materials such as bronze are recommended.
- g) Small to medium scale artworks in Haynes Street – Banks and Coffee Shops.**
- Half way along Haynes Street there is an opportunity to position two small medium scale artworks no more than 1.2m high on both sides of the street. The theme of the artworks should reflect the current uses that people make of the space, for example buskers often perform outside the banks, the artwork could reflect this activity.

Stage 3 Commissions:**h) Seat on the corner of Railway Road and Haynes Street**

- There is a wide pavement edge on the corner of Haynes Street and Railway Road directly opposite the existing library and small park. This spot cannot be easily seen from Haynes Street and does not conflict visually with the line of sight up Haynes Street to the proposed artwork at the top of Haynes Street. The commission is for a small sculptured seat and/or resting spot for pedestrians.

I) Barber Street

- When Barber Street is improved as part of the Townscape Improvement Plan, artworks should form part of the new streetscape. There will be one commission for the whole of Barber Street comprising a series of up to 6 small to medium scale artworks integrated into small pocket parks, gardens and setbacks from the footpath. In addition two larger works, or one straddling both corners, should herald the entrance to Mead Street.
- There are no themes for these artworks. Artists should respond to the built environment and the use of the street, in particular during market days.

j) Temporary Artworks:

- These have a lifespan of up to 5 years and provide opportunities for activating blank building facades such as Coles Supermarket and Bunnings. These and other blank walls could be activated by a festival of wall art where artists are invited to paint designs onto large bland, flat surfaces. The design can be big, bold, colourful and fun and represent a particular theme.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil

POLICY IMPLICATIONS

7. A Percent for Art Policy has been drafted as part of a strategy to contribute to the social wellbeing and provide an attractive urban living environment. The policy will require that any development proposals for commercial, civic, institutional, educational projects or public works of a value greater than one million dollars shall include a public art element or consideration to the value of 1% of the total development cost.

PUBLIC CONSULTATION/COMMUNICATION

8. Given the Public Art Strategy is complimentary to the design work undertaken for the Townscape Improvement Plan for the Kalamunda Town Centre public, consultation will be conducted as part of the advertising of the townscape improvement plan which will include a public workshop for the Kalamunda Town Centre.

FINANCIAL IMPLICATIONS

9. Implementation of the proposed artwork commissions will require financial commitments from Council through the annual budgeting process. Implementation

could be assisted in the event the Draft Percent for Public Art Policy is adopted by Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Strategic Planning Implications

- Outcome 1.2 – Vibrant Arts and Cultural Life Community
- Outcome 2.2 Development of Urban Design to meet community aspirations of history, heritage and lifestyle values.

11. Sustainability Implications

Social Implications

- The proposed artwork commissions will make the Kalamunda Town Centre more attractive to local residents and those living outside the Shire.

12. Economic Implications

- The strategy will offer opportunities for local businesses to improve their active shop fronts such as Bunnings' and Coles' as recommended in the Townscape Improvement Plan for the town centre. Such improvements should improve the visual amenity of the area thus attracting more people to shop in the town centre.

13. Environmental Implications

- Nil

OFFICER COMMENT

14. The Public Art Strategy for the Kalamunda Town Centre compliments the design work undertaken for the Townscape Improvement Plan and the artwork proposed as part of the Kalamunda Cultural and Community Centre. The Strategy is consistent with the vision of the Shire's Strategic Plan 2009-2014 in providing for community arts and cultural life.
15. The proposed artworks will stimulate interest and pride in the town centre from both the community and local businesses and as part of the Townscape Improvement Plan provide for increased level of pedestrian activity in public spaces, streets and access ways making them pleasant, attractive and safe places to be in.
16. It is therefore recommended that the Public Art Strategy for the Kalamunda Town Centre be noted and advertised for public comment.

OFFICER RECOMMENDATION

PS - 37/2010

1. That Council adopts the Public Art Strategy for the Kalamunda Town Centre for purpose of advertising and agrees that it be made available for public comment in conjunction with the Townscape Improvement Plans.

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

38. Lots 61 & 62 Hale Road, Wattle Grove - Detailed Area Plan

Previous Items: PS 72/2009
Responsible Officer: Director, Planning & Development Services
Service Area: Planning and Development Services
File Reference: 139806
Applicant: Peci Properties Pty Ltd
Owner: As above

Attachments: Attachment 1- Locality Plan
Attachment 2- Subdivision Plan
Attachments 3 & 4- Detailed Area Plan

PURPOSE

1. To consider a Detailed Area Plan (DAP) for the subdivision of Lots 61 & 62 Hale Road, Wattle Grove (WAPC: 139806). Refer ([Attachment 1](#)) for Locality Plan.

BACKGROUND

2. In August 2009, Council resolved not to support a request to modify the U9 Structure Plan from Retirement Village to an R30 density. The proposed modification was forwarded to the WA Planning Commission, which resolved to support the proposal, therefore applying the R30 density to the sites.
3. As a result of the approved modification, in December 2009, the WA Planning Commission approved a subdivision application for 87 lots over the subject sites. Refer ([Attachment 2.](#)) for Subdivision Plan.

DETAILS

4. The subdivision approval was subject to a number of conditions, including:
"Detailed Area Plans for the proposed lots are to be prepared by the developer to the specifications of the Shire of Kalamunda. The Detailed Area Plans are to address future development setbacks, development orientation, fencing, access and garage locations."
5. The applicant has provided the DAP for the subdivision, addressing the setbacks, outdoor area orientation and fencing, leaving some flexibility in relation to the position of the garages and driveways. Refer ([Attachments 3. & 4.](#)) for Detailed Area Plan.
6. Following variations to the RD Codes requirements are proposed:
 - Average setback to the primary street 3m in lieu of 4m with minimum setback remaining 2m as per RD Codes;

- Second zero lot wall for each lot which is not to exceed $\frac{1}{4}$ of the lot boundary to accommodate a garage (RD Codes allow only one zero lot wall) and
- Open space of each lot to be minimum 44% in lieu of 45%.

STATUTORY AND LEGAL IMPLICATIONS

7. In respect to DAP's, Clause 6.2.6.1(b) of Local Planning Scheme No 3 states:

"A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted: (i) to enhance, elaborate or expand on the detail or provisions contained in a Proposed Structure Plan or a Structure Plan"

If Council adopts the DAP, it is to be forwarded to the WA Planning Commission for its information.

POLICY IMPLICATIONS

8. If adopted, the DAP will form the basis for residential development on the subject lots upon subdivision.

PUBLIC CONSULTATION/COMMUNICATION

9. There is no requirement under the Local Planning Scheme to advertise DAP's.

FINANCIAL IMPLICATIONS

10. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Strategic Planning Implications

- Detailed Area Plans give local government an opportunity to impose additional conditions in order to ensure the quality of the development. Guidelines developed for a specific DAP should ensure a certain standard of residences and surrounding areas will be fulfilled. At the same time, local government can vary Residential Design Codes requirement if the applicant can demonstrate that the requested variation will contribute to the better planning outcome overall for the development. DAP's are particularly beneficial for development on smaller residential lots.
- Draft Liveable Neighbourhoods Policy 3 is an integrated planning and assessment policy to assist with the design and assessment of Structure Plans and subdivision plans, to guide urban development within metropolitan and regional Western Australia. The policy promotes a mix of housing types in close proximity to commercial, community activities with good access to public transport and public open space.

12. **Sustainability Implications**
Social Implications

- The DAP gives rights and obligations to landowners in respect to a number of design parameters, such as reduced setbacks and zero lot (boundary) walls. Identification of these issues prior to development will reduce potential conflicts between land owners at building stage and minimise the amount of consultation that would otherwise be required.

13. **Economic Implications**

- Nil

14. **Environmental Implications**

- The DAP takes into account solar orientation which improves energy efficiency.

OFFICER COMMENT

15. The Detailed Area Plan for the subdivision of Lots 61 & 62 Hale Road has been requested by the WAPC as a condition of the subdivision approval. The applicant has provided a DAP addressing the requirements of the Shire. Minor variations to the requirements of the WA Residential Design Codes were requested by the developer and considered by the staff. It is considered that overall, the DAP will contribute to an acceptable standard of future development on the subject sites.

OFFICER RECOMMENDATION

PS 38/2010

1. That Council:
- a) Adopts the Detailed Area Plan for Lots 61 & 62 Hale Road, Wattle Grove as shown on attached plan No. 10-337 dated February 2010.
 - b) Forward the Detailed Area Plan to the WA Planning Commission for its information.

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

39. Lot 800 (1136) Abernethy Road, High Wycombe - Two Warehouses and Offices

Previous Items: PS 97/2005
Responsible Officer: Director, Planning & Development Services
Service Area: Planning Development Services
File Reference: AB-03/1136
Applicant: Vespoli Constructions
Owner: H Beisser

Attachments: Attachment 1 – Locality Plan
Attachment 2 – Detailed Area Plan
Attachment 3 – Site Plan
Attachment 4 – Elevations
Attachment 5 – Consultation Plan

PURPOSE

1. For Council to consider an application for two warehouses and offices on Lot 800 (1136) Abernethy Road, High Wycombe. Refer ([Attachment 1](#)) for Locality Plan.
2. The application is referred to Council on the basis that the applicant is seeking dispensation for the required number of car bays under the provisions of Local Planning Scheme No. 3 (LPS 3), therefore the proposal cannot be determined under delegation.

BACKGROUND

3. In October 2005 Council resolved to recommend that a subdivision proposal which included the subject lot (formerly Lot 121 Worrell Avenue), be approved by the WA Planning Commission (PS 97/2005) subject to a detailed area plan being submitted to the satisfaction of the Executive Manager Planning and Development Services. A detailed area plan was subsequently received and approved by the Shire. Refer ([Attachment 2](#)) for approved detailed area plan (DAP).
4. The subject lot is zoned Special Use 5 (Business) under the provisions of LPS 3. Uses permitted on the property are warehouses and offices.
5. Lot 800 is currently vacant, and access to Abernethy Road is obtained via an easement in gross which goes through the adjoining Special Use zoned properties.

DETAILS

6. The proposal is for two warehouses and offices to be constructed on the lot which are to be used in conjunction with the storage of camping vans on site, hired by tourists arriving at the airports. Refer ([Attachments 3 and 4](#)) for elevations and the site plan.

7. The applicant is proposing a total of twenty nine (**29**) parking bays in lieu of fifty four (**54**) bays required under the provisions of LPS 3, a shortfall of **25** bays.
8. The proposed site layout is designed so as to allow vehicles using the premises, to enter and leave in a forward motion without impeding parked vehicles.

STATUTORY AND LEGAL IMPLICATIONS

9. Clause 5.17.3 of LPS 3 stipulates that:

"No person shall use any land, or any building or structure thereon in a Special Use zone, except for the purpose set against that land in Schedule 4 and subject to compliance with any conditions specified in the Schedule with respect to the land."

10. Schedule 4 in LPS 3 states that the land use Warehouses is a "P" use in the Special Use 5 (Business) zone, meaning the use is permitted providing it complies with LPS 3 requirements. No conditions are specified in the schedule for the subject lot.
11. Under clause 5.8.2 of LPS 3 Council may, at its discretion, apply a greater or lesser requirement for parking 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 intended use.
12. Clause 5.17.2 of LPS 3 stipulates that the objectives of the Special Use zone are:
 1. *"to make provision for a specific use or combination of uses on particular land where provisions of the Zoning Table would otherwise restrict this, or to prevent the establishment of a use or a combination of uses where the provisions of the Zoning Table would otherwise allow this;*
 2. *to ensure that any use or development of land which is considered to have significant impact, takes place only after the amendment process has been undergone; and*
 3. *to allow for the inclusion of specific uses or combinations of uses on particular land either with or without a base zoning (from the Zoning Table) of that land."*
13. In considering an application for planning approval, clause 10.2 of LPS 3 requires the Shire to have due regard to the following matters:
 - (b) *the requirements of orderly and proper planning including any relevant proposed local planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
 - (i) *the compatibility of a use or development within its settings;*
 - (n) *the preservation of the amenity of the locality;*
 - (o) *relationship of the proposal to development on adjoining land or on*

other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

- (p) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved."*

14. LPS 3 parking standards for the use Warehouses are as follows:

LPS 3 Parking Requirements	Aggregate Net Lettable Area (NLA)	Bays Required	Bays Provided
3 bays per 100sqm NLA.	1812sqm	54	29

Based on LPS 3 car parking requirements, the proposed development requires fifty four (54) bays. Twenty nine (29) parking bays are proposed to be provided, a shortfall of 25 bays.

- 15. The LPS 3 site requirements for properties zoned as Special Use (setbacks, site coverage and landscaping) are at the discretion of the Shire.
- 16. The proposal complies with the DAP approved by the Shire, with the exception of the requirement for a 3m wide landscaping strip along the rear boundary.
- 17. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

- 18. Council, at its meeting of September 2008, adopted the policy *“Framework for Assessing requests for Variation of the Number of Car Parking Bays”*. A provision of the Policy is that Council will generally not accept a reduction of parking on speculative developments.

PUBLIC CONSULTATION/COMMUNICATION

- 19. The proposal was advertised to adjoining property owners for comment due to the car parking variation, and one objection was received. Refer ([Attachment 5](#)) for the Consultation Plan.

The reason for objecting was that the owner of Lot 801 (1132) Abernethy Road was not permitted to have reduced setbacks and a shortfall of car parking bays when plans were submitted to the Shire in the past for preliminary comment.
- 20. The records show that at the time a large shortfall in parking was proposed, however no justification was provided by the applicant to enable the Council to give favourable consideration.
- 21. It is noted that the subject application complies with the setback requirements

shown on the DAP.

FINANCIAL IMPLICATIONS

22. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

23. **Strategic Implications**

- The industrial area has a strategic importance to Perth and Western Australia due to its proximity to the airport, railway and major vehicle transport routes. There is a need in industrial areas like in High Wycombe, to ensure that businesses such as the one proposed to operate from the subject site can be accommodated close to the airport and other transport infrastructure

24. **Sustainability Implications**

- **Social**
Nil
- **Economic**
By approving such development there will be increased employment opportunities for the local population, and the potential for more tourists within the Shire due to the improved availability of hire vehicles.
- **Environmental**
Nil

OFFICER COMMENT

25. The applicant is seeking Council approval for dispensation for the prescribed car parking requirement under the Scheme. The applicant is proposing 29 bays in lieu of 54 bays required under the Scheme. With the exception of the requisite parking bays, the proposed development is compliant with Scheme provisions.
26. LPS 3 allows Council to consider a lesser parking requirement if, in its opinion, the proposed use is likely to demand a lesser need for parking bays having due regard to the nature of the intended use and potential impact on future development of the locality.
27. Under the provisions of LPS 3 as well as the policy for the framework for assessing requests for variation of the number of car parking bays, it is stipulated that the applicant needs to provide advice about the prospective tenant as to their current and future parking needs whilst seeking a dispensation.
28. The applicant's justification in favour of dispensation is the following:
- 1. We have only 4 employees including myself and my son;*
 - 2. All business is done by our international agents who contact and order through internet, phones and emails;*
 - 3. We don't have clients coming to our premises, our campervans get delivered to the airport for when they arrive from overseas;*
 - 4. When the clients have finished with the campervans they drop them back to the airport where one of our employees meets them to go over the van and*

sign the paperwork. This is why we want premises close to the airport; and
5. *The campervans are stored in the warehouses until needed."*

29. Considering that the Council adopted Amendment No. 7 to LPS 3 in February 2009, to modify the parking requirements for warehouses, it can be argued that the Council has recognised that the Warehouses use in general requires a lesser number of parking bays than prescribed by the Scheme.
30. Under the proposed new requirements for parking for warehouses, currently awaiting to be endorsed by the Minister for Planning, the proposed development would need nineteen (19) parking bays. The applicant will provide twenty nine (29) parking bays.
31. The proposal complies with the detailed area plan approved by the Shire, with the exception of the requirement for a 3m wide landscaping strip along the rear boundary.
32. Should Council approve the proposal it will be recommended that a condition is included requiring a 3m wide landscaping strip be provided along the rear boundary in accordance with the DAP.
33. Given the above, it is recommended that the request for dispensation for the required number of car bays under the Scheme be supported.

OFFICER RECOMMENDATION

PS 39/2010

1. That Council approves the application dated 17 March 2010 for two warehouses and offices on Lot 800 (1136) Abernethy Road, High Wycombe, subject to the following conditions:
 1. *The provision and maintenance of a total of 29 car spaces including a minimum of one (1) disabled bay.*
 2. *No storage or carrying out of industrial activities is permitted in open yard areas visible from any adjoining street.*
 3. *No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by employees and visitors.*
 4. *A 3 metre wide landscaping strip is to be provided along the rear boundary of the lot in accordance with the Detailed Area Plan dated 24 March 2006 for the locality (formerly Lot 121 Worrell Avenue, High Wycombe).*

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

40 Lot 334 (11) Railway Road, Kalamunda – Reconsideration of Change of Use Application – Single Dwelling to Medical Centre

Previous Items: OCM 13/2010
Responsible Officer: Director, Planning & Development Services
Service Area: Planning Development Services
File Reference: RL-01/011
Applicant: KV Rodrigues and JPT Anderson
Owner: As above

Attachments: Attachment 1 – Locality Plan
Attachment 2 – Site Plan
Attachment 3 – Floor Plans
Attachment 4 – Consultation Plan
Attachment 5 – Proposed Subdivision Plan

PURPOSE

1. For Council to reconsider an application to change the use of the existing dwelling on Lot 334 (11) Railway Road, Kalamunda, to a medical centre. Refer to [\(Attachment 1\)](#) for Locality Plan.
2. The application is referred to Council on the basis that the applicants have requested that a condition imposed by Council on the approval for the change of use application be removed.

BACKGROUND

3. In February 2010 Council resolved (OCM 13/2010) to approve an application to change the use of the existing dwelling on Lot 334 (11) Railway Road, Kalamunda, to a medical centre (dental surgery). Refer to [\(Attachments 1 and 2\)](#) for the site and floor plans.
4. The application had been advertised to surrounding landowners due to a Medical Centre being an 'A' use in Mixed Use zones under Local Planning Scheme No. 3 (LPS 3), and the main concerns raised included (amongst others) the following:
 - An increase in noise and air pollution generated by vehicles coming onto the subject lot;
 - The hours of operation; and
 - The proximity of the proposed use to residential properties.

Refer to [\(Attachment 4\)](#) for the Consultation Plan.

-
5. To address concerns raised during advertising regarding noise, the following condition was included in the approval at the Ordinary Council Meeting:
"12. The applicant is to install a 1.8m high masonry wall on the southern boundary from the Railway Road frontage to the western most boundary of Unit 3/9 Railway Road, Kalamunda."
 6. The subject lot is zoned Mixed Use – R20, 2,329sqm and contains a single dwelling which is proposed to be changed into a medical centre, and an outbuilding which is to be demolished as part of the application.
 7. Surrounding lots are also zoned Mixed Use – R20 and contain various residential and commercial development permitted under LPS 3 in this zoning.
 8. In April 2010 the Shire received an application to subdivide the subject property into three lots (refer to [Attachment 5](#)) for the proposed subdivision plan). The Shire has recommended that the subdivision application be conditionally approved by the WA Planning Commission. To date no decision has been made by the Commission.

DETAILS

9. The applicant has requested in writing that condition 12 of the Shire's approval dated 17 February 2010, be removed due to the cost involved with erecting a masonry wall along the southern dividing fence line.
10. The requirement for a 1.8m high masonry wall was included by Council due to concerns from the owner of Unit 3 (9) Railway Road, regarding the noise levels generated by a compressor used in conjunction with operations conducted at the medical centre.
11. It should be noted that practice hours are proposed between Monday and Friday 8am to 6pm, with an additional hour on Tuesdays (until 7pm), and Saturday 8am to midday.
12. The applicant advised that each dentist works four days a week, the working hours of whom will be staggered.
13. To date the development which has received planning approval is yet to commence.

STATUTORY AND LEGAL IMPLICATIONS

14. Local Planning Scheme No. 3
Clause 8.3 of LPS 3 stipulates that the Shire may, on written application from the owner of the land in respect of which planning approval has been granted, amend the planning approval prior to the commencement of the use or development subject of the planning approval.
15. Under the Zoning Table of LPS 3 the use Medical Centre is listed as an 'A' use in the Mixed Use zone, meaning the use is not permitted unless planning approval is granted by the Shire after advertising the application.

-
16. Clause 4.2.5 of LPS 3 stipulates that the objectives of Mixed Use zones includes the following:
- To provide for and encourage residential uses;
 - To provide for professional, civic uses, medical and health related uses; and
 - To ensure that the development in the zone is of such design, size, scale and appearance to be compatible with nearby uses or zones.
17. In considering an application for planning approval, clause 10.2 of LPS 3 requires the Shire to have due regard to the following matters:
- “(i) the compatibility of a use or development within its settings;*
 - (n) the preservation of the amenity of the locality;*
 - (o) relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.”*
18. Fencing Local Laws
- Clause 2.1 of the Shire’s Fencing Local Laws states that a person shall not erect a dividing fence or a boundary fence that is not a sufficient fence as outlined in Schedule 1 and 2 of the Laws.
19. No fencing requirements exist for Mixed Use zoned lots, however the following materials are considered sufficient for residential lots (of more than 2000sqm) and commercial lots:
- “For lots zoned R5 or R2.5, or having an area of 2000m² or larger—
A sufficient fence shall be defined as a 1 metre high, 2.5mm wire mesh railless fence with steel posts at a maximum 3 metre spacing, terminal posts to be braced with a diagonal brace in the line of the fence.*
- For commercial lots –
A fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm.”*
20. The Dividing Fences Act 1961
- The Act states that dividing fences are a civil matter.
21. The colours and materials of new fencing have to be agreed upon between the affected neighbours, and comply with the Shire’s Local Laws.
22. If Council imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**23. Strategic Implications**

- The Mixed Use zone provides for a variety of low intensity commercial uses and low to medium density residential development.

24. Sustainability Implications

- **Social**
The proposed medical centre will provide local residents with additional dental care services.
- **Economic**
By approving such development there will be increased employment opportunities for the local population, and the potential for more tourists within the Shire due to the improved availability of hire vehicles.
- **Environmental**
Nil

OFFICER COMMENT

25. When the application was advertised by the Shire, concerns were raised regarding the potential noise generated by compressors used on the subject lot, having a detrimental impact on the health of those residing in Unit 3 (9) Railway Road, as the compressors would allegedly be used all day.

26. To address this concern raised during advertising regarding noise, the following condition was included in the approval at the Ordinary Council Meeting:

"12. The applicant is to install a 1.8m high masonry wall on the southern boundary from the Railway Road frontage to the western most boundary of Unit 3/9 Railway Road, Kalamunda."

27. The applicant's justification in favour of retaining the existing Colorbond fencing along the dividing fenceline between the subject lot and 9 Railway Road, is the following:

"The properties are currently separated by a completely adequate and almost new Colorbond steel fence, and the objectors property (in relation to the potential noise increase) will be adjacent to our staff car park where they will not be subjected to any noise or interference."

28. With regards to the potential for an increase in noise as a consequence of compressors used at the proposed medical centre, the following is noted:

- Practice hours are proposed to be between Monday and Friday 8am to 6pm, with an additional hour on Tuesdays (until 7pm), and Saturday am to midday. Any compressors used on site will not be in constant use, and will be required to comply with Environmental Protection (Noise) Regulations 1997;
- The objector who raised concerns relating to noise levels, will be approximately 29 metres from the proposed medical centre;

-
- The objector's property will abut an area of the subject lot which is proposed to remain vacant, and subdivided into two lots in future for commercial and/or residential purposes;
 - Rooms within the medical centre closest to the objector's property will contain washing and toilet facilities on the ground floor, and storerooms on the upper level;
 - The existing 1.8m high Colorbond fence along the dividing fenceline between the subject lot and 9 Railway Road is in good condition;
 - The two units directing abutting the portion of boundary where the medical centre is proposed, did not have any concerns regarding the proposal and did not want the masonry wall;
 - By having a masonry wall erected between the Railway Road frontage to the western most boundary of Unit 3/9 Railway Road, there will be no continuity in the fencing material used; and
 - Dividing fences are a civil matter under the Dividing Fences Act.
29. Taking into consideration the points raised in this section of the report, it is recommended that condition 12 of the Shire's approval dated 17 February 2010 for a medical centre on the subject lot, be removed by Council.

OFFICER RECOMMENDATION**PS 40/2010**

1. That Council amends the approval dated 17 February 2010 to change the use of the single dwelling on Lot 334 (11) Railway Road, Kalamunda, to a medical centre, by removing the following condition:

"12. The applicant is to install a 1.8m high masonry wall on the southern boundary from the Railway Road frontage to the western most boundary of Unit 3/9 Railway Road, Kalamunda."

All other conditions still apply.

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

41. Disposal of Scarab Road Sweepers – T0914

Previous Items:	PS 9.15 14 th December 2009
Responsible Officer	Director of Engineering Services
Service Area:	Engineering Services
File Reference:	AD-TEN-004
Applicant:	
Owner:	
Attachments	Nil

PURPOSE

1. To consider accepting the offers received for the outright purchase of the existing Scarab Dual controlled Road Sweepers 1CJV076 and 1CJV077

BACKGROUND

2. At the December round of meetings Council resolved to accept the tender from MacDonald Johnston for the supply and delivery of two (2) x Road Sweepers with trade-in values for the Shire's current street sweepers of \$70,000.00 each exclusive of GST.

DETAILS

3. MacDonald Johnstons' tender included discounts for No Trade and a Volume Discount if two (2) sweepers were purchased.
The discounts totalled \$35,000.00 exclusive of GST.
4. In an endeavour to obtain the best overall value with respect to this transaction, the current Road Sweepers were advertised for sale by tender in the West Australian on Saturday 8th May 2010 with offers closing at 2.00 pm Tuesday 25th May 2010.
5. Two offers for the outright purchase were received:
Allied Plant \$31,270.00 each exclusive of GST = \$62,540.00.
CMB Property \$60,000.00 each exclusive of GST = \$120,000.00.
6. Acceptance of the outright purchase offer from CMB Property and taking up the no-trade bonuses offered by MacDonald Johnston, will result in a financially better outcome of \$15,000.00.

STATUTORY AND LEGAL IMPLICATIONS

7. Section 3.58 of the *Local Government Act 1995* provides the statutory framework for the disposal of local government property.

POLICY IMPLICATIONS

8. Nil

PUBLIC CONSULTATION/COMMUNICATION

9. Nil

FINANCIAL IMPLICATIONS

10. A saving of \$15,000.00 in the overall purchase of 2 x Street Sweeper Trucks

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**11. Strategic Planning Implications**

- N/A

**12. Sustainability Implications
Social Implications**

- N/A

Economic Implications

- N/A

Environmental Implications

- N/A

OFFICER COMMENT

- 13.

OFFICER RECOMMENDATION**PS 41/2010**

1. That the offer of \$120,000.00 exclusive of GST received from CMB Property Pty Ltd for the outright purchase of two (2) Street Sweepers be accepted.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- Q. Some twelve to eighteen months ago the Council proposed a motion in relation Sexual Service Businesses and amending Local Planning Scheme No. 3. Has there been any advice from the Minister of Planning as to whether the proposed changes have been accepted? (Cr Lindsey)
- A. The Director of Planning and development Services advised that, following the Council resolution, Shire staff contacted the Department for Planning and Infrastructure requesting comment on to whether or not the Amendment would require consent to advertise from the Commission, given the recently released Draft Planning Bulletin 90. The Department advised that in its opinion the Amendment was contrary to the information and intent of the draft Planning Bulletin. As the Council has not proceeded any further thus far in respect to the Amendment, Shire staff is not able to provide any specific comments on the draft Planning Bulletin.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION****15.0 MATTERS CLOSED TO THE PUBLIC**
(Matters Behind Closed Doors)**16.0 CLOSURE**