
Shire of Kalamunda

Planning Services Committee

Agenda for 2 May 2011

NOTICE OF MEETING PLANNING SERVICES COMMITTEE

Councillors

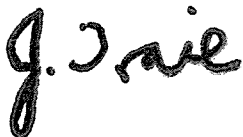
Notice is hereby given that the next meeting of the Planning Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

2 May 2011 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 Committee 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 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
27 April 2011

** Dinner will be served at 5.30 pm **

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Planning Services Committee Meeting held on 4 April 2011 are confirmed as a true and correct record of the proceedings.

Moved:
 Seconded:
 Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 4 April 2011 ".

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

9.0 DISCLOSURE OF INTERESTS

9.1 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*.)

9.2 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.

10.0 REPORT TO COMMITTEE

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

14. Development Assessment Panel - Member Nominations

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachment 1	Development Assessment Panel Implementation Letter from the Department of Planning
Attachment 2	Planning Bulletin 106/2011 (March 2011)

PURPOSE

1. To consider nominations for two Development Assessment Panel ("DAP") members and two alternate DAP members for the Metro East Region.

BACKGROUND

2. In March 2009, the Department of Planning released the *Building a Better Planning System* consultation paper, which sets out the broader planning agenda for the reform of the planning system. One of the reform initiatives was the introduction of DAPs to determine significant development applications in an attempt to simplify planning approvals. Refer to the DAP Implementation Letter from the Department of Planning (Attachment 1) and Planning Bulletin 106/2011 (Attachment 2).
3. The new *Planning and Development (Development Assessment Panels) Regulations 2011* ("DAP Regulations") commenced on 24 March 2011. The DAPs will commence operation on 1 July 2011.
4. A DAP comprises a mix of three technical experts and two local government representatives with the power to determine applications for development approval in place of the relevant decision maker. The local government representatives will only be required to sit on a DAP where the application is for a development in their Local Government area.

DETAILS

5. The new DAP Regulations require local governments to submit to the Minister nominations for two DAP members and 2 alternate (Deputy) DAP members. Local governments have until 13 June 2011 to submit their

nominations otherwise the Minister is empowered to nominate members for the District.

6. Each DAP member will be appointed for a term of no more than two years at a time. All members will be required to attend a training workshop on planning law and Codes of Conduct.
7. It will be mandatory to refer a development proposal which has a total value of more than \$7 million to a DAP for determination. Exclusions to this mandatory requirement are for a single house, less than 10 grouped or multiple dwellings and development by the Local Government or WA Planning Commission.
8. When an application is lodged with the Shire, which has a value between \$3 million and \$7 million, the applicant may nominate that it be determined by a DAP rather than the responsible authority.
9. Once an application is lodged which requires determination by a DAP, the Local Government carries out an assessment in accordance with the Local Planning Scheme, including consultation where required. A report is then prepared by the Local Government with a recommendation and this is then referred to the Department of Planning for Administration.
10. It is anticipated that DAPs will meet fortnightly or monthly, dependent upon the number of applications to be determined.

STATUTORY AND LEGAL IMPLICATIONS

11. *The Planning and Development (Development Assessment Panels) Regulations 2010* will provide for the operation, constitution and administration of DAPs.

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. Nil.

FINANCIAL IMPLICATIONS

14. The DAP Regulations prevent a DAP member from attending a meeting without first completing mandatory training. Any DAP member who successfully completes training is entitled to a payment of \$400 from the Department of Planning for each meeting and travel expenses. An application to be assessed by a DAP will require the lodgement of two fees; one for the Local Government and the other for the DAP.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

15. Nil.

Sustainability Implications

Social implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

OFFICER COMMENT

19. Membership on a DAP will provide those with the required knowledge and experience the opportunity to consider development applications of regional and state significance.
20. Based on the development threshold of \$7 million it is likely that very few development proposals in the Shire of Kalamunda will need to be determined by a DAP. It is estimated that there would not be more than approximately five applications per year.
21. It is recommended that Council nominates members to attend DAPs for the Metro East Region.

OFFICER RECOMMENDATION (PS 14/2011)

That Council:

1. Nominates the following members and alternate members for the Development Assessment Panel representing the Metro East Region, and forwards the nominations to the Minister for Planning for consideration:

Members

1. Councillor:
2. Councillor:

Alternate Members:

1. Councillor:
2. Councillor:

Moved:

Seconded:

Vote:

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

15. Lots 527 (71) and 528 (85) Berkshire Road, Forrestfield – Detailed Area Plan

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	142710
Applicant	Gray and Lewis Planning Consultants
Owner	Miluc Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Forrestfield Urban Area U7 Structure Plan
Attachment 3	Approved Subdivision Plan
Attachment 4	Proposed Detailed Area Plan
Attachment 5	Typical Housing Plan

PURPOSE

1. To consider a Detailed Area Plan (“the Plan”) for the subdivision of Lots 527 (71) and 528 (85) Berkshire Road, Forrestfield (WAPC Ref: 142710). Refer to the Locality Plan (Attachment 1).

BACKGROUND

2. The subject lots are zoned Urban Development under Local Planning Scheme No. 3 (“the Scheme”), comprise a total area of 8.07ha and are bound by the Walridge Retirement Village, Darling Range College (Forrestfield High School) and Western Power land to the north.
3. The lots are located within Agreement Area 2D of the adopted Forrestfield Urban Area U7 Structure Plan (“the Structure Plan”). Refer (Attachment 2).
4. The adopted Structure Plan provides for 94 lots comprising 73 single residential lots at a density of R20 and 21 lots at R30 towards Berkshire Road, Forrestfield.
5. In January 2011, the WA Planning Commission (“WAPC”) approved a subdivision application to subdivide the subject lots into 94 freehold lots. Refer (Attachment 3).
6. A condition of the subdivision approval is that the Plan is to be prepared and approved for the area coded R30.

DETAILS

7. The applicant has provided the Plan for the subdivision which addresses the setbacks, dwelling orientation, garages/carports and fencing, and typical

plans for single storey dwellings in the locality. Refer (Attachment 4) and (Attachment 5).

8. The following variations are proposed to the Residential Design Code (R-Codes) requirements for the properties with an R30 density:

	R-Code Requirements	Variations to R-Codes Proposed
Minimum Open Space	45%	40%
Primary Street Setback	4m minimum (2m if averaged)	4m minimum 6m maximum 3m for porticos and front verandahs
Side Setbacks	1.5m for major openings	1m for major openings
Setback from Laneway (Secondary Street)	1.5m minimum (from secondary streets)	1m
Garage Setbacks	1.5m minimum (from secondary streets)	1m minimum 3m maximum
Second Storey Setback	1.5m to 6m (depending on type of room and window facing adjoining property, and the wall height)	1.5m minimum

STATUTORY AND LEGAL IMPLICATIONS

9. With regard to the Plan, Clause 6.2.6 (b) of Local Planning Scheme No. 3 (“the Scheme”) stipulates the following:

“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 details or provisions contained in a proposed Structure Plan or a Structure Plan;*
- (ii) in place of a development approval.”*

10. Should Council adopt the Plan it is to be forwarded to the WAPC for its information.

POLICY IMPLICATIONS

- 11. If adopted, the Plan will form the basis for residential development on the portion of the lots with a density of R30 upon subdivision.

PUBLIC CONSULTATION/COMMUNICATION

- 12. There is no requirement under the Scheme to advertise Detailed Area Plans.

FINANCIAL IMPLICATIONS

- 13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

- 14. 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 Plan should ensure a certain standard of residences and surrounding areas will be fulfilled. At the same time, local government can vary R-Code requirements if the applicant can demonstrate that the requested variation will contribute to the better planning outcome overall for the development. The Plans are particularly beneficial for development on smaller residential lots.

Sustainability Implications

Social implications

- 15. A Detailed Area Plan gives rights and obligations to landowners in respect to a number of design parameters, such as reduced setbacks. Identification of these issues prior to development will reduce potential conflicts between landowners at the building stage and minimise the amount of consultation that would otherwise be required.

Economic Implications

- 16. Nil.

Environmental Implications

- 17. Nil.

OFFICER COMMENT

- 18. The Plan for the subdivision of the subject lots has been requested by the WAPC as a condition of the subdivision approval. The applicant has provided a Detailed Area Plan addressing the requirements of the Shire. Minor variations to the requirements of the Residential Design Codes were requested by the developer and considered by staff.

Minimum Open Space

19. A variation to the Minimum Open Space has been sought to allow for the reduction from the required 45% for the R30 development. The indicative design shows that the satisfactory design of a four bedroom and two bathrooms home can be achieved without the requested reduction. It is therefore recommended that the Minimum Open Space requirement is assessed in accordance with the Residential Design Codes.

Side Setbacks

20. The applicant has requested that the minimum side setback for a wall with major openings be reduced from 1.5m to 1.0m. It is considered that 1.0m minimum setback will still allow for a provision of adequate direct sun and ventilation to the building and will not have adverse impact on the adjoining buildings. Considering that the R30 lots in this subdivision are between 9m to 12m wide, this request is considered reasonable and is therefore supported.

Setback from Laneway (Secondary Street)

21. A variation to the secondary street setbacks has been sought for the dwellings to be setback 1m in lieu of 1.5m from the laneway. This is considered acceptable as it would allow for improved street surveillance, and would have minimal impact from a streetscape perspective.

Garage Setbacks

22. A variation to the secondary street setbacks has been sought for the garages to be setback a minimum of 1m in lieu of 1.5m from the laneway. This is considered unacceptable as pedestrian safety would be compromised as a result of the drivers' sightlines being reduced. Therefore it is recommended that the secondary street setbacks for garages are to be in accordance with the Residential Design Codes.

Second Storey Setbacks

23. A variation to the second storey setbacks to side boundaries has been sought. It is not currently known what room types and size of openings will be facing adjoining properties due to concept plans for two storey developments not being available. However, to avoid the potential for overlooking to occur it is recommended that the visual privacy requirement is assessed in accordance with the Residential Design Codes.
24. It is considered that, overall, the Plan will contribute to an acceptable standard of future development on the subject sites.

OFFICER RECOMMENDATION (PS 15/2011)

That Council:

1. Adopts the Detailed Area Plan for Lots 527 (71) and 528 (85) Berkshire Road Forrestfield, subject to an amended plan being submitted, which deletes the reference to Minimum Open Space and includes the following notes:
 - a. “None of the setbacks stipulated in this Detailed Area Plan can be averaged”.
 - b. “The visual privacy provisions of the Residential Design Codes are to be complied with.”
 - c. “Garages to be setback from the laneway in accordance with the secondary street provisions of the Residential Design Codes.”
2. Forwards the Detailed Area Plan to the WA Planning Commission for its information.

Moved:

Seconded:

Vote:

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

16. Lot 9100 (386) Hale Road, Wattle Grove – Detailed Area Plan

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	143236
Applicant	Gray and Lewis Planning Consultants
Owner	Starshore Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Cell 9 Structure Plan
Attachment 3	Approved Subdivision Plan
Attachment 4	Proposed Detailed Area Plan
Attachment 5	Typical Housing Plans

PURPOSE

1. To consider a Detailed Area Plan (“the Plan”) for the subdivision of Lot 9100 (386) Hale Road, Wattle Grove (WAPC Ref: 143236). Refer to the Locality Plan (Attachment 1).

BACKGROUND

2. The subject lot is zoned Urban Development under Local Planning Scheme No. 3 (“the Scheme”), comprises an area of 4465sqm and is bound by a mixture of community and residential land uses.
3. The lot is located within Wattle Grove Urban Cell 9 Structure Plan area. Refer (Attachment 2).
4. The adopted Structure Plan provides for an R30 coding over the lot with the exception of an area on the west side which falls within the airport noise 20ANEF contour and is therefore coded R20.
5. In February 2011, the Western Australian Planning Commission (“WAPC”) approved a subdivision application to subdivide the subject lot into eleven (11) freehold lots. Refer (Attachment 3).
6. A condition of the subdivision approval requires that a Plan is to be prepared and approved.

DETAILS

7. The applicant has provided the Plan for the subdivision which addresses the setbacks, dwelling orientation, garages/carports and fencing, and typical plans for single storey dwellings in the locality. Refer to the (Attachment 4) and (Attachment 5).

8. The following variations to the Residential Design Code (R-Code) requirements for the properties are proposed:

	R-Code Requirements R20/R30	Variations to R-Codes Proposed
Minimum Open Space	50% (R20) - 45% (R30)	40%
Primary Street Setback	6m (R20) / 4m (R30) minimum (3m/2m if averaged)	4m minimum 6m maximum 3m for porticos and front verandahs
Side Setbacks	1.5m for major openings	1m for major openings

STATUTORY AND LEGAL IMPLICATIONS

9. With regard to the Plan, Clause 6.2.6 (b) of Local Planning Scheme No. 3 (“the Scheme”) stipulates the following:

“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 details or provisions contained in a proposed Structure Plan or a Structure Plan;*
- (ii) in place of a development approval.”*

10. Should Council adopt the Plan it is to be forwarded to the WAPC for its information.

POLICY IMPLICATIONS

11. If adopted, the Plan will form the basis for residential development on Lot 9100 (386) Hale Road, Wattle Grove.

PUBLIC CONSULTATION/COMMUNICATION

12. There is no requirement under the Scheme to advertise Detailed Area Plans.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. 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 Detailed Area Plan, should ensure a certain standard of residences and surrounding areas will be enforced. At the same time, local government can vary R-Code requirements if the applicant can demonstrate that the requested variation will contribute to the better planning outcome overall for the development. The Plans are particularly beneficial for development on smaller residential lots.

Sustainability Implications

Social implications

15. A Detailed Area Plan gives rights and obligations to landowners in respect to a number of design parameters, such as reduced setbacks. Identification of these issues prior to development will reduce potential conflicts between landowners at the building stage and minimise the amount of consultation that would otherwise be required.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. The Plan for the subdivision of the subject lot has been requested by the WAPC as a condition of the subdivision approval. The applicant has provided the Plan addressing the requirements of the Shire. Minor variations to the requirements of the WA Residential Design Codes were requested by the developer.
19. Under the Residential Design Codes the minimum setback to the primary street is 4m for R30 coding and 6m for R20. The applicant requested that the minimum setback for the whole development be 4m. Maximum setback to the primary street is proposed to be 6m. It is considered that this variation and maximum setback restriction will allow for a more consistent streetscape and is therefore supported.
20. The applicant has requested that the minimum side setback for a wall with major openings be reduced from 1.5m to 1.0m. It is considered that 1.0m

minimum setback will still allow for a provision of adequate direct sun and ventilation to the building and will not have adverse impact on the adjoining buildings. Considering that the R30 lots in this subdivision are 8m wide, this request is considered reasonable and is therefore supported.

21. A variation to the Minimum Open Space has been sought to allow for the reduction from the required 50% for R20 and 45% for R30 to 40% over the whole development. The indicative design shows that the satisfactory design of a three bedroom and two bathrooms home can be achieved without the requested reduction. It is therefore recommended that the Minimum Open Space requirement is assessed in accordance with the Residential Design Code.
22. It is considered that overall; the Plan will contribute to an acceptable standard of future development on the subject sites.

OFFICER RECOMMENDATION (PS 16/2011)

That Council:

1. Adopts the Detailed Area Plan for Lot 9100 (386) Hale Road, Wattle Grove subject to an amended plan being submitted which deletes the reference to Minimum Open Space and for clarification adds the following note: "None of the setbacks stipulated in this Detailed Area Plan can be averaged."
2. Forwards the Detailed Area Plan to the WA Planning Commission for its information.

Moved:

Seconded:

Vote:

- 11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 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 MEETING CLOSED TO THE PUBLIC**
- 16.0 CLOSURE**

