
Shire of Kalamunda

Planning Services Committee

Minutes for Monday 7 February 2011

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MINUTES

1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6:30pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(Shire President)	North Ward
Sue Bilich		North Ward
Margaret Thomas	(Chairman, Planning)	North Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Geoff Stallard		South East Ward
Carol Everett		South East Ward
Martyn Cresswell	(Chairman, General)	North West Ward
Dylan O'Connor		North West Ward

Members of Staff

James Trail	Chief Executive Officer
Steve Leeson	A/Director of Corporate Services
Clayton Higham	Director of Planning & Development Services
Kevin O'Connor	Director of Community Development
Mahesh Singh	Director of Engineering Services
Darrell Forrest	Manager Governance
Michelle Clark	Executive Assistant
Sara Slavin	Minute Secretary

Members of the Public 13

Members of the Press 0

2.2 Apologies

Councillors

Maureen Robinson	South West Ward
Frank Lindsey	South East Ward

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 Construction of devices to restrict the speed and number of vehicles on Boonooloo Road, Kalamunda

A petition supporting the construction of devices to restrict the speed of vehicles on Boonooloo Road, Kalamunda was received.

4.2 Optus Mobile Phone Tower Development Lot 622 (42) Ledger Road, Gooseberry Hill

A petition of 404 signatures was received to postpone a decision on the Optus Mobile Phone Tower Development to March 2011.

4.3 Proposed Right of Way closure for Richard and Warner Road, High Wycombe

Petition received in support of the proposed Right of Way closure for Richard and Warner Road, High Wycombe.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Planning Services Committee Meeting held on 6 December 2010 are confirmed as a true and correct record of the proceedings.

Moved: Cr Donald McKechnie

Seconded: Cr Geoff Stallard

Vote: **CARRIED UNANIMOUSLY (9/0)**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

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*.)

9.1.1 Nil.

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.

9.2.1 Nil.

10.0 REPORT 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.

01. Planning & Urban Design Guidelines - Kalamunda Town Centre

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	Locality Plan
Attachment 2	Kalamunda Town Centre Planning & Urban Design Guidelines

PURPOSE

1. To consider Planning and Urban Design Guidelines for the Kalamunda Town Centre.

BACKGROUND

2. In December 2010, Council endorsed the Town Centre Improvement Plan for the Kalamunda Town Centre. To ensure the objectives of the Town Centre Improvement Plan can be achieved the next step is to prepare Planning and Urban Design Guidelines “(the Guidelines)” for the Kalamunda Town Centre.

DETAILS

3. The Guidelines apply to all land within Kalamunda Town Centre bounded by Stirk Street, Railway Road, Mead Street, Canning Road and includes land fronting Canning Road between Heath Road and Kalamunda Road. Refer to (Attachment 1) Locality Plan.
4. The intent of the Guidelines (Attachment 2) is to provide guidance on the design of new private buildings both commercial and residential within the Kalamunda Town centre in accordance with the recommendations contained in the Town Centre Improvement Plan. The Guidelines consist of general objectives and principles that provide overall development guidance within the Town Centre on the following elements:
 - Built form.
 - Development interface and interaction.
 - Access, traffic and movement.
 - Safety and security.
 - Environment and microclimate.
 - Advertising signage.

The Guidelines also provide design principles relating to land use and urban design, particularly mixed use and commercial development.

5. The objectives of the Guidelines are summarised as follows:
- To enhance the physical quality and established character of the built environment for the Town Centre.
 - To facilitate a range of appropriately located land uses to provide diversity and choice.
 - To improve the experience of the Town Centre for patrons and visitors by promoting, amongst other things, continuity of streetscape, interactive street frontages, shade and shelter.
 - To encourage a range of housing opportunities in appropriate locations.
 - To concentrate street front activity along the primary movement routes.
 - To conserve and enhance Kalamunda's special character.

STATUTORY AND LEGAL IMPLICATIONS

6. The Guidelines are to be used in conjunction with the Shire's Local Planning Scheme No. 3 and in particular *Clause 6.3 Kalamunda Town Centre Design Control Area* and *Clause 6.4 Design Guidelines for Designated Areas*. Once the guidelines have been adopted by Council, changes will be required to Clause 6.4 to reflect the new Guidelines.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Once Council has adopted the Guidelines, they will be advertised to the Community for comment.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

10. The Guidelines, in conjunction with the Town Centre Improvement Plan will provide an important strategic planning tool that will guide future development in the Town Centre in a manner consistent with the values of Council and the community.

Sustainability Implications

Social implications

11. The proposed Guidelines for the Kalamunda Town Centre will improve the experience for people visiting the Town Centre and add positively to the Town's future growth.

Economic Implications

12. The proposed Guidelines will assist in strengthening the retail and commercial areas of the Town Centre, thus improving the commercial viability for local businesses.

Environmental Implications

13. Through the implementation of the Guidelines, buildings will incorporate energy efficient and environmentally sustainable principles into their design.

OFFICER COMMENT

14. The proposed Guidelines follow on from the recommendations contained in the recently adopted Town Centre Improvement Plans. These guidelines provide a greater level of planning guidance for both existing and new built form with the development of urban design objectives and principles to ensure compatibility with Council and community aspirations for the Town Centre.
15. Importantly, the Guidelines will add positively to the Town Centre's growth through the establishment of good urban design principles that will enable the Town Centre to be efficient, functional, attractive and comfortable for people who visit the town.
16. It is therefore recommended that the Planning and Urban Design Guidelines for the Kalamunda Town Centre be adopted for the purpose of public advertising (Attachment 2).

COMMITTEE RECOMMENDATION TO COUNCIL (PS 01/2011)

1. That Council adopts the Planning and Urban Design Guidelines (Attachment 2) for the Kalamunda Town Centre for the purpose of public advertising, for a minimum period of four weeks.

Moved: Cr Donald McKechnie

Seconded: Cr Carol Everett

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

02. Local Planning Scheme No. 3 Amendment No. 32 - Rezoning from Special Use (Business) to Residential R30 - Lot 1 (100) Wittenoom Road, High Wycombe

Previous Items	PS 26/2010
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	PG-LPS-003/032
Applicant	Penex Pty Ltd
Owner	Penex Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Current Zoning Map
Attachment 3	Consultation Plan

PURPOSE

1. To consider whether to recommend final approval for Amendment No. 32 to Local Planning Scheme No. 3 “(the Scheme)” to rezone the north-west portion of Lot 1 (100) Wittenoom Road, High Wycombe from Special Use (Business) to Residential R30. Refer (Attachment 1 and 2) for Locality Plan and Current Zoning Map.

BACKGROUND

2. In May 2010, Council resolved (Resolution PS 26/2010) to initiate Amendment No. 32 to the Scheme.

DETAILS

3. The applicant is seeking approval to rezone the north-west portion of the subject lot to Residential R30 which would allow for a maximum of eighteen (18) grouped (single) dwellings or sixteen (16) multiple (one on top of another) dwellings to be developed on the property.
4. Currently the north-west portion of the lot is zoned Special Use (Business), the purpose of which is to facilitate the development of a business Park which will incorporate a range of business and service trade activities. Residential development is not permitted in this portion of the lot.

STATUTORY AND LEGAL IMPLICATIONS

5. The Town Planning Regulations 1967 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.

POLICY IMPLICATIONS

Directions 2031 and Beyond

6. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
7. The objectives of *Directions 2031 and Beyond* include the following:
 - Reducing greenhouse gas emissions.
 - Developing and revitalising activity centres as attractive places in which to invest, live and work.
 - Encourage reduced vehicle use.
 - Promote a better balance between greenfield and infill development.

PUBLIC CONSULTATION/COMMUNICATION

8. The proposal was advertised for 42 days, which involved a local public notice in a paper circulating the District, a sign being erected on the subject property and the proposal being referred to affected landowners for comment. Refer to (Attachment 3) for the Consultation Plan.
9. During the formal advertising period, two non-objections and two objections were received by the Shire.
10. A nearby landowner raised concerns that overlooking would be possible onto adjoining residential properties if 100 Wittenoom Road is redeveloped, and it was recommended that a 2.4m high fence be erected along the north-east boundary to overcome this issue.
11. The Water Corporation initially objected due to concerns that odour from a nearby waste water pump station. However, the Water Corporation later withdrew its objection after determining that the subject property falls outside of the 20m wide generic buffer required for the pump station under the Environmental Protection Authority's Guidance Statement No. 3.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. The subject property abuts other Residential zoned properties and is within close proximity to commercial premises (shops).

Sustainability Implications

Social implications

14. The proposed rezoning will allow for an increased number of dwellings located in close proximity to existing and planned shops, schools and community facilities in the area.

Economic Implications

15. Development of the subject lot for residential purposes has the potential to increase the residential population and local jobs thereby providing a stimulus for the local economy.
16. The potential for increased use of existing infrastructure will also be of benefit. Costs will be incurred with the provision of reticulated sewerage to the property associated with any future residential development of the site.

Environmental Implications

17. Mature vegetation will be removed as part as any future development of the site.
18. The property adjoins land used for drainage purposes. Future development on the lot will be required to dispose of stormwater on site.

OFFICER COMMENT

19. The proposed amendment is consistent with the *Draft Liveable Neighbourhoods Policy 3 and Directions 2031 and Beyond* which were prepared by the Western Australian Planning Commission, by providing for a range of housing types in close proximity to commercial and community activities.
20. The proposed zoning will allow all of the subject lot to be developed for residential purposes.
21. Should the north-west area of the lot be rezoned, only traffic associated with residential properties will use the lot. This will avoid the scenario of commercial vehicles having to drive through the residential zoned portion of the lot should the north-west area remain for business purposes only, resulting in an unacceptable impact on resident safety and amenity.
22. No concept plan is currently available for the property, and issues such as overlooking, amongst others, will be addressed at the development stage should the Minister for Planning approve the Amendment.
23. It is therefore recommended that the proposed rezoning be supported.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 02/2011)

1. That Council adopts the amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 32

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

1. Rezoning the north-west portion of Lot 1 (100) Wittenoom Road, High Wycombe from Special Use (Business) to Residential R30.

In accordance with the Scheme Amendment Map.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

Please note the Applicant & Owners details were not included in the Agenda, therefore they have been added to the minutes.

03. Lot 124 (18) Hawkvalley Crescent, Maida Vale - Parking of One Commercial Vehicle

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	HW-03/018
Applicant	P Makarov
Owner	P Makarov
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of Commercial Vehicle
Attachment 4	Amended Site Plan

PURPOSE

1. To consider an application for planning approval to temporarily park one commercial vehicle (a bus) at Lot 124 (18) Hawkvalley Crescent, Maida Vale. Refer to (Attachment 1, 2 and 3) for the Locality Plan, Site Plan and a photograph of the commercial vehicle.
2. The application is referred to Council on the basis that a complaint was received regarding the commercial vehicle being parked on the subject property. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property “(the Policy)” stipulates that where complaints have been received the application will be referred to Council for determination, therefore the subject application cannot be determined under delegation.

BACKGROUND

3. The subject lot is 4,051sqm, zoned Residential R10, contains a single dwelling and three outbuildings (sheds) and has direct access onto Hawkvalley Crescent via a single crossover. Mature vegetation exists throughout the property.
4. In October 2010 a complaint was received that a commercial vehicle (a bus) was being parked on the property without planning approval having been obtained.
5. In November 2010 a planning application was received by the Shire to park one commercial vehicle on the property.

DETAILS

6. Planning approval is being sought to temporarily park one commercial vehicle (a bus) on the subject property. Details of the application are as follows:
- The commercial vehicle is to be parked on the subject property for up to 2 years. The vehicle will then be moved to a property north of Bullsbrook on a permanent basis when it becomes available.
 - The vehicle is to be restored and used in the long term as a motor home.
 - The Shire was advised by the applicant that no external or mechanical work is to be undertaken to the vehicle.
 - It is currently unlicensed and therefore does not leave the property.
 - The vehicle will be started for 10 minutes every couple of months.
 - The commercial vehicle is parked behind the front alignment of the dwelling.
7. Details of the commercial vehicle parked on the property are as follows:

	BUS	POLICY REQUIREMENT
MAKE	Mercedes	
TYPE	Bus	
YEAR	1983	
LENGTH	11M	11M (rigid type)
HEIGHT	3.3M	4.3M
WIDTH	2.4M	2.5M
TARE WEIGHT	16 tonnes	
LICENCE NO.	Unlicensed	

STATUTORY AND LEGAL IMPLICATIONS

8. Under the Zoning Table of Local Planning Scheme No. 3 "(the Scheme)" the use Commercial Vehicle Parking is classed as an 'A' use in a Residential zoning. This means that it is not permitted, unless Council has granted planning approval after the application has been advertised to affected landowners.
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 stipulates that the determination of commercial vehicle parking applications shall be “*generally*” in accordance with the Policy, and 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. In considering an application for planning approval, the Scheme requires the Shire 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 height, bulk, scale, orientation and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, and any relevant submissions received on the application.
12. 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

13. In assessing the application, Council is to give consideration to the Commercial Vehicle Parking Policy which stipulates the following provisions applicable to parking commercial vehicles on Residential zoned properties:
 - The commercial vehicle not exceeding (rigid type) 11m in length, 2.5m in width and 4.3m in height.
 - The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house.
 - The commercial vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles.
 - 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.
 - Spray painting, panel beating and major servicing on commercial vehicles not being permitted.

PUBLIC CONSULTATION/COMMUNICATION

14. The proposal was advertised to nearby property owners for comment due to the proposal potentially having an impact on the amenity of the local area. Three non-objections and two conditional non-objections were received.

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15. Concerns raised during advertising included:
- More than one bus being on the property in the past.
 - The equipment used to restore the vehicles being loud.
 - People appearing to be living in the bus currently on the property.
 - The distance the vehicle is parked from the boundaries.

FINANCIAL IMPLICATIONS

16. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. Nil.

Sustainability Implications

Social implications

18. Potential impacts the commercial vehicle may have on the amenity of the local area will be addressed through the inclusion of conditions, should Council approve the application. These relate to the hours of operation, the area where the vehicle is to be parked and the type of maintenance which can be carried out on the vehicle.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

OFFICER COMMENT

21. Upon inspecting the property the applicant advised that two buses had previously been brought onto the property which have now been restored and will not return.
22. The applicant also advised that once the subject commercial vehicle had been restored and relocated to Bullsbrook no other commercial vehicles will be brought onto the property.
23. Should Council approve the application the applicant will be advised that the noise emitted by equipment used during the restoration work is to comply with the *Environmental Protection (Impact) Regulations 1997*.

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24. Therefore should Council approve the application a condition will be included stating that no further spray painting is permitted.
 25. The commercial vehicle will be screened from public view sufficiently due to existing mature vegetation and outbuildings on the property. It will be parked behind the front alignment of the dwelling and will be approximately 35m from the nearest dwelling on the adjoining property. Therefore when parked it will not have a significant impact on the visual amenity of the area.
 26. In an attempt to address concerns raised during advertising regarding the distance the vehicle will be parked from the dividing boundaries, the applicant has provided an amended site plan showing an alternative parking location on the property. Refer to (Attachment 4) for the Amended Site Plan. This is considered acceptable in minimising any visual impact the bus has on the area.
 27. Due to the size of the property and road reserve the vehicle can enter and leave the property in a forward motion when required to do so, and therefore will not impact the flow of vehicular and pedestrian movement.
 28. The commercial vehicle is only being parked on the property for up to two years whilst the applicant waits for a property north of Bullsbrook to become available. Should the property not become available within the next two years then a new planning application will be required to be submitted so that the vehicle can continue to park on the subject property.
 29. It is therefore recommended that the application be approved by Council.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 03/2011)

1. That Council approves the application dated 17 November 2010 to park one commercial vehicle, an unlicensed Mercedes Bus, on Lot 124 (18) Hawkvalley Crescent, Maida Vale (as shown on Attachment 4), subject to the following conditions:
 - a. Approval is given to park the unlicensed Mercedes Bus on the subject property for up to two years from the date of the approval. After which time, the vehicle is to be relocated or planning approval is to be obtained from the Shire for the vehicle to continue to park on the subject property.
 - b. When on the property the vehicle must, at all times, be parked in the approved location as shown on the approved site plan (Attachment 2), being 5m from the side boundary and 4m from the rear boundary.
 - c. The commercial vehicle is only to be operated and restored between the hours of 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - d. Approval of the parking activity does not include approval for the vehicle

to be used for carrying persons for hire or reward.

- e. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
- f. 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.
- g. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle (including trailers).

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

Please note the Applicant & Owners details were not included in the Agenda, therefore they have been added to the minutes.

04. Lot 62 (2/264) Kalamunda Road, Maida Vale – Change of Use (from Veterinary Centre to Health/Fitness Centre)

Previous Items	PS 38/2005
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	KL-02/0264
Applicant	H Beckett
Owner	T McGrath
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Current Scheme Zoning Map
Attachment 4	Consultation Plan

PURPOSE

1. To consider an application for planning approval to change the use of Lot 62 (2/264) Kalamunda Road, Maida Vale, from a Veterinary Centre to Health/Fitness Centre. Refer to (Attachment 1 and 2) for the Locality Plan and Site Plan.
2. The application is referred to Council on the basis that the property is included within Schedule 2 of Local Planning Scheme No. 3 “(the Scheme)”, and has a condition relating to the permitted hours of operation which the proposed use will not comply with.
3. Variations to the conditions can only be considered by Council, therefore the subject application cannot be determined under delegation.

BACKGROUND

4. The subject property, locally known as Sixways, contains six units and twenty five (25) car bays, and is zoned Mixed Use. Properties adjoining the rear boundary are zoned Residential. Refer to (Attachment 3) for the current Scheme Zoning Map.
5. In February 2002, Amendment No. 98 to District Planning Scheme No. 2 was given final approval by the Minister for Planning, to rezone the property from Residential R10 to Mixed Use with Additional Uses, which guide use and development on the site.

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6. Prior to being approved, the Minister for Planning requested that an Amenity Control Strategy be prepared due to concerns raised during advertising regarding the impact future uses on the subject property could have on nearby residential properties. Subsequently conditions, which included the hours of operation, were included in the amendment approved.
 7. In May 2005 Council resolved (Resolution 38/2005) to approve a planning application for a Veterinary Centre to operate from Unit 2 on the property.
 8. Approval has also been granted for offices, a medical centre and a chemist to operate from the property. Unit 2 is currently unoccupied.

DETAILS

9. Planning approval is being sought to change the use operating from Unit 2 on the subject property, from a Veterinary Centre to Health/Fitness Centre.
10. The Shire has been advised by the applicant of the following with regards to the proposed use:
 - The Health/Fitness Centre will operate between 5.00am and 9.00pm Monday to Friday, and 6.00am to midday on Saturdays.
 - The peak operating times will be between 5.00am to 8.00am and 5.00pm to 8.00pm on weekdays.
 - There will be two employees and a maximum of two clients at any one time.
 - Clients will visit by prior appointment only.
11. Details of any signage to be erected on the façade of the existing building are not currently available and will be subject to a separate application being submitted should the change of use application be approved by Council.

STATUTORY AND LEGAL IMPLICATIONS

12. Under the Zoning Table of the Scheme the use Health/Fitness Centre is classed as an 'A' (Discretionary) use in a Mixed Use zoning meaning that it is not permitted, unless Council has granted planning approval.
13. The additional use provisions applicable to the site stipulates that the following conditions apply to the property, which are relevant to the subject application:

“(a) (iii) Hours of operation..... shall be restricted to between 7am and 9pm only.

Provisions however state that a Health Studio (Health/Fitness Centre) may operate between the hours of 6.00am and 9.00pm.

(b) *Variations in point (a) will only be considered by Council in exceptional circumstances and consultation will be undertaken with adjoining residential neighbours.*

14. The Scheme car parking requirements for the uses currently on the property are the following:

Unit No.	Land Use	Parking Calculation	Number of Car Bays Required
1	Chemist	7 bays per 100sqm of NLA	8
2	<i>Proposed Health/Fitness Centre</i>	5 bays per 100sqm gross leasable area.	5
3	Medical Centre	6 bays per practitioner and 1 per staff member.	7
4	Office	4 bays per 100sqm on NLA.	4
5	Office	"	4
6	Office	"	4

15. A total of thirty two (32) car bays will be required on the property and twenty five are available, a shortfall of seven car bays.
16. The applicant has advised that a maximum of two employees and two clients will be on site at any one time, therefore four car bays for the proposed use is considered sufficient.
17. Clause 5.8.2 of the Scheme stipulates that the Shire may apply, at its discretion, a greater or lesser requirement for car parking than that stipulated as the minimum requirement in Table 1, if in its opinion the proposed use is likely to demand a greater or lesser need for car parking bays having due regard to the scale and nature of the intended use or uses.
18. In considering an application for planning approval, the Scheme requires the Shire to have due regard to the compatibility of the development within its settings, the preservation of the amenity of the locality, and any relevant submissions received on the application.

19. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

20. In assessing the application, Council is to give consideration to Local Planning Policy DEV41 – Framework for Assessing Requests for Variations to the Number of Car Parking Bays, which stipulates that variations to car parking requirements will only be considered if:
- The circumstances of a development justify such variation and there will not be any resultant lowering of safety, convenience and amenity standards.
 - Where there are two separate and different developments with different hours of peak operation, but being located on the same lot or adjoining lots, the Shire may permit a reduction of the required number of car parking bays. This is provided that there would be no resultant lowering of safety, convenience and amenity standards.

PUBLIC CONSULTATION/COMMUNICATION

21. The proposal was advertised to landowners of the adjoining residential properties in accordance with Schedule 2 of the Scheme, and one objection was received. Refer to (Attachment 4) for the Consultation Plan.
22. Concerns raised during advertising included:
- There being no exceptional circumstances to vary the proposed hours of operation.
 - The conditions applicable to the property in the Scheme, which were imposed as a result of the Amenity Control Strategy, not being complied with.
 - Noise emitted by the proposed use and by those using the car park potentially being excessive.
 - Concerns that should the application be approved it will set a precedent for other uses on the property to vary the conditions in the Scheme.

FINANCIAL IMPLICATIONS

23. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

24. Nil.

Sustainability ImplicationsSocial implications

25. Impacts the business could potentially have on the amenity of the local area will be addressed through the inclusion of conditions, should Council approve the application. They include hours of operation, and that clients are to visit by prior appointment only.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

OFFICER COMMENT

28. The proposed use complies with the requirements of the Policy and the Scheme with the exception of the car parking requirements and proposed hours of operation.
29. A maximum of four people will be on site at any one time and clients will visit the premises by prior appointment only, therefore the traffic movements generated by the proposed use will be minimal.
30. The peak operating times of the proposed use will be between 5.00am to 8.00am and 5.00pm to 8.00pm on weekdays, therefore this will not conflict with the other uses on the property which operate during normal business hours.
31. The applicant has advised the Shire that a stereo system will play music purely as background music inside the premises.
32. Traffic movements associated with the proposed use will be minimal. Peak hours of operation will not conflict with other businesses on the same property. Background music will be played, and the activity will be conducted in a unit which is approximately 24m from the objector's property which will be buffered from any noise due to the existence of other units on the subject property. It is considered that noise emitted by the use will not be excessive.

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33. Should Council approve the application, the applicant will be advised that activities conducted at the premises will be required to comply with the Environmental Impact (Noise) Regulations.
 34. Despite the above, should Council still be concerned about noise potentially being an issue, a condition can be imposed requiring that the premises be insulated to prevent noise emissions impacting on the amenity of nearby residential properties. Plans showing these details can be provided with the building licence application for the internal fit out.
 35. Should the application be approved it will not set a precedent for other uses on the property to vary the conditions outlined in the Scheme as all applications received will be assessed on their merit.
 36. A separate planning application will be required to be lodged for any signage associated with the proposed use.
 37. The proposed use will not have a significant impact on the amenity of the local area, nor will the shortfall in car parking lower the safety of pedestrians and motorists using the property. Therefore it is recommended that the application be approved by Council.

OFFICER RECOMMENDATION (PS 04/2011)

1. That Council approves the application dated 8 November 2010 to change the use at Lot 62 (2/264) Kalamunda Road, Maida Vale, from a Veterinary Clinic to Health/Fitness Centre, subject to the following conditions:
 - a. The proposed use is to only operate between the hours of 5.00am and 9.00pm Monday to Friday, and 6.00am to midday on Saturdays.
 - b. Clients are to visit the property by prior appointment only.

Moved: **LAPSED.**

Seconded:

Vote:

ALTERNATIVE MOTION (PS 04/2011)

1. That Council approves the application dated 8 November 2010 to change the use at Lot 62 (2/264) Kalamunda Road, Maida Vale, from a Veterinary Clinic to Health/Fitness Centre for up to two employees and two clients at any one time, subject to the following conditions:
 - a) The proposed use is to only operate between the hours of 5.00am and 9.00pm Monday to Friday, and 6.00am to midday on Saturdays.
 - b) Clients are to visit the property by prior appointment only.
 - c) No amplified music to be played prior to 6.00am or after 8.00pm.

Moved: Cr Carol Everett

Seconded: Cr Donald McKechnie

Vote:

An amendment to the alternative motion was proposed to amend the time in part (a) from 5.00am to 6.00am. This was accepted by the Mover and Secunder. The Alternative Motion as amended was put to the vote.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 04/2011)

1. That Council approves the application dated 8 November 2010 to change the use at Lot 62 (2/264) Kalamunda Road, Maida Vale, from a Veterinary Clinic to Health/Fitness Centre for up to two employees and two clients at any one time, subject to the following conditions:
 - a) The proposed use is to only operate between the hours of 6.00am and 9.00pm Monday to Friday, and 6.00am to midday on Saturdays.
 - b) Clients are to visit the property by prior appointment only.
 - c) No amplified music to be played prior to 6.00am or after 8.00pm.

Moved: Cr Carol Everett

Seconded: Cr Donald McKechnie

Vote:

For

Cr Carol Everett

Cr Allan Morton

Cr Noreen Townsend

Cr Dylan O'Connor

Cr Sue Bilich

Cr Donald McKechnie

Cr Maureen Thomas

Against

Cr Geoff Stallard

Cr Martyn Cresswell

CARRIED (7/2)

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

05. Richards Road and Warner Road, High Wycombe – Proposed Closure of Right of Way

Previous Items	OCM 77/06
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	RC-03/GEN
Applicant	C McManus
Owner	Western Agency Pty Ltd

Attachment 1	Locality Plan
Attachment 2	Community Map
Attachment 3	Photograph of Right of Way from Warner Road
Attachment 4	Photograph of Right of Way from Richards Road
Attachment 5	Consultation Plan

PURPOSE

1. To consider the proposed closure of the Right of Way "(ROW)" abutting Lot 278 (20) and 265 (22) Richards Road and Lot 266 (18) and 299 (20) Warner Road, High Wycombe. Refer to (Attachment 1) for a Locality Plan.

BACKGROUND

2. The ROW between Richards Road and Warner Roads provides an alternative route for pedestrians and cyclists to High Wycombe Primary School, High Wycombe Village, a library and a nearby bus route. Refer to (Attachment 2-4) for a Community Map and photographs of the ROW.
3. In September 2006 Council resolved (Resolution OCM 77/06) to not support a request to close the ROW between Richards Road and Warner Road, High Wycombe, due to its importance to the pedestrian and cyclist network, and the access it provides to nearby community facilities.
4. The Shire has previously received a request to close the subject ROW for security reasons and due to anti-social behaviour occurring within the vicinity.

STATUTORY AND LEGAL IMPLICATIONS

5. ROW closure requests are dealt with in accordance with the *Land Administration Act 1997*, supplemented by the *Land Administration Regulations 1998* and ultimately the request will be determined by the Department of Planning.

POLICY IMPLICATIONS

Liveable Neighbourhoods

6. *Liveable Neighbourhoods* “(the Policy)” is an integrated planning and assessment policy to assist with the development of sustainable communities within metropolitan and regional Western Australia.
7. The Policy requires movement networks to be provided which are efficient, affordable, legible, minimise travel time, support access to public transport and contribute to limiting fossil fuel use.
8. The Policy stipulates that the efficiency of a particular street network layout in providing walking access to centres, bus stops or schools can be measured using a walkable catchment analysis.
9. A well connected street network should achieve at least 60 per cent efficiency, meaning 60 per cent of the area in a 400m radius of the destination can be reached by a 400m walk along streets.

Designing Out Crime Strategy

10. The Designing Out Crime Strategy “(the Strategy)” is a crime prevention strategy which aims to reduce opportunities for crime through the design and management of the built and landscaped environment.
11. The Strategy includes design elements that foster natural surveillance through effective lighting, and good connections and access through continuous accessible paths of travel for most users.

PUBLIC CONSULTATION/COMMUNICATION

12. The proposed closure was advertised to nearby landowners and referred to the service authorities, a sign was also placed at both ends of the ROW. During the advertising period thirteen (13) non-objections and fifteen (15) objections were received. Two of the respondents have requested that their details be kept confidential and are therefore not included on the Consultation Plan. Refer to (Attachment 5) for the Consultation Plan.
13. None of the service authorities had objections to the proposal.
14. A petition was also received containing 31 signatures from residents nearby to the subject ROW, opposing its closure.

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15. The main issues raised during advertising, against the proposed closure of the ROW, were the following:
- The ROW is used by local residents to go to the shops, school, library and bus stop.
 - If the ROW was closed it will create longer walking journeys for residents without cars, including the elderly and the disabled.
 - Increased usage in private vehicles by local residents due to the increased walking distance to the nearby shops and school.
16. The reason given in support of the ROW's proposed closure is that anti-social behaviour occurs within the vicinity.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. Nil.

Sustainability Implications

Social implications

18. Closing the ROW would increase the walking distance to High Wycombe Primary School, the library and High Wycombe Village.

Economic Implications

19. Nil.

Environmental Implications

20. Closure of the ROW could result in an increase of private vehicle usage due to pedestrians having to alternatively walk longer distances.

OFFICER COMMENT

21. The closure of the ROW has been requested by the owner of 20 Richards Road due to security reasons and anti-social behaviour occurring within the vicinity. Issues relating to anti-social behaviour are dealt with by the Police.
22. Security concerns can be minimised by maintaining vegetation in the properties adjoining the ROW so that it does not encroach over the dividing fenceline. This in turn would encourage more pedestrians and cyclists to use the ROW.

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23. The maintenance of vegetation on private properties which adjoin Right of Ways is the responsibility of the landowners. Should it encroach into the ROW the Shire can request that it be cut back.
 24. The Shire is responsible for removing graffiti from ROWs.
 25. Additional lighting is not necessary due to existing street lighting at either end of the ROW being adequate. Removal of encroaching vegetation is the responsibility of the adjoining land owners.
 26. Should the ROW be closed, the walking distance to the nearby shops and school would increase by an additional 450m and would therefore not comply with Liveable Neighbourhoods.
 27. The pedestrian traffic would have to divert to Newburn and Cyril Roads should the ROW be closed, which carry a relatively high volume of traffic.
 28. Considering the above, it is recommended that the request to close the ROW between Richards Road and Warner Road, High Wycombe, not be supported.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 05/2011)

1. That Council recommends to the Department of Planning that the request to close the Right of Way between Richards Road and Warner Road, High Wycombe, not be supported. The Right of Way to remain open as it is considered to be of importance in the local pedestrian/cyclist network.

Moved: Cr Dylan O'Connor

Seconded: Cr Carol Everett

Vote: **CARRIED UNANIMOUSLY (9/0)**

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Carol Everett

Q. Under the delegated authority report, there are two illuminated horizontal signs at 241 Lesmurdie Road. Where is that in Lesmurdie?

A. David Tomlinson advised that it is at the IGA shopping centre in Lesmurdie.

Q. Are there any designs of what it is going to look like?

A. David Tomlinson advised that a plan of the proposed signs will be circulated to Councillors.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 7.09pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2011

