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Shire of Kalamunda

# Planning Services Committee

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Agenda for 1 August 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:

**1 August 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 July 2011

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



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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 July 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 July 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 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.**

**29. Shire of Kalamunda Health Local Law 2001 Review**

Previous Items	10:09 March 2011 PSC
Responsible Officer	Director Planning & Development Services
Service Area	Health
File Reference	LE-LOL-026
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Submissions
Attachment 2	Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 – tracked changes
Attachment 3	Shire of Kalamunda Health Local Law 2011 – tracked changes
Attachment 4	Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011
Attachment 5	Shire of Kalamunda Health Local Law 2011

**PURPOSE**

1. For Council to consider making the Shire of Kalamunda Health Local Law 2011 and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011.

**BACKGROUND**

2. Council considered this matter in the March 2011 round of meetings and it was resolved:

“That Council:

1. Resolves to give state-wide public notice of its intention to amend the Shire of Kalamunda Health Local Law 2001 and to create the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*. Subject to the following amendments being inserted in the circulated proposed Local Law (Attachment 2).

The Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, Part 4 – Keeping of Animals, Division 1: General, clause 10. Interpretation, be amended as follows –

“large residential lot” means any residential land comprising a lot with an area greater than 2000 square metres;

“medium residential lot” means any residential land comprising a lot with an area not less than 600 square metres and not more than 2000 square metres;

“poultry” includes fowl, ducks and other domestic fowl, but excludes restricted poultry;

“restricted poultry” includes roosters, peafowl, turkeys and geese;

“small residential lot” means any residential land comprising a lot with an area less than 600 square metres;

Division 2: Keeping of Birds, clause 15. Keeping of poultry and pigeons on residential land be amended as follows –

- (1) An owner or occupier of land may, without obtaining approval of the local government, but subject to the provisions of this local law keep:
  - (a) no more than a combined total of 6 poultry or pigeons on a medium residential lot;
  - (b) no more than a combined total of 20 poultry or pigeons and 1 restricted poultry on a large residential lot.
- (2) An owner or occupier of land shall not keep:
  - (a) any poultry, pigeons or restricted poultry on a small residential lot;
  - (b) more than a combined total of 6 poultry or pigeons on a medium residential lot;
  - (c) any restricted poultry on a medium residential lot;
  - (d) more than a combined total of 20 poultry or pigeons on a large residential lot; or
  - (e) more than 1 restricted poultry on a large residential lot,without first obtaining approval of the local government pursuant to clause 14(2).
- (3) For the purposes of this clause, the number of poultry kept does not include any poultry chicks less than 3 months in age.

2. Notes in relation to the Shire of Kalamunda Health Local laws that:

- a. The purpose is to provide for the regulation, control and management of sanitation, housing, waste, food, nuisances, lodging houses and offensive trades as part of the function of local governments to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its residents and the community.

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- b. The effect is to establish requirements relating to the matters referred to in recommendation 2.a. on land within the district.
  - 3. Notes in relation to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law that:
    - a. the purpose is to provide for the regulation, control and management of:
      - i. the keeping of animals;
      - ii. sand drift, rubbish and litter control on building and construction sites;
      - iii. nuisances,

as part of the Local Governments function to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its citizens.
    - b. The effect is to establish requirements relating to the matters referred to in subsection one on land within the district."

## DETAILS

- 3. The intention of Council to adopt the draft local laws was advertised calling for public submissions in April 2011. The public comment period closed on 23 May 2011.
- 4. Twenty submissions were received, seventeen from the community, one from the Department of Health (DOH) and two from the Department of Local Government (DLG).
- 5. Attachment 1 lists all the submissions and officer comments. In summary:
  - a. Nine submissions supporting the proposed keeping of poultry clauses.
  - b. Six submissions opposed to the proposed keeping of poultry clauses.
  - c. One submission supporting the clause restricting cats roaming.
  - d. One submission relating to the proposed lodging house clauses.
  - e. DOH submission requested a number of changes to the draft Shire of Kalamunda Health Local Laws 2011.
  - f. DLG submissions requesting a number of changes to both local laws.

## STATUTORY AND LEGAL IMPLICATIONS

- 6. *Local Government Act 1995*  
*Health Act 1911*  
The approval process now is as follows;
    - a. Council resolves to make the local laws.
    - b. Copy of the Shire of Kalamunda Health Local Law 2011 sent to the Department of Health for Approval.
    - c. Both local laws published in the Government Gazette. The Shire of Kalamunda Health Local Law 2011 comes into effect on the date of
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gazettal and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 comes into effect fourteen days after the date of gazettal.

- d. Copy of both local laws sent to the Joint Standing Committee on Delegated Legislation.

### **POLICY IMPLICATIONS**

7. Strategy 1.6.8 – provide quality environmental and public health services which comply with and exceed relevant legislation.

### **PUBLIC CONSULTATION/COMMUNICATION**

8. The intention to consider adopting the local laws was advertised in the West Australian on 2 April 2011 and the Reporter on 5 April 2011, calling for comments by 23 May 2011.

### **FINANCIAL IMPLICATIONS**

9. The review allows Council to alter the amount of the fee, charge or penalty that is set in the local law.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

10. Nil.

#### **Sustainability Implications**

##### Social implications

11. Law will impact upon the keeping of poultry in residential areas.

##### Economic Implications

12. Nil.

##### Environmental Implications

13. Nil.

### **OFFICER COMMENT**

14. Recommendations and suggestions from the DOH and DLG have been considered and generally incorporated in the draft local laws. Attachment 2 and Attachment 3 tracks all proposed changes to the draft local laws considered by Council in March 2011.

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Attachments 3 & 4 shows the untracked versions of the local laws.

15. The changes mostly relate to format and wording. Several recommendations related to issues of law which have been addressed and incorporated in the proposed draft local laws, and are shown in Attachment 1.
16. Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011.  
Nine submissions were in favour of the proposed keeping of poultry clauses, with six objections. Reasons for objections include:
  - a. Poultry under three months of age should be restricted.
  - b. Fails to adequately address health aspects.
  - c. Does not limit number of animals such as rabbits.
  - d. Will 'stop' people keeping poultry and roosters in residential areas.
  - e. Will stop breeding of 'pure bred poultry'.
  - f. Should allow exemptions for breeders.
  - g. Prefer restrictions based upon complaints - no complaints no restrictions.
17. Noted that the proposed local laws will further restrict the keeping of poultry in residential areas, however provision is made for residents on medium to large lots to apply for apply for additional poultry. The current local laws do not restrict the keeping of poultry based on lot sizes.
18. Clause 12 of the local law requires residents to prevent animals, including dogs and cats, from roaming. This issue, in relation to cats, was raised by the DLG. It was not intended for this clause to include cats. Dogs are adequately covered under other legislation. It is recommended that this clause be amended by excluding cats and dogs.
19. Shire of Kalamunda Health Local Law 2011  
Part Six of the Shire of Kalamunda Health Local Laws 2011 addresses lodging houses. One submission raised several issues relating to definitions, whether the laws needed to be so prescriptive, and why had the Shire not directly consulted with all lodging house proprietors. Noted that the draft had simplified the clauses however the DOH in their response has 'recommended' that some of the proposed changes be amended to restate the current local law requirements.

20. Recommend that Council resolves to make the Shire of Kalamunda Health Local Law 2011 and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 as shown in Attachments 4 & 5 and then follow the process as outlined in point six, clauses 6b. to 6d.

**OFFICER RECOMMENDATION (PS 29/2011)**

That Council:

1. Resolves to make the Shire of Kalamunda Health Local Law 2011 and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011.

Moved:

Seconded:

Vote:

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

**30. Local Planning Scheme No. 3 Amendment – Lot 51 (118) Lawnbrook Road West, Walliston - Rezone from Residential Bushland and Special Rural to Residential, Changing the Density from R2.5 to R5 and Deleting the Additional Use**

Previous Items	OCM 193/94 and OCM 170/2008
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	PG-LPS-003
Applicant	Gray and Lewis Planning Consultants
Owner	A Conti
Attachment 1	Locality Plan
Attachment 2	Current Scheme Zoning Map
Attachment 3	Proposed Scheme Zoning Map

**PURPOSE**

1. To consider an amendment to Local Planning Scheme No. 3 (“the Scheme”) to allow for the rezoning (from Residential Bushland and Special Rural to Residential), increase in density (from R2.5 to R5) and removal of the additional use (firewood yard) for Lot 51 (118) Lawnbrook Road West, Walliston. Refer to the Locality Plan (Attachment 1), the Current Scheme Zoning Map (Attachment 2) and the Proposed Scheme Zoning Map (Attachment 3).

**BACKGROUND**

2. The property is 10.5 hectares in area, contains a relatively large amount of mature vegetation along the south boundary, is zoned Residential Bushland R2.5 (minimum 4,000sqm lots), Special Rural (minimum 1 hectare lots) and Reserved for Local Open Space under the Scheme, and zoned Rural under the Metropolitan Region Scheme (“MRS”). It also has approval for an Additional Use (firewood yard) to operate from the site.
3. Surrounding properties are zoned Special Rural and Residential Bushland R2.5 under the Scheme, and to the south and east is Regional Reserve (Parks and Recreation). Opposite is the Kalamunda Pistol and Rifle Club, and the Walliston Transfer Station.
4. In December 1994, Council resolved to adopt District Planning Scheme No. 2 (DPS 2) Amendment No. 143 to rezone portions of the subject property from Rural Agriculture to Special Residential (Resolution OCM 193/94). The amendment was subsequently approved by the then Minister for Planning in February 1995.
5. When Local Planning Scheme No. 3 was gazetted in March 2007, the Special Residential zoning was replaced with the Residential Bushland zoning.

6. In December 2008, Council resolved (Resolution OCM 170/2008) to support an amendment in principle, to rezone Lot 51 (118) Lawnbrook Road West, Walliston (from Residential Bushland R2.5 and Special Rural to Residential), increase the property's density (from R2.5 to R5) and remove the property's additional use (firewood yard). Council also resolved that the proposal will be reconsidered upon confirmation that the subject property will be rezoned under the MRS.
7. In March 2011 the WA Planning Commission ("the WAPC") initiated an MRS Amendment to rezone the property from Rural to Urban. The amendment to the Scheme can be considered concurrently with this.

### **DETAILS**

8. It is proposed that the subject property be rezoned from Residential Bushland and Special Rural to Residential, and the density be increased from R2.5 to R5.
9. As the property is proposed to be rezoned for Residential purposes, it is also proposed that the additional use provisions for the property, under Schedule 2 of the Scheme, be removed.
10. The proposed Amendment would retain the Local Open Space reservation and zone the balance of the land to Residential R5 (minimum 2,000sqm lots).
11. Reticulated water is currently available to the subject property and an effluent disposal system will be required on site.
12. It should be noted that issues relating to lot and road configurations, public open space and the retention of native vegetation will be addressed at the subdivision stage if the amendment is approved by the Minister for Planning.

### **STATUTORY AND LEGAL IMPLICATIONS**

13. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.

### **POLICY IMPLICATIONS**

14. District Planning Scheme No. 2 Amendment No. 143 was approved by the Minister on the basis that it complied with the requirements of Development Control Policy No. 2.5 – Special Residential Zones.

### **PUBLIC CONSULTATION/COMMUNICATION**

15. If the amendment was initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* and *Planning and Development Act 2005*.



16. The amendment would be required to be advertised in the form of a notice being published in a district newspaper. The applicant would also be required to arrange for a sign advertising the proposal to be erected on the subject property.

### **FINANCIAL IMPLICATIONS**

17. If the Amendment is initiated there will be a cost involved, however this would be recouped from the applicants.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

18. Nil.

#### **Sustainability Implications**

##### Social implications

19. Nil.

##### Economic Implications

20. The proposed change in residential density will enable the owner to subdivide the property.

##### Environmental Implications

21. The Amendment will need to be assessed by the Environmental Protection Authority if initiated by Council, prior to formal advertising. If the amendment proceeds, the assessment of the subdivision would include the assessment of any environmental impacts.

### **OFFICER COMMENT**

22. The property was rezoned to Residential Bushland on the basis that development would have a rural residential theme in accordance with State Planning Policy No. 2.5. Development on the properties at a density of R5 would still comply with the provisions of the policy.
23. Issues relating to lot and road configurations, public open space and the retention of native vegetation will be addressed at the subdivision stage if the amendment is approved by the Minister for Planning.
24. Considering the above, it is recommended that Council initiates the amendment.

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**OFFICER RECOMMENDATION (PS 30/2011)**

That Council:

1. Initiates 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.

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 Lot 51 (118) Lawnbrook Road West, Walliston from Residential Bushland and Special Rural to Residential, and increase in density from R2.5 to R5.
2. Delete item 16 of the Scheme's Schedule 2 (Additional Uses) and renumber the remaining items accordingly.

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved:

Seconded:

Vote:

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**31. Richards Road and Warner Road, High Wycombe – Proposed Closure of Pedestrian Access Way**

Previous Items	OCM 77/06, OCM 05/2011
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 Pedestrian Access Way from Warner Road
Attachment 4	Photograph of Pedestrian Access Way from Richards Road
Attachment 5	Public Consultation Plan

**PURPOSE**

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

**BACKGROUND**

2. In September 2006, Council resolved (Resolution OCM 77/06) to not support a request to close the PAW 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.
3. In February 2011, Council considered a request to close the subject PAW and it resolved (Resolution OCM 77/06) to refer the item back to the Planning Services Committee to enable Officers to undertake and report on further community consultation and consideration of the petition tabled at the Planning Services Committee on 7 February 2011.
4. The proposal was subsequently advertised to properties within a 200m radius of the PAW and the petition received has been taken into consideration.

**DETAILS**

5. The PAW 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 the Community Map (Attachment 2) and photographs of the PAW (Attachments 3 and 4).

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## STATUTORY AND LEGAL IMPLICATIONS

6. PAW 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

7. *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.
8. 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.
9. 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.
10. 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

11. 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.
12. The Strategy includes design elements which foster natural surveillance through effective lighting, and good connections and access through continuous accessible paths of travel for most users.

## PUBLIC CONSULTATION/COMMUNICATION

13. The proposed closure was advertised to nearby landowners and referred to the service authorities, a sign was also placed at both ends of the PAW.
14. During the advertising period thirteen (13) non-objections and fifteen (15) objections were received. A petition was also received containing 31 signatures from residents nearby to the subject PAW, opposing its closure.

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15. Following Council's Resolution in February 2011 (OCM 05/2011) the proposal was readvertised to nearby landowners and nine non-objections and twenty (20) objections were received, some of which owned properties outside of the advertisement area and are therefore not shown on the Public Consultation Plan (Attachment 5). Submitters for the first advertising period were advised that their comments would be retaken into consideration and are also shown on the Public Consultation Plan.
16. None of the service authorities had objections to the proposal.
17. A petition was also received containing 62 signatures from residents nearby to the subject PAW, in support of its closure.
18. The main issues raised during advertising, against the proposed closure of the PAW, were the following:
- The PAW is used by local residents to go to the shops, school, library and bus stop.
  - If the PAW is 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.
19. The reason given in support of the PAW's proposed closure is that anti-social behaviour occurs within the vicinity.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

20. Nil.

### **Sustainability Implications**

#### Social implications

21. Closing the PAW would increase the walking distance to High Wycombe Primary School, the library and High Wycombe Village Shopping Centre.

#### Economic Implications

22. Nil.

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Environmental Implications

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

**OFFICER COMMENT**

24. The closure of the PAW 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.
25. The maintenance of vegetation on private properties which adjoin Pedestrian Access Ways is the responsibility of the landowners. Should it encroach into the PAW the Shire can request that it be cut back.
26. The Shire is responsible for removing graffiti from PAWs.
27. Additional lighting is not necessary due to existing street lighting at either end of the PAW being adequate.
28. Should the PAW 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.
29. The pedestrian traffic would have to divert to Newburn and Cyril Roads should the PAW be closed, which carry a relatively high volume of traffic.
30. Considering the above, it is recommended that the request to close the PAW between Richards Road and Warner Road, High Wycombe, not be supported.

**OFFICER RECOMMENDATION (PS 31/2011)**

That Council:

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

Moved:

Seconded:

Vote:

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**32. Crake Court and Kiandra Way, High Wycombe – Proposed Closure of Pedestrian Access Way**

Previous Items	OCM 69/01
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	CR-17/GEN
Applicant	B Spice and J House
Owner	N/A
Attachment 1	Locality Plan
Attachment 2	Community Map
Attachment 3	Photograph of Pedestrian Access Way from Crake Court
Attachment 4	Photograph of Pedestrian Access Way from Kiandra Way
Attachment 5	Public Consultation Plan

**PURPOSE**

1. To consider the proposed closure of the Pedestrian Access Way ("PAW") abutting Lot 660 (46) and 661 (48) Kiandra Way, and Lot 628 (10) and 629 (7) Crake Court, High Wycombe. Refer to the Locality Plan (Attachment 1).

**BACKGROUND**

2. In May 2001, Council resolved (OCM 69/01) to support a request to close the PAW because of objections from residents that the access way attracts crime and anti-social behaviour. The closure did not proceed due to some of the owners of those properties abutting the PAW not proceeding to purchase the PAW.
3. The Shire has previously received a request to close the subject PAW for security reasons and due to anti-social behaviour occurring within the vicinity.

**DETAILS**

4. The PAW between Crake Court and Kiandra Way provides an alternative route for pedestrians and cyclists to High Wycombe Primary School, a library, Scott Reserve, Fleming Reserve and a nearby bus route. Refer to the Community Map (Attachment 2) and photographs of the PAW (Attachments 3 and 4).

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## STATUTORY AND LEGAL IMPLICATIONS

5. PAW 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 service authorities, and a sign was also placed at both ends of the PAW.
13. During the advertising period sixteen (16) non-objections and seven objections were received, some of which owned properties outside of the advertisement area and are therefore not shown on the Public Consultation Plan (Attachment 5).



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14. None of the service authorities had objections to the proposal, however the Water Corporation did advise that a water main is located in the PAW which will require cutting and capping.
15. The main issues raised during advertising, against the proposed closure of the PAW, were the following:
- The PAW is used by local residents to go to the school, library and bus stops.
  - If the PAW is 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 school.
  - The PAW forming part of the cycle network which provides access to Fleming Reserve where the Shire has recently constructed a new bicycle park.
16. The reason given in support of the PAW'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 PAW would increase the walking distance to High Wycombe Primary School, the library, the nearby Reserves and bus stops.

#### Economic Implications

19. Nil.

#### Environmental Implications

20. Closure of the PAW 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 PAW has been requested by the owner of 7 Crake Court 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. Having inspected the PAW it was noted that it has been well maintained. If any vegetation encroaches into the PAW then it is the adjoining landowner's responsibility to maintain.
23. The Shire is responsible for removing graffiti from PAWs.
24. Adequate street lighting exists at either end of the PAW.
25. Should the PAW be closed, the walking distance to the nearby Reserves, bus stops and school would increase by an additional 280m and would therefore not comply with Liveable Neighbourhoods.
26. It is recommended that the request to close the PAW between Kiandra Way and Crake Court, High Wycombe, not be supported.

**OFFICER RECOMMENDATION (PS 32/2011)**

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way between Kiandra Way and Crake Court, High Wycombe, not be supported and the Pedestrian Access Way remain open as it is considered to be of importance in the local pedestrian/cyclist network.

Moved:

Seconded:

Vote:

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**33. Wisteria Court and Kalmia Way, Forrestfield – Proposed Closure of Pedestrian Access Way**

Previous Items	OCM 50/05, OCM 60/05
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	KL-04/GEN
Applicant	G and L Tierney
Owner	N/A
Attachment 1	Locality Plan
Attachment 2	Community Map
Attachment 3	Photograph of Pedestrian Access Way from Kalmia Way
Attachment 4	Photograph of Pedestrian Access Way from Wisteria Court
Attachment 5	Public Consultation Plan

**PURPOSE**

1. To consider the proposed closure of the Pedestrian Access Way ("PAW") abutting Lot 888 (25) and 889 (23) Kalmia Way and Lot 26 (7) and 27 (8) Wisteria Court, Forrestfield. Refer to the Locality Plan (Attachment 1).

**BACKGROUND**

2. In May 2005, Council resolved (Resolution OCM 50/05) to defer the request to investigate whether an easement can be placed over a water main within the PAW.
3. In June 2005, Council resolved (Resolution 60/05) to support the closure of the PAW with gates being placed at either end of the PAW. The Officer's recommendation was to not support the closure of the PAW because it was considered to be of importance in the local pedestrian and cyclist network.
4. In March 2006, the Department for Planning and Infrastructure advised the Shire that it did not support the PAW closure as it would have an adverse impact on the level of access to neighbourhood facilities, public transport routes and local recreation Reserves.
5. The Shire has previously received a request to close the subject PAW for security reasons and due to anti-social behaviour occurring within the vicinity.

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## DETAILS

6. The PAW between Kalmia Way and Wisteria Court provides an alternative route for pedestrians and cyclists to Darling Range College, a nearby bus and cycle route. Refer to the Community Map (Attachment 2) and photographs of the PAW (Attachments 3 and 4).

## STATUTORY AND LEGAL IMPLICATIONS

7. PAW 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

8. *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.
9. 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.
10. 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.
11. 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

12. 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.
13. 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

14. The proposed closure was advertised to nearby landowners and referred to the service authorities, a sign was also placed at both ends of the PAW.

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15. During the advertising period twelve (12) non-objection and fifteen (15) objections were received. Refer to the Public Consultation Plan (Attachment 5).
  16. None of the service authorities had objections to the proposal.
  17. The main issues raised during advertising, against the proposed closure of the PAW, were the following:
    - The PAW is used by local residents to go to the college (high school) and bus stop.
    - If the PAW was closed it will create longer walking journeys for residents without cars, including the elderly and the disabled.
  18. The reason given in support of the PAW's proposed closure is that anti-social behaviour occurs within the vicinity.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

19. Nil.

### **Sustainability Implications**

#### Social implications

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

#### Economic Implications

21. Nil.

#### Environmental Implications

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

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**OFFICER COMMENT**

23. The closure of the PAW has been requested by the owners of 23 Kalmia Way due to security reasons and anti-social behaviour occurring within the vicinity. Issues relating to anti-social behaviour are dealt with by the Police.
24. Having inspected the PAW it was noted that it has been well maintained. If any vegetation encroaches into the PAW then it is the adjoining landowner's responsibility to maintain.
25. The Shire is responsible for removing graffiti from PAWs.
26. Additional lighting is not necessary due to existing street lighting at either end of the PAW being adequate.
27. Should the PAW be closed, the walking distance to the nearby bus stops and college would increase by an additional 500m and would therefore not comply with Liveable Neighbourhoods.
28. It is therefore recommended that the request to close the PAW between Wisteria Court and Kalmia Way, not be supported.

**OFFICER RECOMMENDATION (PS 33/2011)**

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way between Kalmia Way and Wisteria Court, Forrestfield, not be supported and the Pedestrian Access Way remain open as it is considered to be of importance in the local pedestrian/cyclist network.

Moved:

Seconded:

Vote:

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**34. Townscape Improvement Plans - Maida Vale Shopping Centre**

Previous Items	PS67/ November 2010
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development
File Reference	PG-STU-024
Applicant	N/A
Owner	N/A
Attachment 1	Locality Plan
Attachment 2	Draft Issues and Opportunities Plan
Attachment 3	Draft Concept Plan

**PURPOSE**

1. To consider endorsement of the Townscape Improvement Plans for the Maida Vale Shopping Centre ("the Centre"), located on Kalamunda Road, High Wycombe.

**BACKGROUND**

2. In March 2008, the Shire obtained feedback from the community on a broad range of planning matters as part of the Vision Planning Workshops. The generally poor planning and aesthetics of the Centre was identified at the time.
3. The Shire commissioned an urban design consultant in January 2010 to prepare Townscape Improvement Plans for a number of shopping centres in the Shire, including the subject site.
4. In November 2010, Council approved the Townscape Improvement Plans for the Centre for the purpose of public advertising.

**DETAILS**

5. The Townscape Improvement Plan comprises land wholly occupied by the Centre situated between Berle Way and Kalamunda Road. Refer (Attachment 1) for Locality Plan.
6. The consultant has prepared a plan identifying key issues relating to this shopping centre, namely:
  - The appearance of the centre from Kalamunda Road.
  - Tenancy mix.
  - Poor aesthetic appearance.

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7. Opportunities have been identified addressing three major issues:
- The issue of the Centre's profile to Kalamunda Road should be carried out in two stages. Firstly, the immediate rationalisation and upgrading of advertising signage. Secondly, longer term redesigning of the entry/exit to Kalamunda Road, pending the planned Kalamunda Road upgrade.
  - The issue of the shop tenancies within the Centre should be explored in order to establish tenants who would complement current businesses, provide a point of difference from surrounding shopping centres and help give the centre a better presence on Kalamunda Road. The zoning of the two residential properties to the west of the centre could be explored as a means of a better connection between the Centre and the childcare centre as well as an improved frontage to Kalamunda Road.
  - Finally, the appearance of the Centre could be improved by a modest makeover in the short term. A number of suggestions have been put forward by the Consultant which might help to update the centre's appearance without a major expense.

Refer (Attachment 2) for Issues and Opportunities Plan.

8. The Draft Concept Plan (Attachment 3) illustrates key short term and long term enhancement options for the centre. Apart from the short term proposal to enhance the way the Centre addresses Kalamunda Road, the plan proposes:
- A high activity forecourt which will provide space for alfresco dining, potential markets and/or product display and would be sufficiently well lit to encourage a legitimate after hours use.
  - More pedestrian and less car dominated front of the centre.
  - Suggestions which will enhance the feeling of security and safety within the centre.
  - Potential for re-zoning of the adjoining residential properties to Mixed Use in order to complete the connection with the childcare centre on the west and present a better Kalamunda Road frontage.

#### **STATUTORY AND LEGAL IMPLICATIONS**

9. Nil.

#### **POLICY IMPLICATIONS**

10. Nil.



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**PUBLIC CONSULTATION/COMMUNICATION**

11. The proposal was advertised in the local community paper, on the Shire's website and via displays in High Wycombe Library and Shire Administration Centre from 7 March until 18 April 2011.
  12. Two submissions were received by the closing date. One was a response from the Shopping Centre Manager, who was appreciative of the Shire's initiative and stated that some of the issues have already been addressed by the Centre's owners and some further works on general appearance and signage clutter on Kalamunda Road will be addressed in the course of 2011.
  13. The Centre Manager agreed with the Consultant in terms of viability of any substantial development work being dependent on possible rezoning and acquisition of two residential lots to the west of the property. It is understood that the owner would be interested to proceed in that direction and has already made some enquiries with the Department of Housing, which owns the two properties in question.
  14. The single public submission received raised the following issues:
    - The Centre is not located within Maida Vale but High Wycombe and therefore should be renamed.
    - The majority of Maida Vale residents do not use this centre - pedestrian access from Maida Vale is precluded by a busy Roe Highway and if using a car, residents are more likely to go to Forrestfield or High Wycombe shopping centres.
    - Any money that the Council will spend on upgrading this centre would be better spent building the new shopping centre on the designated site on the corner of Maida Vale Road and Pinker Crescent.
  15. The Centre is old and has been known as a Maida Vale Shopping Centre for years, however for the purpose of the Improvement Plans and to recognise the fact that its location is no longer in Maida Vale the Centre will be referred to as the Berle Way Shopping Centre, High Wycombe.
  16. The draft Improvement Plans prepared for Kalamunda Road have provided for a new pedestrian access point to the Centre across Kalamunda Road. Feature paving and landscaping is also identified to provide a highlight to the Centre and give a visual cue for motorists to reduce their speed.
  17. All of the proposed improvements for this site are on private land and therefore the Shire is not likely to have any further financial involvement with the Improvement Plans.
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18. Improvement Plans for the Centre have no correlation to the future potential development of the shopping centre on Pinker Crescent. The timing and financing of that development lies solely with the landowner.

### **FINANCIAL IMPLICATIONS**

19. Implementation of the recommendations contained in the Improvement Plans will largely require financial commitment from the shopping centre owners since all the proposed work is located on the private land.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

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

#### **Sustainability Implications**

##### Social implications

22. The proposed improvements to the Maida Vale Shopping Centre will make the area more attractive and will provide better amenities for local residents and those visiting from outside the Shire.

##### Economic Implications

23. Implementation of the recommendations contained in the Improvement Plan will assist local businesses in attracting people to the centre and improve the commercial viability of the business.

##### Environmental Implications

24. The identification of appropriate vegetation for planting and careful retention of mature trees in the centre will improve visual amenity and suitable shade in the summer, therefore increasing the comfort of use of the centre.

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**OFFICER COMMENT**

25. The Maida Vale Shopping Centre Improvement Plans are consistent with and complimentary to the values, concerns and visions expressed by the High Wycombe community in the Land Planning Vision Workshops which formed the basis for the preparation of the Improvement Plans.
26. Recommendations contained in the Improvement Plans will provide opportunities for future development within the private domain of the centre.
27. The proposed solutions are targeting the areas of poor amenity in terms of built form, pedestrian and vehicular access and landscaping.
28. While some minor works to improve the Centre's appearance and address of Kalamunda Road are likely to happen in the near future, the viability of any substantial development work will be dependent on possible rezoning and acquisition of two residential lots to the west of the property. Any increase in retail floor space would require additional car parking which would not be able to be accommodated on site.
29. Considering all the proposed work is located on privately owned land, implementation will be the responsibility of the Shopping Centre owners. The Shire officers will work collaboratively with the owners to encourage the development of the Centre, but ultimately the timing of the works will be dependent on the owner's commitment to the improvement works.

**OFFICER RECOMMENDATION (PS 34/2011)**

That Council:

1. Endorses the Townscape Improvement Plan for the Centre subject to the submission of a revised plan with the annotation:
  - Potential development shown on the plan is conceptual only and will be subject to formal development consent.
2. Notes that for the purpose of the Improvement Plan, the Centre be renamed the Berle Way Shopping Centre, High Wycombe.

Moved:

Seconded:

Voted:



- 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**