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Shire of Kalamunda

# Planning Services Committee

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Minutes for 4 July 2011



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## MINUTES

### 1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6:33pm 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) North Ward
Allan Morton	South West Ward
Frank Lindsey	South East Ward
Carol Everett	South East Ward
Justin Whitten	North West Ward
Martyn Cresswell	North West Ward
Dylan O'Connor	North West Ward
Justin Whitten	North West Ward

##### Members of Staff

James Trail	Chief Executive Officer
Rhonda Hardy	Director of Corporate Services
Kevin O'Connor	Director of Community Development
Mahesh Singh	Director of Engineering Services
Darrell Forrest	Manager Governance
Michelle Clark	Executive Assistant
Donna McPherson	Minute Secretary
David Tomlinson	Manager Statutory Planning & Building
Nina Lytton	A/Manager Strategic Planning & Sustainability

**Members of the Public** 10

**Members of the Press** Nil

#### 2.2 Apologies

Clayton Higham Director of Planning & Development Services

#### 2.3 Leave of Absence Previously Approved

Maureen Robinson	South West Ward
Noreen Townsend	South West Ward

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**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 Ms Emma Lister, 2/23 Maida Vale Road, Maida Vale

Q. Could the public be advised, upon arrival, of the procedure for speaking for or against a recommendation contained within the agenda?

A. Taken on Notice.

**4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

**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 7 June 2011 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**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*.)

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- 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*.)

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.

Nil.

**10.0 REPORT TO COUNCIL**

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





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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**23. Lot 581 (145) Connor Road, Lesmurdie - Proposed Mobile Phone Tower**

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	CN-07/145
Applicant	Aurecon Pty Ltd
Owner	Shire of Kalamunda
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Enlarged Site Plan
Attachment 4	Elevation
Attachment 5	Current Scheme Zoning Map
Attachment 6	Photograph of Tower's Proposed Location
Attachment 7	View East of Access Track to Ashurst Drive
Attachment 8	Submission Table
Attachment 9	Optus Environmental EME Report

**PURPOSE**

1. To consider an application for planning approval for a mobile phone tower ("the tower") on Lot 581 (145) Connor Road, Lesmurdie (the Lesmurdie Falls Reserve), prior to Council forwarding its recommendation to the WA Planning Commission ("the Commission"). Refer to the Locality Plan (Attachment 1), Site Plan (Attachment 2), Enlarged Site Plan (Attachment 3) and Elevation (Attachment 4).

**BACKGROUND**

2. The property is a Regional Reserve (Parks and Recreation) under the Metropolitan Region Scheme and therefore, the application will ultimately be determined by the Commission. Refer to the current Scheme Zoning Map (Attachment 5).
3. The property is surrounded by Regional Reserve, and Residential zoned properties are approximately 200m from the proposed tower.
4. The tower is proposed to be located within close proximity of an existing telecommunication facility for the WA Police with access via an existing track from Ashurst Drive. Refer to the photograph of the proposed tower's location (Attachment 6) and the photograph of the view east along the existing track from Ashurst Drive (Attachment 7).

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**DETAILS**

5. The proposed development includes the following:
  - A 25m high monopole (mast).
  - A 5m high antenna situated on top of the monopole.
  - An equipment shelter which will store cable trays to accommodate the electronic equipment, air conditioning units, back up sealed batteries and electrical cabling.
  - Security (cyclone) fencing around the perimeter of the compound.
  - Existing trees are proposed to be retained to screen the facility.
6. The combined height of the proposed tower shall be 30m.
7. The proposed tower would be approximately 200m from the Residential zoned area.
8. The applicant's justification in favour of the proposed mobile phone tower's location is the following:

*"In investigating its ability to meet customer demand in this area Optus has considered numerous opportunities including co-locating on the existing WA Police 30m lattice structure, which currently accommodates existing Telstra panel antennas at the 20m level; other low impact options and new structures in the area. It is important to note that Optus and its consultants searched for opportunities to co-locate the required infrastructure on existing towers and masts but were unable to identify suitable opportunities that could meet the radio frequency coverage requirements of its customers in this area.*

*Optus' most effective option in terms of coverage objective, efficiency of infrastructure and minimization of visual impact is to propose a new structure at this location, which is appropriately removed from the residential area located north-east of the site."*

**STATUTORY AND LEGAL IMPLICATIONS**

9. In considering an application for planning approval, Local Planning Scheme No. 3 ("the Scheme") requires the Shire to have due regard to the compatibility of the development within its setting, the preservation of the amenity of the locality, the likely effect of the height, bulk, scale, orientation and appearance of the proposal, and any relevant submissions received on the application.
10. As the property is a Regional Reserve (Parks and Recreation) under the Metropolitan Region Scheme, the application will be determined by the

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Commission. Council is to provide the Commission with its recommendation.

11. If the Commission 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. The Commission will be the respondent to any appeal.

## **POLICY IMPLICATIONS**

### **Telecommunications (Low-impact Facilities) Determination 1997**

12. The proposed mobile phone tower is not defined as being a low impact facility under the *Telecommunications (Low-impact Facilities) Determination 1997* due to its height. Therefore planning approval is required to be obtained.

### **Local Planning Policy DEV26 – Radio, Television and Communication Facilities/Masts**

13. In assessing the planning application, Council is to give consideration to Local Planning Policy DEV26 – Radio, Television and Communication Facilities/Masts which stipulates the following with regard to mobile phone towers:
- New towers are not to be located within 500m from sensitive areas (residential).
  - New facilities that require planning approval are to be advertised to all landowners within a 500m radius at least three weeks prior to the Council meeting. A notice is also to be placed in a local paper and a sign is to be placed on site.
  - The facility is to be located and designed to cause minimal visual impact.

### **State Planning Policy No. 5.2 – Telecommunication Infrastructure**

14. State Planning Policy No. 5.2 – Telecommunication Infrastructure (SPP 5.2) stipulates when planning approval is required to be obtained for telecommunication infrastructure when determined not to be low impact under the *Telecommunications (Low Impact Facilities) Determination 1997*.
15. Section 2.3 of SPP 5.2 requires all carriers to comply with the Australian Communications Authority's *Radiocommunications (Electromagnetic Radiation - Human Exposure) Standard (2003)*.

## **PUBLIC CONSULTATION/COMMUNICATION**

16. The proposal was advertised for 21 days in accordance with clause 9.4.3 of the Scheme.
17. Advertising of the proposal involved a local public notice in a paper circulating

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the District, a sign being erected near the subject property (at the end of the Ashurst Drive cul-de-sac) and the proposal being referred to affected landowners for comment.

18. During the advertising period twenty five (25) objections and two non-objections were received by the Shire. Refer to the Submission Table (Attachment 8).
19. Concerns raised during advertising included:
- The tower being visually intrusive on nearby residential properties by virtue of its location and appearance.
  - The radiation levels emitted from the proposed tower potentially being unacceptably high and having an impact on the health of residents and the school community in the long term.
  - Radiation levels emitted from mobile phone towers, and what is considered to be an acceptable level of radiation people can be exposed to, being unknown.
  - The proposed tower being closer than 500m to sensitive land uses as stipulated under Local Planning Policy DEV26 – Radio, Television and Communication Facilities/Masts.

## **FINANCIAL IMPLICATIONS**

20. Nil.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

21. Nil.

### **Sustainability Implications**

#### Social implications

22. While some of the potential impacts the tower may have on the amenity of the local area could be addressed through the inclusion of conditions, there are issues of concern to the community which cannot be addressed through conditions. Residents have expressed concerns regarding potential health implications around the location of the proposed tower, particularly in relation to its proximity to the residential area.

#### Economic Implications

23. Nil.

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Environmental Implications

24. Nil.

**OFFICER COMMENT**

25. Local Planning Policy DEV26 – Radio, Television and Communication Facilities/Masts stipulates that new towers should not be located within 500m from sensitive areas that include residential, schools and other similar uses as determined by Council.
26. During the advertising period, the submitters objected to the proposal as the proposed tower will be too close to the residential area (200m). As a result, radiation emitted from the tower could have an impact on the health of residents.
27. The applicant provided an Optus Environmental EME Report for the proposed tower, which confirms that the tower will comply with the Australian Communications and Media Authority regulatory requirements with respect to electromagnetic energy exposure levels. Refer to the Optus Environmental EME Report (Attachment 9).
28. The Optus Environmental EME Report concludes that electromagnetic energy levels from the proposed tower are estimated to be 0.094% of the Australian Radiation Protection and Nuclear Safety Agency at 1.5m above ground level.
29. However, the Australian Radiation Protection and Nuclear Safety Agency, the Federal Government agency responsible for protecting the health and safety of people from the harmful effects of radiation, have stated that *“although the epidemiological research that has been carried out to date does not give cause for concern, it has too many limitations to give reassurance that there is no hazard.”*
30. It is therefore considered that Council recommends to the WA Planning Commission that the application be refused.

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**COMMITTEE RECOMMENDATION TO COUNCIL (PS 23/2011)**

1. That Council recommend to the WA Planning Commission that the application dated 28 April 2011 for a mobile phone tower at Lot 581 (145) Connor Road, Lesmurdie, be refused for the following reasons:
  - a. Council's Local Planning Policy DEV 26 – Radio, Television and Communication Facilities/Masts requires mobile phone towers to be at least 500m from sensitive land uses. The proposed mobile phone tower shall be 200m from the residential area, which constitutes a 55 per cent reduction in the minimum 500m distance.
  - b. The community objection to a possible unacceptable impact on the health of the local community with respect to radiation emissions from the proposed mobile phone tower.
  - c. The likely impact on the amenity of the locality as it is visually intrusive in the bushland setting by virtue of its location, height and appearance.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**24. Garden Centre and the Parking of Three Commercial Vehicles – Lot 812 (40) Francais Road, Pickering Brook**

Previous Items	OCM 12/2009
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	FR-09/040
Applicant	Dykstra Planning
Owner	S and T Washington
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of Commercial Vehicle
Attachment 4	Photograph of Commercial Vehicle
Attachment 5	Photograph of Property from Francais Road
Attachment 6	Submission Table
Attachment 7	Consultation Plan

**PURPOSE**

1. To consider an application to operate a garden centre and to park three commercial vehicles (one prime mover and two earth moving machines) at Lot 812 (40) Francais Road, Pickering Brook. Refer to the Locality Plan (Attachment 1), the Site Plan (Attachment 2) and the photographs of the commercial vehicles (Attachment 3 and 4).

**BACKGROUND**

2. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) stipulates that where objections have been received the application will be referred to Council for determination, therefore the subject application cannot be determined under delegation.
3. The property is zoned Rural Landscape Interest, is 3.5 hectares in area, falls towards the east boundary, contains a single dwelling and four outbuildings (sheds), and is within a Public Drinking Water Source Area (PDWSA) (Priority 2). Refer to the photograph of the property taken from Francais Road (Attachment 5).
4. In October 2006 temporary planning approval was issued by the Shire to park one prime mover and trailer on the property. The approval was valid for 12 months and no new application was submitted after this period.
5. In August 2008 complaints were received by the Shire that an earth moving business and a commercial vehicle were operating from the property. A commercial vehicle parking application was requested and received by the Shire.

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6. In February 2009 Council resolved (Resolution OCM 12/2009) to temporarily approve an application to park three commercial vehicles (two prime movers and an excavator in excess of 3.5 tonnes) on the property, which were used in conjunction with the landowner's earthmoving business. The approval was valid for 12 months and no new application was submitted after this period.
  7. The February 2009 temporary approval was based on advice given by the applicant that the earthmoving business, which the commercial vehicles were used in conjunction with, operates off-site.

## DETAILS

8. Planning approval is being sought to park three commercial vehicles (one prime mover and two earth moving machines) and to operate a garden centre on the subject property. Details of the application are as follows:
  - Those residing at the property are to operate the garden centre, and the applicant and two people who will be employed in future may drive the commercial vehicles.
  - The garden centre and commercial vehicles are proposed to operate between Monday and Friday 6.30am to 6.00pm and on Saturday 7am to midday.
  - Topsoil, gravel, sand and mulch ("the materials") collected from other properties around the Perth metropolitan area will be collected by the prime mover, which is associated with the landowner's earthmoving business, and be stored at 40 Francais Road.
  - The other two commercial vehicles (earth moving machines) are reliant on the prime mover to be able to be taken on and off site. According to information provided by the applicant, one of the earth moving machines will remain on a trailer which is less than 3.5 tonnes and is therefore not deemed to be a commercial vehicle.
  - The materials will be stored in six 33sqm areas on a proposed hardstand area which will be setback 22.8m from the primary street and be screened by additional trees along the primary street boundary. The materials will not be placed in contained areas on the hardstand area.
  - Commercial vehicles will be used to collect and remove materials from the site.
  - All major maintenance on the commercial vehicles will be done off-site.
  - The vehicles are proposed to be parked inside an existing 120sqm outbuilding (shed), part of which will be converted into an office for



the administrative operation of the proposed garden centre.

- The commercial vehicles may idle for up to five minutes before leaving the property.
- To ensure the presence of dieback is reduced, the following management procedures are proposed:
  - a) The presence of dieback and common environmental weed species within the surrounding locality shall be identified prior to operation commencement, to ensure operators are familiar with the issue.
  - b) A vehicle wash down area will be established for the proposal (not shown on the site plan provided) to minimise the risk of transporting dieback or weeds.
  - c) All soil and plant material shall be removed from vehicles whilst parked in the wash down area.
  - d) If any dieback infestations arise the Department of Environment and Conservation will be notified by the landowner.

9. As the property falls within a PDWSA a contamination report was requested for the material proposed to be stored on the property but was not provided because *“the materials will be sourced from a variety of properties with the source of these materials not known at this time”*.

10. Details of the commercial vehicles proposed to be parked on the property are as follows:

	<b>TRUCK</b>	<b>EARTH MOVER</b>	<b>EARTH MOVER</b>	<b>POLICY REQUIREMENT S (RIGID TYPE)</b>
MAKE	Volvo	Hitachi	Case	
TYPE	Tipper Truck	Excavator	Front End Loader	
YEAR	2001	2011	2007	
LENGTH	4.5M	8M	3M	11M MAXIMUM
HEIGHT	2.2M	2.5M	2.5M	4.3M MAXIMUM
WIDTH	2.5M	2.5M	2.5M	2.5M MAXIMUM
TARE WEIGHT	10.5 tonnes	18 tonnes	10 tonnes	
LICENCE NO.	1CWY 477	UNLICENSED	UNLICENSED	

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11. The applicant's justification in favour of the proposed garden centre is the following:

*"Landscape supplies (as this garden centre would predominantly focus on) would be considered to fit within the garden centre definition under the Scheme.*

*The proposal includes the temporary stockpiling and supply of garden products, for domestic landscaping uses by surrounding properties, so the proposal is considered appropriate to fit within the above definition. The proposal does not fit within any other land use definition under TPS (sic) No. 3.*

*The very fact the earth moving business predominantly operates in rural localities and in fact provides an essential service within these rural areas means the resultant products for use in the garden centre is inherently suited to being located in this zone, and at this site."*

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

12. Under Schedule 1 (Land Use Definitions) of Local Planning Scheme No. 3 ("the Scheme") a garden centre is defined as being:

*"Any land or building or part thereof used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display, but not manufacture, of pre-fabricated garden buildings."*

13. Under the Zoning Table of the Scheme the use Garden Centre is classed as an 'A' use on properties zoned Rural Landscape Interest, and is not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 (Advertising of Applications).

14. In considering an application for planning approval, the Scheme requires Council to have due regard to the compatibility of the development within its settings, the preservation of the amenity of the locality, the likely effect of the scale and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, and any relevant submissions received on the application.

15. Under clause 4.2 of the Scheme (Objectives of the Zones), the objectives of the Rural Landscape Interests zone are to ensure development is in harmony with the natural environment; and to ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.

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

## **POLICY IMPLICATIONS**

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

17. In assessing the application, Council is to give consideration to Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) which stipulates the following provisions applicable to parking commercial vehicles on Rural Landscape Interest zoned properties:
- Applications for a maximum of two commercial vehicles will be considered where the existence of a lawfully established business generates the need for more than one commercial vehicle; in these cases applications will be dealt with on their merits.
  - The commercial vehicle shall not exceed (rigid type) 11m in length 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.
18. A variation to park three commercial vehicles at the property was granted by Council in February 2009 as one of the commercial vehicles (an earth moving machine) was reliant on one of the other commercial vehicles (a prime mover) to be taken on and off site, and remained on a trailer (which was less than 3.5 tonnes) whilst on the property.

## **PUBLIC CONSULTATION/COMMUNICATION**

19. The proposal was advertised for 14 days to nearby property owners for comment in accordance with clause 9.4.3 of the Scheme. Three objections and one non-objection were received. Refer to the Submission Table (Attachment 6).
20. Concerns raised during advertising included:
- Traffic volumes and movements associated with the proposed garden centre having a detrimental impact on the safety of pedestrians and

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other drivers.

- The local road network potentially being unsuitable for an increase in traffic (private and commercial vehicle) volumes and movements.
- The parking of commercial vehicles having an impact on the area's amenity.
- The storage of topsoils, mulches and trees on the property potentially introducing pathogen.
- Dust generated by activities associated with the garden centre potentially having an unacceptable impact on neighbour's amenity.
- The approval of the garden centre setting a precedence within the locality.

21. One of the submitters has requested that their name and address details remain confidential, therefore the location of the comments received have not been shown on the Consultation Plan (Attachment 7).

22. The proposal was also referred to the Department of Water due to the property falling within a PDWSA (Priority 2), and it provided the following comments:

*"The Department of Water has considered the proposal and would like to provide the following conditions:*

Condition

*A Water Management Plan is to be prepared and approved prior to development, addressing all water issues to the satisfaction of the Department of Water in consultation with the Shire of Kalamunda.*

Advice

*The management plan should address the following water management issues:*

- *Diagrams and descriptions of the type of drainage mechanisms to be used to manage run-off associated with the stockpiling.*
- *A commitment to exclude the stockpiling of manure from current business operations.*
- *A site plan showing the location of the chemical storage facility and a description of the construction details of the tanks and their associated spill compounds.*
- *Stormwater Management associated with the chemical storage*

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*facilities.*

- *A comprehensive list of the chemicals to used (sic) and stored onsite.*
- *Management of onsite wastewater. Please advise on the number of staff using the toilet facilities and the hours in which it will be used."*

## **FINANCIAL IMPLICATIONS**

23. Nil.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

24. Nil.

### **Sustainability Implications**

#### Social implications

25. Nil.

#### Economic Implications

26. Nil.

#### Environmental Implications

27. There is the potential for the site to become contaminated due to the materials proposed to be stored on site not coming from a regular source.

## **OFFICER COMMENT**

### **Proposed Garden Centre**

28. During the advertising period, submitters objected to the proposed garden centre as it will result in an increase in traffic volumes and movements which the local road network has not been designed to cater for.

29. When requested to address this concern, the applicant advised the Shire that the increase in the number of vehicles allowed on the property is not considerably greater than what has been previously granted. The applicant also advised that *"the standard of roads in the vicinity are of a suitable standard"*.

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30. It should be noted that no restrictions are proposed on when clients would be able to visit the garden centre during the operating hours; previous approvals have only involved two prime movers entering and leaving the subject property, and the garden centre will involve additional commercial vehicles to those proposed.
31. A traffic impact assessment was requested to demonstrate the likely impact the increased traffic volumes, movements and frequency will have on the local roads however this was not provided. As such, it is not known what, if any, impact the activity would have on users of Francais Road.
32. The stockpiles are proposed to be screened by planting additional landscaping along a portion of the primary street boundary. However due to the proposed stockpiling area being on a higher portion of the property compared with the road the proposed landscaping will have a limited affect in minimising the visual impact.
33. As the property falls within a PDWSA and because the materials are proposed to be brought on site from various other properties around the Perth metropolitan area, a soil contamination report was requested but was not provided by the applicant. The applicant advised that *"it is not considered reasonable for a Soil Contamination Report to be provided at this stage for fill proposed to be brought to the property given:*
- a) *Materials will often be very small volumes; and*
  - b) *Materials will be sourced from a variety of properties with the source of these materials not known at this time."*
34. Whilst the applicant is applying for a garden centre to operate at the property, it only effectively consists of one aspect of the potential development (as defined in the Scheme) that is, storage and sale of garden products (soils and mulch).
35. Given the nature and locality of the development and how it is proposed to be managed, the proposal will have an unacceptable impact on the amenity of the locality in terms of its visual impacts. Therefore it is recommended that Council refuses the garden centre proposal.

### **Commercial Vehicle Parking**

36. The proposal to continue to park commercial vehicles on the property complies with the Policy apart from the number of commercial vehicles proposed to be parked exceeds two (three proposed), and the hours of operation proposed as the applicant is seeking approval to leave prior to 7.00am (6.30am) weekdays and prior to 9am (7am) on Saturday.
37. During the advertising period, concerns were raised that the commercial vehicles will have an impact on the amenity of the local area.
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38. One of the commercial vehicles (an earth moving machine) is reliant on one of the other commercial vehicles (a prime mover) to be taken on and off site, and is to remain on a trailer (which was less than 3.5 tonnes) whilst on the property. The commercial vehicles are also proposed to be parked within an existing outbuilding.
39. During the advertising period, concerns were raised that the commercial vehicles will have an impact on the amenity of the local area.
40. The commercial vehicles will be parked inside an existing 120sqm outbuilding (shed), and the proposed hours of operation will not have a detrimental impact on the local area's amenity.
41. Temporary approval was granted by Council in February 2009 to park three commercial vehicles (two prime movers and one earth moving machine) on the subject property at the same hours of operation.
42. It should be noted that the commercial vehicles approved previously were not proposed to be parked inside an outbuilding, and no records exist of any complaints being received by the Shire with regard to the hours of operation after the approval was issued.
43. It is therefore recommended that Council approves the proposal to park three commercial vehicles on the property be approved by Council.

**OFFICER RECOMMENDATION**

That Council:

1. Refuses the application dated 1 March 2011 to operate a garden centre at Lot 812 (40) Francais Road, Pickering Brook, for the following reason:
  - a. The proposed garden centre is considered incompatible with the purpose and intent of the Rural Landscape Interest zone in that it is not in harmony with the natural environment.
  - b. Potential for traffic associated with the development impacting on traffic flow and safety.
2. Approves the proposal to park three commercial vehicles, a Volvo tipper truck (registration number 1CWY 477) an unlicensed Hitachi Excavator and an unlicensed Case Front End Loader on Lot 812 (40) Francais Road, Pickering Brook, subject to the following conditions:
  - a. An amended site plan be provided within 28 days of Council's determination showing the removal of the proposed hardstand area to the Shire's satisfaction.
  - b. The vehicles must, at all times, be parked in the existing outbuilding

as shown on the approved site plan.

- c. The commercial vehicles are only to be operated between the hours of 6.30am and 6.00pm Monday to Friday and 7am to midday on Saturdays.
- d. Approval of the parking activity does not include approval for the loading or unloading of the commercial vehicles, or the storage of goods and materials in transit (including those associated with the landowner's earth moving business).
- 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 vehicles 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 landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.
- h. The driveway and crossover shall be designed, sealed, drained and constructed to the satisfaction of the Shire's Director Engineering Services.

Moved:

Seconded:

Vote: **LAPSED**

As there was no Mover or Secunder for the Officer Recommendation it LAPSED. Cr Frank Lindsey proposed an alternative motion which received a Secunder and was put to the vote.

#### **COMMITTEE RECOMMENDATION TO COUNCIL (PS24/2011)**

That Council:

1. Refuses the application dated 1 March 2011 to operate a garden centre at Lot 812 (40) Francais Road, Pickering Brook, for the following reason:
  - a. The proposed garden centre is considered incompatible with the purpose and intent of the Rural Landscape Interest zone in that it will adversely affect the landscape and environmental qualities of the land due to the stockpiling of various materials.



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- b. Potential for traffic associated with the development impacting on traffic flow and safety.
2. Approves the proposal to park three commercial vehicles, a Volvo tipper truck (registration number 1CWY 477) an unlicensed Hitachi Excavator and an unlicensed Case Front End Loader on Lot 812 (40) Francais Road, Pickering Brook, subject to the following conditions:
- a. An amended site plan be provided within 28 days of Council's determination showing the removal of the proposed hardstand area to the Shire's satisfaction.
- b. The vehicles must, at all times, be parked in the existing outbuilding as shown on the approved site plan.
- c. The commercial vehicles are only to be operated between the hours of 6.30am and 6.00pm Monday to Friday and 7am to midday on Saturdays.
- d. Approval of the parking activity does not include approval for the storage of goods and materials in transit (including those associated with the landowner's earth moving business).
- 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 vehicles 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 landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.
- h. The driveway and crossover shall be designed, sealed, drained and constructed to the satisfaction of the Shire's Director Engineering Services.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**25. Review of the Shire of Kalamunda's Sign Local Law 2009**

Previous Items	Nil
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	Nil
Applicant	N/A
Owner	N/A
Attachment 1	Current Signs Local Law (2009)
Attachment 2	Proposed Amended Signs Local Law

**PURPOSE**

1. To consider proposed modifications to the Shire's Signs Local Law ("the Local Law"). Refer to the current Local Law (Attachment 1) and the proposed amended Local Law (Attachment 2).

**BACKGROUND**

2. The current Local Law was published in the Government Gazette on 19 September 2001.
3. In 2007 the Local Law was reviewed by the Shire but did not proceed due to legislative requirements regarding the Local Law not differentiating between Town Planning and Building requirements.
4. Section 3.16 of the *Local Government Act 1995* requires that local laws be reviewed within a period of eight years from the day on which the local law came into effect. As such, the Local Law is due for review.

**DETAILS**

5. The review of the Local Law has identified a number of proposed changes including:
  - Replacing references to out-dated legislation.
  - Including a Right of Review (appeal) to the State Administrative Tribunal clause.
  - Provision for delegation to certain officers by the Chief Executive Officer.
  - Updating staff titles.
  - Removal of gender specific language.
  - Including reference to signage to be dealt with under the Local Planning Scheme.

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6. Proposed changes to the Local Law are detailed in Attachment 2 with words to be deleted indicated with a ~~strike through~~ and words to be added in red.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. Where a local law is to be amended, a local government is required to follow the procedure prescribed in Section 3.12 of the *Local Government Act 1995* pertaining to making local laws.
8. To amend the Local Law the Shire is required to undertake the following tasks:
- a. Give state wide public notice that it intends to amend the Local Law. This notice is to include a summary of the purpose and effect of the Local Law, and details of where the local law may be inspected and obtained.
  - b. Give a copy of the proposed amended Local Law and a notice referred to in the previous task, to the Minister for Local Government.
  - c. Provide a copy of the proposed amended local law to any person requesting it.
  - d. Publish the notice referred to in the first task as if it were a local public notice.

### **POLICY IMPLICATIONS**

9. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

10. Should Council grant approval, pursuant to Section 3.12 of the *Local Government Act 1995*, to give Statewide public notice of its intention to amend the Local Law, submissions regarding the proposed amended Local Law may be made to the Shire for a period of not less than six weeks after the Statewide public notice of the Shire's intent to amend the Local Law is published.
11. At the close of the submission period a further report would be presented to Council recommending that Council either make the proposed amended Local Law or propose further amendments.

### **FINANCIAL IMPLICATIONS**

12. Funding for publishing a Statewide public notice advising that Council intends to amend the Local Law is included in the Shire's current budget.

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## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

13. Nil.

### **Sustainability Implications**

#### Social implications

14. Nil.

#### Economic Implications

15. Nil.

#### Environmental Implications

16. Nil.

### **OFFICER COMMENT**

17. The amended Local Law will assist in the procedural and governance aspects of the Shire's development control responsibilities.
18. The Local Law outlines the requirements for signage in the public realm (such as pylon and direction signs), and fines for not obtaining Shire approval for signage.
19. It is therefore recommended that Council grant approval, pursuant to Section 3.12 of the *Local Government Act 1995*, to give Statewide public notice of its intention to amend the Local Law.
20. The Local Law essentially sets out the locational and structural standards for signage in the Shire. The Local Planning Scheme requires certain signs to also gain planning consent, which are dealt with under general Scheme provisions.

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**OFFICER RECOMMENDATION**

1. That Council, pursuant to Section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to amend the Shire of Kalamunda Signs Local Law (as detailed in Attachment 2) with the purpose and effect of this local law to:

Purpose: Provide for the regulation, control and administration of signage throughout the Shire of Kalamunda.

Effect: Establish the requirements with which any person intending to erect signage on a property within the Shire of Kalamunda must comply.

Moved:

Seconded:

Vote: **LAPSED**

The Committee was provided with advice from the Chief Executive Officer. As a result of the advised received the Officer Recommendation did not receive a Mover or Seconder and LAPSED. A motion was put to the meeting to defer the item. This motion received a Mover and Seconder and was put to a vote.

**COMMITTEE RECOMMENDATION TO COUNCIL (PS 25/2011)**

1. That Council defer a decision to amend the Shire of Kalamunda Signs Local Law until after a Councillor Briefing Forum is undertaken to further brief Council.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

**26. Recommendations from the Community Sustainability Advisory Committee (CSAC) Meetings**

Previous Items	PS 65/08; PS 74/08; PS 17/11
Responsible Officer	Director Planning & Development Services
Service Area	Planning and Development Services
File Reference	EV-EPP-014
Applicant	N/A
Owner	N/A
Attachment 1	CSAC Minutes – May 2011 (draft)

**PURPOSE**

1. To consider recommendations from the Community Sustainability Advisory Committee (CSAC) meeting held on the May 26, 2011.

**BACKGROUND**

2. CSAC is a Council endorsed Committee with a purpose to advise on sustainable practices within the Shire of Kalamunda and across the community; to provide advice or make recommendations to Council on a range of sustainability issues impacting on the community within the Shire of Kalamunda; and to provide a forum for Community Representatives and Councillors to focus on issues related to sustainability within the Shire of Kalamunda.

**DETAILS**

3. At CSAC's meeting on the 26 May 2011, the following motions were put forward at the committee, namely:
  - Staff and contractor inductions to include details of environmental site sensitivities, to prevent areas being damaged.
  - Current member appointments expire on the Local Government Elections date schedule for 15 October 2011. Request that nominations for the next round of CSAC members be advertised two months in advance of this date for the continuation of meetings.

**STATUTORY AND LEGAL IMPLICATIONS**

4. CSAC is not obliged to submit the minutes of its meetings to Council under any local policy or law, however the Committee wishes to do so in order to provide Council with an account of its undertakings as a Committee of Council, this is considered to be good practice.

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## **POLICY IMPLICATIONS**

5. Nil.

## **PUBLIC CONSULTATION/COMMUNICATION**

6. Nil.

## **FINANCIAL IMPLICATIONS**

7. A small financial cost will be required for the advertising of new committee members in August.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

8. Nil.

### **Sustainability Implications**

#### Social implications

9. Seeking nominations in advance will encourage people of varying backgrounds to express their interest and allow time for the assessment of candidates.

#### Economic Implications

10. Nil.

#### Environmental Implications

11. Environmental projects and advice from the members will continue to flow un-interrupted.

## **OFFICER COMMENT**

12. **Recommendation 1:  
The Environmental Coordinator investigates induction details relating to the communication of environmentally sensitive areas for staff and contractors.**  
Many environmentally sensitive areas exist across the Shire and most operational work has the ability to impact on these. It is important therefore that as part of the induction process for new staff administered through Human Resources that new staff are fully briefed regarding environmentally sensitive areas.

Staff need to be aware and understand the conservation value of sensitive



areas such as streams, creek lines, intact areas of natural vegetation, declared rare flora, threatened ecological communications and bush forever sites.

Greater understanding of environmentally sensitive areas at the staff induction stage will enable staff and contractors to become more aware of these sensitivities and if in doubt seek the right advice.

13. **Recommendation 2:  
The Environmental Coordinator initiate committee member advertising in August.**

To ensure the continued flow of meetings and completion of outstanding items it is recommended that this action be implemented to allow timely assessment and appointment of the nominees. The Committee will potentially consist of up to twelve members from the community to provide impartial advice on sustainability issues. Two of these memberships will include the appointment of Councillors, in accordance with the Local Government Act 1995.

**COMMITTEE RECOMMENDATION TO COUNCIL (PS 26/2011)**

1. The Minutes be received and noted.
2. That:
  - a. The inclusion of information regarding environmentally sensitive areas in the staff induction process be noted.
  - b. The Chief Executive Officer authorises advertising for community nominees for appointment to the CSAC for a period of two years following the Local Government election in October 2011.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (10/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**27. Lot 998 (31) Maida Vale Road, Maida Vale – Modification to Maida Vale Urban Area U6 Structure Plan**

Previous Items	Nil
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	MD-03/031
Applicant	Greg Rowe and Associates
Owner	Boldsilk Holdings Pty Ltd
Attachment 1	Locality Plan and Public Consultation
Attachment 2	Existing Structure Plan
Attachment 3	Proposed Modified Structure Plan
Attachment 4	Indicative Site Plan
Attachment 5	Indicative Elevations
Attachment 6	Submission Table

**PURPOSE**

1. To consider a proposal to modify the Maida Vale Urban Area U6 Structure Plan (“the Structure Plan”) to allow for R30 housing to be developed on the western portion of Lot 998 (31) Maida Vale Road, Maida Vale. Refer to the Locality Plan (Attachment 1).

**BACKGROUND**

2. The Structure Plan for Maida Vale Urban Area U6 was adopted by the Council in 1994 and endorsed by the WA Planning Commission in December 1995. The land was identified as Neighbourhood Shopping Centre on the original plan.
3. The subject property is vacant, with frontages onto Pinker Crescent and Maida Vale Road, and is identified on the current Structure Plan as being “Neighbourhood Centre”, that is, for commercial purposes. Adjoining properties are identified on the Structure Plan as being Residential R30 and Community Centre. Refer to the current Structure Plan (Attachment 2).

**DETAILS**

4. The applicant is proposing to modify the Structure Plan to allow for R30 housing on the west portion of the property which fronts Pinker Crescent. Refer to the proposed modified Structure Plan (Attachment 3).
5. An indicative subdivision plan has been prepared for the property which shows nine residential R30 lots, a single storey shopping centre containing five tenancies (68sqm to 795sqm in floor area), and two separate crossovers.

The site plan and elevations provided for the shopping centre are indicative

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only, as the final design will be determined at the development application stage. Refer to the Indicative Site Plan (Attachment 4) and Indicative Elevations (Attachment 5).

6. In justification for the reduction of the site area for commercial purposes, the applicant has provided a retail demand analysis which concludes the following:
- *It is anticipated that sufficient demand would exist to enable the proposed supermarket the target floor space productivity from 2012.*
  - *A larger shopping centre as proposed in the Structure Plan is unlikely to be viable.*

### **STATUTORY AND LEGAL IMPLICATIONS**

7. Under the provisions of Local Planning Scheme No. 3 (“the Scheme”) the property is zoned Urban Development. The adopted Structure Plan identifies the subject site as a local Neighbourhood Shopping Centre.
8. The design and assessment of structure plans are dealt with under Clause 6.2 – *Development Areas* of the Scheme. In particular Clause 6.2.3 – *Preparation of Structure Plans* and 6.2.4 – *Adoption and Approval of Structure Plans*.
9. If adopted by Council the modified structure plan will be forwarded to the WA Planning Commission (“WAPC”) for endorsement. In the event that the WAPC refuses the request, there is a right of review (appeal) to the State Administrative Tribunal.

### **POLICY IMPLICATIONS**

10. Directions 2031 and Beyond  
*Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area, the objectives of which include the following:
- Reducing greenhouse emissions.
  - Ensuring that economic development and accessibility to employment inform urban expansion.
  - Encourage reduced vehicle use.

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**PUBLIC CONSULTATION/COMMUNICATION**

11. The proposal was advertised for 42 days in accordance with the provisions of the Local Planning Scheme No 3.
- This involved a local public notice in a paper circulating the District, two signs being erected on the subject property and the proposal being referred to affected landowners for comment.
12. During the advertising period, 13 submissions were received, four being objections, six being non objections and three comments on various aspects of the proposal.
13. The main issue raised through submissions was the potential for an increase in traffic. Residents in the area are experiencing problems with speeding traffic and are concerned that the problem will increase with the development of the property. Refer (Attachment 6) for Submissions.
14. A petition, with 14 signatures from residents of Maida Vale Road has been received. The petitioners are mainly concerned of the impact which the shopping centre will have on the traffic in the area. The petition outlines some of the traffic issues already present on Maida Vale Road. Additionally, they are concerns that the shopping centre will attract anti-social behaviour and that the shopping centre's driveway, as shown on the indicative plan will adversely affect the residents opposite the site on Pinker Crescent.

**FINANCIAL IMPLICATIONS**

15. Nil.

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

16. Nil.

**Sustainability Implications**Social implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

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**OFFICER COMMENT**

20. The proposed modification is consistent with the intent of the Structure Plan in providing for a range of housing types in close proximity to commercial activities.
21. In response to the concerns regarding traffic issues, the road hierarchy of Maida Vale Road is of District Distributor B and it carries an average traffic volume of 7,500 vehicles per day. Due to the hierarchy of the road and its connectivity with Roe Highway, Hawtin Road and Kalamunda Road, it is not possible to install any traffic calming devices.
22. At the development application stage, it can be reinforced with the applicant to install proper intersection treatment to ensure there are adequate safety measures are in place for all road users including pedestrians.
23. The Shire may request an independent traffic impact study at the development application stage and ask the applicant to implement the recommendations to ensure public safety.
24. The modification proposes to reduce the size of the area set aside for commercial purposes and adds residential development on the lot, which, if adopted, is likely to result in less impact on the amenity of surrounding residents than the potential development under the current plan.
25. Considering the above, it is recommended that Council adopt the modified Structure Plan.

**COMMITTEE RECOMMENDATION TO COUNCIL (PS 27/2011)**

1. That Council adopts the proposed modification to the Maida Vale Urban Area U6 Structure Plan for Lot 998 (31) Maida Vale Road, Maida Vale, and forwards the modification to the Western Australian Planning Commission for endorsement.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

**28. Amendment 23 to Local Planning Scheme No.3 - Rezoning From Urban Development to Industrial Development - Forrestfield Industrial Area Stage 2**

Previous Items	PS 46/2010
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	PG-LPS-003/023
Applicant	N/A
Owner	Various owners
Attachment 1	Locality Plan and Public Consultation
Attachment 2	Amendment Plan
Attachment 3	Submission Table

**PURPOSE**

1. To consider final approval for Amendment No.23 to Local Planning Scheme No 3. (the Scheme) to rezone Lots 4, 9, 11 and 12 Ibis Place, Lot 7 Raven Street, Lots 5 and 6 Sultana Road West and Lots 1 and 7 Milner Road, High Wycombe from Urban Development to Industrial Development. Refer (Attachment 1) for Locality Plan.

**BACKGROUND**

2. In 2007, the land in question was rezoned from Rural to Urban upon the gazettal of the Scheme. A Structure Plan was submitted in 2007 and advertised for public comment.
3. During the processing of the Structure Plan, one of the lots (Lot 12 Ibis Place) was cleared and the matter was held in abeyance whilst the clearing was investigated by the Environmental Protection Authority. Ultimately the Structure Plan did not proceed.
4. With the continued potential expansion for industrial uses in the area, it was considered that the land became less desirable for residential development. As a consequence the land was identified as a part of the area for extension of Forrestfield/High Wycombe Industrial Area.
5. In October 2010, Council agreed to initiate Amendment No. 23 to the Scheme to rezone the subject land.

**DETAILS**

6. The amendment proposes to rezone the subject land from Urban Development to Industrial Development and include provisions relating to the site as a development area into the Scheme.

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## STATUTORY AND LEGAL IMPLICATIONS

7. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. Irrespective as to whether or not the Council decides to approve the amendment, the amendment will ultimately be determined by the Minister for Planning. When the matter proceeds to the Minister's determination, there is no Right of Review, irrespective of the Minister's decision.
8. The proposed Scheme amendment will include provisions for the subject land which will provide the necessary statutory basis for the preparation of a Structure Plan for the subject land. The amendment will also require Schedule 11 of the Scheme to be modified to include the Forrestfield/High Wycombe Industrial Area as a Development Area thus allowing specific developer contribution provisions to be included at a later date.

## POLICY IMPLICATIONS

9. Nil.

## PUBLIC CONSULTATION/COMMUNICATION

10. The amendment has been advertised in accordance with the Planning Regulations by way of notice being placed in the local paper and West Australian, signs placed on site and letters sent to all potentially affected landowners.
11. At the end of advertising period, three submissions were received, comprising two objections and one non-objection from Western Power. Refer (Attachment 3) for Submission Table. The matters raised by the objectors relate to the broader issue of the future industrial development in the locality and the potential impact on its amenity.

## FINANCIAL IMPLICATIONS

12. Any costs associated with the preparation of the amendment document and public consultation will be met through the Planning and Development Services budget.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

13. The subject land is referenced in the State Government's Key Strategic Policy document *Directions 2031 and Beyond* and was originally identified under the *Kewdale Hazelmere Integrated Master Plan (2006)* as a future development area given its key strategic location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and key road freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway.



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14. The subject land represents Stage 2 of industrial development for the Forrestfield/High Wycombe area. It is understood that the Forrestfield/High Wycombe Industrial area has been included in the soon to be released *Draft Industrial Development Strategy (2010)*.

### **Sustainability Implications**

#### Social implications

15. The planned development of the area for industrial land use activity through the preparation of a Structure Plan will enable some landowners to progress with the development of the land independently of others. It is acknowledged that this may have some amenity implications for these landowners who wish to remain on their properties in short term.

#### Economic Implications

16. The planned industrial area will have economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.

#### Environmental Implications

17. Lot 12 Ibis Place (the land previously cleared) has had a Vegetation Conservation Notice placed over a portion of the land by the Environmental Protection Authority. The Notice is effective for 10 years having started on 1 February 2011. There are a number of requirements that will have to be met under the notice and this land will be extensively monitored and managed over this period to enable the regrowth of the original vegetation. This issue will be reflected in a Structure Plan prepared for the Land.
18. A specific provision as part of this Amendment will also be included referencing the Threatened Ecological Community on Lot 12 Ibis Place. This provision has been carried forward as it is already included in the Scheme.

### **OFFICER COMMENT**

19. The Land was originally identified under the Kewdale Hazelmere Integrated Master Plan (2006) as a key strategic development site for freight related industries given its proximity to road, rail and infrastructure. The importance of the land to the State Government is reflected in its key strategic planning policy documents *Directions 2031 and Beyond* and soon to be released *Draft Industrial Land Strategy*.
20. The proposed industrial area represents a key component of the Shire of Kalamunda's Strategic Plan 2009-2014 and Economic Development Strategy (2010) recognising the impact the industrial development will have for the

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Shire's economic development particularly for transport and logistics industries, employment and housing.

21. In relation to the issues raised in the public submissions, matters of amenity will be addressed in the Structure Plan in terms of land uses, design and traffic movement as well as through existing Scheme standards.
22. The issue of unauthorised land uses occurring in the area is currently being addressed by the Shire.
23. Having regard to the above comments, it is recommended that Council adopt, for final approval, Amendment 23 to the Scheme to allow rezoning of lots 4, 9, 11 and 12 Ibis Place, Lot 7 Raven Street, Lots 5 and 6 Sultana Road West and Lots 1 and 7 Milner Road, High Wycombe from Urban Development to Industrial Development.

**COMMITTEE RECOMMENDATION TO COUNCIL (PS 28/2011)**

That Council:

1. Notes the submissions received in respect to Amendment 23 to Local Planning Scheme No. 3.
2. Adopts Amendment No.23 for final approval without modification by:
  - a. Rezoning lots 4, 9, 11 and 12 Ibis Place, Lot 7 Raven Street, Lots 5 and 6 Sultana Road West and Lots 1 and 7 Milner Road, High Wycombe from Urban Development to Industrial Development.
  - b. Modifying the Scheme map to identify the subject site with the annotation 'DA2'.
  - c. Deleting Clause 6.2.10 of the Scheme and replacing it with the following Clause:

6.2.10 In respect of the Industrial Development Zone generally bounded by Milner Road, West Sultana Road, Dundas Road and Maida Vale Road, the Structure Plan for this area shall insure the protection of the threatened ecological community in the area of Lot 12 (11) Ibis Place, High Wycombe, for conservation purposes. The boundary of the threatened ecological community shall be defined from a botanical survey by a suitably qualified botanist and may extend beyond the lot boundary. In addition, a vegetation management plan shall be prepared and implemented. The management plan and boundary determination shall be completed on advice of the Department of Environment and Conservation and to the requirements of the Environmental Protection Authority, prior to determination of the Structure Plan.
  - d. Deleting Part 2: Milner Road, High Wycombe from Schedule 11 of the Scheme- Development Areas and replacing with:

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In respect of the Industrial Development Zone generally bound by Milner Road, West Sultana Road, Dundas Road and Maida Vale Road, the Structure Plan for this area shall ensure the protection of the threatened ecological community in the area of Lot 12 (11) Ibis Place, High Wycombe, for conservation purposes. The boundary of the threatened ecological community shall be defined from botanical survey by a suitably qualified botanist and may extend beyond the lot boundary. In addition, a vegetation management plan shall be prepared and implemented. The management plan and boundary determination shall be completed on advice of the Department of Environment and Conservation and to the requirements of the Environmental Protection Authority, prior to determination of the Structure Plan.

3. Duly executes the Amendment documents and forward them and the submissions received to the Minister for Planning requesting final approval to be granted.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

Voted: **CARRIED UNANIMOUSLY (10/0)**



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**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**12.1 Cr Margaret Thomas

Q1. Will the Chief Executive Officer take any necessary steps available to the Shire to have the Gooseberry Hill tower decision overturned?

A1. The Chief Executive Officer advised he would discuss what possible options are available to the Shire and would provide the advice and information to Councillors within the next week.

Q2. If the community is prepared to raise the money, and I understand they are, will the Shire assist them in an appeal to SAT regarding the Western Australian Planning Commission decision on the Gooseberry Hill Tower?

A2. The Chief Executive Officer was of the understanding that there are no third party appeal rights at the SAT. This was confirmed by the Manager of Strategic Planning and Building.

12.2 Cr Donald McKechnie

Q. Once a year the EMRC issues the community with a brochure outlining the refuse collection timetable for the upcoming year. This document was distributed with "junk" mail last week. Can we request that the EMRC distribute this material in a different manner or can we undertake the distribution of this material with the Shire's rates notices?

A. The Chief Executive Officer advised that the options would be investigated and any alternatives provided to Council.

12.3 Cr Dylan O'Connor

Q1. There were some commemorative trees planted in Edney Road and Cygnet Court last year and none of these trees seem to remain. Where are these trees and were the people who planted them informed of their demise?

A1. The Chief Executive Officer advised this would be investigated and the people who planted the trees would be advised as to what happened to them.

Q2. Is there any substance to the rumour that Jorgensen Park would be closed for dog walking?

- A. The Director Community Development advised there has been no change.

Cr Geoff Stallard

- Q. Should we work in conjunction with the State and Federal government to find suitable sites for phone towers within the Shire. I was wondering if there is any possibility that we look at coordinating something along these lines that would better suit the community's needs and desires?
- A. The Chief Executive Officer suggested that a way forward would be for the Director Planning and Development Services to look at possible options and seek advice as to the best way of handling the concerns of the community and get some advice to Councillors.

**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

13.1 Cr Dylan O'Connor

- Q. Is it possible to get a copy or a timeline of notices that went to residents in the Sultana Road West region and what was in those notices?
- A. A property settlement questionnaire for Mr Raynor's property was responded to on 22 April 2010. A standard question in the questionnaire is "Is zoning or rezoning under consideration?" This was answered as "No" as at the time it was not under consideration.
- When the Shire issued consent to the dwelling on Mr Raynor's property in July 2010, an advice note was included stating that the opposite side of the road was being considered for potential industrial zoning.
  - Correspondence was sent to a number of landowners in the vicinity asking for preliminary comment on the land being zoned for industrial purposes, the letter was dated 16 August 2010.
  - Correspondence was sent on the 1 March 2011, formally advising landowners that Council has initiated an Amendment to the Local Planning Scheme, Amendment 38 to the re-zone land from "Special Purpose" to "Light Industry". This letter was seeking submissions.

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**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION****14.1 Lot 31 (24) Mead Street, Kalamunda – Proposed Showroom/ Warehouse****MOTION**

That Council request staff obtain legal advice on matters relating to the obligation of the applicant to take into account line of sights required for the roundabout at the intersection of Mead Street and Canning Road, Kalamunda.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Margaret Thomas**

Vote: **WITHDRAWN**

The Committee was provided with information from the applicant. Cr Frank Lindsey proposed a motion requesting legal advice on matters around the line of sight and the obligation of the Shire in relation to the proposed roundabout at Mead Street and Canning Road. Following further discussion and advice from the Director Engineering Service and the Chief Executive Officer the motion was withdrawn.

The Committee was presented with a motion to defer a decision on the application to the Ordinary Council Meeting to allow for outstanding issues to be further clarified. The motion received a mover and seconder and debate commenced. During the course of the debate the meeting was adjourned to allow for a scheduled Special Council Meeting to commence.

**MOTION**

1. That the Planning Services Committee meeting of the 4 July 2011 be adjourned until the conclusion of a Special Meeting of Council.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting was adjourned at 7.29pm.

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**MOTION**

1. That the Planning Services Committee meeting of the 4 July 2011 be reconvened following the completion of a Special Meeting of Council.

Moved: **Cr Carol Everett**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting reconvened at 7.50pm. All Councillors and members of staff in attendance at the adjournment of the meeting were in attendance at the reconvening of the meeting. Debate continued on the matter of urgent business - Lot 31 (24) Mead Street, Kalamunda – Proposed Showroom/ Warehouse- before being put to a vote.

**COMMITTEE RECOMMENDATION TO COUNCIL(PS 29/2011)**

That Council:

1. Defers consideration of the proposed Showroom/Warehouse at Lot 31 (24) Mead Street, Kalamunda until the July Ordinary meeting of Council in order to allow staff to:
  - a. Assess the revised plans submitted by the applicant on 4 July 2011 in respect to:
    - Sight lines for vehicles
    - Access for delivery vehicles.
  - b. Undertake any additional discussion with the applicant as a consequence of the staff assessment of the revised plans.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Carol Everett**

Vote: For  
Cr Carol Everett  
Cr Frank Lindsey  
Cr Allan Morton  
Cr Justin Whitten  
Cr Martyn Cresswell  
Cr Dylan O'Connor  
Cr Donald McKechnie  
Cr Margaret Thomas



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Against  
Cr Geoff Stallard

**CARRIED (9/1)**

**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 8.05pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2011