
Shire of Kalamunda

Development and Infrastructure Services Committee

Minutes for 6 March 2012

INDEX

1.0	OFFICIAL OPENING	1
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED.....	1
3.0	PUBLIC QUESTION TIME.....	2
4.0	PETITIONS/DEPUTATIONS.....	2
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	2
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
7.0	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION....	2
8.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	2
9.0	DISCLOSURE OF INTERESTS	2
10.0	REPORT TO COUNCIL.....	3
15.	Local Planning Scheme No. 3 Amendment – Lots 100 (73) and 101 (93) First Avenue, Bickley – Rezone from Special Rural to Residential Bushland R5.....	5
16.	Local Planning Scheme No. 3 Amendment – Provisions Relating to the Middle Helena Catchment Area	9
17.	The Parking of Two Commercial Vehicles – Lot 127 (30) Hawkvalley Road, Maida Vale	19
18.	Draft Landscape Master Plan – Wattle Grove Urban Area Cell 9.....	27
19.	Shire of Kalamunda Health Amendment Local Law 2012	31
20.	Zig Zag Scenic Drive – Speed Zoning.....	35
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	39
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	39
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	39
14.0	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....	39
15.0	MEETING CLOSED TO THE PUBLIC	39
16.0	CLOSURE.....	39

MINUTES

1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.30pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(Shire President) North Ward
Margaret Thomas	(Chairman) North Ward
Geoff Stallard	South East Ward
Frank Lindsey	South East Ward
Justin Whitten	South West Ward
Noreen Townsend	South West Ward
Allan Morton	South West Ward
Bob Emery	North West Ward
Martyn Cresswell	North West Ward
Dylan O'Connor	North West Ward

Members of Staff

Clayton Higham	Director Development and Infrastructure Services
Andrew Fowler-Tutt	Manager Development Services
Darrell Forrest	Manager Governance
Jonathan Smith	Manager Health and Ranger Services
Meri Comber	Governance Officer

Members of the Public 1

Members of the Press Nil

2.2 Apologies

Councillors

John Giardina	South East Ward
---------------	-----------------

Members of Staff

James Trail	Chief Executive Officer
Rhonda Hardy	Director of Corporate and Community Services

2.3 Leave of Absence Previously Approved

Sue Bilich	North Ward
------------	------------

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 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 6 February 2012 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Bob Emery**

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

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 There is to be a Citizenship Ceremony on 7 March 2012, all Councillors are invited to attend.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

9.0 DISCLOSURE OF INTERESTS**9.1 Disclosure of Financial and Proximity Interests**

a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)

- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

9.1.1 Nil.

9.2 **Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.2.1 Nil.

10.0 REPORT TO COUNCIL

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**15. Local Planning Scheme No. 3 Amendment – Lots 100 (73) and 101 (93) First Avenue, Bickley – Rezone from Special Rural to Residential Bushland R5**

Previous Items	OCM 148/2008
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-LPS-003
Applicant	Sandra Bransby Planning and Construction Consultant
Owner	K Fletcher, P Ambrose, R and S Mills
Attachment 1	Locality Plan
Attachment 2	Current Scheme Zoning Map

PURPOSE

- To consider an amendment to Local Planning Scheme No. 3 (“the Scheme”) to allow for the rezoning (from Special Rural to Residential Bushland R5) of Lots 100 (73) and 101 (93) First Avenue, Bickley. Refer to the Locality Plan (Attachment 1) and Current Scheme Zoning Map (Attachment 2).

BACKGROUND**2. Land Details:**

Land Area:	2.4 hectares
Local Planning Scheme Zone:	Special Rural
Metropolitan Region Scheme (“MRS”) Zone:	Rural

- Surrounding properties are zoned Special Rural and Residential Bushland R5 under the Scheme, and to the west is Regional Reserve (Parks and Recreation).
- In November 2008, Council resolved (Resolution OCM 148/2008) to support an amendment in principle, to rezone Lots 100 (73) and 101 (93) First Avenue, Bickley from Special Rural to Residential R5. Council also resolved that the proposal will be reconsidered upon the formal advertising of the amendment to the MRS.
- In September 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.

-
6. The advertising of the MRS Amendment concluded in November 2011 and is currently with the WAPC for final approval.

DETAILS

7. It is proposed that the subject property be rezoned from Special Rural to Residential Bushland R5.
8. Reticulated water is currently available to the subject property and an effluent disposal system will be required on site.
9. It should be noted that issues relating to lot and road configuration, 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

10. 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

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. 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*.
13. 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 properties.

FINANCIAL IMPLICATIONS

14. There are no financial implications.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

15. There are no strategic planning implications.

Sustainability Implications

Social Implications

16. Nil.

Economic Implications

17. The proposed change in zoning will enable the owner to subdivide the properties.

Environmental Implications

18. 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

19. The MRS Amendment to rezone the subject land to Urban is currently being assessed by the WAPC. The proposed Local Planning Scheme Amendment will be assessed concurrently with the MRS. On the approval of the MRS by the Minister for Planning, the Shire's Local Planning Scheme No. 3 will be required to be amended as proposed.
20. The proposed zoning would form a "rounding off" of the Residential Bushland zoning to the end of First Avenue.
21. 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.
22. Considering the above, it is recommended that Council initiates the amendment.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 15/2012)

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 Lots 100 (73) and 101 (93) First Avenue, Bickley from Special Rural to Residential Bushland R5.

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: **Cr Geoff Stallard**

Seconded: **Cr Frank Lindsey**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**16. Local Planning Scheme No. 3 Amendment – Provisions Relating to the Middle Helena Catchment Area**

Previous Items	OCM 31/2010
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-LPS-003
Applicant	Nil
Owner	N/A
Attachment 1	Middle Helena Catchment Area Locality Plan
Attachment 2	Special Control Areas Plan

PURPOSE

1. To consider initiating an amendment to Local Planning Scheme No. 3 (“the Scheme”) to include provisions relating to Special Control Areas for the Middle Helena Catchment Area Land Use and Water Management Strategy (the Strategy) in the Scheme. Also, to amend the Scheme Zoning Map to reflect the three priority classifications proposed by the Strategy. Refer to the Middle Helena Catchment Area Locality Plan (Attachment 1).

BACKGROUND

2. The Strategy covers the Piesse Brook Water Catchment to the east of Kalamunda. The Strategy was released as a draft by the Department of Water (“the DoW”) and the Western Australian Planning Commission (“the WAPC”) in 2003. The overall aim is to provide a framework for land use and water management for the catchment area by integrating land use planning with the public drinking water source protection area.
3. The Strategy divides the catchment area into three risk based priority classifications, namely Priority Areas P1, P2 and P3. The Strategy recommends two amendments to the Metropolitan Region Scheme for priority areas within the gazetted boundary of the Middle Helena Catchment Area, namely:
 - To place a *Water Catchment Reservation* over areas designated as Priority 1. All development applications received for this area must be forwarded to the Western Australian Planning Commission for determination.
 - To place a *Rural Water Protection Zone* over areas designated as Priority 2 areas. All land identified in the land use compatibility table as being conditional or incompatible will require referral to the Department of Water for comment.

-
4. A further recommendation of the Strategy was to establish a *Special Control Area* ("SCA") in the Scheme, the purpose of which would be to identify the MHCA boundary and to guide future land use or development that may affect the quality of public drinking water sourced from P1, P2 and P3 areas.
 5. In March 2010, Council resolved (Resolution OCM 31/2010) to adopt the Strategy.
 6. In June 2010 the Strategy was approved by the Minister for Planning.
 7. The SCA will be shown on the Shire's Scheme Zoning Map if the Amendment is approved by the Minister for Planning.

DETAILS

8. The Strategy recommends that the Middle Helena Catchment Area be shown as SCAs on the Shire's Scheme Zoning Map to guide future land use or development that may affect the quality of public drinking water sourced from priority 1, 2 and 3 areas. Refer to the Special Control Areas Plan (Attachment 2).
9. It is proposed that the Scheme map be modified to identify the Middle Helena Catchment area with the annotation 'SCA' and the following provision be included under clause 6.1.1 of the Scheme:
"(g) The Middle Helena Catchment Area shown on the Scheme Map as MHCA shall be in accordance with Clause 6.5."
10. To be consistent with the Strategy it is also recommended that provisions be included under section 6.5 of the Scheme relating to the following:
 - That the MHCA is subject to the Strategy which identifies three priority classification areas.
 - The objectives and purpose of the SCA.
 - The requirements with regard to referring planning applications to the Department of Water for comment.
 - Matters which the Shire is to have due regard to when determining applications which fall within the SCA.

STATUTORY AND LEGAL IMPLICATIONS

11. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If the amendment is initiated, then ultimately it will be determined by the Minister for Planning.

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. If the amendment is initiated it will be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.
14. The amendment will be advertised in the form of a notice being published in a newspaper circulated within the district only, due to not being related to any specific lot.

FINANCIAL IMPLICATIONS

15. There will be a cost involved in the advertising of the proposed amendment; however this is covered in the adopted budget for Development Services.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. The Strategy describes key planning issues associated with the protection and management of the water source within the MHCA and recommends provisions to be incorporated into the Metropolitan Region Scheme and the Scheme. These provisions will enable future planning of the catchment to be undertaken in a manner cognisant of broader strategic planning issues for the Shire such as tourism and protection of the Shire's orcharding and viticulture industries.

Sustainability Implications

Social Implications

17. There are a number of social activities that occur in the Middle Helena catchment that could be affected by the Strategy with the imposition of more restrictive land controls.

Economic Implications

18. The Middle Helena Catchment is facing pressure from urban development, agricultural degradation from farming related uses and an increasing need for recreational opportunities. Careful planning will be required to encourage future activities that protect water quality and maintain the area.

Environmental Implications

19. The Strategy will require future development of land use activities to incorporate best environmental management practises to ensure that water quality in the catchment is not compromised.

OFFICER COMMENT

20. The proposed Amendment includes provisions which are consistent with the recommendations of the Middle Helena Catchment Area – Land Use and Water Management Strategy approved by the Minister for Planning, it is therefore recommended that Council initiates the amendment.

OFFICER RECOMMENDATION (D&I 16/2012)

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 Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme by:

- a) Amending the Scheme Zoning Map to show the priority classification areas identified by the Middle Helena Catchment Area Land Use and Water Management Strategy, and adding the annotation SCA over the Middle Helena Catchment Area.
- b) Inserting the following provision under clause 6.1.1 of the Scheme:
“(g) The Middle Helena Catchment Area shown on the Scheme Map as MHCA shall be in accordance with Clause 6.5.”
- c) Inserting the following provisions in the Scheme for the Middle Helena Catchment area:

"6.5 MIDDLE HELENA CATCHMENT AREA

- 6.5.1 *The Middle Helena catchment area is the catchment for that section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam (also known as the Lower Helena Diversion Dam). The portion of the Middle Helena catchment area that falls in the Shire of Kalamunda is shown on the scheme map. The area is subject to the Middle Helena Catchment Area Land Use and Water Management Strategy, which identifies three priority classification areas (Priority 1, Priority 2 and Priority 3). These priority classifications are also shown on the scheme map.*
- 6.5.2 *The purpose of this special control area is to implement the Middle Helena Catchment Area Land Use and Water Management Strategy. The objectives of this special control area are to:*
- (a) Ensure that the long-term quality of the Middle Helena catchment as a public drinking water source is not compromised;*
 - (b) Reduce potential nutrient, contaminant and sediment export into the Helena River; and*
 - (c) Provide a planning framework for land use decision-making for landowners and local and state government.*
- 6.5.3 *All development in the special control area requiring planning approval shall be subject to the Shire's discretion, despite the use being designated a 'permitted' use under the Scheme.*
- 6.5.4 *The Shire may refer all applications for planning approval to the Department of Water for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note Land Use Compatibility in Public Drinking Water Source Areas, incorporating the following variations to that table, which are specific to the Middle Helena catchment area:*
- (a) In priority 2 areas, the land use Restaurants (including cafes and tea rooms) shall be compatible with conditions; and*
 - (b) In priority 2 areas, the land use Exhibition Centre shall be compatible with conditions.*

- 6.5.5 *Except where a proposed use is for extension or replacement of a non-conforming use, which is non-conforming in terms of this clause, a use which is identified as incompatible in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas' and incorporating the variations to that table specific to the Middle Helena catchment area, shall not be approved.*
- 6.5.6 *In determining or making recommendation on an application for planning approval in the Special Control Area, or making recommendation on an application for subdivision in the Special Control Area, the shire shall have particular regard to:*
- (a) Any advice received from the Department of Water;*
 - (b) The Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas', incorporating the variations to that table specific to the Middle Helena catchment area (clause 6.5.4);*
 - (c) The recommendations of the Middle Helena Catchment Area Land Use and Water Management Strategy, particularly those specific to the relevant priority classification area;*
 - (d) The requirements of State Planning Policy 2.7 Public Drinking Water Source Policy;*
 - (e) The potential impact of the proposal on the quality of the water resource; and*
 - (f) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.*
- 6.5.7 *The Shire may refuse any application for planning approval or may impose appropriate conditions on any planning approval so as to protect the water resource."*

The amendment 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: **LAPSED**

A Councillor foreshadowed a Motion removing two of the conditions from the Officer Recommendation, which Lapsed and a new Motion was voted on.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 16/2012)

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 Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme by:

- a) Amending the Scheme Zoning Map to show the priority classification areas identified by the Middle Helena Catchment Area Land Use and Water Management Strategy, and adding the annotation SCA over the Middle Helena Catchment Area.
- b) Inserting the following provision under clause 6.1.1 of the Scheme:

“(g) The Middle Helena Catchment Area shown on the Scheme Map as MHCA shall be in accordance with Clause 6.5.”
- c) Inserting the following provisions in the Scheme for the Middle Helena Catchment area:

“6.5 MIDDLE HELENA CATCHMENT AREA

6.5.1. The Middle Helena catchment area is the catchment for that section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam (also known as the Lower Helena Diversion Dam). The portion of the Middle Helena catchment area that falls in the Shire of Kalamunda is shown on the scheme map. The area is subject to the Middle Helena Catchment Area Land Use and Water Management Strategy, which identifies three priority classification areas (Priority 1, Priority 2 and Priority 3). These priority classifications are also shown on the scheme map.

6.5.2 The purpose of this special control area is to implement the Middle Helena Catchment Area Land Use and Water Management Strategy. The objectives of this special control area are to:

- (a) Ensure that the long-term quality of the Middle Helena catchment as a public drinking water source is not compromised;*
- (b) Reduce potential nutrient, contaminant and sediment export into the Helena River; and*
- (c) Provide a planning framework for land use decision-making for landowners and local and state government.*

6.5.3 *The Shire may refer all applications for planning approval to the Department of Water for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note Land Use Compatibility in Public Drinking Water Source Areas, incorporating the following variations to that table, which are specific to the Middle Helena catchment area:*

- (a) *In priority 2 areas, the land use Restaurants (including cafes and tea rooms) shall be compatible with conditions; and*
- (b) *In priority 2 areas, the land use Exhibition Centre shall be compatible with conditions.*

6.5.4 *Except where a proposed use is for extension or replacement of a non-conforming use, which is non-conforming in terms of this clause, a use which is identified as incompatible in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas' and incorporating the variations to that table specific to the Middle Helena catchment area, shall not be approved.*

6.5.5 *In determining or making recommendation on an application for planning approval in the Special Control Area, or making recommendation on an application for subdivision in the Special Control Area, the shire shall have particular regard to:*

- (a) *Any advice received from the Department of Water;*
- (b) *The Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas', incorporating the variations to that table specific to the Middle Helena catchment area (clause 6.5.4);*
- (c) *The recommendations of the Middle Helena Catchment Area Land Use and Water Management Strategy, particularly those specific to the relevant priority classification area;*
- (d) *The requirements of State Planning Policy 2.7 Public Drinking Water Source Policy;*
- (e) *The potential impact of the proposal on the quality of the water resource; and*
- (f) *The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.*

The amendment 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: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**17. The Parking of Two Commercial Vehicles – Lot 127 (30) Hawkvalley Road, Maida Vale**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	HW-03/030
Applicant	R Malpass
Owner	R Malpass and J Bradford
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Commercial Vehicles in the Proposed Parking Area
Attachment 4	Consultation Plan

PURPOSE

- To consider a retrospective planning application to continue to park two commercial vehicles (a prime mover and a trailer) at Lot 127 (30) Hawkvalley Crescent, Maida Vale. Refer to the Locality Plan (Attachment 1), the Site Plan (Attachment 2), the photograph of the commercial vehicles (Attachment 3) and view of the proposed commercial vehicle parking area (Attachment 4).

BACKGROUND**2. Land Details:**

Land Area:	4,571sqm
Local Planning Scheme Zone:	Residential Bushland
Metropolitan Region Scheme Zone:	Rural

- Surrounding properties contain single dwellings, mature vegetation and outbuildings.
- In December 2011, a complaint was received by the Shire that commercial vehicles were being parked on the property.
- In January 2012, a retrospective planning application was received by the Shire to continue to park two commercial vehicles (a prime mover and a trailer) on the subject property.

6. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) stipulates that where objections and/or complaints have been received the application will be referred to Council for determination; therefore the subject application cannot be determined under delegation.

DETAILS

7. Details of the application are as follows:
- The applicant who resides at the property is to drive the commercial vehicles as part of their employment.
 - The commercial vehicles are proposed to operate between Monday and Friday 7.00am to 6.00pm, and Saturday 7.00am to 1.00pm.
 - The commercial vehicles are proposed to be parked on an unsealed area behind the dwelling, which is 20m from the nearest side boundary and 10m from the rear boundary.
 - The commercial vehicles will idle for up to three minutes, prior to leaving the site and upon arrival.
 - The vehicles will not be loaded or unloaded on site.
8. Details of the commercial vehicles proposed to be parked on the property are as follows:

	TRUCK	TRAILER	POLICY REQUIREMENTS (ARTICULATED TYPE)
MAKE	Mitsubishi	P and G	
TYPE	Tipper	Tipper	
YEAR	2003	2006	
LENGTH	7.2m	6.8m	
HEIGHT	2.9m	2.8m	4.3m Maximum
WIDTH	2.3m	2.3m	2.5m Maximum
TARE WEIGHT	10 tonnes	4.3 tonnes	
AGGREGATE WEIGHT	12.5 tonnes	12 tonnes	
LICENCE NO.	1CYS 473	1TIL 737	
COMBINED LENGTH (WHEN ATTACHED)	14m		17.5m Maximum

STATUTORY AND LEGAL IMPLICATIONS

9. Under the Zoning Table (Table 1) of the Scheme, the use “Commercial Vehicle Parking” is classed as a “A” use in a Residential Bushland zoning, meaning that it is not permitted, unless Council has granted planning approval after the proposal has been advertised to affected landowners by the Shire.
10. Under Schedule 1 of the Scheme (Land Use Definitions) commercial vehicles are defined as being:
- “a vehicle whether licensed or not, and include propelled caravans, trailers, semi-trailers, earth moving machines whether self-propelled or not, motor wagons, buses and tractors and their attachments but shall not include any motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes.”*
11. Clause 4.2.1 of the Scheme (Objectives of the Zone – Residential Bushland) an objective of the Residential Bushland zoning is to give due consideration to land uses that are compatible with the amenity of the surrounding residential environment and encourage the retention and rehabilitation of native vegetation.
12. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be “*generally*” in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
13. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- 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
 - any local planning policy adopted by Council and
 - any relevant submissions received on the application
14. If Council refuses the application, 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.

15. 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 Residential Bushland zoned properties:

-
- Only one commercial vehicle will be permitted.
 - The commercial vehicle shall not exceed (articulated type) 17.5m in length and 4.3m in height.
 - Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
 - 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, and does not cause damage to the road, kerb or footpath.
 - 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.
 - The idling times for start up and cool down being restricted to five minutes.

PUBLIC CONSULTATION/COMMUNICATION

16. The proposal was advertised for 14 days to nearby property owners for comment in accordance with clause 9.4.3 of the Scheme. Three non-objections, one of which provided comments on the proposal, and one objection were received. Refer to the Consultation Plan (Attachment 4).
17. The following concerns were raised during advertising:
- The site is resembling an industrial area.
 - The removal of vegetation on the property has exposed the whole property to the adjoining landowners which is not in keeping with the Residential Bushland zoning.
 - The use of the property reducing property values.
18. The submitter who objected to the proposal suggested that an opaque fence (such as a 2.1m high Colorbond fence) should be installed to screen the parking of the commercial vehicles.
19. One of the submitters who had no objections to the proposal advised that they are a shift worker and do not hear the commercial vehicles leaving or returning to the property.

FINANCIAL IMPLICATIONS

20. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

21. Nil.

Sustainability ImplicationsSocial Implications

22. Impacts the commercial vehicle has on the amenity of the local area will be addressed through the inclusion of conditions, should Council approve the application. These relate to the hours of operation, the area where the vehicles are to be parked and the type of maintenance which can be carried out on the vehicles.

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

OFFICER COMMENT

25. The proposal generally complies with the Policy with the exception of the maximum number of commercial vehicles permitted to park on a Residential Bushland zoned property (being one commercial vehicle).
26. It is noted that mature vegetation exists on the adjoining properties, an existing outbuilding on the property partially screens the commercial vehicles and the proposed parking location of the commercial vehicles is approximately 30m from the nearest dwelling on an adjoining property.
27. During advertising it was suggested that an opaque (Colorbond) fence be installed to screen the commercial vehicles when parked on the property. Having inspected the property it was noted that dividing fencing consisting of a timber and wire construction exists currently and there is evidence to suggest that landscaping has been removed from the rear of the property.
28. If the application is approved by Council, a landscaping plan will be required to be provided showing how additional landscaping will be planted on the property to screen the commercial vehicles from adjoining landowners towards the rear. Encouraging the rehabilitation of native vegetation on the property will be consistent with the Scheme objectives for the Residential Bushland zone.

-
29. The suggestion of installing Colorbond fencing along the dividing boundary was taken into consideration however dividing fencing is a civil matter controlled under the Dividing Fence Act. Furthermore, such fencing materials would not be consistent with fencing in the locality.
 30. The commercial vehicles will not have an impact on the streetscape due to it being parked behind the dwelling on the subject property.
 31. One of the commercial vehicles (the trailer) is reliant on the other commercial vehicle (a truck) to be able to enter and leave the property.
 32. One trailer in addition to the truck will not have any greater impact on the amenity of the locality. It is therefore recommended that Council approves the application.

Mr Ricky Malpass spoke in favour of the Recommendation.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 17/2012)

That Council:

1. Approves the proposal for Ricky Malpass to continue to park two commercial vehicles, a Mitsubishi Tipper (registration number 1CYS 473) and a P and G Tipper trailer (registration number 1TIL 737) at Lot 127 (30) Hawkvalley Crescent, Maida Vale, subject to the following conditions:
 - a. The vehicles must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - b. A landscaping plan being submitted within 28 days of this approval showing additional landscaping along the rear boundary of the property.
 - c. The additional landscaping being planted within 28 days of the landscaping plan being approved by the Shire, and maintained thereafter by the landowner to the Shire's satisfaction.
 - d. The commercial vehicles are only to be operated between the hours of 7.00am and 6.00pm Monday to Friday and 7.00am to 1.00pm Saturdays and Public Holidays.
 - e. Approval of the parking activity does not include approval for the loading of the commercial vehicles, or the storage of goods and materials in transit.
 - f. 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.
 - g. The idling time for the start-up and cool down of the vehicles being a maximum of five minutes.

- h. 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.
- i. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
18. Draft Landscape Master Plan – Wattle Grove Urban Area Cell 9

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-STU-029
Applicant	N/A
Owner	N/A
Attachment 1	Landscape Master Plan

PURPOSE

1. To consider approving the Draft Wattle Grove Landscape Master Plan for the purpose of public advertising.

BACKGROUND

2. Since the adoption of the Cell 9 Structure Plan in 2000, the development of housing and roads in the Wattle Grove Cell 9 area has proceeded with limited consideration to landscape setting and the needs of the community.
3. In 2009, the Woodlupine Living Stream Project commenced with the aim of providing improvements to the passive and active public open space of the Cell 9 urban area including the Woodlupine Creek.
4. In 2011, a consultant was engaged through the Cell 9 scheme to prepare a landscape master plan. The plan will assist the Woodlupine Living Stream project group with the coordination of development works proposed for the public open space area.

DETAILS

5. The Draft Wattle Grove Landscape Master Plan provides an integrated approach to landscaping the public open space area identified under the Cell 9 Structure Plan and provides:
 - An analysis of the study area and listing of a set of landscape design principles and recommendations to guide future decisions on landscaping.
 - A landscape master plan drawing which sets out the character and facilities in different zones and public spaces.
 - Recommendations for projects and further design works.
 - Detailed colour, material and plant species palettes, for streetscapes, parks and wetlands.

6. Specific outcomes of the Master Plan include:

- Demonstration Streetscape
- Sense of Place Project
- Woodlupine Living Stream Project
- Neighbourhood Park Infrastructure
- Hale Road Streetscaping

STATUTORY AND LEGAL IMPLICATIONS

7. There are no statutory or legal implications regarding the endorsement and implementation of this plan.

POLICY IMPLICATIONS

8. The Draft Wattle Grove Landscape Master Plan incorporates the findings of the Community Facilities Plan May 2011.

PUBLIC CONSULTATION/COMMUNICATION

9. Public consultation will involve:

- Advertising in the local newspapers and Shires website with a comment period of 28 days, and
- A Saturday morning information session at the Woodlupine Community Centre. All residents from the Cell 9 area will be invited to attend.

FINANCIAL IMPLICATIONS

10. Council have previously allocated a budget of \$200,000 for the 2010/2011 financial year and \$200,000 for the 2011/2012 financial year. It is proposed that a similar amount of funding be sought for the 2012/2013 financial year.

11. The Plan will require significant funds for approximately the next five years to achieve the landscaping, infrastructure, streetscaping and community based projects. Budget requests identifying key areas will be raised as per the annual budget review process.

12. All funding associated with the construction of the multiuse footpaths and boardwalks will be met through the Cell 9 Scheme funds and not municipal funds. All other costs to implement the Master Plan will have to be allocated through either grant funding or municipal funds.

13. Works currently proposed this current financial year include the development of a neighbourhood playground on Lenihan Courner. Grant funding of an amount of \$80,000 has been sought from Lottery West and \$5,000 from Perth Airport to support this development.

-
14. It will be important to communicate to the community that the project will be long term and implemented in stages over many years.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

15. Endorsement of the Draft Cell 9 Wattle Grove Landscape Master Plan works towards achieving the outcomes defined in the *Shire of Kalamunda Strategic Plan 2009-2014*:

Goal 1 – COMMUNITY DEVELOPMENT

Outcome 1.3 The community have access to a diverse range of recreational opportunities.

Goal 2 – BUILT ENVIRONMENT

Outcome 2.1 Improved asset management to meet community needs today and in the future.

Outcome 2.2 Development of urban design to meet community aspirations of history, heritage and lifestyle values.

Outcome 2.3 Long term viability of infrastructure and facilities.

Goal 3 – NATURAL ENVIRONMENT

Outcome 3.1 Sustainable water management.

Outcome 3.3 Protection and enhancement of Bushland Reserves, Local Natural Areas and Biodiversity Conservation.

Sustainability Implications

Social Implications

16. The Draft Wattle Grove Landscape Master Plan will improve community recreation, connection with the local environment and encourage neighbour communication. Consultation is an important part of this project to ensure the public needs are addressed and social pride is fostered in a high density living area.

Economic Implications

17. All aspects of the plan cannot be implemented immediately and will require prioritisation and budgetary allocation each year.

Environmental Implications

18. Implementation of the Draft Wattle Grove Landscape Master Plan will complement the Shire's environmental objectives as water quality will be improved through the living stream project. The revegetation will be done in a manner which complements the two adjoining bush forever sites; Tomah Swamp and Hartfield Park, and will also increase the habitat and foraging capacity for bandicoots and bird species. The residential streetscape planting will improve aesthetics and cool the local environment by providing shade.

OFFICER COMMENT

19. The Draft Wattle Grove Landscape Master Plan represents an important strategic document that will provide the necessary guidance for the Woodlupine Living Stream Project Group to ensure existing environmental values are protected and the residents of the Wattle Grove area are provided with an improved level of public open space amenity for passive and active recreational pursuits.
20. The community will need to understand that the cost of implementing the improvements to the public open space will be constrained by the Budget process as such and will occur over a number of years.
21. The public consultation process will have to clearly detail the longevity of this project and that annual budgetary limitations may apply.
22. In light of the above, the Draft Cell 9 Wattle Grove Landscape Master Plan should be endorsed by Council as a long term project for the purpose of public consultation.

A Councillor considered an easement should be included at Welshpool Road East and Hale Road to help traffic management. Director Development and Infrastructure noted that this could be taken into account on the Landscape Master Plan to ensure future expansion could be accommodated. As a follow-up question a Councillor asked if the road reserve was wide enough for any future treatments that might need to be made? This question was taken on notice.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 18/2012)

That Council:

1. Endorses the Draft Wattle Grove Landscape Master Plan for the purpose of public advertising with a comment period of 28 days.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

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

19. Shire of Kalamunda Health Amendment Local Law 2012

Previous Items	OCM 197/2011
Responsible Officer	Director Development & Infrastructure Services
Service Area	Health
File Reference	LE-LOL-026
Applicant	N/A
Owner	N/A
Attachment 1	Shire of Kalamunda Health Amendment Local Law 2012 – tracked changes
Attachment 2	Shire of Kalamunda Health Amendment Local Law 2012

PURPOSE

1. For Council to consider making the Shire of Kalamunda Health Amendment Local Law 2012.

BACKGROUND

2. Council resolved on 15 August 2011 to make the Shire of Kalamunda Health Local Law 2011. The local law was printed in Government Gazette number 188 on 7 October 2011.
3. The Joint Standing Committee on Delegated Legislation reviewed the Shire of Kalamunda Health Local Law 2011 and they advised their intention to recommend disallowance of the Local Law unless the following undertakings were received from the Shire of Kalamunda Council by Wednesday 14 December 2011:
 - Clause 4.4(b) be amended to specify the requirements of the Manager Health Service with regard to refuse disposal in the local law;
 - Clause 5.7(b) (i) be amended to delete the words "or/and" from the clause and specify which word applies; and
 - Clause 6.16(3)(c) be amended by removing the word "than".

In addition the Committee sought the following undertakings:

 - All consequential undertakings arising from the undertakings above will be made;
 - Clauses 4.4(b), 5.7(b) (i) and 6.16(3) (c) will not be enforced in a manner contrary to the undertakings that Council gives;
 - The undertakings will be completed within six months of the date of the Shire's letter giving the undertakings;
 - The Shire of Kalamunda will provide a copy of the minutes of the meeting at which the Kalamunda Council resolves to provide the undertakings above; and

-
- Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.
4. Council considered this matter in the December 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 2011, and invites comment pursuant to Section 3.12 of the Local Government Act 1995.
 2. Gives an undertaking to the Joint Standing Committee on Delegated Legislation that:
 - All consequential undertakings arising from the amendments to the Shire of Kalamunda Health Local Law 2011 will be made.
 - Until such time as the amendments take effect clauses 4.4(b), 5.7(b)(i) and 6.16(3)(c) of the Shire of Kalamunda Health Local Law 2011 will not be enforced in a manner contrary to the intent of the amendments.
 - The amendments will be completed within six months of the date of this resolution.
 - Where the Local Law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of the proposed amendments and these undertakings.”

DETAILS

5. The intention of Council to amend the local law was advertised calling for public submissions in December 2011. The public comment period closed on 10 February 2012.
6. Submissions were received from the Department of Health (DOH) and the Department of Local Government (DLG). No public submissions were received.
7. In summary:
 - a. DOH submission requested no changes.
 - b. DLG submission requesting a number of minor changes –which are incorporated into the amendment.

STATUTORY AND LEGAL IMPLICATIONS

8. *Local Government Act 1995*
Health Act 1911

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The intention to consider amending the local law was advertised in January 2012.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

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

Sustainability Implications

Social implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

OFFICER COMMENT

16. Recommendations and suggestions from the DLG have been considered and incorporated in the draft local law. (Attachment 1) tracks all proposed changes to the draft local law and (Attachment 2) shows the untracked version of the local law.
17. The approval process now is as follows:
- a. Council resolves to make the local laws.
 - b. Copy of the Shire of Kalamunda Health Amendment Local Law 2012 sent to the Department of Health for Approval.

-
- c. The local law is published in the Government Gazette. The Shire of Kalamunda Health Amendment Local Law 2012 comes into effect on the date of gazettal.
 - d. Copies of the amendment sent to the DOH and DLG.
 - e. Copy of the local law sent to the Joint Standing Committee on Delegated Legislation.
18. It is recommended that Council resolves to make the Shire of Kalamunda Health Amendment Local Law 2012 as shown in (Attachment 2).

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 19/2012)

That Council:

1. Resolves to make the Shire of Kalamunda Health Amendment Local Law 2012.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Noreen Townsend**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**20. Zig Zag Scenic Drive – Speed Zoning**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Technical Services
File Reference	ZG-01/GEN
Applicant	N/A
Owner	N/A
Attachment 1	Letter from Main Roads

PURPOSE

1. To concur with the decision of Main Roads WA (MRWA) to install 40 km/h speed signage on Zig Zag Scenic Drive, Gooseberry Hill.

BACKGROUND

2. Currently Zig Zag Scenic Drive does not have any speed restrictions and the road users are expected to drive to the condition and the geometry of the road.
3. The statutory speed restriction of 50 km/h is not applicable to Zig Zag Scenic Drive as this road is not defined as "built up area" as per Road Traffic Code 2000.
4. The default speed limits applicable in Western Australia are 50km/h for built up areas and 110 km/h for rural or undeveloped areas.

DETAILS

5. Due to the confusion of the applicability of the speed environment on Zig Zag Scenic Drive, a request was lodged with MRWA to seek formalisation of the speed limit. Speed zoning on any road is within the jurisdiction of Main Roads WA.
6. The Shire has also been receiving numerous complaints regarding the safety issues including hooning on the road. The formalised speed zoning along Zig Zag will also enable the Police to legally issue the infringement notices to road users speeding in the area.
7. MRWA conducted the assessment and concluded that a 40km/h speed limit was considered appropriate and their recommendation is to apply posted 40 km/h speed limit along the Zig Zag Scenic Drive from Ocean View Parade to Ridge Hill Road.

-
8. MRWA is seeking the Council's concurrence prior to the implementation of the proposed speed signage as mentioned in (Attachment 1)

STATUTORY AND LEGAL IMPLICATIONS

9. Nil.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

Engineering Works Construction and Renewal

13. To construct new works infrastructure in a timely and cost- effective manner. Renew and upgrade the Shire's roads, drainage and pathways infrastructure, through the use of construction crews and contractors.

Sustainability Implications

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. The regulatory speed signage (40km/h) will be installed along Zig Zag Scenic Drive.

18. The installation of speed signage will improve the safety of the road as it will assist the road users in having a better understanding of the speed appropriate to the geometry of the road

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 20/2010)

That Council:

1. Concurs the proposed recommendation by Main Roads WA for the installation of 40 km/h speed signage from Ocean View Parade to Ridge Hill Road on Zig Zag Scenic Drive.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Dylan O'Connor**

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

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Martyn Cresswell – Graffiti, Corner of Edney and Newburn Road

Q. Has the Shire received a response from the owners of the property located at the corner of Edney and Newburn Road, as I note the graffiti is now worse.

A. This question was taken on notice.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 6.49pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2012