

Development & Infrastructure Services Committee Meeting

Minutes for Monday 10 June 2013

CONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

Cr Margaret Thomas, the Development & Infrastructure Services Committee Chairman was on leave of absence. Deputy Chairman, Cr John Giardina was an apology. In accordance with Section 5.14 of the *Local Government Act 1995* Councillors agreed that the Deputy Shire President, Cr Allan Morton would chair the meeting.

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

Simon Di Rosso (arrived 6.33pm)	North Ward
Allan Morton (Chairman, Deputy Shire President)	South West Ward
Justin Whitten	South West Ward
Geoff Stallard	South East Ward
Frank Lindsey	South East Ward
Martyn Cresswell	North West Ward
Dylan O'Connor	North West Ward
Bob Emery	North West Ward

Members of Staff

Rhonda Hardy	Acting Chief Executive Officer
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Warwick Carter	Manager Economic Property & Procurement Services
Sam Assaad	Manager Infrastructure Operations
Nina Lytton	Coordinator Strategic Planning
Michelle Clark	Executive Assistant to the CEO
Meri Comber	Governance Officer

Members of the Public 20

Members of the Press 0

2.2 Apologies

Councillors

Sue Bilich	(Shire President) North Ward
John Giardina	South East Ward

Members of Staff

Clayton Higham	Director Development & Infrastructure Services
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2.3 **Leave of Absence Previously Approved**

Margaret Thomas
Noreen Townsend

(Chairman) North Ward
South West 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.

Cr Simon Di Rosso entered the Council Chambers at 6.33pm.

4.0 **PETITIONS/DEPUTATIONS**

4.1 A petition was tabled from Anthony Snook, President of Donovan Village Residents Committee with 82 signatures. The residents are concerned that the lack of water flow of Yule Brook through Donovan Village is responsible for the loss of several established trees; they believe this is the result of the Brook being dammed upstream.

5.0 **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 13 May 2013 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

6.0 **ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

6.1 Nil.

7.0 **MATTERS FOR WHICH MEETING MAY BE CLOSED**

7.1 Nil.

8.0 **DISCLOSURE OF INTERESTS**

8.1 **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*.)

8.1.1 Cr Martyn Cresswell submitted a Disclosure of Financial Interest with regard to Item 35, Request to Initiate an Amendment to the Metropolitan Region Scheme – Forrestfield/High Wycombe Industrial Area – Stage 3, as he owns a property in the area being discussed.

8.2 **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.

8.2.1 Cr Bob Emery declared an Interest Affecting Impartiality with regard to Item 31, Annual Caravan Park Licence Renewals, as he is a property owner living in the National Lifestyle Village.

9.0 **REPORTS 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.

30. Lot 120 (18) Berry Drive, Maida Vale – Application to Keep More Than Two Dogs

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Health & Ranger Services
File Reference	RA-ANC-011: ICS-55860
Applicant	K McAllan
Owner	VM McAllan

PURPOSE

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

2. The applicant at Lot 120 (18) Berry Drive, Maida Vale has recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

3. The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Blue Heeler	F	Yes	Blue	Patch	15-2395	2	Kalamunda
2.	German Shepherd X	M	Yes	Black / Tan	Ben	15-2394	3	Kalamunda
3.	Golden Retriever	M	Yes	Gold	Sam	14-0405	4	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

STATUTORY AND LEGAL IMPLICATIONS

5. The property at Lot 120 (18) Berry Drive, Maida Vale is 1,125sqm and zoned Residential.
6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.

7. Clause 3.2 of the Local Law reads:

“3.2 Limitation on the number of dogs

1. This clause does not apply to premises which have been –
 - (a) licensed under part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.”

8. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant’s property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.

11. There are twelve adjoining properties within the vicinity of the applicant’s property that may be directly affected as shown in the Location Map below. The occupants of these properties have been contacted by the attending Ranger, eight properties have supported the application, one has not supported and three properties have not responded.

Location Map



FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 1.5 To provide a safe environment for the entire community to enjoy.

Strategy 1.5.1 Provide support for community safety through education, awareness raising programs and a responsive Ranger service.

Sustainability Implications

Social Implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably house three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
19. The owner of the property has given permission for 3 dogs on the property.
20. It is, therefore, considered there is minimal risk associated with the approval of this application.

OFFICER COMMENT

21. In considering this application for exemption, the following two options are available:
 - a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions, or
 - b. Council may refuse permission to keep more than two dogs.
22. As part of the assessment process, officers have recorded that no formal complaints have been received against this property or these dogs.
23. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 30/2013)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant the exemption to the application of Lot 120 (18) Berry Drive, Maida Vale to keep three dogs on this property.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Cr Bob Emery declared an Interest Affecting Impartiality.

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

31. Annual Caravan Park Licence Renewals

Previous Items	D&I 51/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Health & Ranger Services
File Reference	LE-LIC-001
Applicant	N/A
Owner	N/A

PURPOSE

1. For Council to approve the renewal of annual Caravan Park Licences for all caravan parks located within the Shire.

BACKGROUND

2. The *Caravan Parks and Camping Grounds Act 1995* ("the Act") and the *Caravan Parks and Camping Grounds Regulations 1997* ("the Regulations") require that the Local Government annually inspects and licences all caravan parks within its municipality.

DETAILS

3. All Shire Environmental Health Officers are authorised persons under the Act and Regulations to inspect caravan parks but not to issue annual licences.
4. Currently there are four approved caravan parks operating within the Shire of Kalamunda:
 - Discovery Holiday Park (186 Hale Road, Forrestfield) – approved late 1960's and comprises 148 sites – mix of caravans, park homes and cabins.
 - Forrestfield Caravan N Park Home Village (353 Hawtin Road, Forrestfield) - approved in 1968 and comprises 53 park home sites.
 - Hillview Lifestyle Village (597 Kalamunda Road High Wycombe) - approved in 2006 and comprises 272 park home sites.
 - Advent Park (345 Kalamunda Road Maida Vale) – approved in 2008 and comprises 35 caravan sites.

STATUTORY AND LEGAL IMPLICATIONS

5. *Caravan Parks and Camping Grounds Act 1995*
Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Licence fees are based upon the number of sites and set under the Act and Regulations. The current fee is \$6 per site and the annual fees applicable are as listed below:

- Discovery Holiday Park - licence fee \$888.
- Forrestfield Caravan N Park Home Village - licence fee \$318.
- Hillview Lifestyle Village - licence fee \$1,632.
- Advent Park - licence fee \$210.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

9. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 1.7 Create healthy environments and lifestyles for the community.

Strategy 1.7.1 Develop, implement and review a Local Community Health & Wellbeing Plan.

10. Annual caravan park inspections are included in the *Local Government Act – Compliance Annual Return*, a baseline indicator of Governance. The target is “no issues reported annually”.

Sustainability Implications

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

OFFICER COMMENT

14. Four operating caravan parks have been inspected by Shire Officers and have been found to be compliant.
15. It is recommended that Council approve the renewal of the caravan park licences for the four operating caravan parks.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 31/2013)

That Council:

1. Approves the renewal of the caravan park licences, subject to receipt of the required licence fees, for:
- Discovery Holiday Park (186 Hale Road Forrestfield).
 - Forrestfield Caravan N Park Home Village (353 Hawtin Road Forrestfield).
 - Hillview Lifestyle Village (597 Kalamunda Road High Wycombe).
 - Advent Park (345 Kalamunda Road Maida Vale).

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (8/0)**

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

32. Proposed Modified Local Planning Policy DEV 22 – Parking of Commercial Vehicles on Private Property

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	OR-CMA-16
Applicant	N/A
Owner	N/A
Attachment 1	Existing Local Planning Policy DEV 22 – Parking of Commercial Vehicles on Private Property
Attachment 2	Draft Modified Local Planning Policy DEV 22 – Parking of Commercial Vehicles on Private Property

PURPOSE

1. To consider proposed modifications to Local Planning Policy DEV 22 – Parking of Commercial Vehicles on Private Property (“the Policy”) and seek approval to advertise for public comment. Refer to (Attachments 1 and 2).

BACKGROUND

2. Local Planning Scheme No. 3 (“the Scheme”) foreshadows the development of policies to guide decision-making.
3. The Shire’s Policy Register is being reviewed and, where considered necessary, modifications are being made to policies and are being presented for Council consideration.
4. In response to matters relating to approval and compliance issues with commercial vehicle parking due to ambiguities and contradictions between policy and Scheme definitions and requirements, legal advice was sought to assist with the review of both instruments. These are summarised as follows:
 - The permitted number of commercial vehicles in various zonings;
 - The ability to capture commercial vehicles less than 3.5 tonnes which still have amenity impacts.
 - Making a distinction between the parking of commercial vehicles in residential and rural areas.
 - What constitutes as being a commercial vehicle in residential and rural areas; as distinct from
 - a transport depot.
 - The ability to consider the parking of commercial vehicles in residential areas of R20 or higher.

-
5. In August 2012, legal advice was received detailing recommended changes to the Scheme and Policy. A separate report has been prepared on proposed amendments to the Scheme on the requirements and definitions regarding commercial vehicle parking that align with this proposed Policy.

DETAILS

6. The existing Policy and modified Policy are shown as (Attachments 1 & 2) respectively.
7. The following modifications are proposed to be included in the new Policy:
- Removal of definitions and other terms that are contained or proposed to be contained in the Scheme.
 - Removal of the zones in which Commercial Vehicles may be parked as this is contained in the Scheme. Each application to park a commercial vehicle(s) will be assessed on its individual merit, having due regard to the matters stipulated in the Scheme in terms of, amongst other things, the impact on the amenity of the area, the compatibility of the use within its setting, and whether adequate provision has been made for the manoeuvring and parking of the commercial vehicle(s).
 - Removal of the number of Commercial Vehicles permitted to be parked on private property as this is contained in the Scheme.
 - Removal of the provision prohibiting the parking of Commercial Vehicles if other Commercial Vehicles are being parked on nearby properties as this is considered arbitrary and would not result in a significant impact on an area's amenity and pedestrian and/or other road user's safety.
 - Updating references to the current Local Planning Scheme.

STATUTORY AND LEGAL IMPLICATIONS

8. The Shire may prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area.
9. A Local Planning Policy is not part of the Scheme and does not bind the Council in its decision making, however, Council is to have due regard to the Policy when making a decision.
10. Schedule 1 Part 1 (General Definitions) and Part 2 (Land Use Definitions) of the Scheme are proposed to be modified to provide certainty on what is deemed to be the land use Commercial Vehicle Parking, and how many can be parked on private property.

POLICY IMPLICATIONS

11. If Council adopts the modified Policy it will be included in the Shire's Policy Register.

PUBLIC CONSULTATION/COMMUNICATION

12. The Scheme prescribes the procedure for advertising a Local Planning Policy. It will be necessary to advertise the Policy once a week for two consecutive weeks in a newspaper circulating in the District with a submission period of 21 days. The Policy will also be on display at the Administration office and on the Shire's website.
13. Following the advertising period, the proposed Policy will be presented to Council for consideration of adoption, with or without modification.

FINANCIAL IMPLICATIONS

14. There will be a cost involved in advertising the proposed modified Policy, this is however, covered in the Shire's budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

15. The proposed modified Policy stipulates the Shire requirements which will be applied so that the amenity of an area is not significantly impacted by the parking of commercial vehicles on private property.

Sustainability Implications

Social Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

OFFICER COMMENT

19. The intent of Commercial Vehicle Parking was to allow for an "owner/operator" to use private property to store the vehicle as an ancillary activity to living there. Issues have arisen where the parking of vehicles have become less ancillary to the property and fundamentally a commercial land use in its own right. A clear distinction has also been made between Commercial Vehicle Parking and Transport Depot.

20. The Shire has obtained legal advice and consequently recommended changes to the Policy which will provide clarity for officers and will assist in the procedural and governance aspects of the Shire's development control responsibilities when development consent is sought for parking commercial vehicles on private property.
21. Considering the above it is recommended that the proposed modified Policy be advertised for public comment.

A Councillor foreshadowed a Motion that this item be deferred to the June Ordinary Council Meeting for consideration.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 32/2013)

That Council:

1. Endorses the draft modified Local Planning Policy DEV 22 – Parking of Commercial Vehicles on Private Property for the purpose of advertising, in accordance with Clause 2.4 of Local Planning Scheme No. 3 (Attachment 2).

Moved: **LAPSED**

Seconded:

Vote:

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 32/2013)

That Council:

1. Defer Item 32, Proposed Modified Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property to the June Ordinary Council Meeting.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Attachment 1

POLICY REGISTER



Title:	Parking of Commercial Vehicles on Private Property		
Policy No.:	DEV22		
Date Adopted:	16 August 2004	Date Last Reviewed:	unknown

Objective:	To provide guidelines for the assessment of applications for the parking of a commercial vehicles on private property.
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This Policy relates to the Keeping or Parking of Commercial Vehicles on private property in the Shire of Kalamunda. The subject of Commercial Vehicles on road reserves (ie. footpath area, verge, pavement area) is not covered by this Policy; verge or pavement parking is controlled by either Council's Parking local laws or the Road Traffic Act, and would be dealt with accordingly, with the exception of point e(xiii) of this policy document.

"Commercial Vehicle" means a vehicle whether licensed or not and shall include motor 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.

The "keeping" or "parking of a Commercial Vehicle" means the parking of a Commercial Vehicle for more than 2 consecutive hours or for a longer period than is necessary to load and unload, or for a longer period than is necessary to complete a related service being rendered to the property.

A "residential lot" means a lot predominantly used for residential purposes, as decided by Council.

"Affected landowners" means those landowners considered to be affected by a proposal to park a Commercial Vehicle, as decided by Council.

- a. For the purpose of this Policy, any vehicle, the tare weight of which is less than 3.5 tonnes, is not considered to be a "Commercial Vehicle".
- b. In all Industrial zones, the Rural Agriculture, Rural Conservation, Rural Landscape Interest, Rural Living and Rural zones, the keeping of Commercial Vehicles is permitted, without the need for approval if the use is in respect of approved industrial or Agricultural/Horticultural operations

If the vehicle is not associated with the approved activity as outlined above, an application for the parking of commercial vehicles in the abovementioned zones shall be required.
- c. In the following zones: Residential R2.5, Residential R5, Residential R10, Residential R12.5, Residential R15, Residential R17.5, Special Rural*, Special Residential, Urban Development, Residential Bushland, Service Station, Private Clubs and Institutions and Special Purpose, the keeping of a Commercial Vehicle is not permitted, unless consent is granted by Council.
- d. The keeping of a Commercial Vehicle in zones other than those referred to in B and C above (ie. Residential R20, Residential R25, Residential R30 Shopping, Office, Mixed Use, and District Centre zones), is prohibited.
- e. An application to Council for permission to keep a Commercial Vehicle in the zones referred to in B & C above, will only be considered if the following conditions can be complied with:
 - i) The Commercial Vehicle to be parked on the lot shall not exceed (rigid type) 11 metres in length, 2.5 metres in width and 4.3 metres in height (either laden or unladen), or (articulated type) 17.5m in length, 2.5m in width and 4.3m in height. (All dimensions to comply with VSR 1977). Council shall require the submission of a photograph of the vehicle, to accompany the

application.

- ii) Only one Commercial Vehicle will be permitted on any lot in the zones referred to at B & C above, except in the case of Urban Development, Rural Agriculture, Rural Conservation, Rural Landscape Interest, Rural Living, Rural and Special Rural zones. In these zones, the following shall apply:
 - a) Lawfully established Agricultural/Horticultural operations - refer to point B above.
 - b) Lawfully established other businesses - Council will consider applications for a maximum of two Commercial Vehicles where the existence of the business may generate the need for more than one Commercial Vehicle; in these cases applications will be dealt with on their merits.
 - c) In the case of the Urban Development zone, a composite land use strategy has been agreed to by the Council, in accordance with an outline development plan.
- iii) Within Rural Agricultural zoned land where the parking of commercial vehicles is associated with a use other than a lawfully established Agricultural/Horticultural operations, Council will consider applications for commercial vehicles and in these cases applications will be dealt with on their merits having regard to matters to be considered when Council exercises its discretion. Therefore the provisions of this policy will not apply to such applications.
- iv) The Commercial Vehicle shall be parked entirely on the lot behind the alignment of the front of the house and preferably behind the rear alignment of the residence or building. If the vehicle is parked alongside the residence or building then gates/fencing of a minimum of 1.8m in height shall be erected to satisfactorily screen the vehicle from the street. It shall be screened from view of the street and from neighbours to Council's satisfaction.
- v) 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. Where possible, vehicles shall be parked such that they do not need to be reversed out.
- vi) Spray-painting, panel-beating and major servicing on the Commercial Vehicle will not be permitted on the lot. Maintenance limited to oil and grease changes and changes of wheels (but not repair of tyres) and other minor maintenance as *approved by Council*.
- vii) Washing of the Commercial Vehicle on the lot is to be limited to the use of water and mild detergent, and excludes the use of any solvents, degreasing substances, steam-cleaning and any other processes.
- viii) The Commercial Vehicle shall only be started or manoeuvred on the lot in such manner and at such times as *approved by Council, being is* consistent with the provisions of the *Environmental Protection (Noise) Regulations. 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 shall apply, unless otherwise approved by Council.* The idling times for start up and cool down on the property shall be restricted to 5 minutes unless otherwise approved by Council.
- ix) Maintenance and cleaning of the Commercial Vehicle on a residential lot to be permitted only between the hours of 8am and 7pm Monday to Saturday and 9am to 6pm Sunday.
- x) A single unit Commercial Vehicle and, or trailer, which is or has been used to transport livestock or hazardous material, shall not be parked on a residential lot.
- xi) A refrigeration unit fitted to a Commercial Vehicle parked on or abutting a residential lot may not be operated whilst the vehicle is on the lot.
- xii) In respect of the Residential zones, the provisions of Clause 6.9 of Kalamunda District Planning Scheme No 2 must also be complied with.
- xiii) *If approval is granted to park a commercial vehicle on a property, the vehicle shall be parked*

on the property in accordance with the approval and shall not be parked on the verge abutting or adjacent to that property at any time.

- g. Council will give consideration to the weight of the Commercial Vehicle in terms of the design capabilities of the affected road surface, kerb, footpath or crossover.
- h. Where a Commercial Vehicle owner who has been granted Council approval to park a vehicle on a lot damages a road, kerb and/or footpath when entering or leaving the lot, the vehicle owner shall be held responsible by Council for the cost of repair.
- i.
 - i) Council will seek opinions from affected landowners before any decision on the application is made. All applications will be considered in the light of any potential impact the proposal is likely to have on residential amenity, in terms of the neighbourhood in general or nearby lots in particular.
 - ii) In respect of an application in a situation where complaints or objections have been received by Council, such application will be referred to Planning Services Committee and Council for determination.
- j. If a Commercial Vehicle owner, who has been granted Council approval to park a vehicle on a lot, wishes to replace the vehicle with another Commercial Vehicle, a further application to Council is required, except where the vehicle is of the equivalent tare weight or less, providing all conditions on the previous approval are complied with. In such cases, only notification and submission of a photograph of the new Commercial Vehicle to Council is required by the owner.
- k. 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.
- l. Council reserves the right to amend the conditions of an approval or to revoke an approval (i) as a result of a justified complaint received, or (ii) due to changes (or potential changes) of the zoning of the subject or nearby land.
- m. In issuing an approval or a refusal for the keeping or parking of a Commercial Vehicle on private property, the applicant's attention shall be drawn to the separate matter of parking on the road verge and the road carriageway, and the need for compliance with the Council's Parking local laws and the Road Traffic Act.
- n. Confirmation of Council's approval for any application will be dependent upon the applicant signifying in writing that he/she will comply with all conditions as laid down by Council in respect of the particular proposal."
- o. A non-refundable application fee of \$150.00, to cover processing costs will be payable to Council on application. Approvals shall be issued for a period of 12 months only with a fee of \$50.00 applicable to applications up for renewal.
- p. Approval will not be granted to the parking of a commercial vehicle in a Residential zone if the parking of another commercial vehicle is being undertaken on any lot directly adjoining the subject lot or any of the 3 lots directly opposite the subject lot, or where a lot will be surrounded by 2 commercial vehicles as a result of an approval.

CROSS REFERENCES (If any):

Management Practice No.:	Delegation No.:
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LEGAL REFERENCES

Legislation:	
Local Law:	

Attachment 02



POLICY REGISTER

Title:	Parking of Commercial Vehicles on Private Property (Draft)		
Policy No.:	DEV 22		
Date Adopted:		Date Last Reviewed:	

Rationale	<p>To provide opportunities for the parking of commercial vehicles in a manner that does not detrimentally impact on the amenity of the surrounding area.</p> <p>To provide criteria that will assist in the consideration of applications for commercial vehicle parking.</p>
Policy	<p>1. APPLICATION OF POLICY</p> <p>1.1 This Policy applies to all applications for parking of commercial vehicles on privately owned land in the Shire.</p> <p>1.2 The Policy applies to commercial vehicles parked on a property that are intended to be parked on the lot on a regular or routine basis.</p> <p>1.3 This Policy does not apply to the parking of commercial vehicles on land that are solely used within the property or in connection with an approved activity conducted on the subject lot.</p> <p>1.4 This Policy recognises that previously approved commercial vehicle parking activities and non-conforming uses that involve commercial vehicles continue to be carried out within the district. Nothing in this Policy modifies the terms and conditions of approved activities or recognised non-conforming uses. The Policy will however guide the Shire in determining any proposal to amend the terms and conditions applicable to these activities and to new commercial vehicle parking proposals.</p> <p>2. ACCOMPANYING INFORMATION</p> <p>Applications for approval of commercial vehicle parking must be lodged in the form of a Development Application and be accompanied by the following information:</p> <p>a) Completed application form.</p> <p>b) A plan to a scale of not less than 1:500 showing lot boundaries and the location of the dwelling, outbuildings, driveway, proposed parking location and intended vehicle screening measures.</p> <p>c) Completed Commercial Vehicle Details Form.</p> <p>d) A photograph showing the location where the vehicle is proposed to be parked.</p> <p>e) Photographs of the front, side and rear of the vehicle/s to be parked on the property.</p> <p>f) An indication of the typical frequency and times that the vehicle will be driven to and from the subject property and a description of the main functions of the vehicle.</p> <p>g) A copy of the driver's licence of each person that will drive the commercial</p>

	<p>vehicle/s, clearly identifying their registered residential address.</p>
	<p>h) Payment of the required application fee.</p>
	<p>3. ASSESSMENT CRITERIA</p>
	<p>Applications for commercial vehicle parking will be determined in accordance with the following provisions:</p>
	<p>(a) The commercial vehicle to be parked on the property shall not exceed:</p>
	<p>(i) Rigid type - 11 metres in length, 2.5 metres in width and 4.3 metres in height (either laden or unladen).</p>
	<p>(ii) Articulated type – 17.5m in length, 2.5m in width and 4.3m in height (laden or unladen).</p>
	<p>(b) The commercial vehicle shall be parked entirely on the lot behind the front alignment of the dwelling, and preferably behind the rear realignment of the dwelling. If the vehicle is parked alongside the dwelling then gates and/or fencing of a minimum height of 1.8m shall be erected to satisfactorily screen the vehicle from the public.</p>
	<p>(c) The commercial vehicle must be parked on the lot so that it does not interfere with the access and/or egress of other vehicles. Where possible, vehicles shall be parked such that they do not need to be reversed out.</p>
	<p>(d) Spray painting, panel beating and major servicing on the commercial vehicle will not be permitted on the lot. Maintenance is limited to oil and grease changes, changes of tyres (not repair of tyres), and other minor maintenance as approved by Council.</p>
	<p>(e) Washing of the commercial vehicle on the lot is limited to the use of water and mild detergent , and excludes the use of any solvents, degreasing substances, steam cleaning and any other processes.</p>
	<p>(f) The commercial vehicle shall only be started and/or manoeuvred on the lot in such manner and at such times approved by Council, being consistent with the provisions of the Environmental Protection (Noise) Regulations. 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 shall apply, unless otherwise approved by Council.</p>
	<p>(g) The idling times for start up and cool down on the property should be restricted to 5 minutes each per day unless otherwise approved by Council.</p>
	<p>(h) Maintenance and cleaning of the commercial vehicle on a residential lot to be permitted only between 8.00am and 7.00pm Monday to Saturday, and 9.00am and 6.00pm Sunday, unless otherwise approved by Council.</p>
	<p>(i) A refrigeration unit fitted to a commercial vehicle parked on or abutting a residential lot may not be operated whilst the vehicle is parked on the lot.</p>
	<p>(j) If a commercial vehicle owner, who has been granted approval to park a commercial vehicle on a lot, wishes to replace the vehicle with another commercial vehicle, a further application to Council is required.</p>

	<p>(k) Council reserves the right to amend the conditions of an approval or to revoke an approval:</p> <ul style="list-style-type: none"> (i) as a result of a justified complaint being received; and/or (ii) due to changes (or potential changes) of the lot's zoning. <p>(l) The local government may give notice of an application for approval to park a commercial vehicle or require the applicant to give notice of the application in respect of any such notice as per clauses 9.4.3 to 9.4.6 of Local Planning Scheme No. 3 apply.</p>
Related Local Law	
Related Policy	
Management Practice	
Legislation	Local Planning Scheme No. 3
Conditions	

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

33. Amendment to Local Planning Scheme No. 3 – Modifications to the Commercial Vehicle Parking Requirements, Land Use Definitions and the Zoning Table

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-LPS-003
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Modified Zoning Table 1

PURPOSE

1. To consider whether to initiate an Amendment to Local Planning Scheme No. 3 (“the Scheme”) to:
 - Include new provisions under clause 5.20 (Commercial Vehicle Parking).
 - Modify Schedule 1 (General Definitions and Land Use Definitions) relating to the use Commercial Vehicle Parking.
 - Modify Table 1 (Zoning Table) to include the land use Commercial Vehicle Parking - Rural.

BACKGROUND

2. Currently under the Scheme, approval is required to be able to park a commercial vehicle on private property for more than two consecutive hours.
3. Currently a commercial vehicle is defined as any vehicle greater than 3.5 tonnes in weight.
4. Since the Scheme was gazetted in 2007, the Shire has had issues assessing development applications for the parking of commercial vehicles in residential and rural areas. Principally this has been differentiating between those landowners who simply wish to park their commercial vehicle on the property to those seeking to park their commercial vehicle as part of business operating from the property, which in most instances, is prohibited.
5. More recently, matters relating to approval and compliance matters with commercial vehicle parking have caused issues for the Shire. These are summarised as follows:
 - The permitted number of commercial vehicles in various zonings.
 - The ability to capture commercial vehicles less than 3.5 tonnes which still have amenity impacts.
 - Making a distinction between the parking of commercial vehicles in residential and rural areas.

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- What constitutes as being a commercial vehicle in residential and rural areas as distinct from a transport depot.
 - The ability to consider the parking of commercial vehicles in residential areas of R20 or higher.
6. In light of the issues raised, legal advice was sought in terms of the current Scheme provisions and Local Planning Policy DEV 22 – Parking of Commercial Vehicles on Private Property (“the Policy”) and how the issues raised could be reflected in changes to the Scheme and Policy.
7. In August 2012, legal advice was received detailing recommended changes to the Scheme and Policy. A separate report has been prepared on proposed modifications to the Local Planning Policy DEV 22.

DETAILS

8. Based on the legal advice obtained, it is proposed that Table 1 (Attachment 1), Clause 5.20 (Commercial Vehicle Parking) and Schedule 1 (General and Land Use Definitions) be modified as follows:
- The removal of the provision under Section 5.20 which stipulates that the determination of commercial vehicle parking applications being generally in accordance with the Commercial Vehicle Parking Local Planning Policy.
 - The provision under Section 5.20 stipulating that commercial vehicles are prohibited in residential areas of R20 or higher or Urban Development zones is proposed to be removed.
 - The minimum weight being reduced from 3.5 tonnes to 1.5 tonnes to capture smaller commercial vehicles in terms of size and appearance.
 - The definition for Commercial Vehicle be deleted from Schedule 1 Part 2 (Land Use Definitions) of the Scheme as it is not a land use classification, and included under Schedule 1 Part 1 (General Definitions).
 - The definition of the use Commercial Vehicle Parking is proposed to be modified so as that it does not stipulate the duration beyond which a commercial vehicle has to be parked on private property prior to requiring approval from the Shire. This has frequently created difficulty from a compliance perspective is determining whether a vehicle has been parked on a property for more than 2 consecutive hours. It is proposed that the definition be modified to the following:

“Commercial vehicle parking” means the parking of one commercial vehicle for any period which is longer than necessary to load and unload or to complete a service being rendered to the property.”
 - The new land use classification, and associated definition for, Commercial Vehicle Parking – Rural is proposed to restrict how many commercial vehicles can be parked on a rural property where amenity impacts are likely to be less pronounced and the vehicles are incidental
-

to an approved commercial activity. The definition to be included under Table 1 (Zoning Table), and a definition for the land use classification being included under Schedule 1 Part 2 of the Scheme.

- The following definition for 'Vehicle' being included under Schedule 1 Part 1 (General Definitions) of the Scheme:

"Vehicle" means every conveyance and every object capable of being propelled or drawn, on wheels or tracks, by any means."

- Section 5.20 being reworded to the following:

"5.20 Commercial Vehicle Parking

5.20.1 The parking of a commercial vehicle on any zoned land within the Scheme area requires the prior approval of the local government.

5.20.2 Approval under clause 5.20.1 is not required where parking of a commercial vehicle is ancillary to a use approved under the Scheme for the lot on which the commercial vehicle is parked.

5.20.3 An application for approval to park a commercial vehicle on any land must be in the form and include the information specified by the local government. The local government may specify the application form and required information in a local planning policy.

5.20.4 The local government may give notice of an application for approval to park a commercial vehicle or require the applicant to give notice of the application in respect of any such notice, clauses 9.4.3 to 9.4.6 of the Scheme apply.

5.20.5 Approval for parking a commercial vehicle may only be granted where an occupier of the lot on which the commercial vehicle is to be parked is also:

- (a) the owner of;*
- (b) the driver of; or*
- (c) the proprietor of a business which owns or operates,*

The commercial vehicle in respect of which the approval is sought.

5.20.6 An approval for the parking of a commercial vehicle is:

- (a) personal to the applicant for approval; and*
- (b) specific to the commercial vehicle which is the subject of the application for approval."*

STATUTORY AND LEGAL IMPLICATIONS

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

10. Clause 5.20 (Commercial Vehicle Parking) of the Scheme currently stipulates the following:

“5.20 Commercial Vehicle Parking

5.20.1 Notwithstanding any other provision in the Scheme to the contrary, determination of Commercial Vehicle parking shall be generally in accordance with local government's Policy Statement on "Parking of Commercial Vehicles on Private Property".

5.20.2 Commercial vehicle parking is prohibited in residential areas or Urban Development zones coded R20 and above.

5.20.3 Local government may seek opinions from affected landowners before any decision on an application to park a commercial vehicle is made.

5.20.4 Local government reserves the right to amend the conditions of an approval or to revoke an approval to park a commercial vehicle as a result of a justified complaint received or due to changes (or potential changes) of the zoning, subdivision or development of the subject or nearby land.

5.20.5 If a commercial vehicle owner who has been granted approval to park a commercial vehicle on a lot wishes to replace the vehicle with another commercial vehicle, a further application to local government is required, except where the replacement vehicle is of the equivalent tare weight or less. In such cases, only notification and submission of a photograph of the new commercial vehicle is required to be submitted by the owner.”

11. The land use Commercial Vehicle Parking is currently defined under Schedule 1 Part 2 (Land Use Definitions) of the Scheme as being:

“Commercial vehicle parking” means the parking of a commercial vehicle for more than two consecutive hours or for a longer period than is necessary to load and unload, or for a longer period than is necessary to complete a service being rendered to the property.”

POLICY IMPLICATIONS

Local Planning Policy DEV 22 – Parking of Commercial Vehicles on Private Property

12. The Policy is currently being reviewed, and a separate report has been prepared on the proposed modifications to the Policy.

PUBLIC CONSULTATION/COMMUNICATION

13. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. If Council decides to approve the amendment, then ultimately it will be determined by the Minister for Planning. If the matter proceeds to the Minister's determination, there is no Right of Review (appeal), irrespective of the Minister's decision.
14. Should Council initiate the amendment, the formal advertising (which will last 42 days) will involve a local public notice in a paper circulating the District.

FINANCIAL IMPLICATIONS

15. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. Nil.

Sustainability Implications

Social Implications

17. The majority of commercial vehicle related applications are retrospective and as a result of the Shire being contacted by affected landowners. Quite often the parking of a commercial vehicle can impact on adjoining properties.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

OFFICER COMMENT

20. The Shire has obtained legal advice and consequently recommended changes to the Scheme which will provide clarity for officers on what is considered to be commercial vehicle parking, a commercial vehicle or a transport depot, and remove out dated clauses which have proven to create uncertainty in implementation and enforcement.

21. On this basis it is recommended that Council initiates the amendment.
A Councillor foreshadowed a Motion that this item be deferred to the June Ordinary Council Meeting for consideration.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 33/2013)

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 as follows:

- (a) Deleting clause 5.20 (Commercial Vehicle Parking) and replacing with the following:

“5.20 Commercial Vehicle Parking

5.20.1 The parking of a commercial vehicle on any zoned land within the Scheme area requires the prior approval of the local government.

5.20.2 Approval under clause 5.20.1 is not required where parking of a commercial vehicle is ancillary to a use approved under the Scheme for the lot on which the commercial vehicle is parked.

5.20.3 An application for approval to park a commercial vehicle on any land must be in the form and include the information specified by the local government. The local government may specify the application form and required information in a local planning policy.

5.20.4 The local government may give notice of an application for approval to park a commercial vehicle or require the applicant to give notice of the application in respect of any such notice, clauses 9.4.3 to 9.4.6 of the Scheme apply.

5.20.5 Approval for parking a commercial vehicle may only be granted where an occupier of the lot on which the commercial vehicle is to be parked is also:

- (a) the owner of;*
(b) the driver of; or
(c) the proprietor of a business which owns or operates,

The commercial vehicle in respect of which the approval is sought.

5.20.6 An approval for the parking of a commercial vehicle is:

- (a) *personal to the applicant for approval; and*
- (b) *specific to the commercial vehicle which is the subject of the application for approval."*

(b) Including the following definitions under Schedule 1 Part 1 (General Definitions):

"Commercial vehicle" means a vehicle whether licensed or not which has a gross vehicle mass of greater than 1.5 tonnes and which is used, designed or intended for use in the course of any business or trade and for the avoidance of doubt:

- (a) *includes the following vehicles above that mass: any prime mover, truck, bus or earth moving equipment and any wheeled attachment to any of them or any wheeled article designed to be attached to any of them; and*
- (b) *a loaded combination, such as a bob cat, forklift or any other vehicle, loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle."*

"Vehicle" means every conveyance and every object capable of being propelled or drawn, on wheels or tracks, by any means."

(c) Deleting the definition for Commercial Vehicle from Schedule 1 Part 2 (Land Use Definitions).

(d) Modifying the definition for the use Commercial Vehicle Parking under Schedule 1 Part 2 (Land Use Definitions) to the following:

"Commercial vehicle parking" means the parking of one commercial vehicle for any period which is longer than necessary to load and unload or to complete a service being rendered to the property."

(e) Including the following definition under Schedule 1 Part 2 (Land Use Definitions):

"Commercial vehicle parking – Rural" means the parking of no more than two commercial vehicles for any period which is longer than necessary to load and unload or to complete a service being rendered to the property."

(f) Modifying Table 1 (Zoning Table) to include the land use Commercial Vehicle Parking – Rural, as shown on Attachment 1.

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: **LAPSED**

Seconded:

Vote:

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 33/2013)

That Council:

1. Defer Item 33, Amendment to Local Planning Scheme No 3 – Modifications to the Commercial Vehicle Parking Requirements, Land Use Definitions and the Zoning Table, to the June Ordinary Council Meeting.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Attachment 01

Amendment to Local Planning Scheme No. 3 –
Modifications to the Commercial Vehicle Parking Requirements, Land Use Definitions and the Zoning Table
Proposed Modified Zoning Table (Table 1)

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Commercial Vehicle Parking - Rural	X	X	X	X	X	X	X	X	X	D	D	D	D	D	X

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

34. Proposed Modified Local Planning Policy DEV 20 – Outbuildings – Guidelines for Assessment

Previous Items	OCM 19/2013
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	OR-CMA-16
Applicant	N/A
Owner	N/A
Attachment 1	Existing Local Planning Policy DEV 20 – Outbuildings – Guidelines for Assessment
Attachment 2	Draft Modified Local Planning Policy DEV 20 – Outbuildings – Guidelines for Assessment

PURPOSE

1. To consider the adoption of the proposed modified Local Planning Policy DEV 20 – Outbuildings – Guidelines for Assessment (“the Policy”). Refer to (Attachments 1 and 2).

BACKGROUND

2. Local Planning Scheme No. 3 (“the Scheme”) foreshadows the development of policies to guide decision-making.
3. The Shire’s Policy Register is being reviewed and, where considered necessary, modifications are being made to policies and are being presented for Council consideration.
4. In March 2013, Council resolved (En Bloc Resolution OCM 19/2013) to endorse the Policy for the purpose of advertising.

DETAILS

5. The Policy stipulates the locational, usage and size requirements for outbuildings on private property.
6. The Policy includes provisions for sea containers which are to be considered as being outbuildings in their own right. Currently no requirements exist for sea containers which has created problems from a compliance perspective when complaints are received from the public regarding their placement on private property.
7. The modified Policy will be used in conjunction with the Scheme and Residential Design Codes (“R Codes”) when assessing what impact outbuildings will have on the amenity of an area.

STATUTORY AND LEGAL IMPLICATIONS

8. The Shire may prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area.
9. A Local Planning Policy is not part of the Scheme and does not bind the Council in its decision making, however, Council is to have due regard to the Policy when making a decision.

POLICY IMPLICATIONS

10. If Council adopts the modified Policy it will be included in the Shire's Policy Register.

PUBLIC CONSULTATION/COMMUNICATION

11. Clause 2.4 (Procedure for Making or Amending a Local Planning Policy) of the Scheme prescribes the procedure for advertising a Local Planning Policy.
12. The Policy was advertised once a week for two consecutive weeks in a newspaper circulating the District for a submission period of 21 days. The Policy was also on display at the Administration office.
13. During the formal advertising period no submissions were received.

FINANCIAL IMPLICATIONS

14. If the Policy is adopted by Council there will be a cost involved in publishing a notice in a newspaper circulating the District, this is however, covered in the Development Services budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

15. *Kalamunda Advancing: Strategic community Plan to 2023*
Strategy 6.3.3 Regularly review the organisation's structure, policies and procedures in response to changing circumstances.

Sustainability Implications

Social Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

OFFICER COMMENT

19. The Policy clarifies design and use requirements for outbuildings and differentiates between Local Planning Scheme and R Codes provisions. It also codifies the use of sea containers which in the past have traditionally been placed on properties without any consent, often leading to poor aesthetic outcomes.
20. The Policy also removes the categorisation of “oversized” outbuildings in Rural zones based on land area to floor area ratio and the need to refer such proposals to Council for determination as required under the current Policy.
21. Assessment of outbuildings in Rural zones will be based on the provisions relating to site requirements and other matters to be considered in the Local Planning Scheme. Assessment of outbuildings in urban areas will be based on the requirements of the R Codes. In this regard a maximum of 60sqm floor space applies. Any proposal to increase this provision will be assessed against the performance base criteria of the R Codes.
22. The proposed Policy will assist in the procedural and governance aspects of the Shire’s development control responsibilities with regard to outbuildings on private property. It is therefore recommended that the proposed modified Policy be adopted.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 34/2013)

That Council:


1. Adopts the draft modified Local Planning Policy DEV 20 – Outbuildings – Guidelines for Assessment and a notice to this effect be placed in a newspaper circulating the District in accordance with Clause 2.4 of Local Planning Scheme No. 3 (Attachment 2).

Moved: **Cr Frank Lindsey**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Attachment 1

POLICY REGISTER		
Title:	Outbuildings – Guidelines for Assessment	
Policy No.:	DEV20	
Date Adopted:	16 March 2009	Date Last Reviewed: unknown
Objective:	To provide guidelines for assessment of applications for outbuildings.	
<p>Staff is delegated the authority to determine applications, without reference to nearby landowners (in respect of the 'oversized' aspect) on the basis of the following limitations: <i>Note: The area limitations refer to the total outbuilding floor areas (i.e. the aggregate, where there is more than one outbuilding on the property).</i></p>		
<p>1. Setbacks</p> <p>a) Outbuildings in Residential zones be located from side, (including secondary street frontages), and rear boundaries in accordance with the boundary setbacks required under Table 1 of the Residential Design Codes (RD-Codes) of Western Australia. Except for properties zoned R5 the rear setback may be reduced to 1m or 1.5m depending on the length of wall facing that boundary, and in properties zoned R2.5 the rear setback may be reduced to 3m.</p> <p>b) Outbuildings in Special Residential be located a minimum of 3 metres from the side and rear boundaries. Outbuildings in Residential Bushland zone shall be setback in accordance with the relevant RD-Code provisions required under Table 1 of the Residential Design Codes and the exceptions detailed at point a) above for properties zoned R2.5 or R5.</p> <p>c) Outbuildings in all other zones be located in accordance with the requirements of Table 2 of the Local Planning Scheme No. 3.</p> <p>d) No special setback requirements other than those normally applicable are imposed for outbuildings on properties which abut battleaxe configuration lots.</p>		
<p>2. Aesthetics</p> <p>a) Outbuildings located at the side of, or in front of the residence, will, unless otherwise approved, be constructed of the same material and construction design as the residence to which they are appurtenant, and be set back from the side and front boundary in accordance with the setbacks required for the residence.</p> <p>b) Applications for dissimilar materials or reduced setback will be determined as per point 3 of this policy.</p> <p>c) Applications for outbuildings that have Zinalume or white or off white Colorbond exterior roof and wall cladding that are substantially visible from surrounding properties shall be referred to neighbours for comment.</p>		
<p>3. Size of outbuilding</p> <p>Staff have delegated authority to approve outbuildings without referral to neighbours that comply with the restrictions below, providing the outbuilding does not have exterior wall cladding in Zinalume or white or off white Colorbond.</p> <p>a) Residential and Urban Development zones with a nominated RD-Code</p> <p>(i) do not exceed 60m² in area or 10% (in aggregate) of the lot area whichever is the lesser.</p> <p>(ii) do not exceed a wall height of 2.4m, above the natural ground immediately below.</p> <p>(iii) do not exceed a ridge/apex height of 4.2m, above the natural ground immediately below.</p>		

b) Rural Zones

These provisions shall apply to Rural, Special Rural, Special Residential, Rural Agriculture, Rural Conservation, Rural Landscape Interest and Rural Living zones. They are also applicable to land zoned Urban Development for which there is no nominated RD-Code applicable.

- i) Lots between 4000m² and 9999m² –
 - Maximum floor area 100m²
 - Maximum roof height 4.2m, above the natural ground immediately below
 - Maximum wall height 3.0m, above the natural ground immediately below
- ii) Lots 1.0 – 2.0 hectares
 - Maximum floor area 150m²
 - Maximum roof height 5.0m, above the natural ground immediately below
 - Maximum wall height 3.8m, above the natural ground immediately below
- iii) Lots in excess of 2.0 hectares
 - Maximum floor area 200m²
 - Maximum roof height 5.0m, above the natural ground immediately below
 - Maximum wall height 3.8m, above the natural ground immediately below

The provisions referred to at i) - iii) apply only to domestic outbuildings; they do not apply to rural outbuildings, which shall be determined on the merits applicable in each case, but shall be referred to Council if the floor area exceeds 300m².

3. Neighbour referral

If the policy above requires that an application be referred to neighbours, staff shall seek comment from **affected** adjoining neighbours and in the event no objection is received, staff shall determine the application, unless the outbuilding exceeds 300m² in area, then the application must be referred to a Meeting of the Council for determination.

CROSS REFERENCES (If any):

Management Practice No.		Delegation No.:	
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LEGAL REFERENCES

Legislation:	
Local Law:	
Notes:	

Attachment 02



POLICY REGISTER

Title:	Outbuildings – Guidelines for Assessment		
Policy No.:	DEV 20		
Date Adopted:		Date Last Reviewed:	

Rationale	To provide criteria that will assist in the consideration of applications for outbuildings on private property in the Shire.
Policy	<p>1. APPLICATION OF POLICY</p> <p>1.1 The Policy applies to all class 10a buildings under the Building Code of Australia (Outbuilding) on private property in the Shire, which includes garages, sheds, rainwater tanks and sea containers.</p> <p>2. GENERAL PROVISIONS</p> <p>2.1 Outbuildings and/or sea containers are to comply with the requirements of Local Planning Scheme No. 3 unless otherwise approved by the Shire.</p> <p>2.2 Outbuildings and/or sea containers are not to be erected within 1.2 metres of a septic tank and/or within 1.8 metres of a leach drain.</p> <p>2.3 Outbuildings and/or sea containers are to be located so as not to obstruct vehicles and/or pedestrians.</p> <p>2.4 Variations to Policy and/or Scheme provisions are to be advertised to effected landowners and/or referred to the applicable authority for comment.</p> <p>2.5 The external colour and material of outbuildings are to blend with existing development on the property.</p> <p>2.6 The external colour and material details of outbuildings being submitted to and approved by the Shire prior to the building permit being issued.</p> <p>2.7 Sea containers shall not be used for human habitation</p> <p>2.8 Outbuildings shall not be used for human habitation unless a temporary planning approval has been granted in accordance with Local Planning Scheme No. 3.</p> <p>2.9 Outbuildings and/or sea containers can only be used in conjunction with a home occupation, home business, industrial or commercial purpose with the prior approval of the Shire.</p> <p>3. RESIDENTIAL, RESIDENTIAL BUSHLAND AND URBAN DEVELOPMENT ZONE</p> <p><u>Outbuildings</u></p> <p>3.1 Outbuildings are to comply with the requirements of the Residential Design Codes.</p>

	<p>3.2 An outbuilding on vacant land, unless associated with the construction of an approved building, shall not be approved. This will be deemed to be the use Storage which is not permitted.</p> <p><u>Sea Containers</u></p> <p>3.3 A maximum of 1 sea container is permitted only if being used by removalists and/or those residing on the property where it is to be located, for the purpose of moving domestic items to/from the property.</p> <p>3.4 A maximum of 1 sea container is permitted during the construction of an approved building, and should be removed within 48 hours of the building's practical completion.</p> <p>4. RURAL PROPERTIES</p> <p><u>Outbuildings</u></p> <p>4.1 An outbuilding on vacant land will not be approved unless associated with the construction of an approved dwelling, or being used to store items used to maintain the property. This will otherwise be deemed to be the use Storage which is not permitted.</p> <p>4.2 The size of an outbuilding will be assessed on its individual merit, having due regard to the matters outlined under clause 10.2 of Local Planning Scheme No. 3 such as, but not limited to, the potential impact on the area's amenity, the effect on the natural environment and the likely effect of the height, bulk, scale, orientation and appearance of the proposal.</p> <p><u>Sea Containers</u></p> <p>4.3 A sea container does not require Shire approval if on the property for no longer than 48 hours in total. Approval is to be obtained from the Shire if it is to remain on the property for a longer period.</p> <p>4.4 A maximum of 1 sea container is permitted during the construction of an approved building, and should be removed within 48 hours of the building's practical completion.</p> <p>4.5 The number of sea containers proposed will be assessed on its individual merit, having due regard to the matters outlined under clause 10.2 of Local Planning Scheme No. 3 such as, but not limited to, the potential impact on the area's amenity, the effect on the natural environment and the likely effect of the height, bulk, scale, orientation and appearance of the proposal.</p>
Related Local Law	
Related Policy	State Planning Policy 3.1 – Residential Design Codes
Management Practice	
Legislation	Local Planning Scheme No. 3
Conditions	

Cr Martyn Cresswell declared a financial interest and left the room at 6.40pm.
 Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

35. Request to Initiate an Amendment to the Metropolitan Region Scheme – Forrestfield/High Wycombe Industrial Area – Stage 3

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-LPS-003
Applicant	N/A
Owners	Various

Attachment 1	Current Metropolitan Region Scheme Zoning Map
Attachment 2	Current Local Planning Scheme No 3 Zoning Map
Attachment 3	Vegetation Type and Condition
Attachment 4	Conservation Significant Habitat
Attachment 5	Transport Analysis

PURPOSE

- To request the Western Australian Planning Commission (“the Commission”) to amend the Metropolitan Region Scheme (“MRS”) by rezoning Stage 3 of the proposed Forrestfield/High Wycombe Industrial Area (“Stage 3”) from Rural to Urban. Refer to the Locality Plan below.

BACKGROUND

- Land Details:**

Aggregate Land Area:	Approximately 125ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Region Scheme Zone:	Rural, and Parks and Recreation

Locality Plan

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-
4. The subject land is zoned "Rural" under the MRS and "Special Rural" under the Shire's Local Planning Scheme No.3 (Refer Attachments 1 and 2).
 5. The subject land covers an area of approximately 125 hectares comprising land bounded by Sultana Road West, Roe Highway, Poison Gully Creek, Raven Street and Milner Road.
 6. The subject land is characterised by predominantly small (1 hectare minimum) special rural landholdings either cleared or partially cleared of vegetation. There are also a number of vacant lots that are either cleared, have some remnant vegetation or substantive remnant vegetation. A number of larger lots are situated to the east of the site which was previously used for municipal purposes as a land fill site. There are also a number of bridle trails which dissect the site which are used for walking and horse riding activities by local residents.
 7. There is evidence of a limited number of existing landholdings currently used for commercial uses associated with the parking of commercial vehicles or storage purposes.
 8. In 2008, the Shire of Kalamunda commenced the planning of the Forrestfield/High Wycombe Industrial area comprising an area of approximately 200 hectares of land.
 9. In February 2013, the planning of Stage 1 of the industrial area was completed. The Shire of Kalamunda is now receiving applications to commence development on the land.

DETAILS

10. It is proposed to rezone the subject land from "Rural" to "Urban" under the MRS. A separate Local Planning Scheme amendment will be progressed to rezone the subject land from Special Rural and then a Local Structure Plan and Developer Contribution Plan to guide subdivision and development.
11. In support of the proposal a number of strategic studies have been undertaken including:
 - Environmental Analysis
 - Transport Assessment
 - District Water management Strategy
 - Servicing Strategy

Environmental Review

12. An Environmental Review ("Review") was conducted to assess environmental opportunities and constraints associated with the proposed change in land use to support the MRS amendment process and the referral to the Environmental Protection Authority. (Refer Attachments 3 and 4).

-
13. The subject land contains the following environmental values:
- Poison Gully Creek Bush Forever site (No.45).
 - Remnant native vegetation of predominantly open Jarrah and Marri with Wandoo and Banksia and one Threatened Species.
 - Three vertebrate fauna species of conservation significance have been recorded in the area including Forest Red-tailed Black Cockatoo, Carnaby's Black Cockatoo and Quenda.
 - One Environmental Protection Biodiversity and Conservation Act 1999 (EPBC Act) listed flora species; the Waxy-leaved smoke bush is widespread throughout the subject land. No Threatened Ecological Community ("TECs") or migratory species are present.
14. Potential impacts to environmental values identified in the Review will be managed through the implementation of the following measures:
- The retention of significant habitat trees in good condition or better, for the two species of black Cockatoo.
 - The establishment of vegetation protection and enhancement areas including retention and rehabilitation of ecological linkages where possible.
 - The avoidance of known populations of one flora species of conservation significance, *Conospermum undulatum* (smoke bush).
 - The avoidance or appropriate management of known registered heritage amendment areas.
 - The establishment of a foreshore reserve along the northern boundary of the amendment area as determined in the Poison Gully Creek Foreshore Assessment.
15. The Review concludes that with the implementation of these measures the proposal to rezone Stage 3 is unlikely to have a significant impact on the identified environmental values of the area.
16. The former Brand Road landfill site is located to the east of the site on 9.63 hectares of land. A Preliminary Site Investigation ("PSI") was completed in 2010. This reported the Brand Road landfill as "Possibly Contaminated – Investigation Required" under the *Contaminated Sites Act 2003*.

District Water Management Strategy

17. A District Water Management Strategy ("DWMS") has been prepared to manage water resources in a sensitive manner in line with the principles and objectives of water sensitive urban design. This includes the development of a stormwater management system based on the treatment and infiltration of stormwater within the road reserves and lots to maintain pre-development flows and manage water quality.

-
18. The subject land will be provided with water from the Water Corporation scheme. Development will be required to connect to a reticulated waste water system when available. It is acknowledged however that in the interim some development may proceed with an onsite system subject to an assessment of the capability for wastewater disposal on site including soil type.
19. The DWMS proposes the following implementation measures:
- The use on of rainwater tanks and the use of groundwater and wastewater recycling in terms of water use.
 - Lots to retain stormwater on site in events up to the 1 in 100 year annual rainfall event.
 - The development of roadside swales with overflows of treated water to Poison Gully if required, in areas where soil types are not suitable for infiltration.
 - Maximum infiltration and treatment of road drainage within the road reserve to maintain surface and groundwater quality.
20. A more detailed analysis of the water management for the subject land will be provided as part of the Local Water Management Strategy ("LWMS"), and the Local Structure Planning stage.

Transport Assessment

21. A transport assessment has been prepared of the potential impact of any additional traffic that may be generated as a result of the proposed rezoning of the subject land and its development as part of the broader Forrestfield/High Wycombe Industrial Area on abutting roads (Attachment 5).
22. The key transport issues focussed upon include:
- The capacity of the local road network to accommodate the additional traffic generated by the proposal.
 - The extent to which the additional traffic generated can be safely managed on the adjacent current and future road network.
 - The provision of safe access to the proposed Industrial area from the adjacent road network.
 - The safety and efficiency of the internal road network and in particular the extent Stage 3 is able to safely and efficiently accommodate alternative and sustainable transport modes including pedestrians and cyclists.
23. The traffic analysis revealed the following:
- The distributors Berkshire Road and Milner Road are likely to be the major traffic carrying routes within the subject area.
 - It is expected that approximately 80% of traffic will access Roe Highway from Berkshire Road, with 20% of the traffic generated from the subject area directly accessing Dundas Road.
 - The proposed road network is generally permeable and the design of the

streets will reinforce distribution of traffic onto higher hierarchy roads.

- Berkshire Road is predicted to carry between 5,400 vehicles per day (“vpd”) at the western end and 14,600 vpd at the eastern end and may require upgrading to a four lane carriageway in the future. However on predicted flows the road is expected to operate at an appropriate level and may not be required if flows do not reach predicted levels.

24. The assessment concludes that the street network will provide an acceptable range of choices for travel, and ensure that local traffic volumes on individual streets can be kept below threshold levels to ensure the amenity of the area is preserved and safe movement options exist for pedestrian’s cyclists and local traffic.

Heritage Surveys

25. A search of the Shire’s Municipal Heritage Inventory and the Heritage Council of WA’s Places Database has identified that there are no places of European heritage value contained within Stage 3.
26. A search of the Department of Indigenous Affairs’ Aboriginal Heritage Inquiry System reported one registered site. Site 25023 is Poison Gully Creek which borders the northern boundary of the site and Sites 3637 and 3667 are located in High Wycombe and Forrestfield.
27. Potential impacts to registered heritages sites in Stage 3 will be managed through the implementation of the following measures via the structure planning and subdivision processes:
- The flagging of registered Aboriginal Heritage Sites.
 - If registered Aboriginal heritage sites cannot be avoided, application will be made under Section 18 of the *Aboriginal Heritage Act 1972* to seek approval for certain uses of the land.
 - The Poison Gully Creek Bush Forever Site becoming a designated vegetation protection/enhancement area so as not to be impacted by any future proposals.

Servicing Analysis

28. The report focuses on the servicing and traffic issues affecting the subject site:

Roads

- The existing layout will be generally retained. The existing roads as a minimum will need to be upgraded to provide a 10m wide carriageway.
- Raven Street and Sultana Road West will be constructed and extended through to Maida vale Road and Dundas Road respectively.
- Intersections will be upgraded where necessary.

Water Reticulation

- All existing lots are currently serviced by 150mm diameter water mains running along property frontages within road reserves.

Sewer

- The site is not currently serviced by reticulated sewer.
- The area is to be serviced by a reticulated gravity system draining to a main sewer line in Abernethy Road.
- Headwork upgrades will be required by The Water Corporation to service the site.

Telecommunications

- No constraints were identified that would restrict the installation of telecommunications.

Electrical

- The subject area is serviced with a 22kV power line from the Forrestfield Zone Substations on Abernethy Road.
- Western Power does not have capacity concerns associated with the natural growth of the area at this stage.
- All new development will require power to be placed underground.

Drainage

- Individual lots will be required to dispose on their stormwater on site.
- Road reserves will be drained through the installation of swales where slope permits and the installation of below ground storage chambers.

Groundwater

- The Department of Water Perth Groundwater Atlas shows the depth to groundwater is at a minimum depth of approximately 16m.
- The groundwater is at a sufficient depth so that filling or installation of sub soil drainage would not be required.

Acid Sulphate Soils

- The Department of Conservation and Environment ASS Risk Map indicates that the site is located wholly within a low to medium risk area.

STATUTORY AND LEGAL IMPLICATIONS

29. The *Planning and Development Act 2005* ("the Act") establishes procedures relating to amendments to the MRS and the Scheme. If the Commission initiates the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
30. The Act allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not.
31. This amendment is recommended to be processed as a minor amendment for the following reasons:
 - The scale and size of the proposed amendment is not considered regionally significant. It does not reflect a change to the planning strategy or philosophy for the Metropolitan Region and is unlikely to have an adverse impact on the surrounding localities.

- The MRS amendment accords with the general intent of a number of strategic State and Local Government documents such as: *Directions 2031 and Beyond*, *Draft Outer Metropolitan Perth and Peel Subregional Strategy*, *Draft Industrial Land Strategy – Non Heavy Industry* and the Local Planning Strategy.
 - The amendment is to be initiated subject to the resolution of various issues at later stages of the planning process.
32. If the MRS amendment is approved by the Minister, an amendment to the Scheme will be prepared which proposes to include provisions for Stage 3 under Schedule 11 (Development Areas) of the Scheme and notated on the Scheme Zoning Map.
33. If the amendments to the MRS and the Scheme are approved by the Minister a local structure plan will be prepared for Stage 3, which will be required to be endorsed prior to the Shire considering any subdivision or development proposals within the area.

POLICY IMPLICATIONS

Development Control Policy 1.9 – Amendment to Region Scheme

34. The Commission's *Development Control Policy 1.9 - Amendment to region schemes*, sets out the criteria for deciding whether the major or minor process should be followed.

Directions 2031 and beyond

35. *Directions 2031 and Beyond* addresses urban growth needs and also takes into consideration the need to protect our natural ecosystems. The framework provides for different lifestyle choices, vibrant nodes for economic and social activity and a more sustainable urban transport network.
36. The amendment accords with the intent of *Directions 2031 and Beyond* as it will facilitate light industrial and/or commercial development which contributes to an adequate supply of well-located land for industrial development purposes which will increase the level of employment self-sufficiency in the North-East sub-region which is in close proximity to regional road, rail and airport infrastructure.

Shire of Kalamunda Local Planning Strategy

37. The Local Planning Strategy enables Council to determine the vision and strategic planning direction for the Shire for the next 20 years to coincide with *Directions 2031 and Beyond*.
38. The Local Planning Strategy has identified Stage 3 as an Economic/Employment Opportunities area for industrial purposes. Therefore, the amendment complies with the intent of the Local Planning Strategy.

Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy

39. The Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy provides a framework for delivering the objectives of *Directions 2031 and Beyond*. It links State and local government strategic planning to guide the preparation and review of structure plans and local planning strategies.
40. The amendment complies with the intent of the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy as Stage 3 is identified in the Local Planning Strategy for industrial development purposes. Refer to the Local Planning Strategy Key Elements Plan (Attachment 2).

Economic and Employment Lands Strategy – Non Heavy Industry

41. The Economic and Employment Lands Strategy is the State Government's response to the future of industrial land use planning for the Perth and Peel regions. It builds on *Directions 2031 and Beyond* and focuses on strategies for industrial sites to be used for light and general industrial purposes.
42. Stage 3 is identified in the Economic and Employment Lands Strategy as a key strategic industrial area for freight and logistics related industries.

PUBLIC CONSULTATION/COMMUNICATION

43. If the Commission initiates the amendment it will advertise the amendment for 60 days in accordance with the Act, prior to the Minister making a final determination.

FINANCIAL IMPLICATIONS

44. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

45. *Kalamunda Advancing: Strategic Community Plan to 2023*
- Strategy 4.1.1 Develop, implement and review strategic land-use plans and policies which guide the location and sustainability of industrial, commercial and residential areas within the Shire.
- Strategy 4.1.4 Facilitate the development of industrial land within the Shire.

Sustainability Implications

Social Implications

46. The lifestyle factors that first attracted to people to this area when it was subdivided from rural land may be diminished in the future when development of the area commences.

Economic Implications

47. 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

48. The subject land currently supports a wide range of land uses including residential, plant nurseries, earthmoving contractors, horse agistment parks and commercial businesses. It also contains the Poison Gully Creek Bush Forever area, remnant native vegetation of predominantly open Jarrah and Marri with Wandoo and Banksia. Three vertebrate fauna species of conservation significance have been recorded in the area including Forest Red-tailed Black Cockatoo, Carnaby's Black Cockatoo and Quenda.
49. The amendment will be subject to review by the Environmental Protection Authority for assessment under the requirements of the *Environment Protection and Biodiversity Conservation Act*.
50. Ongoing groundwater quality monitoring has reported that generally there is no contamination from nutrients or heavy metals over most of the subject land. A single elevated arsenic level was reported however outside the subject land which is most likely a result of historic land uses including landfill at the former Brand Road landfill area.

OFFICER COMMENT

51. The Forrestfield/High Wycombe Industrial Area has been recognised by the State Government as being of strategic importance with its inclusion in the ELLS as a key industrial site given the shortage of suitable located industrial land.
52. Management measures have been proposed to mitigate any potential impact on the environmental values of the land. These values will be considered in more detail as part of the local structure planning process. It is predicted that, with the implementation of these measures, there will be no significant impact to the identified environmental values of the land.
53. Recommendations of the Environmental Review, District Water Management Strategy, Transport Assessment and Heritage Survey and Servicing Analysis will be taken into consideration when preparing the Local Planning Scheme amendment and Local Structure Plan for Stage 3.
54. The MRS amendment report provides the necessary information to support the proposed rezoning of the subject land and considers the extent to which the proposed amendment satisfies the statutory requirements associated with a minor amendment to provide for light industrial land use activities.

55. Having regard to the above it is recommended that the MRS amendment process be initiated.

Cr Martyn Cresswell declared a financial interest; he left the Chambers at 6.40pm and returned at 6.49pm. He was not present for the vote.

There were two speakers in favour of the Recommendation, Mr Peter English and Mr Bob George.

Mr English asked for clarification as to what was happening, where this is heading and how long the process would take. He also queried why the zoning was changing from Special Rural to Urban when light industrial use was the intended use.

Manager Development Services explained that the Recommendation before Council this evening was a change to the Metropolitan Region Scheme zoning from Rural to Urban. What is then further proposed is that it be rezoned under the Local Town Planning Scheme from Special Rural to Light Industrial, to allow for Light Industrial Activities. Light Industrial is possible under a Metropolitan Region Scheme Urban Zoning, however General Industrial is not. The whole process is estimated to take 3 – 5 years.

Mr English and Mr George asked if the rates would change for the existing residents or if this would rest on the owner to change the status of the property. The Acting Chief Executive took this on notice.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 35/2013)

That Council:

1. Requests the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme, rezoning Stage 3 of the Forrestfield/High Wycombe Industrial Area from "Rural" to "Urban".

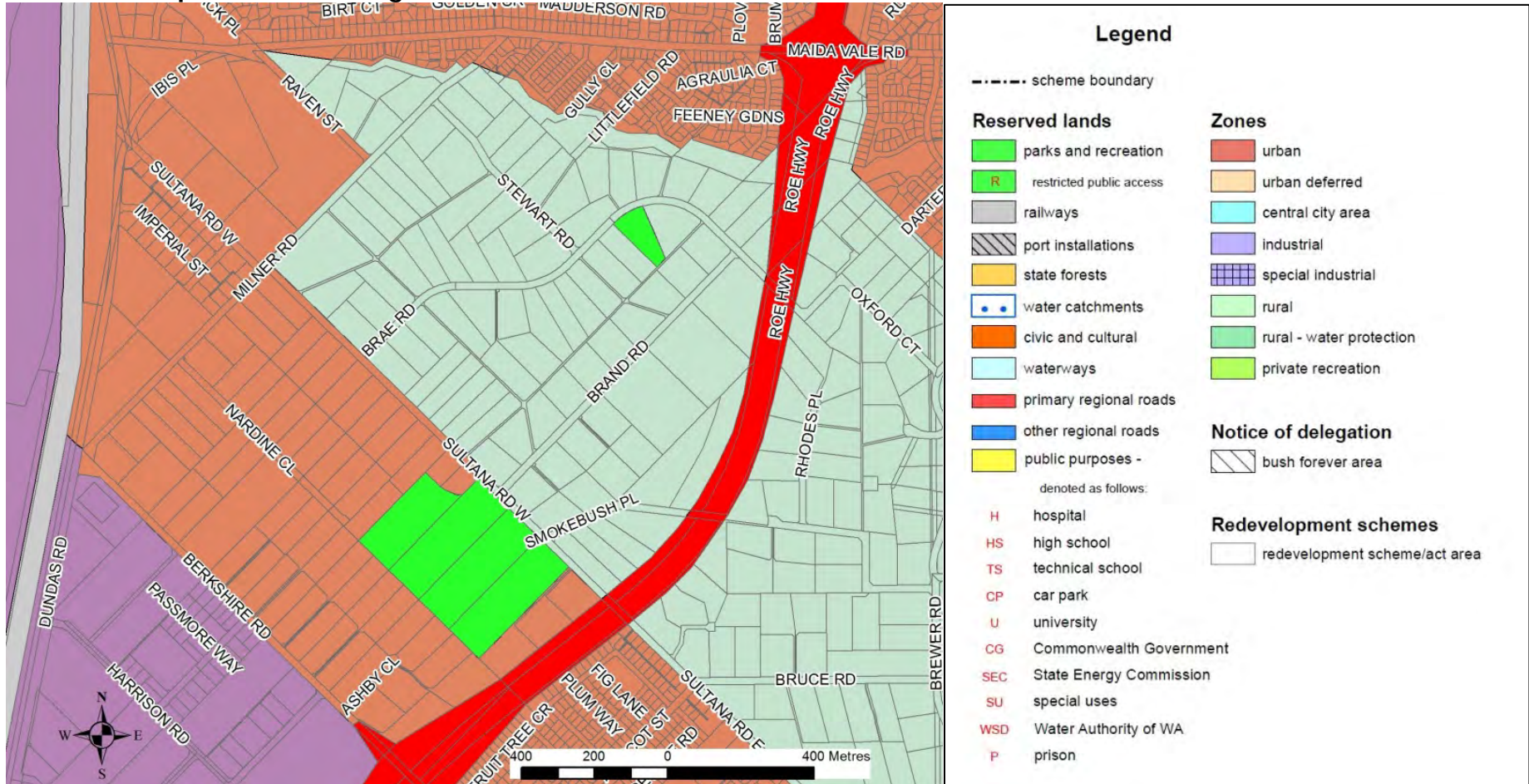
Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (7/0)**

Attachment 01

Request to Initiate an Amendment to the Metropolitan Region Scheme –
 Stage 3 of the Forrestfield/High Wycombe Industrial Area
Current and Proposed MRS Zoning

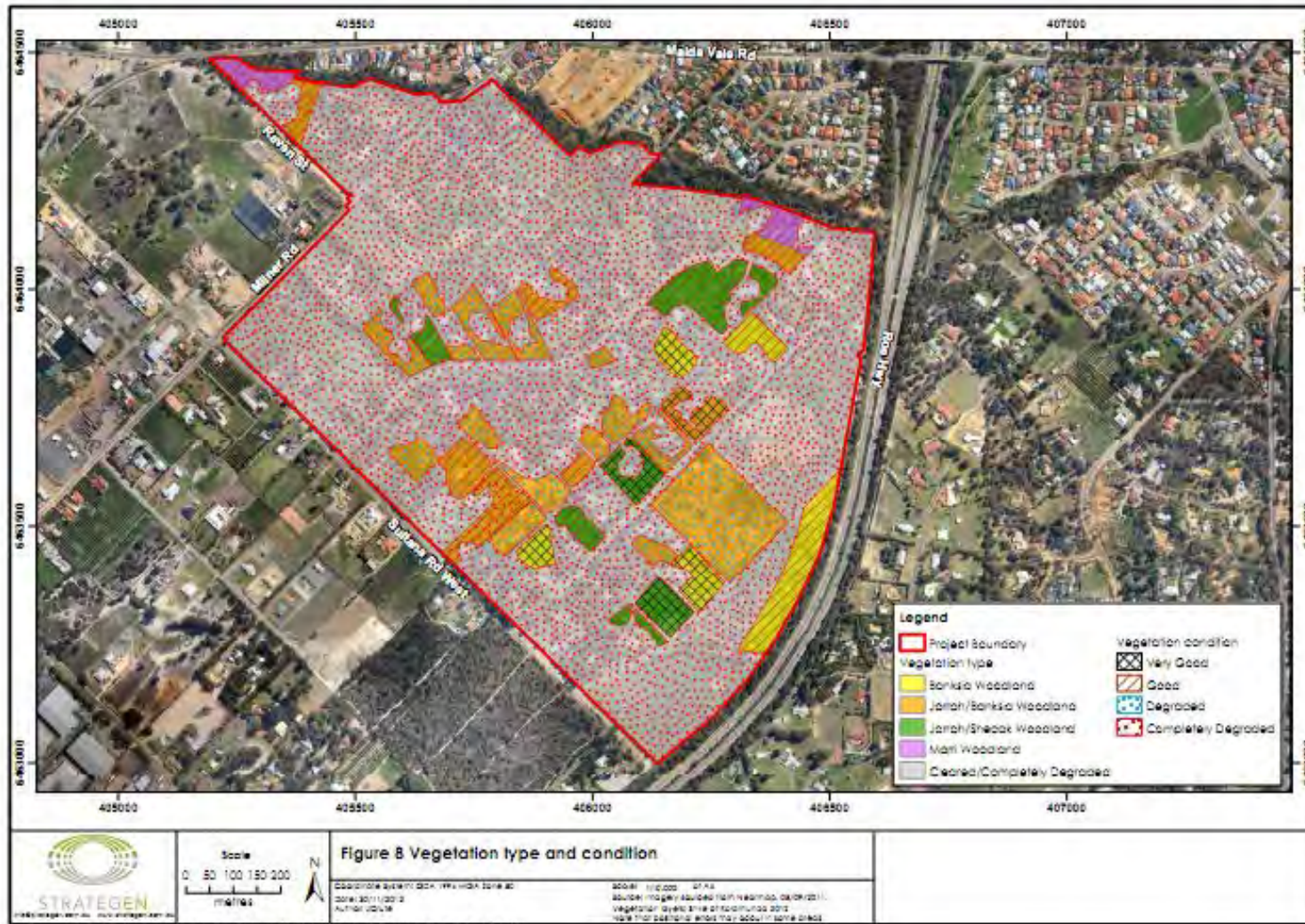


Attachment 02

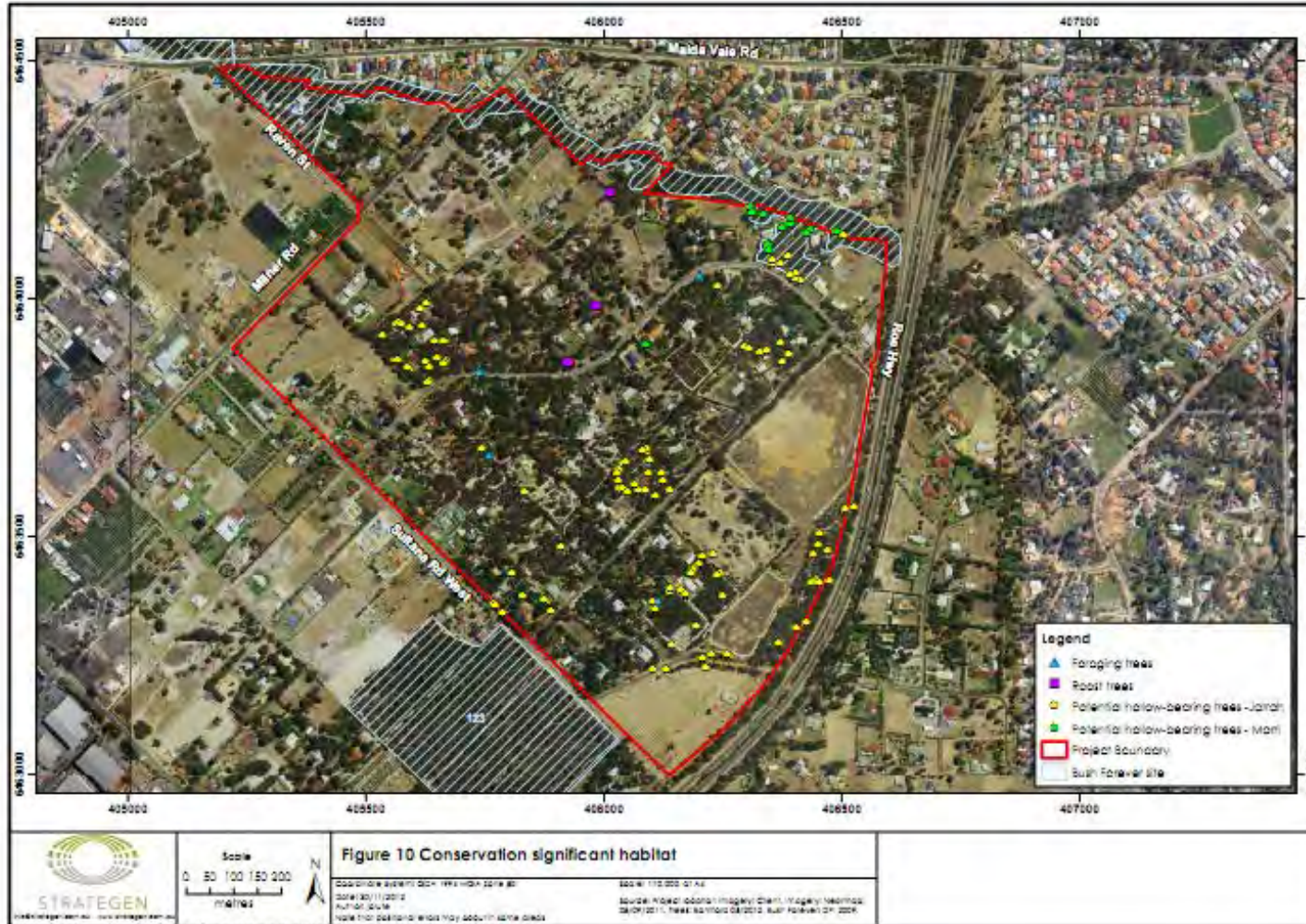
Request to Initiate an Amendment to the Metropolitan Region Scheme –
Stage 3 of the Forrestfield/High Wycombe Industrial Area
Current Local Planning Scheme No. 3 Zoning Map



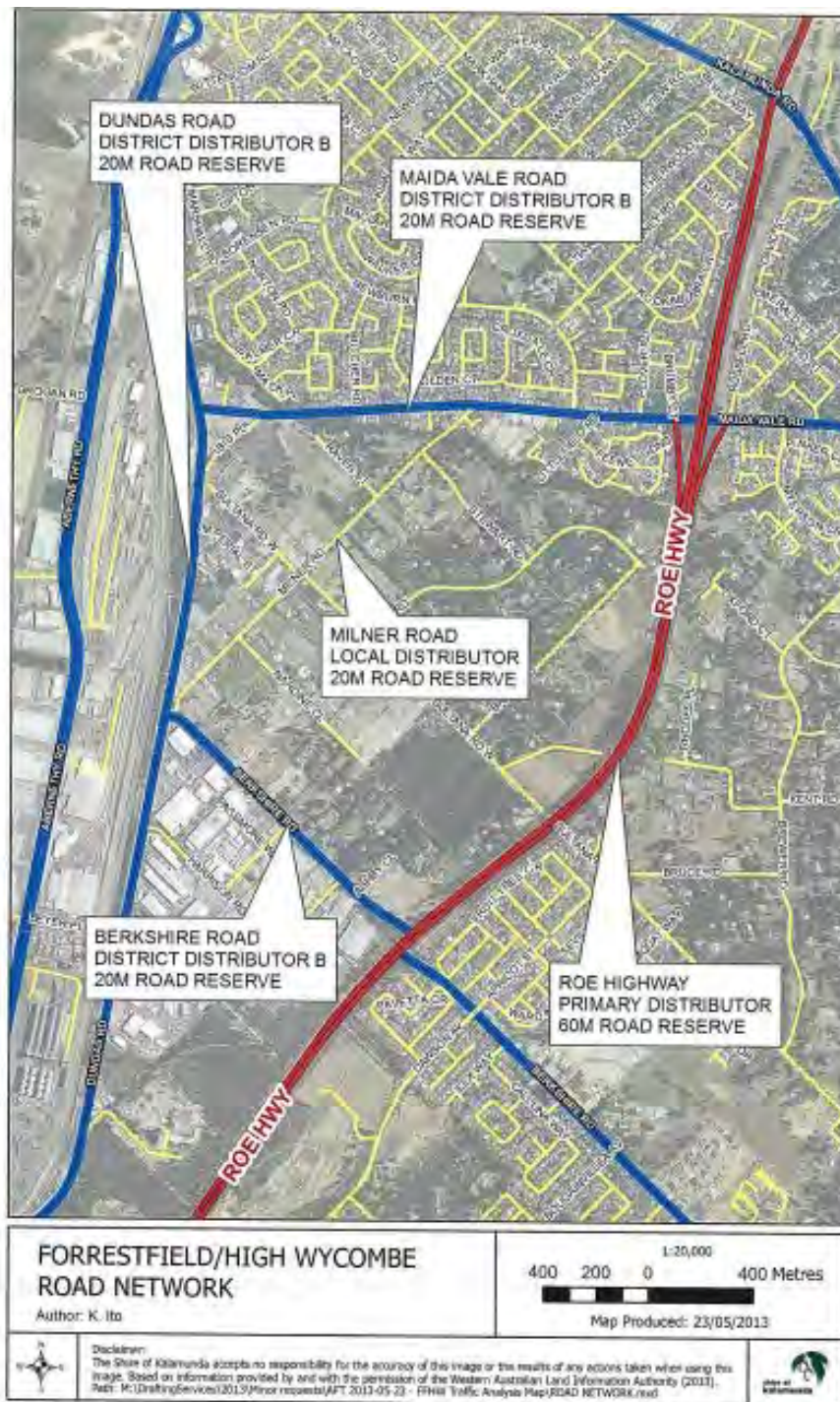
Attachment 03
Vegetation Type and Condition



Attachment 04 Conservation Significant Habitat



Attachment 05 Transport Analysis



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

36. Amendment No. 52 to Local Planning Scheme No. 3 – Modifications to the Site Requirements Table

Previous Items	OCM 02/2013
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-LPS-003/052
Applicant	N/A
Owner	N/A
Attachment 1	Table 1 of the Residential Design Codes
Attachment 2	Table 2a and 2b of the Residential Design Codes
Attachment 3	Submission Table

PURPOSE

1. To consider submissions received and whether to adopt Amendment No. 52 to Local Planning Scheme No. 3 (“Scheme”) to delete provisions in Table 2 (Site Requirements) of the Scheme regarding the side setback requirements for development on Residential R5 zoned properties.

BACKGROUND

2. Currently the Scheme requires all development on properties zoned Residential R5 to be setback a minimum of 6m from side boundaries, whereas the Residential Design Codes (R Codes) allow development to be setback as close as 1m from side boundaries on properties with the same zoning.
3. The Scheme only stipulates minimum setback requirements for Residential R5 zoned properties. The setback requirements for Residential zoned properties with other density codings are stipulated under the R Codes.
4. Local Planning Schemes for surrounding local governments do not include setback requirements for Residential zoned properties which differ to those stipulated in the R Codes.
5. In February 2013, Council resolved (En Bloc Resolution OCM 02/2013) to initiate Amendment No. 52 to the Scheme.

DETAILS

6. It is proposed that Table 2 (Site Requirements) of the Scheme be modified so that the provisions regarding the side setback requirements for Residential R5 zoned properties are deleted, as shown in the following table:

Residential	As per the Residential Design Codes. except the side setback in R5 zones which shall require a 6m side setback unless otherwise approved by the local government.
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7. Table 2 is proposed to be modified so as to be consistent with the requirements of the R Codes.

STATUTORY AND LEGAL IMPLICATIONS

8. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
9. Table 2 (Site Requirements) of the Scheme stipulates the minimum setbacks for structures and buildings from lot boundaries, amongst other matters, which cannot be varied unless otherwise approved by the Shire.
10. Clause 2.3.1 (Relationship of Local Planning Policies to the Scheme) of the Scheme stipulates that if a provision of the Policy, such as the R Codes, is inconsistent with the Scheme, the Scheme prevails.

POLICY IMPLICATIONS

Residential Design Codes

11. Column 7 in Table 1 (General Site Requirements for all single house(s), all grouped dwellings, or multiple dwellings in areas with a coding of less than R30) of the R Codes, and Table 2a and 2b (Boundary Setbacks) of the R Codes stipulate the minimum setback requirements. Refer to (Attachment 1)
12. The minimum side setback requirements stipulated in the R Codes are dependent on the length and height of the wall nearest the side boundary and whether there are any major openings.
13. Under Appendix 1 (Definitions) of the R Codes, a major opening is defined as being the following:
- “A window, door or other opening in the exterior wall of a habitable room that provides external means of light or view for that room or space, but does not include an opening or openings that:*
- In aggregate do not exceed 1sqm in any such wall (providing that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or*
 - Are glazed in an obscure material and are not able to be opened, or have a sill height not less than 1.6m above floor level.”*
14. Any variation proposed to the requirements of the R Codes is required to be advertised to the affected landowner(s).

PUBLIC CONSULTATION/COMMUNICATION

15. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District.
16. During formal advertising period one non-objection and one objection were received on the proposal, both of which provided comment. Refer to the Submission Table (Attachment 3).
17. The comments received objecting to the proposal raised concern that the reduced side boundary setback would not preserve the amenity of R5 coded areas which should be viewed as different from other local authorities. Whilst it is acknowledged that R5 coded areas of Lesmurdie, Kalamunda and Gooseberry Hill are unique in terms of their characteristics the 6m side boundary setbacks are very difficult to achieve given the shape and frontage of the lots. Hence the number of requests the Shire receives for building setback dispensation.

FINANCIAL IMPLICATIONS

18. Costs associated with the preparation of the document and public consultation/advertising were met through the Development Services budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. Nil.

Sustainability Implications

Social Implications

20. Consistent development standards will result from the proposed Scheme provisions regardless of a property's density coding.

Economic Implications

21. Nil.

Environmental Implications

22. Nil.

OFFICER COMMENT

23. The majority of requests for setback dispensation received by the Shire relate to outbuildings and patios and are generally supported due to meeting the principles of good and orderly planning.

24. The proposed modified provision is consistent with the R Codes and surrounding local government Schemes, and will assist with the Shire's development control responsibilities. It is therefore recommended that Council adopts the amendment.

A Councillor queried when a dispute occurs regarding setbacks for outbuildings and there is a conflict between the Scheme and the R Codes with the matter then being referred to SAT, how would SAT usually respond. The Manager Development Services indicated that he had not experienced this and therefore could not provide an answer.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 36/2013)

That Council:

1. Notes the submission received in response to Amendment No. 52 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, 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. 52

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Modify the provisions stipulated under Table 2 (Site Requirements) of Local Planning Scheme No. 3 for Residential zoned properties, to the following:

Residential	As per the Residential Design Codes.
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3. Amends the Scheme text accordingly.
4. Duly executes the Amendment documents and forwards them and the submission received to the Minister for Planning requesting final approval be granted.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Attachment 01

Amendment to Local Planning Scheme No 3
Modifications to the Site Requirements Table
Table 1 of the Residential Design Codes

Table 1 - General site requirements for all single house(s), all grouped dwellings, or multiple dwellings in areas with a coding of less than R30

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ♦	4 Minimum lot area/rear Battleaxe (m ²) ▼	5 Minimum frontage (m) ▼	6 Open Space		7 Minimum setbacks (m)		
					min total (% of site)	min o/door living (m ²)	primary street	secondary street •	other/rear
Low Density Codes									
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	* / 6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	* / 6
	Multiple Dwelling	1000	-	20	-	-	7.5	3	* / 6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	* / 6
	Multiple Dwelling	800	-	20	-	-	7.5	2	* / 6
R15	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	* / 6
	Multiple Dwelling	666	-	20	-	-	6	1.5	*
R17.5	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
	Multiple Dwelling	571	-	20	-	-	6	1.5	*
R20	Single house or grouped dwelling	Min 440 Av 500	540	10	50	30	6	1.5	*
	Multiple Dwelling	500	-	20	-	-	6	1.5	*
R25	Single house or grouped dwelling	Min 320 Av 350	445	8	50	30	6	1.5	*
	Multiple Dwelling	400	-	20	-	-	6	1.5	*
Medium Density Codes									
R30	Single house or grouped dwelling	Min 270 Av 300	420	-	45	24	4	1.5	*
R35	Single house or grouped dwelling	Min 235 Av 260	410	-	45	24	4	1.5	*
R40	Single house or grouped dwelling	Min 200 Av 220	400	-	45	20	4	1.0	*
R50	Single house or grouped dwelling	Min 160 Av 180	400	-	45	16	4	1.0	*
R60	Single house or grouped dwelling	Min 160 Av 180	400	-	45	16	4	1.0	*

All standards for grouped dwellings and single houses within the R80 - R160 and R-AC areas are as for the R60 Code.

Legend

- ♦ Subject to the variations permitted under clause 6.1.3 A3.
- ▼ Only applies to single houses.
- Secondary street; includes communal street, private street, right-of-way as street.
- Indicates not applicable.
- * See tables 2a and 2b and design element 6.3.
- Av. – average site area not to be less than.

Attachment 02

Amendment to Local Planning Scheme No. 3
Modifications to the Site Requirements Table

Table 2a and 2b of the Residential Design Codes

Table 2a - Boundary setbacks

Walls with no major openings														
Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 30
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.7	1.7	1.8
4.5	1.1	1.5	1.5	1.5	1.5	1.6	1.6	1.7	1.7	1.7	1.7	1.7	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8

Take the nearest higher value for all intermediate height and length values.

*Possible nil setback in accordance with clause 6.3.2 of design element 6.3.

Table 2b - Boundary setbacks

Walls with major openings														
Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 30
3.5 or less	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3
6.5	3.0	3.2	3.4	3.6	3.8	4.1	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3
8.0	3.8	4.0	4.2	4.4	4.6	4.9	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	6.0	6.2	6.4	6.6	6.9	8.0	8.7
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0

Take the nearest higher value for all intermediate height and length values.

Attachment 03

Amendment No. 52 to Local Planning Scheme No. 3 –
Modifications to the Site Requirements Table

Submission Table

	Details	Comment	Staff Comment
1.	N Spijkman 10 Benbullen Road KALAMUNDA WA 6076	<p>Objection</p> <p>a) A 6m side setback requirement causes the designer to think, and this thinking will increase the likelihood of the development fitting into the local government and hence preserving amenity.</p> <p>b) A surrounding local authority may not have similar goals and objectives.</p> <p>c) When the Shire's Local Planning Scheme No. 3 was adopted, the Residential Design Codes provided for a 6m side setback. The 6m side and rear setback is significant to maintain the amenity of the R5 zoning.</p>	<p>a) Noted. The majority of requests received however are for setback dispensation for outbuildings and patios.</p> <p>b) Noted. It is acknowledged that the R5 coded areas of the Shire have unique characteristics.</p> <p>c) When Local Planning Scheme No. 3 was gazetted in March 2007 the 2002 Residential Design Codes were in place. This edition of the Residential Design Codes which allowed for development on properties with an R5 density to be setback as close as 1m from a side boundary depending on the height and length of the wall nearest to the boundary, and whether any major openings existed.</p>

		<p>d) In order to preserve amenity the Shire needs to maintain different development standards.</p> <p>e) If Amendment No. 52 gets approved, the Shire will approve development as per the Residential Design Codes, which can be changed without any input from local residents.</p> <p>f) A proposed 1m setback would allow for a 2m buffer between buildings on different lots. This is a 10m buffer reduction (from 12m to 2m). It is an accepted planning principle that buffers between buildings increase amenity.</p>	<p>d) Noted. If however the amendment was to be approved then the side setback requirement for Residential R5 properties would be the same as other outer metropolitan local authorities.</p> <p>e) Noted. If any development proposes variations to the Residential Design Codes the Shire will seek comment from affected landowners as it is required to do so currently.</p> <p>If the Residential Design Codes are reviewed by the WA Planning Commission they are advertised to the general public allowing residents to have input.</p> <p>f) Noted. This would apply if a wall nearest to the boundary is 9 metres or less in length, is 3.5 metres or less in height and has no major openings. Otherwise a greater setback will apply.</p> <p>The Residential Design Codes also include boundary setback provisions which reduce the potential impact proposed development may have on an area's amenity, with regard to building height and visual privacy, amongst others.</p>
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			The setback requirements of the Residential Design Codes are based upon its objectives being to protect the amenity of adjoining properties and to provide for local variations in neighbourhood character.
2.	A Nash 187 and 193 Lesmurdie Road LESMURDIE WA 6076	<p>Non-objection</p> <p>a) The concept of the R5 zoning is hardly valid for Lesmurdie (as a tightly packed residential zone with busy individuals with little time to look after their block).</p> <p>b) The fact is that there are hardly any adjacent R5 zone properties in Lesmurdie now (apart from recent developments that were forced to go R5 against their will).</p> <p>c) The fire risk of a blazing out of control fire running across R5 to R5 to R5 and engulfing Lesmurdie is not in anyway a possibility.</p> <p>d) The result is that the unfortunate R5 owner – with an adjacent non R5 zone property is forced to endure antiquated regulations, whilst the non R5 can enjoy all the spoils of maximizing their property usage.</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) Noted.</p> <p>d) Noted.</p>

		<p>e) The concept of living in Lesmurdie is now about maximizing property usage and the side boundary restrictions for R5 are no longer allowing for that in this modern age.</p> <p>f) Of course the normal fire controls and precautions must be abided to – however the owner of an R5 property knows this very well.</p> <p>g) Therefore, I'd like to suggest that the side boundary restrictions for R5 be lifted – to allow the modern age resident to maximize their property usage and enjoy the same spoils as the other non-R5 Lesmurdie residents.</p>	<p>e) Noted.</p> <p>f) Noted.</p> <p>g) Noted.</p>
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Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

37. The Parking of One Commercial Vehicle – Lot 57 (5B) Goodall Street, Lesmurdie

Previous Items	OCM 96/2012
Responsible Officer	Director of Development & Infrastructure Services
Service Area	Development Services
File Reference	GD-03/005
Applicant	W Barnes
Owner	P and S Arasi

Attachment 1	Site Plan
Attachment 2	Photograph of the Commercial Vehicle
Attachment 3	Photograph of the Proposed Commercial Vehicle Parking Area
Attachment 4	Consultation Plan
Attachment 5	Petition
Attachment 6	Photograph of the Proposed Commercial Vehicle Parking Area From Goodall Street

PURPOSE

- To consider an application for retrospective approval to continue to park one commercial vehicle (a bus) at Lot 57 (5B) Goodall Street, Lesmurdie. Refer to (Attachments 1, 2 and 3).

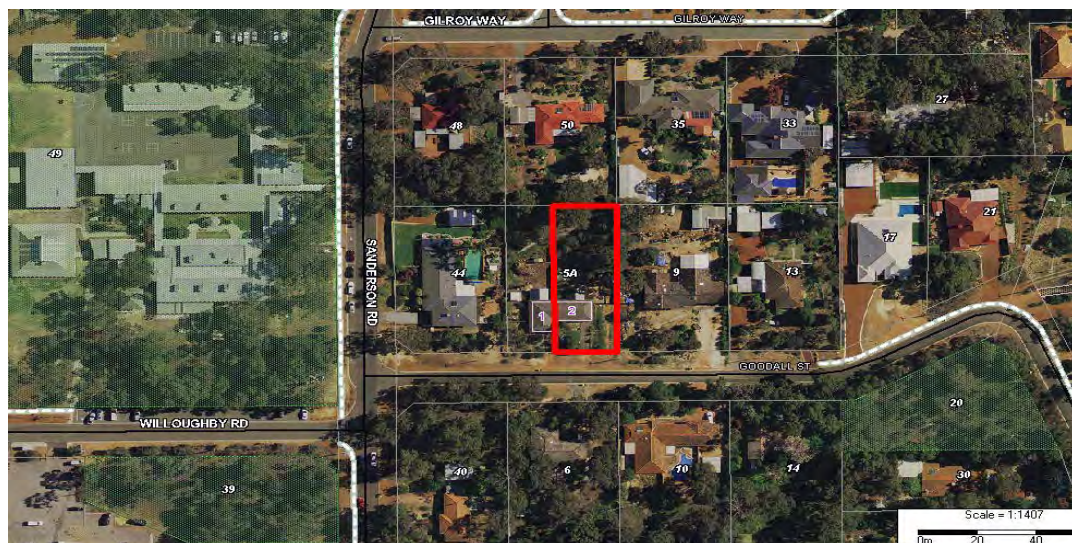
BACKGROUND

- Land Details:**

Aggregate Land Area:	2,269sqm
Local Planning Scheme Zone:	Residential R5
Metropolitan Region Scheme Zone:	Urban

Locality Plan

-



-
4. The subject property contains a single dwelling and has direct access to Goodall Street via an unsealed driveway and crossover.
 5. Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.
 6. In February 2012, a complaint was received by the Shire that a commercial vehicle (a bus) was being parked on the property. A retrospective planning application was requested for the commercial vehicle and submitted to the Shire.
 7. In August 2012, Council resolved (OCM 96/2012) to temporarily approve the retrospective planning application to continue to park the commercial vehicle on the property. The following condition was included in the approval:

“g. The approval for the parking of one commercial vehicle on the subject property is valid for 6 months from the date of this approval, after which time the use is not to continue unless planning approval has again been obtained from the Shire.”
 8. In February 2013, it was noted that the commercial vehicle was continuing to be parked on the property without receiving the necessary approval from the Shire. A planning application was requested to the Shire to allow for the commercial vehicle to remain on the property. The approval subsequently expired and is therefore no longer valid.
 9. In March 2013, a Planning Infringement Notice was served by the Shire on the land owner, requiring the parking of commercial vehicle on the property to cease immediately and not recommence. An application to park the commercial vehicle was subsequently received and is the subject of this report to Council.

DETAILS

10. Details of the application are as follows:
 - Those residing at the property are using the commercial vehicle as a mobile caravan.
 - The applicant has advised that no work is required to the vehicle's engine, exterior or interior.
 - No one is to reside in the vehicle whilst parked on the property.
 - The commercial vehicle is proposed to be parked on an unsealed area behind the front alignment of the dwelling. The same location as that approved by Council previously.
 - The landowner also owns the adjoining property to the west, being 5A Goodall Street.

11. Details of the commercial vehicle proposed to be parked on the property are as follows:

	BUS	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Bedford	
TYPE	Mobile Caravan	
YEAR	1973	
LENGTH	11m	11m Maximum
HEIGHT	3m	4.3m Maximum
WIDTH	2.5m	2.5m Maximum
TARE WEIGHT	8.8 tonnes	
LICENCE NO.	1CPU 256	

STATUTORY AND LEGAL IMPLICATIONS

12. Under the Zoning Table (Table 1) of the Scheme the use "Commercial Vehicle Parking" is classed as an "A" use in a Residential 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.
13. 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."*
14. 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.
15. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
16. 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 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.

-
17. 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

18. 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 application cannot be determined under delegation.
19. In assessing the application, Council is to give consideration to the Policy which stipulates provisions applicable to parking commercial vehicles on Residential zoned properties, including but not limited to:
- Only one commercial vehicle will be permitted.
 - The commercial vehicle shall not exceed (rigid type) 11m 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. If the vehicle is parked alongside the residence then gates/fencing of a minimum of 1.8m in height are to be erected to screen the vehicle from the street. It shall be screened from the view of the street and from neighbours to Council’s satisfaction.
 - 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.
 - Spray painting, panel beating and major servicing on the commercial vehicles is not permitted. Maintenance limited to oil and grease changes, and changes of wheels (but not repairs to tyres) and other minor maintenance as approved by Council.

PUBLIC CONSULTATION/COMMUNICATION

20. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. Two non-objections and two objections which provided comments on the proposal were received. Refer to the Consultation Plan (Attachment 4).
21. The following concerns were raised during advertising:
- The visual impact of the commercial vehicle from the street and adjoining properties.
 - The original application being for the bus to be converted into a holiday bus and then moved off site, but the bus is still being parked on site.
 - Residential areas being inappropriate locations for the parking of commercial vehicles such as buses.
 - The length of time the bus has been parked on the property being unacceptable. No further extension of time should be granted.
22. With the application the applicant provided a petition containing 11 signatures in favour of the application. Three of which are from the same property, being 5A Goodall Street, and two are the applicant who owns 5A and 5B Goodall Street. Refer to the Petition (Attachment 5).
23. In response to the visual impact of the proposal raised, the following comments are provided:
- The commercial vehicle is located approximately 30m from the front boundary, 14m from the rear and 5.2m and 5.5m from the side boundaries.
 - An existing 1.5m high Colorbond fence partially screens the commercial vehicle from Goodall Street (refer to Attachment 6), and a 1.7m high fibre-cement fence exists along the east side boundary adjoining Lot 55 (9) Goodall Street.
24. Given the abovementioned setbacks, the existing fencing and vegetation on site, it is considered that the commercial vehicle will be appropriately screened from the street and all surrounding properties.
25. In response to concerns raised regarding previous applications for the commercial vehicle the following comments are provided:
- When the previous application to park the commercial vehicle on the property was submitted the applicant advised that once the commercial vehicle is restored it will be sold and removed off site. However from an officer viewpoint the application was not considered specifically on this basis. As such, when the application was previously considered a condition was not imposed specifically requiring the removal of the commercial vehicle purely on the basis of the applicant's submission.

- When the current application for the commercial vehicle was submitted the applicant advised that no work is required to the vehicle's engine, exterior or interior as it has been converted to a mobile home. It will not be used for habitation when parked on the subject site. The applicant has not indicated a specific time frame for how long he intends to park the commercial vehicle on the site, as such, any approval given should not necessarily be considered as being on a temporary basis unless Council specifically intends this to be the case.

FINANCIAL IMPLICATIONS

26. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

27. Nil.

Sustainability Implications

Social Implications

28. Nil.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

OFFICER COMMENT

31. It is noted some landowners have expressed strong opposition to the proposal to park a commercial vehicle on the property primarily on amenity grounds and the period of time the vehicle was intended to be parked on the property.
32. Acknowledging the history of this site, the applicant has now submitted a new application for Council approval. From a planning perspective the proposal is compliant with Policy and Scheme requirements and amenity impacts are considered unlikely given the degree of screening from existing fencing and vegetation. On this basis it is recommended that the application for the parking of the commercial vehicle be supported.

A revised Officer Recommendation had been circulated to Councillors prior to the meeting which added an additional clause h. requiring screening to be erected.

Mr Barry Bennett and Mr Peter Ethel spoke against the Recommendation. They both expressed their disappointment that after the first approval had expired the Shire had not taken action to enforce the removal of the bus. The Manager Development Services confirmed that the Shire had written to the owner on two occasions and an Infringement Notice had been issued. A new application is now for consideration.

A Councillor foreshadowed the inclusion of an additional clause.

The original published Officer Recommendation was Moved and Lapsed. The New Officer Recommendation (with the addition of Clause h.) was put and a Mover and Seconder found. The Chairman asked the Councillor if he would like to give details of the additional Clause he foreshadowed. Both the Mover and Seconder accepted the additional Clause and this was added as Clause i.

A Councillor asked the Manager Development Services to indicate what screening he would suggest and he responded that lattice would be appropriate.

Councillors debated the Recommendation, the vote was then taken.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 37/2013)

That Council:

1. Approves the retrospective planning application dated 4 April 2013 for William Barnes to continue to park one commercial vehicle, a Bedford Bus (registration number 1CPU 256) at Lot 57 (5B) Goodall Street, Lesmurdie, subject to the following conditions:
 - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 1).
 - b. Movement and start up times of the vehicle being restricted to 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - c. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - d. The vehicle is not to be used for habitation purposes whilst parked on the property.
 - e. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
 - f. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.

- g. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.

Moved: **LAPSED**

Seconded:

Vote:

COMMITTEE RECOMMENDATION TO COUNCIL(D&I 37/2013)

That Council:

1. Approves the retrospective planning application dated 4 April 2013 for William Barnes to continue to park one commercial vehicle, a Bedford Bus (registration number 1CPU 256) at Lot 57 (5B) Goodall Street, Lesmurdie, subject to the following conditions:
 - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 1).
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 - c. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - d. The vehicle is not to be used for habitation purposes whilst parked on the property.
 - e. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
 - f. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
 - g. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.

- h. Screening being erected on the subject lot adjacent to the dividing fence adjoining Lot 57 (9) Goodall Street, Lesmurdie to the Shire's satisfaction. The screening is to be erected within 14 days of the date of approval and is to be maintained thereafter by the landowner.
- i. **Should the screening set out above in Clause h. not be erected within 14 days of the approval to Council's satisfaction then after 14 further days this approval will lapse.**

Moved: **Cr Frank Lindsey**

Seconded: **Cr Martyn Cresswell**

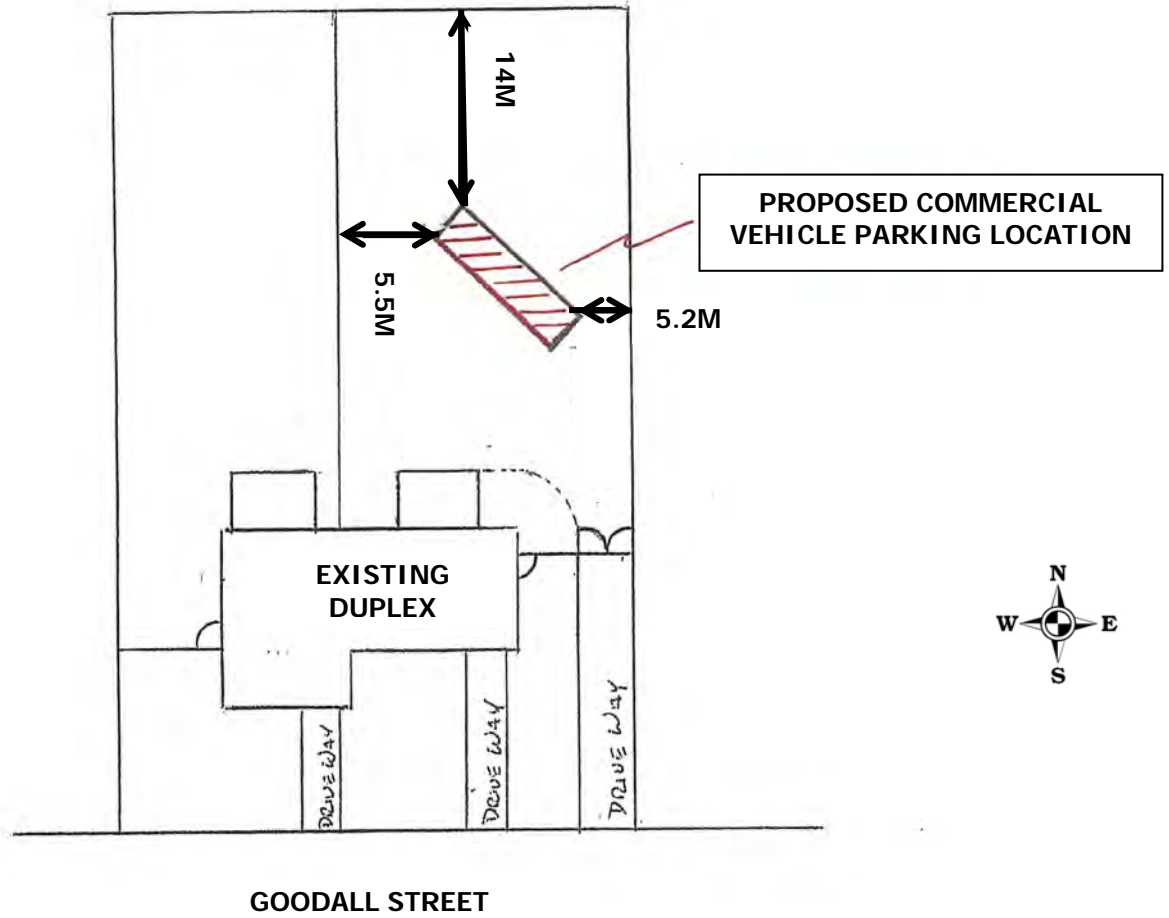
Vote: **For**
Cr Frank Lindsey
Cr Martyn Cresswell
Cr Bob Emery
Cr Dylan O'Connor
Cr Simon Di Rosso
Cr Allan Morton

Against
Cr Geoff Stallard
Cr Justin Whitten

CARRIED (6/2)

Attachment 01

The Parking of One Commercial Vehicle
Lot 57 (5B) Goodall Street, Lesmurdie
Site Plan



Attachment 02

The Parking of One Commercial Vehicle
Lot 57 (5B) Goodall Street, Lesmurdie
Photograph of the Commercial Vehicle



Attachment 03

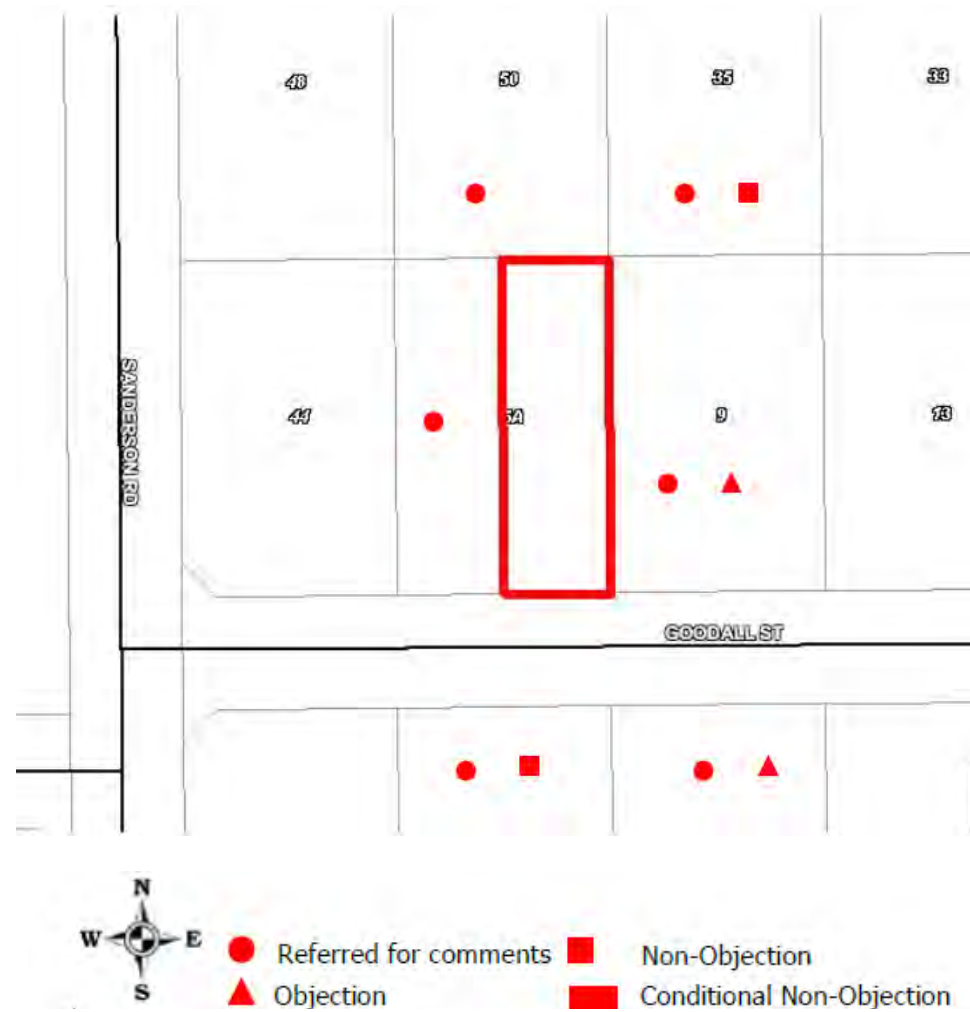
The Parking of One Commercial Vehicle
Lot 57 (5B) Goodall Street, Lesmurdie

Photograph of the Proposed Commercial Vehicle Parking Area



Attachment 04

The Parking of One Commercial Vehicle
Lot 57 (5B) Goodall Street, Lesmurdie
Consultation Plan




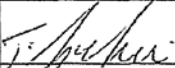
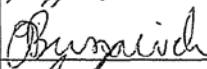


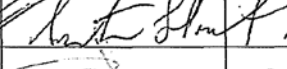




Attachment 05

The Parking of One Commercial Vehicle
Lot 57 (5B) Goodall Street, Lesmurdie
Petition

This petition is signed by residents of Goodall Street,
LESMURDIE WA 6076 who **DO NOT** object to the bus being
parked in the back yard of 5b Goodall Street, Lesmurdie.

16th June 2012

Number Goodall Street	Name	Signature	Comments
5a	Karl Charleton	Karl	
5a	Caroline Marlow		
5a	Sam Richards		
14	Lot Thomson		
13	Jerry Belmi		
25	Jen Bussanich		
29	Jerry Simpson		
30	Krasha Wilks		
Gilbert Unit LESMURDIE	S. Lopresti		NO PROBLEM.
5a	Shoon ARABI		owner of property
5b	Shoon ARABI		owner of property

Attachment 06

The Parking of One Commercial Vehicle
Lot 57 (5B) Goodall Street, Lesmurdie

Photograph of the Proposed Commercial Vehicle Parking Area from Goodall Street



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

38. Detailed Area Plan – Lot 24 (48) Hardey East Road, Wattle Grove

Previous Items	OCM 40/2013
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	147325
Applicant	Gray & Lewis Land Use Planners
Owner	D and M Cook
Attachment 1	Existing Wattle Grove Cell 9 Structure Plan
Attachment 2	Proposed Detailed Area Plan
Attachment 3	Approved Subdivision Plan

PURPOSE

- To consider a Detailed Area Plan (“DAP”) for the west portion of Lot 24 (48) Hardey East Road, Wattle Grove. Refer to (Attachments 1 and 2).

BACKGROUND

- Land Details:**

Aggregate Land Area:	1,867sqm
Local Planning Scheme Zone:	Urban Development
Wattle Grove Cell 9 Structure Plan:	Residential R40
Metropolitan Region Scheme Zone:	Urban

Locality Plan

-



4. The Wattle Grove Cell 9 Structure Plan (“the Structure Plan”) was adopted by Council in 2000 and endorsed by the WA Planning Commission (“the Commission”) in March 2001.
5. The property contains a single dwelling and associated outbuildings, and has frontage onto William Street.
6. In November 2012, the Commission endorsed a modification to the Structure Plan to increase the density of the west portion of the property from R20 to R40.
7. In April 2013, the Commission approved an application to subdivide a portion of the property comprising 1,877sqm into six freehold lots ranging from 285sqm to 362sqm. The approval has yet to be implemented. Refer to the Approved Subdivision Plan (Attachment 3).
8. A condition of the Commission’s approval was that a DAP be prepared to address the interface with the adjoining public open space, including dwelling orientation.
9. In April 2013, Council resolved (En Bloc Resolution OCM 40/2013) to approve a DAP for the remainder of the property prepared by the same applicant, which complies with the R20 density provisions of the Residential Design Codes (“R Codes”) with the exception of the front setback, being a minimum of 4 metres in lieu of 6 metres.

DETAILS

10. A DAP is a document that provides design and development requirements in addition to or in replacement of those already required under a Structure Plan or the Residential Design Codes. These requirements may be more or less restrictive than the prevailing standards, in this instance the Policy.
11. The following variations are proposed to the R Code requirements:

	R-Code Requirements for Development on Properties with an R40 Density Coding	Variations proposed in the DAP
Minimum Open Space	45%	40%
Primary Street Setback	4m minimum, or a 4m average, the closest point of any building to the front boundary being a minimum of 2m when averaged.	Dwellings 2m Minimum, 4m Maximum Garages 4m Minimum
Maximum Boundary Wall Height	3.5m with an average of 3m for two-thirds the length of the boundary.	3.5m with an average of 3m for two-thirds the length of the boundary.
Minimum Side Setback for Single Storey Dwellings Containing a Wall with Major Openings	1.5m for walls 3.5m or less in height, and 9m or less in length. 1.8m for walls up to and including 4m in height and 9m or less in length.	1.5m for walls 3.5m or less in height, and 9m or less in length. 1.8m for walls up to and including 4m in height and 9m or less in length.

-
12. Uniform fencing is proposed along the north east (side) boundary adjoining the public open space, which will be visually permeable above 1.2m in height.
 13. No concept plans are currently available which show the built form on the proposed freehold lots.

STATUTORY AND LEGAL IMPLICATIONS

14. Under the provisions of Local Planning Scheme No. 3 ("the Scheme") the property is zoned Urban Development.
15. The Scheme objectives of the Urban Development zone are the following:
 - *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*
16. Clause 6.2.6 (Detailed Area Plans) of the Scheme makes provision for a DAP to be prepared where it is considered to be desirable to enhance, elaborate or expand the details or provisions contained in the Scheme or a Structure Plan.
17. Council is to either approve the DAP with or without conditions, or refuse to approve the DAP.
18. If approved by Council, the DAP will be forwarded to the WA Planning Commission for endorsement. In the event that Council or the WA Planning Commission refuses the DAP, there is a right of review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

State Planning Policy 3.1 – Residential Design Codes

19. If approved by Council, future development on the property will be expected to comply with the acceptable criteria of the Residential Design Codes ("R-Codes"), or the R-Code requirements can be varied subject to satisfying the performance criteria of the R-Codes or requirements of the DAP.
20. An objective of the R-Codes is to protect the amenity of adjoining residential properties, and to ensure that appropriate provisions are provided for different dwelling types.

PUBLIC CONSULTATION/COMMUNICATION

21. There is no requirement under the Scheme to advertise the DAP.

FINANCIAL IMPLICATIONS

22. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

23. *Kalamunda Advancing: Strategic Community Plan to 2023*

Strategy 4.1.1 Develop, implement and review strategic land use plans and policies which guide the location of Industrial, Commercial and Residential areas within the Shire.

Sustainability Implications

Social Implications

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

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

OFFICER COMMENT

27. The DAP has been requested by the Commission as a condition of the subdivision approval for the property the applicant is seeking council support for minor variations to the requirements of the R Codes. These are described below.

Minimum Open Space

28. A variation to the minimum open space requirements of the R Codes has been sought to allow for a minimum of 40% open space in lieu of the acceptable 45% for R40 development as stipulated by the R-Codes.

29. The proposed variation represents a 12% reduction in the minimum amount of open space required by the R Codes for properties with a density coding of R40.

30. By way of comparison, properties with a minimum of 40% open space is what would normally be expected on properties with a density coding of greater than R60. The variation is therefore not supported.

31. In support of the proposed DAP, the applicant has advised the following:

"In other areas variations down to 25% - 30% open space for R40 is common."

Front Setback

32. A variation to the front setback requirement of the R-Codes has been sought to allow for a minimum front setback of 2m in lieu of 4m, with a maximum front setback of 4m.
33. Currently the R Codes stipulate that a minimum front setback of 4m is acceptable for properties with a density coding of R40, which can be reduced by up to 50%, being 2m, when the front setback is averaged.
34. By way of comparison, properties with a minimum front setback of 2m are normally expected on properties with a density coding of greater than R60. The variation is therefore not supported.
35. No other variations to the R-Code requirements are proposed.
36. It is however recommended that Council refuses the DAP for the following reasons:
 - The intent of the DAP was to address the interface with the adjoining Public Open Space including dwelling orientation, and not be used as an opportunity to achieve a built form and appearance consistent with a higher density code.
 - The built form and appearance of the future development the proposed variations would allow for are those typically found on properties with a residential coding of R60 or greater. As such, it would not preserve the local amenity and streetscape.
 - The subdivision does not present any attribute or constraint in its design that would necessitate the need for design considerations not already applicable in the R Codes.
 - Having differing design requirements for a portion of the estate which differ from the balance of similar zoned property may cause confusion and expectations for similar design dispensations.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 38/2013)

That Council:

1. Refuses the Detailed Area Plan for Lot 24 (48) Hardey East Road, Wattle Grove, as the Detailed Area Plan would provide for a built form and appearance that is likely to have an unacceptable impact on the local amenity and streetscape by way of increased site coverage and reduced front boundary setbacks.

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (8/0)**

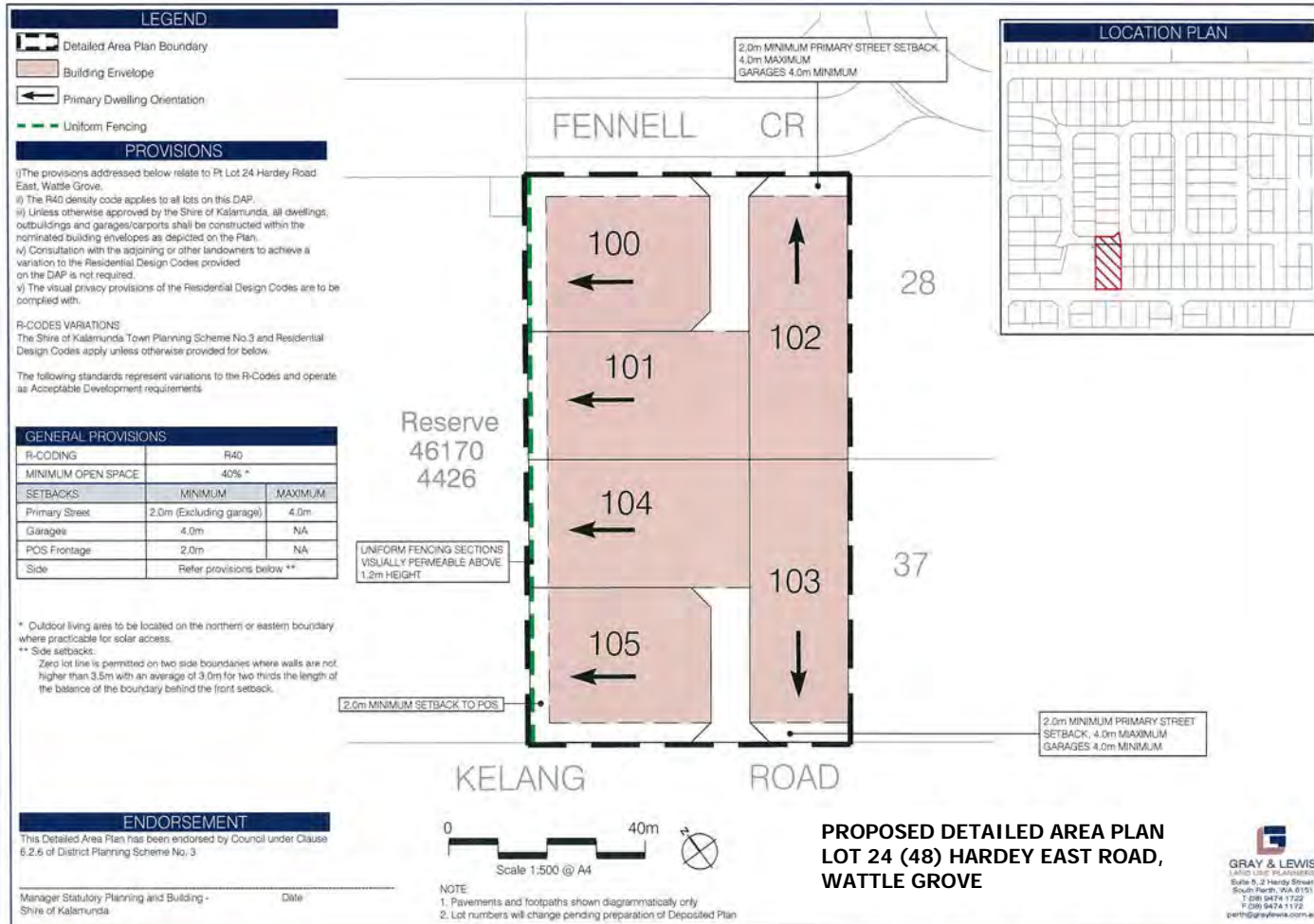
Attachment 01

Detailed Area Plan Lot 24 (48) Hardey East Road, Wattle Grove Existing Wattle Grove Cell 9 Structure Plan



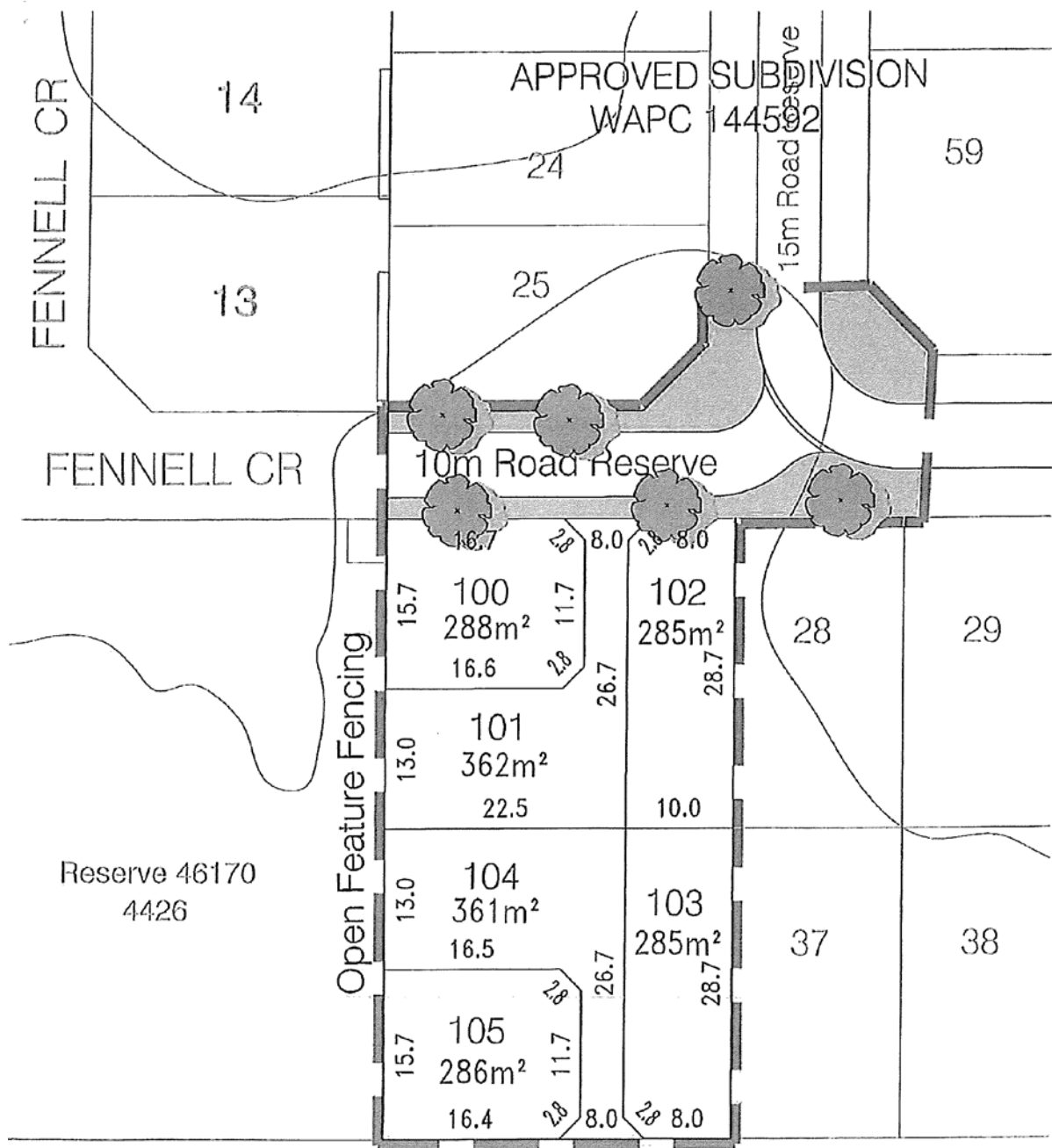
Attachment 02

Detailed Area Plan
Lot 24 (48) Hardey East Road, Wattle Grove
Proposed Detailed Area Plan



Attachment 03

Detailed Area Plan
 Lot 24 (48) Hardey East Road, Wattle Grove
Approved Subdivision Plan



DEPARTMENT OF PLANNING		KELANG		ROAD	
DATE	FILE				
15 JAN 2013	147325				
437	435	434	433	432	

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

39. Local Structure Plan - Lot 1499 (71) Stirling Crescent, High Wycombe

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	ST-12/071
Applicant	Planning Solutions
Owner	Marwon Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Local Structure Plan
Attachment 3	Indicative Local Structure Plan for the adjoining land area
Attachment 4	Submission Table

PURPOSE

- To consider endorsing a Local Structure Plan (“the Plan”) over the Lot 1499 (71) Stirling Crescent, High Wycombe. Refer (Attachment 1) Locality Plan.

BACKGROUND

- | | |
|----------------------------------|-------------------|
| Aggregate Land Area: | 4.2 ha |
| Local Planning Scheme Zone: | Urban Development |
| Metropolitan Region Scheme Zone: | Urban |

Locality Plan

- 

4. The subject lot is located on the corner of Stirling Crescent and Adelaide Street, comprising part of a broader land area bounded by Kalamunda Road, Stirling Crescent, Adelaide Street and Perth Airport zoned Urban Development under the Local Planning Scheme No 3 ("the Scheme").
5. To the north of the subject site on the opposite side of Adelaide Street is land in the City of Swan comprising part of City of Swan's Hazelmere Enterprise Area Structure Plan area. Under the Plan the land is proposed to be zoned Industrial Composite.
6. The subject site comprises a single lot of approximately 4.263 ha and contains a single dwelling and associated outbuildings. Land to the south of the site is accessed via Hatch Court comprises lifestyle blocks. Land to the east comprises residential lots. Located to the west of the site is land leased by Perth Airport for non-aviation purposes.
7. The subject site is generally low lying, with a 2.5 metre slope to the western and southern areas of the site. Scattered remnant vegetation exists over the central and western portions of the site. A Resource Enhancement Wetland ("REW") is located on the south eastern portion of the site.
8. The western portion of the site is affected by the 20-25 ANEF noise contour, thus restricting the residential density within this area to a maximum of R20.

DETAILS

9. The proposed Plan design (refer Attachment 2) includes the following elements:
 - 53 single residential lots comprising 11 lots at a residential density of R20, 37 lots at a density of R25 and five lots at a density of R40.
 - One 1,316sqm lot set-aside as a temporary drainage basin.
 - Public Open Space ("POS")/drainage reserve of 6,215sqm which satisfies the minimum requisite 10%. The POS area will retain a small portion of the REW incorporating a 30m buffer.
 - Road network comprising a 15m road reserve via Stirling Crescent, 16m road reserve via Adelaide Street connecting through to the adjoining land, two further 15m road connections through to the adjoining land and a 15m road with cul de sac to the POS.
 - No lots with direct road frontage to Adelaide Street.
 - Stormwater drainage from the eastern portion of the site is accommodated through a permanent drainage swale constructed within the POS area. Stormwater from the western portion is accommodated in a temporary drainage basin constructed on the 1,316sqm lot located on the western edge of the structure plan. This basin will be removed and connected into a comprehensive drainage system if and when the land to the south of the site is developed.

-
10. In support of the proposal the applicant has undertaken a number of studies including:
- Local Water Management Strategy (“LWMS”).
 - Environmental Assessment.
 - Wetland Assessment.
 - Geotechnical Investigation.
 - Traffic Analysis.
 - Servicing Strategy.
11. The applicant has provided detailed justification for the proposal which is summarised as follows:

Coordinated Development of the Greater Area

12. Whilst the proposed plan only covers 1 lot, it has been designed in a manner that does not undermine the future development of the adjoining lots located to the south of the site on Hatch Court. The proposed plan enables these lots to be integrated through future structure planning (Attachment 3).

Stormwater Drainage

13. The Department of Water (“DoW”) has given preliminary approval to the Local Water Management Strategy (“LWMS”) submitted in support of the plan. Matters regarding detailed drainage design will be addressed at the subdivision stage through the implementation of an Urban Water Management Plan.

Road Traffic and Noise

14. A Transport Assessment Strategy has been prepared in support of the plan which concludes the existing and proposed road network has the capacity to support the development of the subject site. The proposed plan will not contribute to the level of industrial traffic in the locality.

Perth Airport ANEF Buffer

15. The development of residential dwellings at a density of R20 in the 20 ANEF Noise Buffer Contour is in accordance with State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport. Under the policy the development of land at density of R20 is identified as being conditionally acceptable.

Adelaide Street Lot Access

16. Vehicle access to Adelaide Street will be restricted to a single entry road, with all lots backing onto Adelaide Street enclosed by an estate wall. The use of the wall will ensure the amenity of residents is protected from the effects of the future industrial activities proposed on the northern side of Adelaide Street.

Wetland Reclassification and Buffer

17. The Department of Environment and Conservation (“DEC”) Wetland Branch have downgraded the REW to a Multiple Use Wetland (“MUW”) with only a small portion associated with a drain along the southern portion of the site retained as a REW. To protect the REW, DEC have requested the provision of a 50m buffer.

In response to the buffer request it should be noted that the REW has been cleared of vegetation, partially filled and highly modified over time. Accordingly a 30m buffer will provide an adequate protection and improve the conservation value of the wetland.

POS and Lot Alignment

18. With regard to Figure 46 of the Liveable Neighbourhoods Policy, It can be demonstrated that the lots in question on the Plan i.e. 31-35 and 38-40 appropriately satisfy the provisions of Liveable Neighbourhoods. In respect to the former lots, their dimensions are sufficient to accommodate dwellings that can address both the street and POS. In respect to the latter lots, these will overlook a wetland and buffer area allowing for tree retention and accommodation of water sensitive urban design measures.

Developer Contribution Arrangements

19. The Plan is capable of being developed without relying on on any contributions from the adjoining landowners. A temporary drainage basin is proposed in the north east corner of the Plan which will accommodate stormwater. Upon the development of land in Hatch Court it will be necessary for landowners to swap land to regularise lot configuration and make arrangements regarding drainage.

STATUTORY AND LEGAL IMPLICATIONS

20. Under Clause 4.2.1 of the Scheme, the objectives of the Urban Development zone are stated as follows:
- *To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.*
21. Clause 6.2 – Development Areas deals with the purpose, preparation, approval and operation of Plans.
22. The Urban Development Zone requires the preparation of a Plan before the area can be developed. Clause 6.2.3.3 of the Scheme states that a Structure Plan may relate to only a part of a Development Area. This application deals with only one part of the Urban Development area comprising land bounded Kalamunda Road, Stirling Crescent, Adelaide Street and Perth Airport.

POLICY IMPLICATIONS

23. *Directions 2031 and Beyond* is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years. The Connected City model is the preferred medium density future growth scenario for the metropolitan region. To achieve a connected city of pattern of growth the following targets have been set:
- 50% improvement on current infill residential development trends of 30 and 35%; and, has set a target of 47% or 154,000 of the required 328,000 dwellings as infill development.
 - 50% increase in the current average residential density 10 dwellings per gross urban zoned hectare; and, has set a target of 15 dwellings per gross urban zoned hectare of land in new development areas.
24. The Hazelmere Enterprise Area Structure Plan is primarily a District Structure Plan prepared by the City of Swan which will establish a broad land use framework and principles to guide future development of the area. The study area includes land located immediately along the northern side of Adelaide Street. The Plan designates composite industrial lots with the provision of a suitable interface for the land uses located on the southern side of Adelaide Street. The plan also considers connecting Adelaide Street through to Abernethy Road.
25. *State Planning Policy 5.1- Land Use Planning in the Vicinity of Perth Airport* applies to the land in the vicinity of the Perth Airport, which is, or may in the future, be affected by aircraft noise, and includes the following objectives:
- To protect Perth Airport from unreasonable encroachment by incompatible, noise sensitive development, to provide for its ongoing development and operation.
 - To minimise the impact of airport operations on existing and future communities with reference to aircraft noise.

The subject site includes land within the 20-25 ANEF. Development within this noise contour requires zoning and associated development control provisions to take into account potential noise exposure. Specific development controls include restricting the density of the dwellings to R20 and whilst not mandatory, the inclusion of noise attenuation measures where appropriate.

PUBLIC CONSULTATION/COMMUNICATION

26. The Plan was advertised for public comment from 26 March to 16 April 2013. Two signs were placed on site, an advertisement was published in the local paper for two consecutive weeks and letters were sent to the effected landowners. Information about the Structure Plan was also made available on the Shire of Kalamunda's website.
27. At the conclusion of the advertising period a total of eight submissions were received from affected landowners comprising two non-objections, one objection with the balance being general comments to the proposal. A further

seven submissions were received from government agencies and non-government agencies comprising three (3) non objections, one (1) objection with the balance being general comments to the proposal, (Refer Attachment 3) Submission Table.

28. The principal issues raised in the submissions from the landowners are:

- Industrial traffic accessing Stirling Crescent.
- The structure plan should include all land in Hatch Court.
- Lots turning away from Adelaide Street will cause escalation of antisocial behaviour already present in the area.
- Concern over the future water table levels.
- Concerns over the drainage issues that future development might cause, the drainage easement in Hatch Court is not coping with the current level of stormwater.
- Concerns regarding the proposed temporary drainage basin.
- Issue of fences and raised levels on the boundary of the new development.
- Future road connections.

29. The following comments are provided in response to the issues raised:

Industrial Traffic

- 30.
- Under the Hazelmere Structure Plan, it is proposed that Stirling Crescent will be reconfigured at the intersection with Great Eastern Highway Bypass to a left in left out only. Other modifications include the extension of Adelaide Street through to Abernethy Road.
 - The connection of Adelaide Street through to Abernethy Road will allow for industrial traffic to be redirected westwards along Adelaide Street thus reducing the number of vehicles continuing southwards along Stirling Crescent onto Kalamunda Road. This will result however in increased industrial traffic movements along Adelaide Street. Potential amenity impacts for lots backing onto Adelaide Street will be addressed through a noise attenuating boundary wall.

Hatch Court

- 31.
- Whilst it is preferable to have a structure plan which includes all land bounded by Kalamunda Road, Stirling Crescent, Adelaide Street and Perth Airport, it is open for Council to consider a structure plan which relates to a part of a development area. This approach however is predicated on the ability of the structure plan to be considered in isolation from adjoining areas in respect of the lot design, drainage and POS, yet allows for future integration when a structure plan for the adjoining land, i.e. Hatch Court is prepared.
 - In this instance, the applicant proposes to develop the subject site independently of the rest of the area with the exception of the provision

of a temporary drainage basin located on the north-west part of the lot. It is proposed that this basin will be removed and connected into a comprehensive drainage system associated with any future structure plan for Hatch Court. At this point consideration will have to be given to including costs associated with the undertaking of the drainage works.

- An indicative plan has also been prepared which shows how the adjoining land on Hatch Court can be designed to integrate with the proposed Plan in terms of road design and POS, (Attachment 3).

Antisocial Behaviour

- 32.
- Under the proposed Plan no lots will have direct road frontage to Adelaide Street, all lots will be orientated to an internal road. The intent of this design is to avoid a direct interface with the future industrial and the negative impact of current and future industrial traffic likely to use that part of Adelaide Street to access Abernethy Road. Acknowledging that anti-social behaviour may exist in the area consideration must be given to protecting the amenity of future residents by orientating dwellings away from Adelaide Street and the provision of a boundary wall to ensure the impact of industrial traffic and development are mitigated.

Concern over the future water table levels

- 33.
- The LWMS prepared in support of the proposed Plan has been given in principle support from the DoW and approved by the Shire. The LWMS advises that the site is located within the Perth Airport Northern Drain Catchment which drains towards the North West through Perth Airport land. As part of the water monitoring program undertaken to support the LWMS, the water level in the drain was recorded at approximately 1m below ground level.
 - The stormwater management strategy will consist of pipes, POS, and temporary water storage areas to infiltrate and attenuate peak surface flows. The Water Corporation has requested that all flows from the site post development should be retained to pre-development rates.
 - The matter will be considered further with the preparation of an Urban Water Management Strategy (UWMS) at the subdivision stage of the planning process.

Concern regarding the capacity of the drainage easement in Hatch Court

- 34.
- The drain in Hatch Court had become clogged and as a consequence has been cleaned out. The stormwater management strategy will need to ensure that all flows from the future development of the site are retained to post development levels in order to control post development flows. This will be addressed in more detailed through the UWMS.

Concerns regarding the temporary drainage basin

- 35.
- The stormwater drainage strategy proposes a temporary storage basin in the North West corner of the site. The basin is a temporary infiltration

basin designed to provide 1 in 100 year storage. This will be addressed in more detail through the UWMS.

- It is proposed that the temporary basin will be removed and connected into a comprehensive drainage system when the land in Hatch Court is developed.

Issue of fences and raised levels on the boundary of the new development

- 36.
- It is acknowledged that there will be some amenity impacts on residents on Hatch Court if future residential development of the subject land proceeds. It is unclear at this point in the planning process as to the amount of fill required and therefore the extent of the retaining required to ensure the site can connect to the existing sewerage system located on the eastern side of Stirling Crescent. This matter will be investigated in more detail at the subdivision stage of the planning process.

Future Road Connections

- 37.
- Three road connections through to the adjoining land on Hatch Court are proposed. These roads will only proceed if and when the land is structured planned and developed. This may necessitate the removal of existing dwellings on the neighbouring land when the roads are extended through the land on Hatch Court. The exact alignment of the roads will be fully determined when the structure plan for Hatch Court is prepared.
- 38.
- In regard to the submissions from the government and non-government agencies, the one objection to the proposed Plan was received from Perth Airport. The airport raised concern that the proposal will expose more people to higher levels of aircraft noise and also reduce the ability of the aviation industry to take advantage of emerging technologies such as the Performance Base Navigation and Required Navigation. The airport is concerned that by building houses within and adjacent to the existing ANEF contours virtually eliminates the ability to move approach and departure paths.
- 39.
- Whilst acknowledging the concerns of Perth Airport, from a planning perspective the proposed plan is appropriately zoned for residential uses and meets the requirements of State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport.
- 40.
- The Department of Planning (the Department) advised that the Plan has been prepared in accordance with the "Structure Plan Preparation Guidelines", however, they stated that during the preparation of the MRS and LPS3 amendment to rezone the land in question, it was envisaged that the structure planning will incorporate all of the land zoned Urban Development between Kalamunda Road, Stirling Crescent, Adelaide Street and Perth Airport. The Department also commented on the following issues:
- Wetland re-classification outcome is crucial for the assessment of the plan.

-
- Lots between the POS and road reserve of Stirling Crescent do not comply with the Liveable Neighbourhoods and the lots backing on the Adelaide Street are not favoured under LN either (both under Element 3).
 - It has not been adequately demonstrated that a developer contribution arrangement is not required when the overall development area is taken into consideration.
41. The issue of the proposed Plan incorporating all of the land presently zoned Urban Development has also been raised by a number of landowners in Hatch Court. It is acknowledged that it would be preferable to have a structure plan that allowed for a comprehensive assessment and planning of the area. That said, the applicant has demonstrated that the Plan design can be considered in isolation from the broader land area in respect to drainage, POS, lot design, yet still be integrated with the adjoining land when structure planning of Hatch Court proceeds. The only issue that will need further consideration will be the temporary drainage basin located on the western portion of the site which will have to be removed and connected into the future drainage system on Hatch Court. It is envisaged that the drainage basin lot will remain under freehold title as such the owner will be required to contribute to the cost of future drainage works associated with the structure planning of Hatch Court.
42. The Department's concerns regarding the matter of non-compliance with Liveable Neighbourhoods in respect of lots between the POS and Stirling Crescent are noted. However, the provision of a Detailed Area Plan to ensure the design of the dwellings achieves an appropriate orientation to both the POS and street would address these concerns. This can be addressed at the subdivision stage of the planning process.
43. Under the proposed Plan no lots will have direct road frontage to Adelaide Street. It is proposed that the lots in question will have direct frontage to an internal road with a boundary wall constructed along Adelaide Street to limit potential amenity impacts from future industrial development to the north of Adelaide Street.
44. The Department of Environment and Conservation ("DEC") has assessed the wetlands identified on the Plan and have reclassified a significant portion of the site from REW to MUW with the exception of a small southern portion of the site. DEC has requested a 50m buffer in accordance with EPA Guidance Statement No. 33. An inspection of the site by senior Shire planning and environmental staff revealed that the majority of the site is highly degraded and as such a 30m buffer would provide an appropriate level of protection to the small area of wetland to be retained.

FINANCIAL IMPLICATIONS

45. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

46. *Kalamunda Advancing: Strategic Community Plan to 2023*
- Strategy 4.1.1 Develop, implement and review strategic land-use plans and policies which guide the location and sustainability of industrial, commercial and residential areas within the Shire.
- Strategy 4.2.1 Facilitate the delivery through strategies and policy development of a diverse range of housing within the Shire to ensure inclusiveness in population accommodation.

Sustainability Implications

Social Implications

47. Some landowners may feel they are being excluded from the structure plan process by virtue of the Plan not extended to all of the land identified as Urban Development.
48. Some landowners in Hatch Court may experience amenity issues having residential development occurring right up to their rear boundary.

Economic Implications

49. Nil.

Environmental Implications

50. The remnant vegetation on site is considered mainly Degraded or Completely Degraded. There are no Threatened Ecological Communities within the site and the site is not identified as containing Bush Forever vegetation.
51. The applicant applied for reclassification of the wetland located in the southern part of the property from Resource Enhancement to Multiple Use Wetland. DEC approved the reclassification in March this year.

OFFICER COMMENT

52. The proposed Plan has been structure in accordance with the "Structure Plan Preparation Guidelines" and designed to reflect the strategic intent of *Directions 2031 and Beyond* and the Outer Metropolitan Sub Regional Strategy in providing for population growth with a range of density and therefore housing options.
53. It is noted that concerns have been raised regarding the area covered by the proposed Plan and the expectations that the area presently zoned Urban Development would be incorporated into a single structure plan. The planning merits of achieving a single structure are acknowledged and understood. Conversely however, planners should be open to considering alternative approaches to move the structure planning process forward. In this instance,

the applicant has demonstrated that the subject lot can be considered in isolation, yet still allow for integration when structure planning of the adjoining land area proceeds.

54. The Plan does not include a Developer Contribution Scheme on the basis that there is no requirement for shared infrastructure costs such as roads and drainage. The only exceptions to this will be the issue of the temporary drainage basin which will be removed and connected into a comprehensive drainage system which will be addressed when the adjoining land is developed. The other costs will be those associated with the upgrading of Stirling Crescent and Adelaide Street, which can be included as a condition of subdivision approval.
55. It is therefore recommended that the Structure Plan for Lot 1499 (71) Stirling Crescent be adopted and forwarded to the Western Australian Planning Commission for endorsement.

Mr Tayne Evershed from Planning Solutions spoke in favour of the Recommendation.

A Councillor asked how many landowners there were involved in this development; Mr Evershed responded that there was only one.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 39/2013)

That Council:

1. Endorses the Local Structure Plan for Lot 1499 (71) Stirling Crescent, High Wycombe and that the Local Structure Plan be forwarded to the Western Australian Planning Commission for endorsement.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Attachment 01



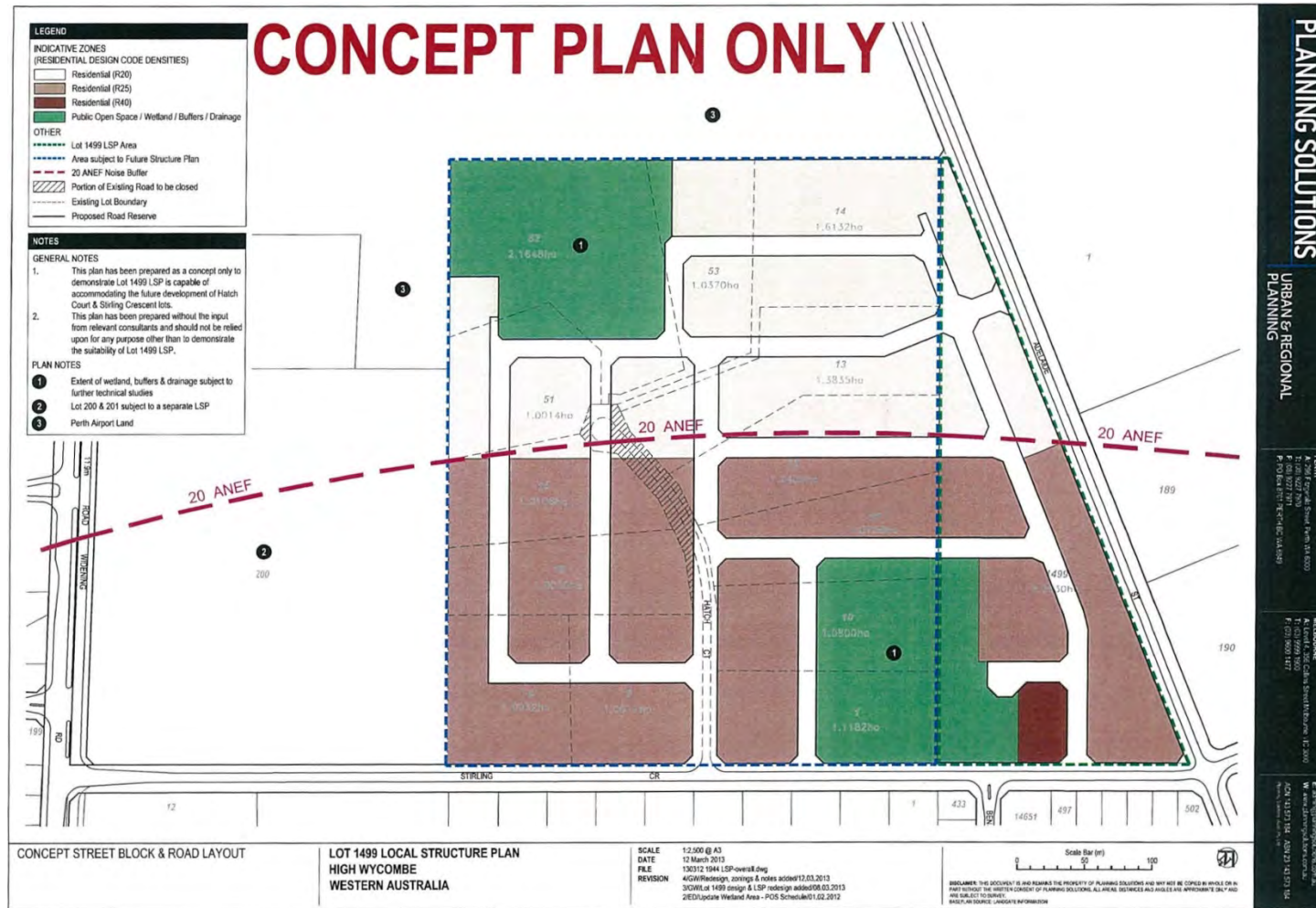
LOT 1499 (71) STIRLING CRESCENT, HIGH WYCOMBE
Locality Plan

Attachment 02



LOT 1499 (71) STIRLING CRESCENT, HIGH WYCOMBE
Local Structure Plan

Attachment 03



HATCH COURT AND STIRLING CRESCENT, HIGH WYCOMBE
 Indicative Local Structure Plan for the adjoining land area.

Attachment 04

Submission		Details	Officer Comment
1.	D & A Jones 29 Stirling Crescent High Wycombe WA 6057	<p>1. In 27 years of living here there has never been so much traffic. Large trucks accessing Hazelmere industrial area are of particular concern. Stirling Crescent should be cul-de-sac at Adelaide Street and Stirling Crescent into Kalamunda Road should have traffic lights.</p> <p>2. By accepting this Structure Plan, it is implied that there exists an overall plan over the Hatch Court area. If it does, why was it not available for public comment?</p>	<p>1. Under the Kewdale Hazelmere Structure Plan, proposed by the City of Swan, it is proposed to connect Adelaide Street through to Abernethy Road which should limit industrial traffic from Accessing Kalamunda Road from Stirling Crescent. The Hazelmere Structure Plan is a high level district Plan. There will be further opportunities for the community and Shire to comment of the issue of how industrial traffic will exist from the area through the MRS amendment process and local structure planning process.</p> <p>2. The indicative plan for the rest of the area has been requested from the applicant to allow for better integrated assessment by the Shire officers. It was made available to the public on request but that area is not subject of the public consultation at this stage.</p>
2.	T G Keen 97 Kelvin Street Maylands WA 6051	No objection	Noted
3.	G J Raftis 50 Stirling Crescent High Wycombe WA 6057	No objection	Noted

<p>4.</p>	<p>R J Sully 24 Hatch Court High Wycombe WA 6057</p>	<p>Objection</p> <ol style="list-style-type: none"> 1. Support the subdivision of the general area 2. Does not support the submitted Structure Plan as it does not show the coordinated subdivision of the larger Urban Development Zone. This is critical for the ability to make an informed comment on the Structure Plan in terms of road networks, retention of existing houses, stormwater control, linkages to Hatch Court and coordination of Public Open Space. 3. Request that the Shire defers any decision until such time that the proponent submits a holistic plan for the broader area. 	<p>Noted</p> <ol style="list-style-type: none"> 1. Noted 2. Whilst it is preferable to have a structure plan which includes all land bounded by Kalamunda Road, Stirling Crescent, Adelaide Street and Perth Airport, it is open for Council to consider a structure plan which relates to a part of a development area. This approach however is predicated on the ability of the structure plan to be considered in isolation from adjoining areas in respect of the design, drainage and POS, yet allows for future integration when a structure plan for the adjoining land, i.e. Hatch Court is prepared. 3. Noted.
<p>5.</p>	<p>CONFIDENTIAL</p>	<ol style="list-style-type: none"> 1. The housing lots facing the internal roads in the subdivision and turning their back to Adelaide Street is a mistake. Although understanding the intent to turn away from the future industrial use on the other side of Adelaide Street, this decision still might prove to be troublesome. There has been drug deals, people living out of their cars overnight, prostitution, people gathering to drink there, overall it has been a place in which people who are up to no good feel safe and secluded and able to do what they like. With the new proposal as it is, the problems are likely to continue. If the new homes turn to Adelaide Street, this is likely to prevent further unsavoury behaviour in the area. 	<ol style="list-style-type: none"> 1. The idea of the residential lots facing away from the Adelaide Road was considered appropriate; consider the amenity of the lots that would face Adelaide Street and the Industrial Composite zone across the road, as well as the industrial traffic that is likely to be quite heavy, once the area on the City of Swan side is developed.

		<p>2. Turning to Adelaide Street would also provide additional access to the development, not just from Stirling Crescent, that is located after a dangerous bend.</p> <p>3. Some drainage concerns; any water will flow onto land lower and all adjoining properties. That might results of water swam and some further issue like mosquitoes. As results of airport development the water table has dropped and there might be more reduction on the water level in terms of development. That area has building envelop and drainage movement might be redirect in future and that would put impact on the property value. Also future's drainage might have impact on the easement and some issue on residence's driveway and any other car travelling around the area.</p>	<p>2. The Structure Plan already allows for two access points in the development, with Adelaide Street one becoming a major access once the whole area between Kalamunda Road and Adelaide Street is developed.</p> <p>3. The requirement for the overland flow from the flood paths will need to be contained within the development area and should not in any way affect adjoining lots. A detailed drainage infrastructure design capacity will be requested and assessed to support any kind of proposed overflow into existing drainage if ever this is to take place. All stormwater will be required to be contained on site via the swale within the POS and the drainage basin and designed to cater for the 1 in 100 year storm event.</p>
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<p>6.</p>	<p>G & W Muir 9 Hatch Court High Wycombe WA 6057</p>	<ol style="list-style-type: none"> 1. Drainage- the drainage system that is contained within the easement over the Hatch Court has failed last winter and caused extensive flooding of Lots 10 and 11 Hatch Court. The concern is that even though the proposed Structure Plan specifies that the stormwater will be contained on site, some of it might go into the drain , adding to the water from Jacaranda Springs. This might add to flooding, waterlogging of paddocks and acid sulphate risk. 2. Point 3.5 (page 40) Of the Structure Plan refers to “provide flood paths for overland flows with development area which exceeds the capacity of piped drainage”- where will this water go? 3. Point 3.7 (page 40-41) refers to a temporary road drainage basin for the western part of the development and admits that the design is inefficient as it refers to more efficient long term disposal of storm water into properties to the south and to take advantage of the nearby drain. This will occur by agreement with the landowners. Does this refer to the drain that is already showing as inadequate? If the system cannot cope with the excess stormwater, where will the water go? 4. The new development should be established with complete independence from adjoining properties as there might not be any further development in the area for a long time. As there is no development plan for properties along Hatch Court, the roads 2,3 and 4 may not coincide with the most appropriate future development of that land. To avoid their 	<ol style="list-style-type: none"> 1. The existing drain in Hatch Court has been recently cleaned out to avoid potential flooding. 2. Refer Comments 5.3.3 3. As summarised in point 3.5 (page 40 of the Structure Plan document), apart from the western temporary basin, it is stated that all other stormwater will be contained on site and within the development area using soak wells, drainage basin on the eastern side and subsoil drains where necessary. Additional methods incorporating WAPC’s Better Urban Water Management is also mentioned in the report in relation to managing the stormwater. 4. Noted, the applicant has demonstrated that the subject lot can proceed independently of the adjoining land on Hatch Court. Proposed road design for Lot 1499 does seem functional for the
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		<p>configuration influencing potential future development in Hatch Court, roads should be configured to separate the POS from the housing and to service Lot 1499 independently. Alternative sketch provided.</p> <ol style="list-style-type: none"> 5. Adjacent land use- POS drainage area should be fenced by the developer with a dog proof barrier to prevent a dog attack on valuable breeding alpacas which graze on the adjacent land (a high limestone wall). Any lots abutting Hatch Court properties should also have an adequate fencing to reduce a potential for complaints about animal smell and noise. 6. Acid sulphate soil- the raising of nearby ground levels will potentially increase the groundwater level in adjacent low lying areas on lots 1, 10 and 11. Some of them are already in a state of saturation for many months and water flow is slow to static. Some subterranean drainage has been established along the boundary of lot 10 and Lo 11 to prevent acid sulphate soil occurring. This is working now but if the water level increases permanently, the risk will increase. 7. Development phase- a shade cloth should be installed between the development site and Hatch Court properties to prevent dust and sand being blown onto the adjacent properties. 	<p>development and the concern of having to connect to future development along the southern boundary should not be an issue as there will need to be some modifications made to the layout of roads 1, 2, 3 and 4.</p> <ol style="list-style-type: none"> 5. Noted. Fencing will be provided at the common lot boundaries. As part of the subdivision process. 6. The risk with the acid sulphate soils mostly at the southern corner of Lot 1499 will be assessed and prepared according to the ASS guidelines. Any modifications to the existing soil type should be taken into account not to cause further oxidising of the soil. 7. The condition preventing dust and soil drifting from the site is enforced in both subdivision and development/building stage.
7.	S KANNAPARAN Po Box 42, NEDLANDS	<ol style="list-style-type: none"> 1. The new development should have district plan available. 2. Proposed road No. 3 and Road No. 4 require to be relocated to the west, as there are some valuable asset would be affected by Road No. 3, probably that road going through centre of Lot 12. 	<ol style="list-style-type: none"> 1. There is no requirement for District level structure planning given the area of land involved. 2. Noted

8.	JN Muir & BC Retallack 15 Hatch court	<ol style="list-style-type: none">1. Drainage- no additional water acceptable into easement. As heavy rain during winter might cause flooding and will cause the issue into residents drive way and their paddocks.2. Elevation/Fill- Concern about the height and elevation of the new plan would be in compare to the existing houses? Would the new Structure plan/houses in the new development area will block their solar panels?3. Road/Park- The slope of the road is one of their concerns, the height of the road surface in compared with their back fence? There might be issue with the animal jumping the existing fence. There would also be additional cost for redoing the fencing.4. Sitework- That site is covered with the unsuitable sand for building houses. So in terms of development the existing sand require to be removed and be refilled with clean fill. That would cause a dust /sand blow in the air. The same problem was faced before so will this be rectified during this development?	<ol style="list-style-type: none">1. Refer to Comments 5.3.3 and 6.3.3.2. The difference between the development site and the adjoining lot is between 1.2- 1.5 metres with the fencing on the top.3. Considering the difference in levels between the propose development and lots in Hatch Court, there will have to be a requirement for securing the boundary between the two areas. At the subdivision stage.4. Refer to the answer 6.7.7.
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<i>Submission</i>		<i>Details</i>	<i>Officer Comment</i>
1.	Telstra Corporation Limited	No objection	Noted
2.	Main Road WA	No objection	Noted
3.	Perth Airport PO Box 6 Cloverdale WA 6985 Att: T Petersen	<p>Objection</p> <ol style="list-style-type: none"> 1. The site is within the ANEF for Perth Airport. A large portion is within 15-20 ANEF, which is acceptable, however, the portion within 20-25 ANEF is conditional and the incorporation of noise control features in the construction of residences should be mandatory. Many people will find that the land is not compatible with residential area. These sites will on average be subjected to up to 100 aircraft noise events daily above 65 dBA. This is a type of the noise event that would disrupt a conversation. 2. Additionally, the noise impact from Adelaide Street industrial traffic will add to the noise strain. 3. Land use planning is one of 4 major elements when dealing with the impact of aircraft noise. To achieve better outcomes, Perth Airport requires utilisation of compatible land use corridors, in order to be able to take advantage of new technologies such as Performance Based Navigation and Required Navigation Performance. Building houses within or adjacent to the existing ANEF contours will reduce or even eliminate the ability to move approach and departure paths as this will adversely impact the newly constructed adjacent residences. 4. The site is within the stormwater catchment that drains to Airport land. As there is an existing flow, so any flow will 	<p>Noted</p> <ol style="list-style-type: none"> 1. Statement of Planning Policy No 5.1 deals with the land use planning in the vicinity of the Perth Airport. It states that in the areas between 20 and 25 ANEF development that is acceptable with the conditions include "dwellings ". The Shire of Kalamunda follows the restrictions to the density in such area to a maximum of R20 and will require a notification be put on the title of all newly formed lots. 2. The issue of noise attenuation will be considered at the subdivision land process stage. 3. Noted, from a planning perspective the proposed plan is appropriately zoned for residential uses and meets the requirements of State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport. 4. Refer Comments6.3.3. The issue of drainage will be addressed

		<p>have a potential cause flooding to Perth Airport land.</p>	<p>through the preparation of an Urban Water Management Strategy.</p>
	<p>Department of Planning Locked Bag 2506 Perth WA 6001 Att. J Dorn</p>	<ol style="list-style-type: none"> 1. Structure Plan has been structured in accordance with the "Structure plan preparation guidelines". 2. At the time of the MRS rezoning and concurrent LPS3 rezoning it was envisaged that structure planning would incorporate all of the area bounded by Kalamunda Road, Stirling Crescent and Adelaide Street. A structure plan is particularly important planning instrument for land held in fragmented or multiple ownership, as is the case here. The planning integration with the rest of the area should be demonstrated. 3. Until the wetland re-classification is completed, subdivision in this form is not appropriate. The location of the POS may be appropriate, however, it needs to be demonstrated how it connects with the adjoining area. 4. The lots shown between the POS and the road reserve off Stirling Crescent do not comply with Liveable Neighbourhoods- Element 3, page 11 figure 46. The lots backing on to Adelaide Street are not favoured in Liveable Neighbourhoods R26, page 10, Element 3. 5. It has not been adequately demonstrated that a developer contribution arrangement is not required when the overall 	<ol style="list-style-type: none"> 1. Noted 2. The applicant has provided an indicative plan showing how this Structure Plan can be integrated with the rest of the development area. 3. The wetland reclassification is now completed and the structure Plan is in line with the new classification 4. The Departments concerns regarding the matter of non-compliance with Liveable Neighbourhoods in respect of lots between the POS and Stirling Crescent are noted. However, the provision of a Detailed Area Plan to ensure the design of the dwellings achieves an appropriate orientation to both the POS and street would address these concerns. This can be addressed at the subdivision stage of the planning process. 5. The Plan does not include a Developer Contribution Scheme on

		<p>development area is taken into consideration.</p>	<p>the basis that there is no requirement for shared infrastructure costs such as roads and drainage. The only exceptions to this will be the issue of the temporary drainage basin which will be removed and connected into a comprehensive drainage system which will be addressed when the adjoining land is developed. The other costs will be those associated with the upgrading of Stirling Crescent and Adelaide Street, which can be included as a condition of subdivision approval.</p>
	<p>Water Corporation PO Box 100 Leederville 6902 Att: Mark Willson</p>	<p>No objection, however, this is subject the advice from the MRS amendment.</p> <ol style="list-style-type: none"> 1. Water Corporation does not object to the proposal, however some significant infrastructure has been indicated; 2. Water: in order to water contributing, Water Corporation has been confirmed on the Foothills water Supply Scheme and it could be serviced by extension from existing water mains located in adjoining road reserves. However there is a 100mm water main in Stirling Crescent at the moment and it may need to upgrade, however depending on timing of development can be prefund from 500mm water distribution on Kalamunda Road and Hawke Vale Road app 400mm to the South-east of the site. 3. Wastewater Services: the site is suited within the water Corporation’s Hazelmere Sewer District. As at the moment 	<ol style="list-style-type: none"> 1. Noted 2. Noted 3. Noted

		<p>the site plus other surrounding land holding are not currently provided with wastewater services. However, there is a long term wastewater scheme planning for that area. There is a temporary pump station on the Waterhall Road and does not have a capacity to cope with additional flows and will therefore need to be upgraded or replaced.</p> <p>4. Moreover there has been a condition for upgrading pump station, as there won't happen in short time until some parts of Hazelmere industrial area have been developed. The developers of this land may, therefore, be required to prefund some major works.</p>	<p>4. Noted</p>
	<p>City of Swan PO Box 196 Midland WA 6936</p> <p>Att: John Elliott</p>	<p>1. A larger truncation is required at the intersection of Adelaide Street and Stirling Crescent. The minimum recommended truncation is to accommodate Network 7 vehicles, which should be reflected in the Structure Plan and Traffic Report.</p> <p>2. Adelaide Street will cater for Network 7 vehicles. Direct vehicle access from proposed lots onto Adelaide Street should be limited through a Section 150 restrictive covenant. This should be detailed in Section 5 'Land use and subdivision requirements' of the Statutory Section to ensure it is imposed as a condition of subdivision.</p> <p>3. The Traffic Report is to base its recommendations on the ultimate vpd estimates and reflect external traffic forecasts in its figures. Where widening is required, this is to be shown on the Structure Plan Map. This is critical as it may demonstrate if upgrades to the external road network at required.</p>	<p>1. Noted, this can be addressed at the subdivision stage of the planning process.</p> <p>2. Noted. the Structure plan proposed a single 16m road reserve onto Adelaide Street. All lots will front onto an internal road.</p> <p>3. The transport assessment prepared in support of the proposed structure plan demonstrates the existing and proposed road network can accommodate the future development of the site. It is acknowledged however that as the area to the north of Adelaide Street develops for industrial use</p>

		<p>4. An analysis of noise should be undertaken as Adelaide Street is envisaged to carry Network 7 vehicles when Adelaide Street connects onto Abernethy Road. If noise amelioration measures are necessary to implement at the subdivision stage, this should be stated in the Statutory Section of the Local Structure Plan.</p>	<p>the consideration of the widening of Adelaide on the City of Swan side will have to be considered.</p> <p>4. Noted, a noise attention wall will be required along the Adelaide Street frontage.</p>
	<p>Department of Environment and Conservation PO Box 1167 Bentley Delivery Centre WA 6983</p> <p>Att: David Lodwick</p>	<p>1. The land on the opposite side of Adelaide Street is classified as 'Awaiting Classification' due to lead in Hazelmere groundwater. DEC recommends that further in the planning process, if not already undertaken, detailed site investigations of soil and/or groundwater should be carried out over the site. These investigations should determine the requirement for remediation prior to subdivision or soil disturbing activities.</p> <p>2. The eastern portion of the site is classified as a Resource Enhancement Wetland (REW). The Structure Plan has provided a 30 metre buffer to the REW that occurs to the south of the site to protect the neighbouring riparian vegetation from development. DEC recommends provision of a 50 metre buffer in accordance with EPA Guidance Statement No. 33.</p> <p>3. DEC notes that a small portion of the LSP area has been identified as having a high to moderate risk of disturbing potential of actual acid sulphate soils (ASS). DEC recommends that investigations to adequately delineate the occurrence and extend of ASS across the site be conducted. Relevant conditions related to investigation and management of ASS may be required on lots at high risk of ASS disturbance when more than 100m³ of soil is</p>	<p>1. Noted</p> <p>2. .An inspection of the site by senior Shire planning and environmental staff revealed that the majority of the site is highly degraded and as such as 30m buffer would provide an appropriate level of protection to the small area of wetland to be retained.</p> <p>3. The risk with the acid sulphate soils mostly at the southern corner of Lot 1499 will be assessed and prepared according to the ASS guidelines. Any modifications to the existing soil type should be taken into account not to cause further oxidising of</p>

		<p>to be disturbed and/or dewatering activities are proposed.</p> <p>4. Threatened species/flora and fauna</p> <p>5. Notifications on titles would be required at the subdivision stage to inform residents of ANEC Contours associated with Perth Airport with regards to noise, vibration, and emissions.</p>	<p>the soil.</p> <p>4. The environmental assessment revealed that there are no threatened ecological communities or significant flora on the site.</p> <p>5. Noted.</p>
	<p>Department of Water Swan Avon Region 7 Ellam Street Victoria Park WA 6100</p>	<p>No comments</p>	<p>Noted</p>

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

40. Proposed Developer Contribution Instalment Plan for an Approved Warehouse and Office - Lot 10 (15) Ashby Close and Lots 8 (221) and 9 (225) Berkshire Road, Forrestfield

Previous Items	OCM 183/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	AS-02/015
Applicant	Bonnie Rock Transport Pty Ltd
Owner	The Dazzelmore Unit Trust
Attachment 1	Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan
Attachment 2	Scheme Provisions for Developer Contribution Items
Attachment 3	Developer Contribution Cost Schedule

PURPOSE

- To consider a request to stage the developer contribution payments required for an approved warehouse and office development at Lot 10 (15) Ashby Close, and Lots 8 (221) and 9 (225) Berkshire Road, Forrestfield.

BACKGROUND

- Land Details:**

Land Area:	1.03ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Region Scheme Zone:	Urban

Locality Plan

-



4. The properties fall within Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area ("Stage 1").
5. In November 2011, the Minister for Planning approved Amendment No. 34 to Local Planning Scheme No. 3 ("Scheme") to rezone the land bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497, 498 and 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield, from Special Rural to Industrial Development.
6. Amendment No. 34 also included provisions so that Stage 1 became a Development Area ("DA").
7. In December 2012, Council resolved (En Bloc Resolution OCM 183/2012) to adopt the Developer Contribution Rate of \$23.03 plus GST per sqm for Stage 1 of the Forrestfield/High Wycombe Industrial Area effective from 1 January 2013. The current Developer Contribution Rate is \$24.02 per sqm plus GST. The increase was due to changes requested to the Developer Contribution Plan by the WA Planning Commission ("the Commission").
8. In March 2013, approval was granted for a warehouse and office on the properties. The properties are to be amalgamated.
9. In February 2013, the Commission endorsed a Structure Plan for Stage 1 of the Forrestfield/High Wycombe Industrial Area, which, amongst other matters, identifies the developer contribution items relevant to the structure planning area. Refer to the Forrestfield/High Wycombe Industrial Area Stage 1 Local Structure Plan Map (Attachment 1).
10. In May 2013, the Minister approved Amendment No. 48 to the Scheme, which amongst other provisions, proposed that Developer Contribution Items for Stage 1 be inserted under Schedule 12 (Development Areas) in the Scheme. Refer to the Proposed Developer Contribution Items (Attachment 2). The proposed Developer Contribution Cost Schedule (Attachment 3), establishes the cost contribution and apportionment for each landowner.
11. Prior to properties being redeveloped and/or amalgamated, landowners within the development area will be required to make a proportional contribution to the cost of common infrastructure such as road upgrades and modifications, land acquisition for road reserves, dual use paths and administration costs of the sharing arrangements.

DETAILS

12. The total developer contribution for the approved warehouse and office development is currently \$848,098.90 inclusive of GST.

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13. The landowner has requested that this payment be made at the following 3 stages:
- At least 30% on acceptance of this arrangement.
 - At least 30% on 30 November 2013.
 - The remaining amount owed by 31 May 2014.

STATUTORY AND LEGAL IMPLICATIONS

14. Schedule 12 (Development Contribution Areas) of the Scheme describes the DAs and sets out the purpose and particular requirements that may apply to the DA.
15. Clause 6.5.14.2 (Payment of Cost Contribution) of the Scheme stipulates that the owner, with the agreement of Council, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to Council.
16. Clause 6.5.17.1 (Shortfall or Excess in Cost Contributions) of the Scheme stipulates that if there is a shortfall in the total cost contribution owed, Council may:
- Make good the shortfall.
 - Enter into agreements with the owners to fund the shortfall.
 - Raise loans or borrow from a financial institution, to fund the shortfall.

POLICY IMPLICATIONS

State Planning Policy No. 3.6 – Development Contributions for Infrastructure

17. State Planning Policy No. 3.6 – Development Contributions for Infrastructure ("the Policy") sets out the principles underlying development.

COMMUNITY ENGAGEMENT REQUIREMENTS

18. Nil.

FINANCIAL CONSIDERATION

19. The Developer Contribution Scheme for Stage 1 is cost neutral to the Shire.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *Kalamunda Advancing: Strategic Community Plan to 2023*
- | | |
|----------------|---|
| Strategy 4.1.4 | Facilitate the development of industrial land within the Shire. |
|----------------|---|

SUSTAINABILITY

Sustainability Implications

21. Nil.

Social Implications

22. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social impacts are minimised and that benefits are maximised

Economic Implications

23. The staged payment process will assist the developer in meeting his financial obligations to the Scheme.

Environmental Implications

24. Nil.

OFFICER COMMENT

25. The Scheme allows the developer contribution to be paid in a lump sum or by instalments which are acceptable to Council. This however has to be considered in the context of the Scheme meeting its obligations in respect to the delivery of Scheme Infrastructure.
26. Without the contribution being paid in full, the required upgrades and modifications to roads, the acquisition of land for road Reserves and dual use paths, amongst other items, may be delayed.
27. If Council is supportive of a staged payment approach, then payments due will be at the Developer Contribution rate applicable at the time of payment.
28. Considering the above, it is recommended that the following instalments be adopted by Council:
- At least 30% of the Developer Contribution payment on acceptance of this arrangement.
 - The remaining balance of the Developer Contribution payment to be paid in full by 31 December 2013.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 40/2013)

That Council:

1. Requests the contribution for the approved warehouse and office development at Lot 10 (15) Ashby Close and Lots 8 (221) and 9 (225) Berkshire Road, Forrestfield, be paid by the landowner as follows, at the contribution rate applicable at the time payment is made:
 - At least 30% of the Developer Contribution payment on acceptance of this arrangement.
 - The remaining balance of the Developer Contribution payment to be paid in full by 31 December 2013.

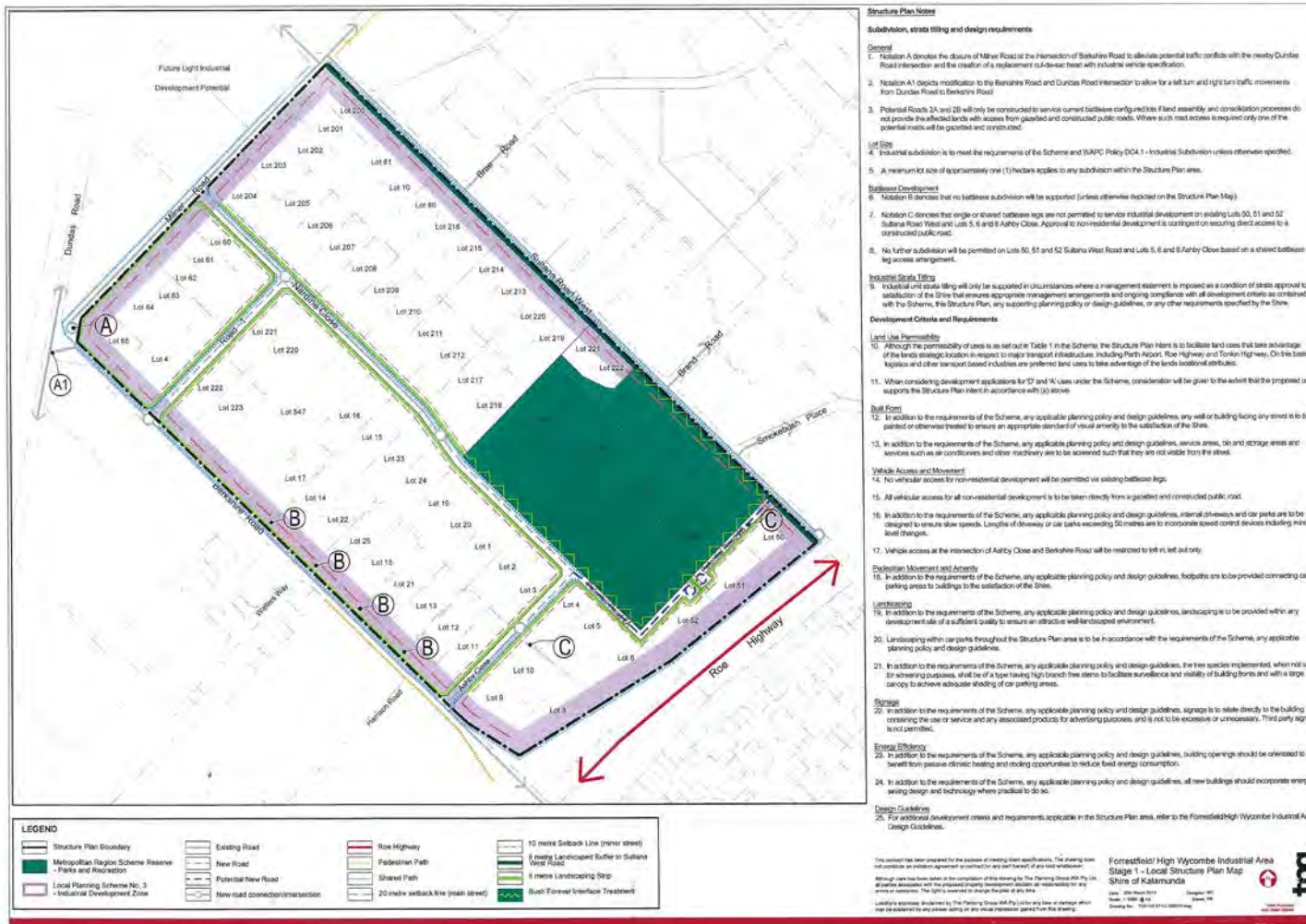
Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Attachment 01

Proposed Developer Contribution Instalment Plan for an Approved Warehouse and Office – Lot 10 (15) Ashby Close and Lot 8 (221) and 9 (225) Berkshire Road, Forrestfield Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan



Attachment 02

Proposed Developer Contribution Instalment Plan for an Approved Warehouse and Office – Lot 10 (15) Ashby Close and Lot 8 (221) and 9 (225) Berkshire Road, Forrestfield
Scheme Provisions for Developer Contribution Items

“6.5 DEVELOPMENT CONTRIBUTION AREAS (DCA)

6.5.1 Interpretation

In clause 6.5 unless the context otherwise requires –

‘Administrative Costs’ means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the Development Contribution Plan.

‘Administrative Items’ means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the Development Contribution Plan, including legal, accounting, planning, engineering, and other professional advice.

‘Cost Apportionment Schedule’ means a schedule prepared and distributed in accordance with clause 6.5.10.

‘Cost Contribution’ means the contribution to Infrastructure Costs and Administrative Costs payable by an Owner pursuant to a Development Contribution Plan.

‘Development Contribution Area’ means an area shown on the scheme map as DCA with a number and included in schedule 12.

‘Development Contribution Plan’ means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause 6 of the Scheme (as incorporated in Schedule 12 to this Scheme).

‘Development Contribution Plan Report’ means a report prepared and distributed in accordance with clause 6.5.10.

‘Infrastructure’ means the standard infrastructure items (services and facilities set out in appendix 1 of State Planning Policy 3.6 ‘Development Contributions for Infrastructure’) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other infrastructure, services and facilities for which development contributions may reasonably be required having regard to the objectives, scope and provisions of State Planning Policy 3.6 ‘Development Contributions for Infrastructure’.

‘Infrastructure Costs’ means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

‘Local government’ means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

‘Owner’ means an owner of land that is located within a Development Contribution Area.

6.5.2 Purpose

The purpose of having Development Contribution Areas is to –

- (a) provide for the equitable sharing of Infrastructure Costs and Administrative Costs between owners;*
- (b) ensure that the Cost Contributions are reasonably required as a result of the subdivision and development of land in the Development Contribution Area; and*
- (c) coordinate the timely provision of Infrastructure.*

6.5.3 Development contribution plan required

A Development Contribution Plan is required to be prepared for each Development Contribution Area.

6.5.4 Development contribution plan part of scheme

A Development Contribution Plan is incorporated in Schedule 12 as part of this Scheme.

6.5.5 Subdivision, strata subdivision and development

The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a Development Contribution Plan is not in effect, there is no approval to advertise a Development Contribution Plan or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure.

6.5.6 Guiding principles for development contribution plans

The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles –

- (a) Need and the nexus*

The need for the Infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

- (b) Transparency*

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) *Equity*

Development contributions should be levied from all developments within a Development Contribution Area, based on their relative contribution to need.

(d) *Certainty*

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) *Efficiency*

Development contribution should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) *Consistency*

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) *Right of consultation and review*

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs forming part of the contributions is not reasonable.

(h) *Accountable*

There must be accountability in the manner in which development contributions are determined and expended.

6.5.7 Content of development contribution plans

The Development Contribution Plan is to specify –

- (a) *The Development Contribution Area to which the Development Contribution Plan applies;*
- (b) *the Infrastructure and Administrative Items to be funded through the Development Contribution Plan;*
- (c) *the method of determining the Cost Contribution of each Owner; and*
- (d) *the priority and timing for the provision of Infrastructure.*

6.5.8 Period of development contribution plan

A Development Contribution Plan shall specify the period during which it is to operate.

6.5.9 Land Excluded

In calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided in that Development Contribution Area for –

- (a) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;*
- (b) existing open public open space;*
- (c) existing government primary and secondary schools; and*
- (d) such other land as is set out in the Development Contribution Plan, is to be excluded.*

6.5.10 Development contribution plan report and cost apportionment schedule

6.5.10.1 Within 90 days of the Development Contribution Plan coming into effect, the local government is to adopt and make available a Development Contribution Plan Report and Cost Apportionment Schedule to all Owners in the Development Contribution Area.

6.5.10.2 The Development Contribution Plan report and the Cost Apportionment Schedule shall set out in detail the calculation of the Cost Contribution for each owner in the Development Contribution Area, based on the methodology provided in the Development Contribution Plan, and shall take into account any proposed staging of the development.

6.5.10.3 The Development Contribution Plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.5.11.

6.5.11 Cost contributions based on estimates

6.5.11.1 The determination of Infrastructure Costs and Administrative Costs is to be based on amounts expended, but when expenditure has not occurred, is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

6.5.11.2 Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government

- (a) in the case of land to be acquired, in accordance with clause 6.5.12; and*
- (b) in all other cases, in accordance with the best and latest information available to the local government,*

until the expenditure on the relevant item of Infrastructure or Administrative Costs has occurred.

- 6.5.11.3 *The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an Owner when requested.*
- 6.5.11.4 *Where any Cost Contribution has been calculated on the basis of an estimated cost, the local government -*
- (a) is to adjust the Cost Contribution of any Owner in accordance with the revised estimated costs; and*
 - (b) may accept a Cost Contribution, based upon estimated costs, as a final Cost Contribution and enter into an agreement with the Owner accordingly.*
- 6.5.11.5 *Where an Owner's Cost Contribution is adjusted under clause 6.5.11.4, the local government, on receiving a request in writing from an Owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.*
- 6.5.11.6 *If an Owner objects to the amount of a Cost Contribution, the Owner may give notice to the local government requesting a review of the amount of the Cost Contribution by an appropriate qualified person ('independent expert') agreed by the local government and the Owner at the Owner's expense, within 28 days after being informed of the Cost Contribution.*
- 6.5.11.7 *If the independent expert does not change the Cost Contribution to a figure acceptable to the Owner, the cost contribution is to be determined:*
- (a) by any method agreed between the local government and the Owner; or*
 - (b) if the local government and the Owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government and the Owner.*

6.5.12 Valuation

6.5.12.1 *Clause 6.5.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.*

6.5.12.2 *In clause 6.5.12 –*

'Value', means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 13. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

'Valuer' means a licensed valuer agreed by the local government and the owner, or where the local government and the owner are unable to reach

agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

- 6.5.12.3 *If an Owner objects to a valuation made by the Valuer, the Owner may give notice to the local government requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.*
- 6.5.12.4 *If, following a review, the Valuer's determination of the value of the land is still not a figure acceptable to the Owner, the value is to be determined:*
- (a) By any method agreed between the local government and the owner; or*
 - (b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the Planning and Development Act 2005.*

6.5.13 Liability for cost contributions

- 6.5.13.1 *An Owner must make a Cost Contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 6.53.*
- 6.5.13.2 *An Owner's liability to pay the Owner's Cost Contribution to the local government arises on the earlier of -*
- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the Owner's land within the Development Contribution Area;*
 - (b) the commencement of any development on the Owner's land within the Development Contribution Area;*
 - (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or*
 - (d) the approval of a change or extension of use by the local government on the Owner's land within the Development Contribution Area.*

The liability arises only once upon the earliest of the above listed events.

- 6.5.13.3 *Notwithstanding clause 6.5.13.2, an Owner's liability to pay the Owner's Cost Contribution does not arise if the Owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the Development Contribution Plan.*
- 6.5.13.4 *Where a Development Contribution Plan expires in accordance with clause 6.5.8, an owner's outstanding liability to pay the Owner's Cost Contribution under the Development Contribution Plan shall be deemed to continue in effect and be carried over into any subsequent Development Contribution Plan which includes the Owner's land, and the Owner's land, subject to such liability.*

6.5.14 Payment of cost contribution

6.5.14.1 *The Owner, with the agreement of the local government, is to pay the Owner's Cost Contribution by -*

- (a) *cheque or cash;*
- (b) *transferring to the local government or a public authority land in satisfaction of the cost contribution;*
- (c) *the provision of physical infrastructure;*
- (d) *some other method acceptable to the local government; or*
- (e) *any combination of these methods.*

6.5.14.2 *The Owner, with the agreement of the local government, may pay the Owner's Cost-Contribution in a lump sum, by instalments or in such other manner acceptable to the local government.*

6.5.14.3 *Payment by an Owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the Owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the Owner.*

6.5.15 Charge on land

6.5.15.1 *The amount of any Cost Contribution for which an Owner is liable under clause 6.5.13, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the local government may lodge a caveat, at the Owner's expense, against the certificate of title to that land.*

6.5.15.2 *The local government, at the Owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.5.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.*

6.5.15.3 *If the Cost Contribution is paid in full, the local government, if requested to do so by the Owner and at the expense of the Owner, is to withdraw any caveat lodged under clause 6.5.15.*

6.5.16 Administration of funds

6.5.16.1 *The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the Infrastructure costs and Administrative costs within that Development Contribution Area will be paid.*

The purpose of such a reserve account ~~of~~ and the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

6.5.16.2 *Interest earned on Cost Contributions credited to a reserve account in accordance with clause 6.5.16.1 is to be applied in the Development Contribution Area to which the reserve account relates*

6.5.16.3 *The local government is to publish an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.*

6.5.17 *Shortfall or excess in cost contributions*

6.5.17.1 *If there is a shortfall in the total of Cost Contributions when all cost contributions have been made or accounted for in a particular Development Contribution Area, the local government may -*

- (a) make good the shortfall;*
- (b) enter into agreements with Owners to fund the shortfall; or*
- (c) raise loans or borrow from a financial institution, to fund the shortfall, but nothing in this clause restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard.*

6.5.17.2 *If there is an excess in funds available to the development contribution area when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to refund the excess funds to contributing Owners for that Development Contribution Area. To the extent, if any, that it is not reasonably practicable to identify Owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that Development Contribution Area.*

6.5.18 *Powers of the local government*

The local government in implementing the Development Contribution Plan has the power to -

- (a) acquire any land or buildings within the Scheme area under the provisions of the Planning and Development Act 2005; and*
- (b) deal with or dispose of any land which it has acquired under the provisions of the Planning and Development Act 2005 in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.*

6.5.19 *Arbitration*

Subject to clauses 6.5.12.3 and 6.5.12.4, any dispute between an Owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985."

Attachment 03

Proposed Developer Contribution Instalment Plan for an Approved Warehouse and Office – Lot 10 (15) Ashby Close and Lot 8 (221) and 9 (225) Berkshire Road, Forrestfield

Developer Contribution Cost Schedule

Ref No.	DCA1
Area:	Forrestfield Light Industrial Area- Stage 1 (Area bounded by Berkshire Road, Milner Road, Sultana Road West and Roe Highway)
Relationship to other planning instruments	The development contribution plan generally conforms to the Strategic Community Plan to 2022 (Draft)
Infrastructure and Administrative items to be funded	<p>All landowners within DCA1 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions clause 6.5 of the Scheme.</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> a) 50% to the widening and upgrading of Berkshire Road between Dundas Road and Roe Highway, including the cycling lanes; b) Any required modifications to Milner Road, including the closure procedure and installation of a cul-de-sac at the intersection point with Berkshire Road; c) Upgrading of Nardine Close and Ashby Close; d) Upgrading of the Berkshire Road and Dundas Road intersection; e) Upgrading of the Berkshire Road and Ashby Close intersection; f) 50% of any required modifications to Sultana Road West, including the cycling lane which will form part of the dual use path depicted on the applicable Forrestfield/High Wycombe Industrial Area Structure Plan; g) Acquisition of land required for the section of road linking Ashby Close to Nardine Close and the new section of road linking Nardine Close with Berkshire Road. h) Land required for the construction and drainage for all internal roads- Water Sensitive Urban Design principles to be incorporated as per the adopted Drainage Strategy; i) Full earthworks associated with road and drainage construction; j) Dual use paths as depicted on the applicable Forrestfield/High Wycombe Industrial Area Structure Plan; k) Landscaping of verges and entry statements including maintenance; l) Fencing treatment for Bush Forever site; m) Servicing infrastructure relocation where necessary; n) Costs associated with the preparation of the development area framework to meet the statutory requirements and obligations including the local water management strategy and monitoring, structure plan design and report, drainage strategy and development contribution costings. o) Costs to prepare and administer cost sharing arrangements –

	<p>preliminary engineering drainage design and costings, valuations, annual or more frequent reviews and audits (where identified as appropriate at the discretion of the local government) and administrative costs; and</p> <p>p) Costs for the repayment of any loans raised by the local government for the purchase of any land for road reserves or any of the abovementioned works.</p>
Method for Calculating Contributions	<p>All landowners within DCA1 shall make a proportional contribution to the cost of common infrastructure and administrative items based on net lot areas.</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA1 which will be reviewed annually.</p> <p>owner's cost contribution = net lot area (m2) x contribution rate</p> <p>where</p> $\text{contribution rate} = \frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{total area of DCA (m2)}}$ <p>net lot area = lot area (m2) - area of road reserve (m2)</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA1 which will be reviewed annually.</p>
Period of Operation	10 years
Priority and timing of infrastructure	The timing of the provision of infrastructure will be developer driven and subject to market demand for land. Infrastructure is generally to be provided within the 10 year operating period for the DCP.
Review Process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost index or other appropriate index as approved by the qualified person undertaking the certification of costs.</p>

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr John Giardina – Questions by email 6 June 2013

Q1. How long will a bin be left for once it has been dropped off?

A1. The bins will be available for the following times:

Monday – Remove Wednesday

Tuesday – Remove Thursday

Wednesday – Remove Friday*

Thursday – Remove Monday

Friday – Remove Tuesday

*Please note that if there are a significant number of orders for weekends, the contractor has committed to deliver weekend orders on Wednesday as well.

Q2. How will the elderly be able to lift items into a bin, will the bins have doors?

A2. As these bins are low height, doors are unnecessary. The top of the bin is 1.2m high and generally, this would be adequate for most people (a bench top is normally 900mm) as most items that are left on the verge are a size and weight that should be easily placed into the bin.

Also note that we will be arranging specific collections for pensioners who need to dispose bulk items and have free/discounted access to the transfer station at Walliston for everyone.

Also we note most frail people would have assistance when using the current service. In exceptional circumstances we will work with residents to ensure that they have access to an equivalent service.

Q3. Will all the bins sizes be accessible for the elderly? If not will the elderly get any help?

A3. As above.

Q4. How long will it be before a bin is delivered?

A4. For bookings on weekdays – within 10 Days, for bookings on weekends – within 20 days.

Q5. Will residents need to put there junk out on the verge while they wait for a bin to be delivered?

A5. The resident must wait for the bin to arrive and place items directly in the bin.

Q6. If a fridge is to be disposed of how will that process work and how will the fridge be degassed?

- A6. We will run separate collections for whitegoods either direct to the transfer station or by collection (pensioners) and unlike current process, the item does not need to be degassed. We have a contractor who can degas at the transfer station at a reduced rate.
- Q7. Will fridge's need to be lifted into a Bin?
- A7. No, we will have separate collections for whitegoods, mattresses and other items. We will be advertising these as part of the education process.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Cr Bob Emery – Bushfire Season Preparation

- Q. I heard an interesting discussion with DEC on the radio recently and was concerned to hear that they feel they have completed only 10% of the burns that should be completed by this time. Please could you let me know what percentage the Shire has completed to date?
- A. Following the review of the Margaret River fires the DEC were restricted to only burning areas located more than 5 kms from any town site. This applied until just prior to the commence of the 2012 prohibited period, and may partly account for the quoted report.

The Shire inspects all reserves annually, and assesses on a priority risk rating those reserves that require burning in the current year. Noting that a number of reserves are not burnt and other mitigation measures, including fire breaks, pruning, slashing and spraying, are utilised. For those blocks that require burning, a plan is established whereby over a number of years all such reserves are burnt, with the aim of establishing a mosaic that at the end of the cycle results in all reserves of concern being burnt. To date this year six reserves have been burnt in the Shire (Falls Road, Halleendale Rd, East Terrace, Empire Avenue, 52 Falls Road and Moira Ave). Currently the Shire does not record the percentage of reserves burnt.

Cr Bob Emery expressed surprise that the Shire was not able to provide the amount of burning to date as a percentage; he was otherwise happy with the information provided.

12.2 Cr Giardina – Resurfacing of Canning Road

- Q. When resurfacing was undertaken on Canning Road the surface was sub-standard, I understood the resurfacing was imminent, when will this take place?
- A. There have been two areas of concern with Canning Road. The first is the 2011/12 project which was repaired by the contractor in the first half of 2012/13; this was the section between Recreation Road and Lesmurdie Road. The second section was the 2012/13 project between Pickering Brook Road and the Shire boundary at Karragullen. The repairs to this section will be completed in the first week of June 2013.

**13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY
DECISION**

13.1 Nil.

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Nil.

15.0 CLOSURE

15.1 There being no further business the Chairman declared the meeting closed at 7.20pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2013