

# Development & Infrastructure Services Committee Meeting

Minutes for Monday 14 October 2013

**CONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

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

Sue Bilich	(Shire President) North Ward
Margaret Thomas	(Chairman) North Ward
Allan Morton	South West Ward
Noreen Townsend	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	Chief Executive Officer
Clayton Higham	Director Development & Infrastructure Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Warwick Carter	Manager Commercial Services
Sam Assaad	Manager Infrastructure Operations
Meri Comber	Governance Officer

**Members of the Public** 8

**Members of the Press** 1

#### 2.2 Apologies

##### Councillors

Simon Di Rosso	North Ward
John Giardina	South East Ward

#### 2.3 Leave of Absence Previously Approved

Nil.

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### **3.0 PUBLIC QUESTION TIME**

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

3.1 Nil.

### **4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

### **5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 9 September 2013 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

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

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

6.1 The Chairman announced that Saturday 19 October 2013 is the Local Government Election Day, voting ceases at 6.00pm and the counting of votes will then commence, all are welcome to attend.

6.2 There will be a Special Council Meeting on 21 October 2013 at 6.00pm to swear in the Councillors elected on 19 October and elect the Shire President, Deputy Shire President and to appoint Committee Delegates; the normal Corporate & Community Services Committee Meeting is cancelled.

### **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 Nil.

**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 Nil.

**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.

**69. Proposed Pedestrian Access Way Closure – Kalamunda Road and Hulley Place, High Wycombe**

Previous Items	OCM 124/02
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	KL-02/543
Applicant	R Hopkins
Owner	Crown Land

Attachment 1                      Photograph of the Pedestrian Access Way from Hulley Place

Attachment 2                      Photograph of the Pedestrian Access Way from Kalamunda Road

Attachment 3                      Submission Table

**PURPOSE**

- To consider a request to close the Pedestrian Access Way ("PAW") abutting Lots 10 (451) and 12 (543) Kalamunda Road, High Wycombe. Refer to (Attachments 1 and 2).

**BACKGROUND**

- Land Details:**

Land Area:	176sqm
Local Planning Scheme Zone:	Residential R25
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

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4. The PAW is approximately 150m from the Kalamunda Road and Wittenoom Road intersection, and provides access to the bus route along Kalamunda Road, Emms Reserve and the High Wycombe Shopping Centre.
  5. In December 2002, Council resolved (En Bloc Resolution OCM 124/02) not to support a request to close the PAW for the following reasons:
    - a. Closure of the PAW would increase pedestrian travelling times to Kalamunda Road for Hulley Place residents accessing shops and bus services.
    - b. Adjacent landowners are not willing to contribute to costs for the relocation of services within the PAW, nor willing to purchase the PAW land.
  6. The owner of 543 Kalamunda Road has advised that they are prepared to purchase the PAW.

## **DETAILS**

7. The Shire has received a request to close the PAW abutting Lots 10 (451) and 12 (543) Kalamunda Road, High Wycombe, from the owner of Lot 12 (543) Kalamunda Road.
8. The purpose of the PAW is to provide pedestrian access from Hulley Place and Kalamunda Road. It also contains a water main.
9. The PAW is relatively well maintained apart from the fencing for some of the adjoining properties, the landowners of which are responsible for the fencing's maintenance.
10. The PAW is maintained twice yearly. It was last maintained in March and scheduled for maintenance in October.

## **STATUTORY AND LEGAL IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

### **Designing Out Crime Strategy**

12. The Designing Out Crime Strategy ("the Strategy") is a crime prevention strategy which aims to reduce opportunities for crime through the design and management of the built environment.
13. A recent inspection by the Shire failed to identify any physical evidence of anti-social behaviour such as graffiti, vandalism or drug use.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

14. The proposed closure was advertised to the adjoining landowners and referred to the utility providers, a sign was also placed at both ends of the PAW.
15. During the advertising period four objections and 13 non-objections were received. Refer to the Submission Table (Attachment 3).
16. Concerns raised during advertising were the following:
  - The PAW provides quick access to the nearby shops and reducing the need to use private vehicles.
  - The closure of the PAW would result in an increase in the walking distance to the shops.
  - The PAW provides access to nearby facilities for disabled residents.
17. With regard to the objections received, the closure of the PAW would result in a walking distance of up to 400m for residents along Hulley Place to the nearest bus stop, and up to approximately 700m to the High Wycombe Shopping Centre.
18. The proposal was also referred to the utility providers for comment. The only utility main which exists along the PAW is a water main, and the Water Corporation advised that this can be cut and capped subject to the costs associated with the works being paid for by the applicant. The applicant has advised that they would be willing to pay for this to be done.

## FINANCIAL CONSIDERATION

19. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.3 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.5 Incorporate best practice principles for designing out crime and encourage private developers and owners to do the same.



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## SUSTAINABILITY

### Social Implications

21. Closing the PAW would reduce the potential for anti-social behaviour to occur along the PAW.

### Economic Implications

22. Nil.

### Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Action/Strategy
Residents being disadvantaged by the closure of the PAW.	High	High	The closure of the PAW would result in a walking distance of up to 400m for residents along Hulley Place to the nearest bus stop, and up to approximately 700m to the High Wycombe Shopping Centre.
Opportunities for minimising designing out crime lost if the PAW closure does not proceed.	Medium	Medium	Investigate the possibility of installing artificial lighting along the PAW.

## OFFICER COMMENT

25. The PAW is relatively well maintained and there is little evidence that anti-social behaviour occurs within it.
26. The PAW provides direct access to the bus route along Kalamunda Road, Emms Reserve and the High Wycombe Shopping Centre. The closure of the PAW would significantly increase the walking distance to these facilities.
27. Closure of the PAW would be in this instance contrary to the objective of the State Government Policy regarding the designing out of crime in the built environment.

*A memorandum had been circulated to Councillors indicating that Mr Matthew Grgich, whose property also abuts the pedestrian access way, has advised the Shire that he would also be prepared to purchase a portion of the pedestrian access way land.*

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*Mr Ryan Hopkins spoke against the Recommendation.*

*Councillors asked Mr Hopkins several questions:*

- *If he believed lighting the PAW at night would deter anti-social behaviour, Mr Hopkins did not consider this would help as people using the PAW would not be visible from the main road.*
- *If anyone has suffered violence or a needle stick injury, Mr Hopkins did not know of any injuries.*
- *If the PAW was used regularly for legitimate reasons, Mr Hopkins confirmed it was used frequently through the daytime by local residents – but at night he believed it was used by people who just wanted to get off the main road.*

*A Councillor asked staff the likelihood of the Department of Planning supporting closure of this PAW; the Director Development & Infrastructure Services confirmed that due to its high connectivity for the area it is highly unlikely the Department would support the closure. The Councillor further asked if it was more likely to be supported if the anti-social behaviour continued after the fitting of lighting. The Director Development & Infrastructure Services noted that the Department makes their decisions based on the State Policy and he doubted that this would make any difference, he added that if the Council was prepared to put together a log of instances that could be included with the application this may help, but he still doubted whether the Department would be swayed.*

*A Councillor asked if there was any way the access could remain open during the day, but be closed at night. The Director Development & Infrastructure Services indicated that this would involve gates and then there would be concerns that there was the potential for someone to climb over and get caught – thereby making it a hazard.*

*A Councillor queried whether the removing of Telstra cabling etc would be factored into the price of the land if it were to be closed; the Director Development & Infrastructure Services confirmed that such costs would be included in the purchase price.*

*A Councillor asked if the cost and options of available lighting could be sought. The Director Development & Infrastructure Services offered to obtain these prior to the Ordinary Council Meeting.*

*A Councillor asked for confirmation that most of the anti-social behaviour was associated with the close proximity of the Hotel; he noted that if this access is closed then disruptive people may need to walk further and consequently disturb more residents. The Director Development & Infrastructure suggested that the Shire could approach the Licensee of the hotel or even the Liquor Licencing Board to see if some responsibility could be taken by the Licensee.*

*A Councillor wondered if any security cameras could be fitted and whether there may be any government grants that could be investigated for this purpose. The Director Development & Infrastructure Services indicated he would look into this and provide some information for the Ordinary Council Meeting.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 69/2013)**

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way abutting Lots 10 (451) and 12 (543) Kalamunda Road, High Wycombe, not be supported as it is considered to be of importance in the local pedestrian network.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Martyn Cresswell**

Vote:	<b><u>For</u></b>	<b><u>Against</u></b>
	<b>Cr Frank Lindsey</b>	<b>Cr Geoff Stallard</b>
	<b>Cr Allan Morton</b>	<b>Cr Justin Whitten</b>
	<b>Cr Noreen Townsend</b>	<b>Cr Dylan O'Connor</b>
	<b>Cr Martyn Cresswell</b>	<b>Cr Sue Bilich</b>
	<b>Cr Bob Emery</b>	
	<b>Cr Margaret Thomas</b>	

**CARRIED (6/4)**

**Attachment 01**

Proposed Pedestrian Access Way Closure – Kalamunda Road and Hulley Place, High Wycombe

**Photograph of the Pedestrian Access Way from Hulley Place**



**Attachment 02**

Proposed Pedestrian Access Way Closure – Kalamunda Road and Hulley Place, High Wycombe

**Photograph of the Pedestrian Access Way from Kalamunda Road**



**Attachment 03**

Proposed Pedestrian Access Way Closure – Kalamunda Road and Hulley Place, High Wycombe

**Photograph of the Pedestrian Access Way from Hulley Place**

Submission		Details	Comments
1.	S Downham 13 Hulley Place HIGH WYCOMBE WA 6057	Object to the Proposal  This short cut saves me using my car when shopping. It's also ideal for my wheelchair bound mother who stays with me.	Noted.
2.	W English PO Box 205 MORAWA WA 6623	Object to the Proposal	Noted.
3.	T Knight PO Box 205 MORAWA WA 6623	Object to the Proposal	Noted.
4.	A Riekie 13 Hulley Place HIGH WYCOMBE WA 6057	Object to the Proposal  a) The PAW was one of the main reasons we purchased our house in this street.  b) Having close access to the shops has proven convenient and I have saved on my car usage. What is a five minute trip will become a lot longer and more difficult if the PAW is closed.  c) The alley gets used quite a lot and I think closing it will affect quite a few people. I strongly urge that it not be closed.	a) Noted.  b) Noted.  c) The PAW was inspected late afternoon on a week day and school children were using it.

5.	ATCO Gas Australia 12-14 The Esplanade PERTH WA 6000	No Objection  ATCO Gas Australia have no existing or proposed gas infrastructure within the PAW. We have no objection to the closure.	Noted.
6.	T & S Davis 19 Hulley Place HIGH WYCOMBE WA 6057	No Objection  a) We will be pleased to see the closure of the PAW as it looks like a rubbish dump, with McDonald's rubbish which always ends in our garden.  b) Those who walk through this PAW always tip our rubbish bins over and use foul language in our front yard.	a) Noted.  b) Noted.
7.	C Wigmore 6 Vidler Street CLOVERDALE WA 6105	No Objection  I believe these access ways are problematic for adjoining properties and land owners.	Noted.
8. 2	A Anderson 11 Hulley Road HIGH WYCOMBE WA 6057	No Objection  My husband and I have had many late night experiences involving drunk people coming down the street at all hours. This is not good for families and we would appreciate if the lane was closed.	Noted.
9.	G Oma 6 Vidler Street CLOVERDALE WA 6105	No Objection	Noted.

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10.	G & C West 545 Kalamunda Road HIGH WYCOMBE WA 6057	No Objection  The rate payers in the vicinity of this PAW have wanted this closed for over thirty years, as we are sick of the people that stay in there drinking, doing drugs, vandalising, breaking into houses/cars, making noise and just being a nuisance. If this PAW is closed it will save a lot of problems in the future.	Noted.
11.	M Grgich 541 Kalamunda Road HIGH WYCOMBE WA 6057	No Objection  Will be happy to see the PAW closed to stop the rubbish and bottles being dumped, broken fences, graffiti, fights and antisocial behaviour.	Noted.
12.	E Gill 21 Hulley Place HIGH WYCOMBE WA 6057	No Objection  Since the hotel opened on Kalamunda Road, Friday and Saturday nights have been a nightmare for the people in Hulley Road/Place. The house across from me was vandalised eight times during renovations and the owners ended up selling the house as they didn't want to live on the street. My next door neighbours selling their house for the same reason. Please do the right thing by us and close the PAW.	Noted.



13.	A Brand 543 Kalamunda Road HIGH WYCOMBE WA 6057	No Objection  Closure of the PAW will provide safety to surrounding properties, less damage to properties and will stop it being used as a garbage bin – McDonald rubbish, broken pint glasses from the Tavern and empty cans and bottles from Thirsty Camel. This is purely a security and safety reason for us.	Noted.
14.	S & T Audsley 551 Kalamunda Road HIGH WYCOMBE WA 6057	No Objection	Noted.
15.	J Otto PO Box 983 KALAMUNDA WA 6076	No Objection	Noted.
16.	Water Corporation 629 Newcastle Street LEEDERVILLE WA 6007	Please be advised there is a 100CI water main located within the PAW that will be affected by the proposed closure. The asset however can be cut and capped for the closure to take place with all costs associated with the works to be met by the applicant.	Noted.
17.	Telstra Plan Services Level 18, 275 George Street BRISBANE QLD 4000	No Objection with conditions.  Telstra's plant records indicate that there are Telstra assets in the vicinity. Subject to your compliance with the below conditions, Telstra have no objections to the proposed closure;  - Telstra's plant records only indicate an approximate location of the Telstra assets and 'Dial Before you Dig' must be contacted for a detailed site plan and a list of Telstra Accredited plant Locators to establish the exact location of Telstra assets.	Noted.

		<ul style="list-style-type: none"><li>- In the event Telstra's assets require relocation, please engage Telstra's asset relocation team to obtain a quote to relocate the assets from the location in question. This would be carried out at your cost, however the relocation would ensure that the land/s and its projected use would not be hindered or restricted by easements.</li> <li>- Telstra would also appreciate due confirmation when this proposed acquisition proceeds so as to update its Cadastre records. Information regarding acquisition of the land would be of benefit to us and should be directed to 'Telstra – Cadastre Updates, PO Box 102, Toormina NSW 2452'</li></ul>	
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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**70. Petition - Request for Footpath along Sadler Drive, Maida Vale**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Operations Infrastructure
File Reference	SD-02/GEN
Applicant	Graham Rankin
Owner	
Attachment 1	Letter of request
Attachment 2	Copy of Petition

**PURPOSE**

1. To consider the petition shown in (Attachment 2) that was presented at the Development & Infrastructure Services Committee meeting on 9 September 2013.
2. The petition requests the installation of a new footpath along Sadler Drive between Ridge Hill Road, Gooseberry Hill and Midland Road, Maida Vale.
3. A cover letter provided with the petition further asks that, if the footpath is 'not forthcoming in the immediate future' consideration is given to installing speed humps, even if on a trial basis, to deter speeding and traffic along this road.

**BACKGROUND**

4. A petition containing 25 signatures from residents along Sadler Drive and further surrounding areas was tabled at the Development & Infrastructure Services Committee meeting on 9 September 2013 for the installation of a new concrete pathway along Sadler Drive.
5. The Shire receives many requests each year to construct new footpaths including replacement of existing paths. These requests are prioritised based on various factors including existing footpath condition (if applicable), proximity to various land uses (such as schools, shopping centres etc.), expected type of users (e.g. school students, elderly, disabled), adjacent traffic volumes and road geometry.

6. **Locality Plan**



**DETAILS**

7. Main Roads consider that the posted speed limit in this area conforms to the 50km/h for built up areas. This is defined by the regular spacing of properties along with street lighting.
8. The Shire's traffic count data (October 2011) shows that 1,075 vehicles per day use Sadler Drive with an operating speed of 59.4km/h. Traffic data is valid for up to three years on this road.
9. The road environment, including chicanes, blister islands and median treatments along sections of this road assists with reducing the speed of vehicles on Sadler Road.
10. Sadler Drive has no recorded pedestrian or vehicle crashes along its length for the five year period prior to December 2012.
11. The total cost for the construction of 1.8m wide footpath along Sadler Drive from Ridge Hill Road, Gooseberry Hill to Midland Road, Maida Vale is \$215,000.

**STATUTORY AND LEGAL CONSIDERATIONS**

12. Nil.

**POLICY CONSIDERATIONS**

13. Asset Management Policy – ENG 15.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

14. The petitioner will be notified of Council's decision.

## FINANCIAL CONSIDERATION

15. The Shire's current Long Term Financial Plan has been developed in line with Principal 7 of the Asset Management Policy: Renew before New.
16. The current Long Term Financial Plan for installation of new footpaths has \$132,000 allocated for 2014/2015 and \$102,000 for each subsequent year through to 2022/2023.
17. The total cost for the construction of 1.8m wide footpath along Sadler Drive from Ridge Hill Road, Gooseberry Hill to Midland Road, Maida Vale is \$215,000.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.6 – To ensure the optimal management of assets delivers continuity of services to the community.

Strategy 4.6.2                      Develop financially stable funding models to ensure the Shire can adequately fund its asset plans.

OBJECTIVE 4.7 – To ensure the selection, maintenance, inspection, renewal and disposal of all categories of assets within the Shire is managed efficiently.

Strategy 4.7.1                      Maintain, refurbish or upgrade existing infrastructure, including public buildings parks, reserves, local roads, footpaths, cycle ways, verges and drainage networks to encourage increased utilisation and extension of asset life.

## SUSTAINABILITY

### Social Implications

19. The installation of a footpath in Sadler Road would provide pedestrians with access to a safe means to travel.
20. There are no significant pedestrian generators or destinations within the area of Sadler Road, therefore this path would generally be used for recreation purposes and be low use.

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### Economic Implications

21. The cost of the installation of footpath in Sadler Road exceeds the annual budget available for new footpaths. On this basis, the installation would need to be staged.
22. There is limited opportunity for external funding of this footpath.

### Environmental Implications

23. The installation of a new footpath along Sadler Drive would require some minor clearing of native trees and vegetation from within the road verge area.

### RISK MANAGEMENT CONSIDERATONS

24.

Risk	Likelihood	Consequence	Action/Strategy
Vehicle Crash	Possible	Minor	Undertake traffic count to monitor vehicle travel speeds and review road environment. Review existing street lighting in Sadler Drive and consider including future upgrades into the Shire's forward plan, to be ranked in priority order.
Pedestrian Crash	Possible	Major	Evaluate path project, and include in the Shire's forward plan, to be ranked in priority order.

25. The traffic management treatments that have been installed in Sadler Drive are appropriate for this road environment and traffic travel speed. These treatments have reduced the traffic travel speed and therefore reduce the likelihood and severity of a traffic crash along this road.
26. The street lighting along this section of Sadler Drive may not meet the Australian Standards surrounding the existing traffic management treatments. This is consistent with other traffic management treatments within the Shire, and each will be reviewed and included into the Shire's forward plan for future lighting upgrade.

### OFFICER COMMENT

27. Evaluation and prioritising of specific new footpaths for inclusion into the Shire's Long Term Financial Plan in line with the current funding allocations has not yet been completed.

28. The request will be competing against many other requests for new footpaths within the Shire along with many existing footpaths that require replacement as they are approaching the end of their maintainable life.
29. Priority should be given to those projects where there may be opportunity for funding through programs such as the Department of Transport Perth Bike Network Grants Program. Sadler Drive would not be a project that would rank highly for any funding opportunities.
30. The existing traffic management treatments have been assessed as sufficient to meet the technical requirements of the road environment.
31. There are no records of accidents or incidents along this stretch of road.

*Ms Felicity Loomes spoke against the Recommendation.*

*A Councillor asked Ms Loomes if there are many elderly people or people with young children wishing to use that particular stretch of road. Ms Loomes confirmed there seems to be an increasing number of people in the area who are restricted by the lack of footpath.*

*A Councillor queried if clearing a pathway with a bob-cat could present the Shire with any insurance concerns, the Director Development & Infrastructure noted that he will investigate as this may be an option that could be considered until the Shire is able to build a footpath, the insurance issue will need to be investigated, however, he did not believe it would be a problem.*

<b>Voting Requirements: Simple Majority</b>
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#### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 70/2013)**

That Council:

1. Advises the petitioner that:
  - a. The request for installation of a new footpath along Sadler Drive between Ridge Hill Road, Gooseberry Hill and Midland Road, Maida Vale will be considered for inclusion into the Shire's Long Term Financial Plan at its next review in mid-2014.
  - b. The main criteria for assessing priority are whether it completes a link in the path network, pedestrian volumes, proximity to pedestrian generators (eg shops, schools and sports grounds) and whether external funding is available.
  - c. The installation of speed humps is not recommended as it is considered that the current devices are adequate.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

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

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**Attachment 01**

21 Sadler Drive  
Maida Vale 6057  
20th August 2013

Kalamunda Shire Council  
2 Railway Road  
Kalamunda

Dear Sir/Madam,

Please find attached a petition calling for a footpath to be installed along Sadler Drive Maida Vale.

Having recently spoken to Craig Fitzgerald of the shire we know that a footpath would be given due consideration on the list of future council projects.

Obviously this means a few years of waiting time before our request can be met.

The traffic on Sadler Drive has increased markedly in the last few years. Some years ago the then councillor Elizabeth Taylor assisted us in having chicanes installed to help slow traffic and maybe divert traffic to Ridge Hill and Midland roads. These roads are much safer and better designed to handle the volume. They both have footpaths. Somehow Sadler Drive appears to be a "short cut" to some motorists travelling from Kalamunda and Gooseberry Hill through to Midland. All the chicanes have done is prevent high speed overtaking.

If a footpath is not forthcoming in the immediate future could some consideration be given to speed humps?

Pedestrian traffic is also increasing with many people including mums with prams using the road and walkers and cyclists. .

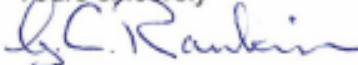
When chicanes were installed we were given the choice of having speed humps but the council in their wisdom decided on the more expensive option of chicanes.

We could spend more time on collecting signatures for our petition but it seems pointless given the heavy backlog of council projects.

We trust the council will consider our request for speed humps, even if on a trial basis. In the interest of safety anything is worth trying.

Thank you for your consideration and we look forward to a positive outcome.

Yours sincerely



Graham Rankin



**Attachment 02**

**Petition to the Shire of Kalamunda**

**Request for footpath Sadler Drive - Maida Vale**

We the undersigned, residents and ratepayers of the Shire of Kalamunda, formally petition the Shire:

To urgently install a footpath the length of Sadler Drive Maida Vale. Residents of the Shire are being forced to walk on the roadway on an extremely busy thoroughfare that has become a short cut between Kalamunda and Midland and is which is carrying an excessive amount of high speed vehicles.

<u>Name</u> (please print)	<u>Address</u> (please print)	<u>Signature</u>
Felicity Loomes	5 Moonglow Rise Maida Vale	<i>F Loomes</i>
Liana Wilson	5 Moonglow Rise M. Vale	<i>L Wilson</i>
MAY WILSON	5 Moonglow Rise Maida Vale	<i>M Wilson</i>
CAROLYN LOOMES	5 MOONGLOW RISE MAIDAVALE	<i>C Loomes</i>
WARREN RANKIN	8 Margaret Row <sup>HIGH</sup> Maida Vale	<i>W Rankin</i>
GRAHAM RANKIN	21 SADLER DR MAIDAVALE	<i>G Rankin</i>
ELISON SARKIS	39 BERRY DR MIDLAND VALE	<i>E Sarkis</i>
JOHN SHERRE	39 BERRY DRIVE MAIDAVALE	<i>J Sherre</i>
Bobbie Rankin	21 Sadler Drive Maida Vale	<i>R &amp; Rankin</i>
Wendy Robson Ward	16 Sadler Drive CH	<i>W Robson</i>
MARGARET SPANAKI	20 SADLER DR CH	<i>M Spanaki</i>
Luke McDonald	35 SADLER DR	<i>L McDonald</i>
H & L BRACKER	15 SUNRISE HEIGHTS	<i>H &amp; L Bracker</i>
Jane & David Gerkiner	23 Sadler Drive	<i>J &amp; D Gerkiner</i>
Celly O'Kane	16 Sunrise Hts.	<i>C. O'Kane</i>
Darrell Woolley	33 SCENIC DRIVE	<i>D Woolley</i>
Lillian Winning	21 Melaway Drive	<i>L Winning</i>
JOHN WINNING	21 Melaway Drive	<i>J Winning</i>
LYNNE WATSON	3 CHERRY GROVE	<i>L Watson</i>

Total number of Petitioners on this page =

## Petition to the Shire of Kalamunda

### Request for footpath - Sadler Drive Maida Vale

We the undersigned, residents and ratepayers of the Shire of Kalamunda, formally petition the Shire:

To urgently install a footpath the length of Sadler Drive Maida Vale. Residents of the Shire are being forced to walk on the roadway on an extremely busy thoroughfare that has become a short cut between Kalamunda and Midland and is which is carrying an excessive amount of high speed vehicles.

<u>Name</u> (please print)	<u>Address</u> (please print)	<u>Signature</u>
Yvette Basioli	25 Hawkvalley Crescent MtV	yvasioli
Michael Basioli	25 Hawkvalley Crescent MtV	M Basioli
Karenna Waters	49 Garry Drive Maida Vale	K Waters
Malissa Smedley	21 Amethyst Pl Maida Vale	M Smedley
Warren Smedley	21 Amethyst Pl Maida Vale	W Smedley
RUKHI HOLLIER	17 Babbler Cr Maida Vale	R Hollier

Total number of Petitioners on this page =

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

**71. Amendment No. 58 to Local Planning Scheme No. 3 – Modifications to the Commercial Vehicle Parking Requirements, Land Use Definitions and the Zoning Table**

Previous Items	OCM 68/2013
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 (Table 1)

**PURPOSE**

1. To consider whether to adopt Amendment No. 58 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, the issue has been about differentiating between those landowners who simply wish to park their commercial vehicle on the property and those seeking to park their commercial vehicle as part of a business operating from the property which, in most instances, is prohibited.
5. More recently, matters relating to approval and compliance associated 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.

- 
- What constitutes as being the use Commercial Vehicle Parking or 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 (“Policy”) and how the issues raised could be reflected in changes to the Scheme and Policy.
7. In September 2013, Council resolved to adopt modified Local Planning Policy DEV 22 – Parking of Commercial Vehicles on Private Property.
8. In June 2013, Council resolved (Resolution OCM 68/2013) to initiate Amendment No. 58 to the Scheme.

## DETAILS

9. Based on the legal advice obtained, it is proposed that Zoning Table 1 (Table 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 be generally in accordance with the Commercial Vehicle Parking Local Planning Policy.
  - The minimum weight being reduced from 3.5 tonnes to 1.5 tonnes.
  - 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 in determining whether a vehicle has been parked on a property for more than two 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 Zoning Table 1 (Table 1), 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 Commercial vehicle parking is prohibited in residential areas or Urban Development zones coded R20 and above.*
- 5.20.3 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.*
- 5.20.4 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.*
- 5.20.5 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.*
- 5.20.6 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.*
- 5.20.7 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.”*

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## STATUTORY AND LEGAL IMPLICATIONS

10. 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.

11. 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.”*

12. 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

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

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## COMMUNITY ENGAGEMENT REQUIREMENTS

14. 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.
15. During the advertising period no submissions were received.

## FINANCIAL CONSIDERATION

16. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing: Strategic Community Plan to 2023*  
  
OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.  
  
Strategy 4.3.1      Provide efficient building and development approval services to the community.

## SUSTAINABILITY

### Social Implications

18. 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

19. Nil.

### Environmental Implications

20. Nil.

## RISK MANAGEMENT CONSIDERATIONS

21. Nil.

## OFFICER COMMENT

22. 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.

23. If the amendment is approved prime movers, trucks, buses or earth moving equipment which are greater than 1.5 tonnes which are currently being parked on private property, will require retrospective planning approval from the Shire to continue to park on site.

*A New Officer Recommendation had been circulated to Councillors prior to the meeting including a point 5.20.8.*

*A Councillor queried why a distinction had not been drawn between parking a vehicle on Residential land as oppose to Rural land. The Manager Development Services noted that in the revised Scheme Amendment a definition had been included for parking a Commercial Vehicle in a Rural Area as distinct from parking a commercial vehicle generally.*

*A Councillor asked if truck owners who this will affect will be given notice regarding the changes, the Director Development & Infrastructure Services confirmed they would.*

*A Councillor was concerned that truck drivers who park illegally in residential areas would not know about the changes and wondered how they could be advised. The Director Development & Infrastructure Services said an advertisement could be placed in local papers. He also confirmed that current permits would continue whilst the same truck was owned.*

<b>Voting Requirements: Simple Majority</b>
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### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 71/2013)**

That Council:

1. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 58</p>
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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 Commercial vehicle parking is prohibited in residential areas or Urban Development zones coded R20 and above.*

*5.20.3 Approval under Cause 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.*

*5.20.4 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.*

*5.20.5 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, Causes 9.4.3 to 9.4.6 of the Scheme apply.*

*5.20.6 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.*

*5.20.7 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."*

***5.20.8 Council may revoke any approval granted for parking a commercial vehicle(s) if there is a failure to comply with any condition of the 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 is limited to the following vehicles above that mass:

- (a) 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.

2. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting final approval be granted.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

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

**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.

**72. Amendment to Local Planning Scheme No. 3 – Rezone from Residential to Commercial - Lot 24 (518), 25 (516) and 26 (514) Kalamunda Road, High Wycombe**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	PG-LPS-003
Applicant	Urbis
Owners	Shire of Kalamunda, P Munro and V, E and E Ferritto
Attachment 1	Existing and Proposed Scheme Zoning Maps
Attachment 2	Concept Plan

**PURPOSE**

1. To consider whether to initiate an Amendment to Local Planning Scheme No. 3 (“the Scheme”) to rezone Lots 24 (518), 25 (516) and 26 (514) Kalamunda Road, High Wycombe, from Residential to Commercial. Refer to (Attachment 1).

**BACKGROUND**

2. **Land Details:**

Aggregate Land Area:	3,036sqm
Local Planning Scheme Zone:	Residential R25
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**



- 
4. The properties 516 and 518 Kalamunda Road are privately owned and contain single dwellings and associated outbuildings, whilst 514 Kalamunda Road is vacant and is owned by the Shire.
  5. The adjoining property contains the High Wycombe Shopping Centre and associated car parking which are zoned Special Use.
  6. The Shire has granted the purchase of 514 Kalamunda Road subject to provisions under a deed of agreement with the potential purchaser (Seldon), requiring the following to occur prior to settlement:

*"Prior to settlement under the Contract the Shire will at the written request of Seldon sign applications to rezone the Property to "commercial" so as to permit fast food and for development approval for the property in relation to change of use for fast food and construction of a fast food store and ancillary infrastructure."*

## **DETAILS**

7. It is proposed to rezone the properties from Residential R25 to Commercial, to allow for a fast food outlet to be considered on 514 and 516 Kalamunda Road should the amendment be approved. Refer to the Concept Plan (Attachment 2).
8. Whilst 518 Kalamunda Road is included in the amendment it is not proposed to be redeveloped as part of the fast food outlet proposal as it is under different ownership not involved in the proposed purchase of 514 Kalamunda Road from the Shire.
9. The Shire has requested that 518 Kalamunda Road be included in the proposed amendment so that its zoning is consistent with that of the adjoining properties.
10. By way of justification in support of the proposed amendment, the applicant has advised the following:

*"The proposed rezoning will form a "rounding off" of uses for the shopping centre and therefore encourage a coordinated and integrated development of the High Wycombe town centre."*

## **STATUTORY AND LEGAL IMPLICATIONS**

11. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
12. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.

- 
13. Clause 4.2.3 (Objectives of the Zones – Commercial) of the Scheme stipulates that the following are objectives of the Commercial zoning:
- To serve the needs of a localised area in providing for local shopping facilities, business, professional, civic, cultural, medical and other health related services.
  - To ensure that development is designed to be compatible with nearby uses and zones particularly Residential zones.
14. If the amendment is approved by the Minister for Planning a planning application will be required to be approved by the Shire prior to the proposed fast food outlet being constructed.

## **POLICY IMPLICATIONS**

### **State Planning Policy 4.2 – Activity Centres for Perth and Peel**

15. The main purpose of State Planning Policy 4.2 – Activity Centres for Perth and Peel (“Policy”) is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing activity centres in Perth and Peel.
16. The Policy is mainly focused on the distribution, function, broad land use and urban design criteria of activity centres and the coordination of land use and infrastructure planning.
17. The High Wycombe Shopping Centre adjoining the properties is deemed to be a neighbourhood centre under the Policy, providing for a mix of land uses. A fast food outlet would assist in providing a mix of uses near to the centre, along with satisfying the following objectives of the Policy:
- Encouraging a wide range of uses to promote competition.
  - Achieve land use diversity to minimise travel for the local population.
  - Providing for local employment and the achievement of self-sufficient targets.
  - The siting of land uses which have a high trip generation within centres.
  - To provide for land uses which operate outside normal business hours, providing after-hours activity and surveillance.

### **Local Planning Strategy**

18. The Local Planning Strategy (“Strategy”) outlines the Shire’s strategic planning direction to the year 2031 and sets out the direction for economic, social and environmentally sustainable development based on a comprehensive analysis of State, regional and local planning issues and objectives.

- 
19. The Strategy outlines the following key visions, amongst others:
- Increase the local employment base.
  - Ensure centres are capable of meeting a range of local community needs and are appropriately integrated with local community facilities.
  - Have regard to the interface between centres and adjoining communities in regard to design, traffic, parking, noise and lighting.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

20. 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.
21. 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 CONSIDERATION**

22. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

23. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.
- Strategy 4.3.1            Provide efficient building and development approval services to the community.

## **SUSTAINABILITY**

### **Social Implications**

24. Matters relating to potential traffic, car parking, noise and odour issues will be dealt with at the development application stage if the amendment is approved.

### **Economic Implications**

25. Approval of the amendment and subsequent fast food outlet will provide more employment opportunities for the local population.

## Environmental Implications

26. Nil.

## RISK MANAGEMENT CONSIDERATIONS

27.

Risk	Likelihood	Consequence	Action/Strategy
Council may resolve not to initiate the amendment	Low	High	Ensure Council is aware that the proposal is compliant with the Scheme, the Strategy and the Policy.

## OFFICER COMMENT

28. The amendment, and the subsequent development proposed, complies with the objectives of the Scheme, the Strategy and the Policy.

29. Matters relating to potential traffic, car parking, noise and odour issues will be dealt with at the development application stage if the amendment is approved.

### Voting Requirements: Simple Majority

## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 72/2013)

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) Rezoning Lot 24 (518), 25 (516) and 26 (514) Kalamunda Road, High Wycombe, from Residential to Commercial.

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



2.            Advises the applicant that the concept plan for the proposed fast food outlet does not form part of this amendment and will be considered on its merit if the amendment is approved and when a subsequent planning application is received.

Moved:        **Cr Dylan O'Connor**

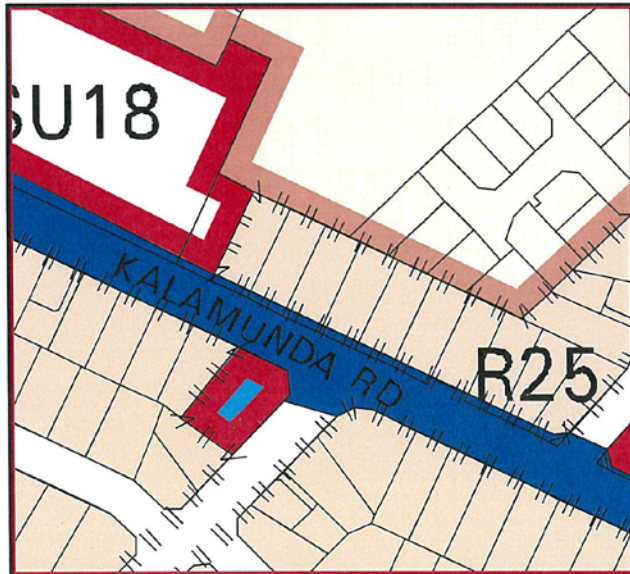
Seconded:    **Cr Bob Emery**

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

### Attachment 01

Amendment to Local Planning Scheme No. 3 – Rezone from Residential to Commercial  
Lot 24 (518), 25 (516) and 26 (514) Kalamunda Road, High Wycombe

### Existing and Proposed Scheme Zoning Maps



EXISTING ZONING



PROPOSED ZONING

#### LEGEND




##### METROPOLITAN REGION SCHEME RESERVES

 OTHER REGIONAL ROADS

##### ZONES

-  RESIDENTIAL
-  URBAN DEVELOPMENT
-  COMMERCIAL
-  SERVICE STATION

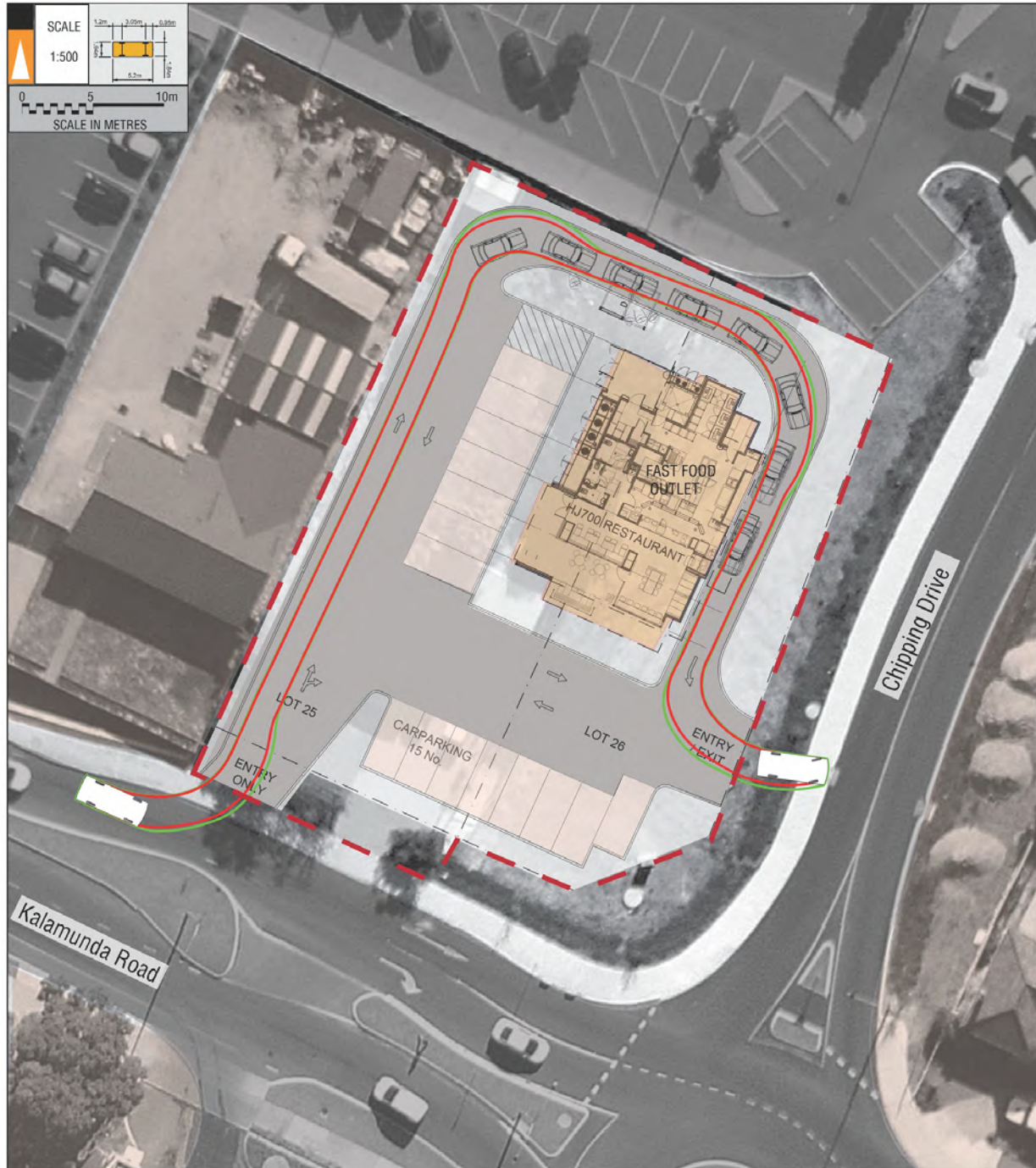
##### OTHER

-  R CODES
-  SPECIAL USE AREA (SEE SCHEME TEXT)
-  NO ZONE

## Attachment 02

Amendment to Local Planning Scheme No. 3 – Rezone from Residential to Commercial  
Lot 24 (518), 25 (516) and 26 (514) Kalamunda Road, High Wycombe

### Concept Plan



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

**73. Eight Multiple Dwellings – Lot 29 (1) Bluebell Avenue, High Wycombe**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	BL-17/001
Applicant	Amano Homes
Owner	Leisure Time Pty Ltd
Attachment 1	Site Plan
Attachment 2	Landscape Plan
Attachment 3	Elevations for Building A
Attachment 4	Floor Plans for Building A
Attachment 5	Elevations for Building B
Attachment 6	Floor Plans for Building B
Attachment 7	Streetscape Elevations
Attachment 8	Overshadowing Diagram

**PURPOSE**

1. To consider a planning application to build eight multiple dwellings at Lot 29 (1) Bluebell Avenue, High Wycombe. Refer to (Attachments 1 to 8).

**BACKGROUND**

2. **Land Details:**

Land Area:	897sqm
Local Planning Scheme Zone:	Urban Development (R40)
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

- 3.



4. The subject property is vacant, on the corner of Bluebell Avenue and Maida Vale Road, and falls within the High Wycombe U4 Structure Plan. The property adjoining the east boundary (41 Bluebell Avenue) is under the same ownership.
5. Surrounding properties are either vacant or contain single storey dwellings and are also zoned Urban Development with a density coding of R20 or R40 under Local Planning Scheme No. 3 ("the Scheme").
6. As the use Multiple Dwellings is a use not listed under Table 1 (Zoning Table) of the Scheme the application is required to be determined by Council.

## **DETAILS**

7. Details of the application are as follows:
  - Two double storey residential buildings are proposed to be built both containing four units.
  - The units are proposed to contain two bedrooms each with individual floor areas of 63sqm.
  - Access to the dwellings is proposed via a common property, which has been designed so that vehicles can enter and leave the property in forward gear, and allow for the two way movement of vehicles on site.
  - Eight car spaces are proposed on site for the tenants, and two spaces for visitors.
  - Four bicycle parking spaces are proposed on site for tenants and visitors.
  - Storerooms, 4sqm in area, are proposed to be available for each tenancy.
  - A screened communal clothes drying area and bin storage area are proposed.
  - The energy efficiency of the proposed development will be taken into consideration at the building application stage.

## **STATUTORY AND LEGAL IMPLICATIONS**

### **Local Planning Scheme No. 3**

8. Under the Zoning Table (Table 1) of the Scheme the use "Multiple Dwellings" is a use not listed.
9. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot be reasonably determined as falling within the type, class or genus of activity of any other use category, the local government may:
  - a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted.

- 
- b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of Clause 9.4 in considering an application for planning approval.
- c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
10. Clause 4.2.1 of the Scheme (Objectives of the Zone – Urban Development) includes 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.
11. 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 number of matters, including:
- The compatibility of the development within its settings.
  - 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 State Planning Policy.
  - Any relevant submissions received on the application.
12. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

## **STRATEGIC PLANNING IMPLICATIONS**

### **Local Planning Strategy**

13. The Local Planning Strategy (“LPS”) recommends a population growth scenario of the Shire which will increase by 25,000 by 2031, with the potential to accommodate population growth to 80,000 within this timeframe.
14. Objectives of the LPS include providing appropriate density housing to:
- Provide a range of housing options.
  - Encourage compact housing within walking distance of the town centre and commercial hubs.

## POLICY IMPLICATIONS

### Residential Design Codes

15. An objective of the 2013 Residential Design Codes (“the R-Codes”) is to facilitate residential development which offers residents the opportunities for better living choices and affordability.
16. Under Appendix 1 (Definitions) of the R-Codes, the use “Multiple Dwellings” is defined as:  
*“A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is wholly or predominantly vertically above part of any other.”*
17. The R-Codes allow multiple dwellings to be considered on properties with a density coding of R40, which is a medium density coding.
18. The R-Code requirements for Multiple Dwellings on properties zoned Residential R40 are the following:

Site Requirements	Required	Proposed
Maximum Plot Ratio	0.6	0.56
Minimum Open Space	45%	65%
Primary street setback	4m or satisfy the Design Principles of the R-Codes.	Multiple Dwellings - 4m Carports – 3m
Side and rear setbacks (walls with major openings) Wall Height of up to 6m and Wall Length of 9m or Less	1.5m	2.4m
Side and rear setbacks (walls with no major openings) Wall Height of up to 3.5m and Wall Length of 9m or Less	1m or satisfy the Design Principles.	1.3m
Maximum Building Height: - Top of External Wall - Top of Pitched Roof	6m 9m	5.4m 7.2m
Enclosed, lockable storage areas with a minimum dimension of 1.5m and an internal area of at least 4sqm for each multiple dwelling.	8 storerooms minimum	8

Site Requirements	Required	Proposed
Visual privacy setbacks (where active habitable spaces have a floor area more than 0.5m above natural ground level):		
Bedrooms	4.5m or 1.6m high screening or fixed obscure glazing	5.7m
Balconies	7.5m or 1.6m high screening	3m and 1.6m high obscure glazed screening
Habitable rooms other than bedrooms	6m or 1.6m high screening or fixed obscure glazing	2.5m and 1.6m high window sills with fixed obscure glazing beneath.
Overshadowing	On adjoining properties coded R25 or lower – 25% maximum.  On adjoining properties coded R30 to R40 inclusive – 35% maximum.	3 Bluebell Avenue (R20) – 22.5%  37 Bluebell Avenue (R20) – 5% 39 Bluebell Avenue (R20) – 6.6%  41 Bluebell Avenue (R40) – 0%

19. Clause 6.1.3 (Street Setback) of the R-Codes stipulates that buildings can be setback closer to the primary street boundary where its appropriate to the location, respecting the adjoining development and existing streetscape; and facilitate the provision of protection from the weather.
20. Clause 6.2.1 (Street Surveillance) of the R-Codes stipulates that where entry points to dwellings are not visible and accessed from the street, as an alternative buildings can just have habitable room windows or balconies facing the street.



21. Clause 6.4.6 (Building Siting and Design) of the R-Codes stipulates that multiple dwelling developments are to be provided with an adequate communal area set aside for clothes drying, screened from the primary street.
22. The R-Code car parking requirements for Multiple Dwellings on properties zoned Residential R40 or greater, and not within 250m of a high frequency bus route, are the following:

Size of Dwelling	Required	Proposed
Small (up to 75sqm or 1 bedroom)	0.75 per dwelling = 6 car spaces	8 car spaces
Visitors	0.25 per dwelling minimum = 2 car spaces	2 car spaces

23. Clause 2.5.4 of the R-Codes stipulates that a Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the Scheme or a local planning policy.
24. Appendix 1 (Definitions) of the R-Codes, habitable rooms are defined as being the following:

*"A room used for normal domestic activities that includes:*

- *A bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully enclosed swimming pool or patio, but excludes;*
- *A bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods."*

25. The Explanatory Guidelines of the R-Codes stipulate that the appropriateness of a particular development form for a site can be identified, based upon the existing and likely future development in the locality.

### ***Directions 2031 and Beyond***

26. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.

- 
27. The objectives of *Directions 2031 and Beyond* include the following:
- Reducing greenhouse gas emissions.
  - Developing and revitalising activity centres as attractive places in which to invest, live and work.
  - Ensuring that economic development and accessibility to employment inform urban expansion.
  - Encourage reduced vehicle use.
  - Provide high standards of affordable and diverse housing forms.

### **Liveable Neighbourhoods**

28. Liveable Neighbourhoods is a State Government sustainable cities initiative which aims to:
- Increase support for efficiency, walking and cycling.
  - Achieve more compact and sustainable urban communities.
  - To provide a variety of housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

29. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clauses 9.4.1 and 9.4.3 of the Scheme. During advertising no submissions were received.

### **FINANCIAL CONSIDERATION**

30. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

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

OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 Provide efficient building and development approval services to the community.

Strategy 4.3.5 Incorporate best practice principles for designing out crime and encourage private developers and owners to do the same.

---

## SUSTAINABILITY

### Social Implications

32. Impacts the multiple dwellings may have on the amenity of the local area will be addressed through the inclusion of conditions. These relate to the maintenance of the proposed landscaping and screening along the edge of the balconies facing the adjoining properties. Importantly the proposal will provide for a different form of housing choice, which will attract a different demographic to the area.

### Economic Implications

33. Nil.

### Environmental Implications

34. Nil.

## RISK MANAGEMENT CONSIDERATIONS

35.

Risk	Likelihood	Consequence	Action/Strategy
Council may resolve not to support the proposal.	Low	High	Ensure Council is aware that the proposal is compliant with the Scheme, R Codes, the Policy, the LPS and the Draft LHS.

## OFFICER COMMENT

36. The proposal complies with the Scheme, the R-Codes, the Liveable Neighbourhoods document, and *Directions 2031 and Beyond*.
37. From a planning perspective the proposed development is considered to be appropriate for the locality for the following reasons:
- The R-Codes allow medium density development such as multiple dwellings to be considered on properties zoned Residential R30 or R40.
  - The development is providing for a different housing type on a bus route along Maida Vale Road. The development will also assist with accommodating the increase in local population and offer housing choice aside from single bedroom and aged person dwellings. It can also be argued that the provision of two bedroom units will offer the opportunity for more housing choice.

- The built form of the development from a streetscape perspective is the same as a two storey single or grouped dwelling.

44. It is noted that Council has previously approved similar multiple dwelling developments elsewhere in the Shire. The move towards this form of housing suggests a demand for housing choice.

*A New Officer Recommendation had been circulated to Councillors prior to the meeting with the inclusion of Point k.*

<b>Voting Requirements: Simple Majority</b>
---

### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 73/2013)**

That Council:

1. Determines that the use is consistent with the objectives of the particular zone and is therefore permitted.
2. Approves the application dated 12 August 2013 to build eight multiple dwellings at Lot 29 (1) Bluebell Avenue, subject to the following conditions:
  - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
  - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
  - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - d. Balcony screening being maintained by the unit owner/s or the Strata Management Group to the Shire's satisfaction.
  - e. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the satisfaction of the Shire.
  - f. Stormwater being contained on site to the satisfaction of the Shire.
  - g. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
  - h. The development shall be connected to reticulated sewer.
  - i. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.

j. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:

- Construction Workers' Parking
- Material's Delivery and Storage
- Worker's Toilets

To the satisfaction of the Shire, prior to the commencement of the construction.

k. **An amended landscape plan being submitted to and approved by the Shire prior to the building licence being issued, which shows street trees being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the satisfaction of the Shire.**

Moved: **Cr Noreen Townsend**

Seconded: **Cr Bob Emery**

Vote:

**For**

**Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Noreen Townsend  
Cr Justin Whitten  
Cr Bob Emery  
Cr Sue Bilich  
Cr Margaret Thomas**

**Against**

**Cr Martyn Cresswell  
Cr Dylan O'Connor**

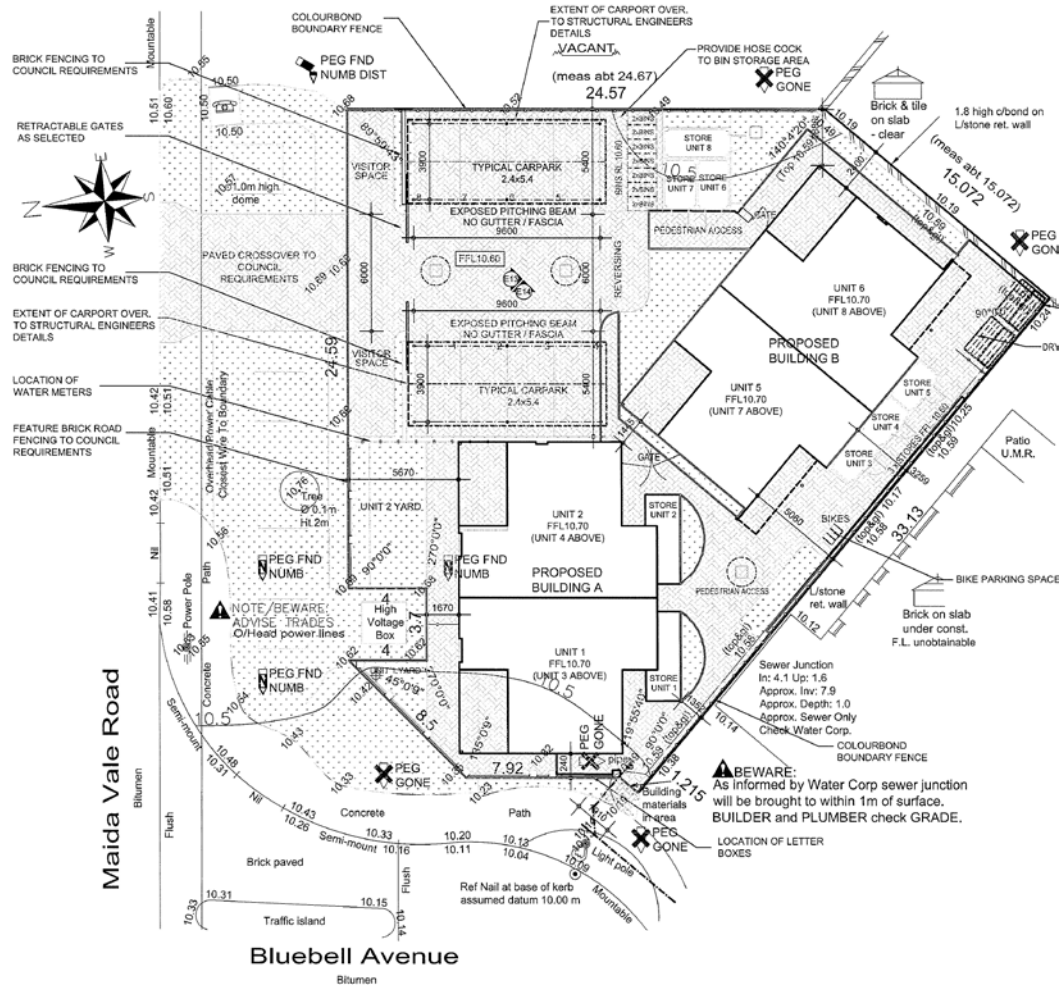
**CARRIED (8/2)**

### Attachment 01

#### Eight Multiple Dwellings








#### Lot 29 (1) Bluebell Avenue, High Wycombe

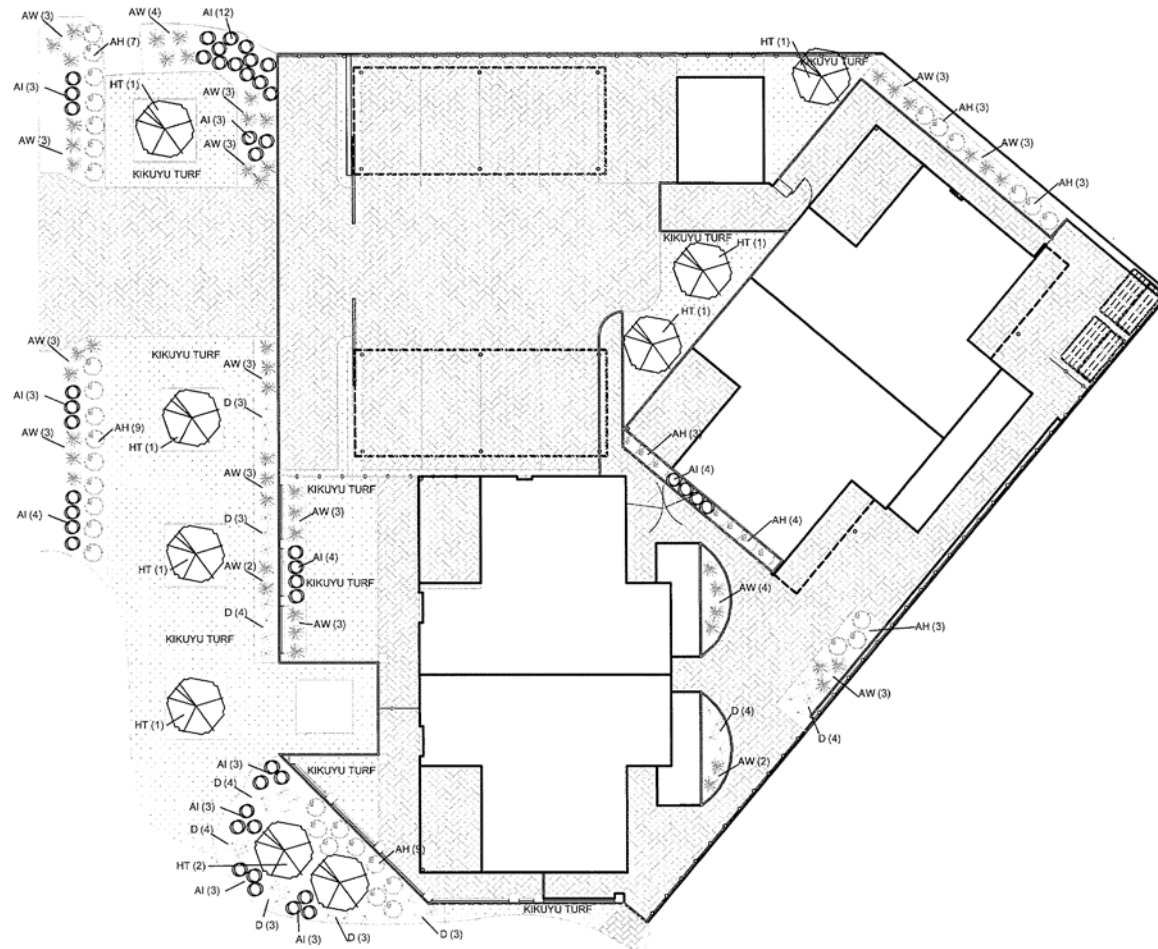
### Site Plan



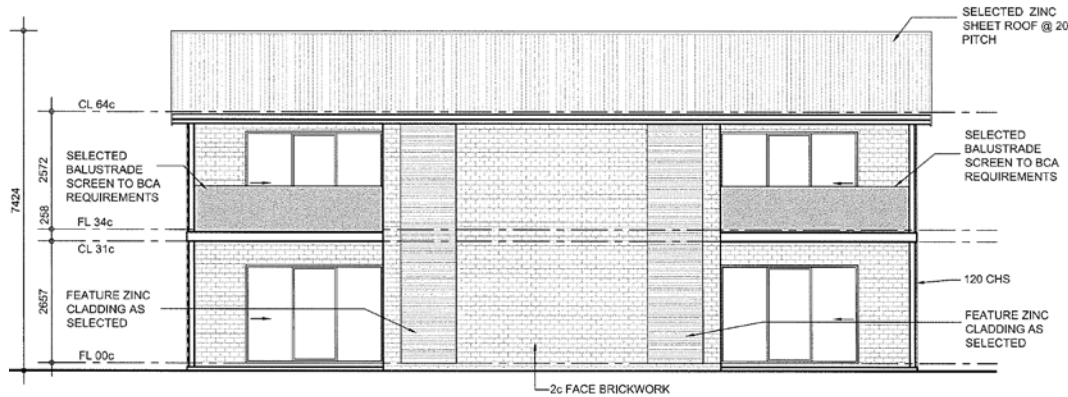
**Attachment 02**  
Eight Multiple Dwellings  
Lot 29 (1) Bluebell Avenue, High Wycombe  
**Landscape Plan**

LEGEND

-  Acacia Wildenowiana
-  Anigozanthos Humilis
-  Acacia Incurva
-  Dianella Revoluta
-  Hibiscus Tilaceus
-  Paving
-  Kikuyu Turf



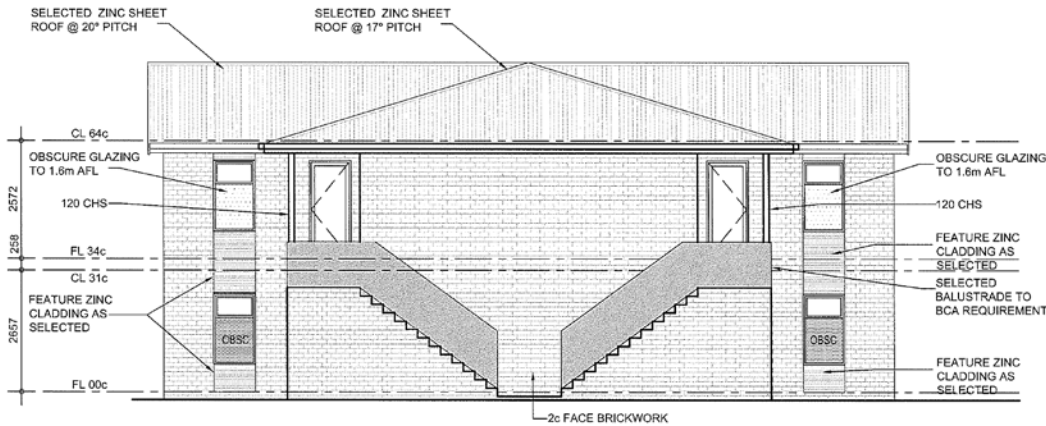
**Attachment 03**  
 Eight Multiple Dwellings  
 Lot 29 (1) Bluebell Avenue, High Wycombe  
**Elevations for Building A**



**ELEVATION 1 BUILDING A**  
 SCALE 1:100



**ELEVATION 2 BUILDING A**  
 SCALE 1:100



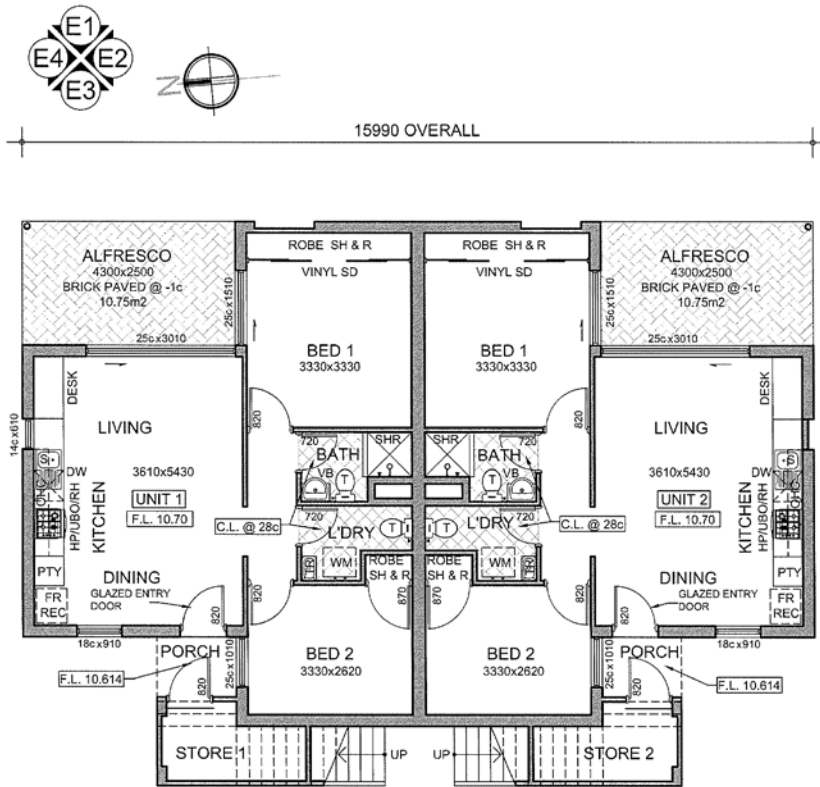
**ELEVATION 3 BUILDING A**  
 SCALE 1:100



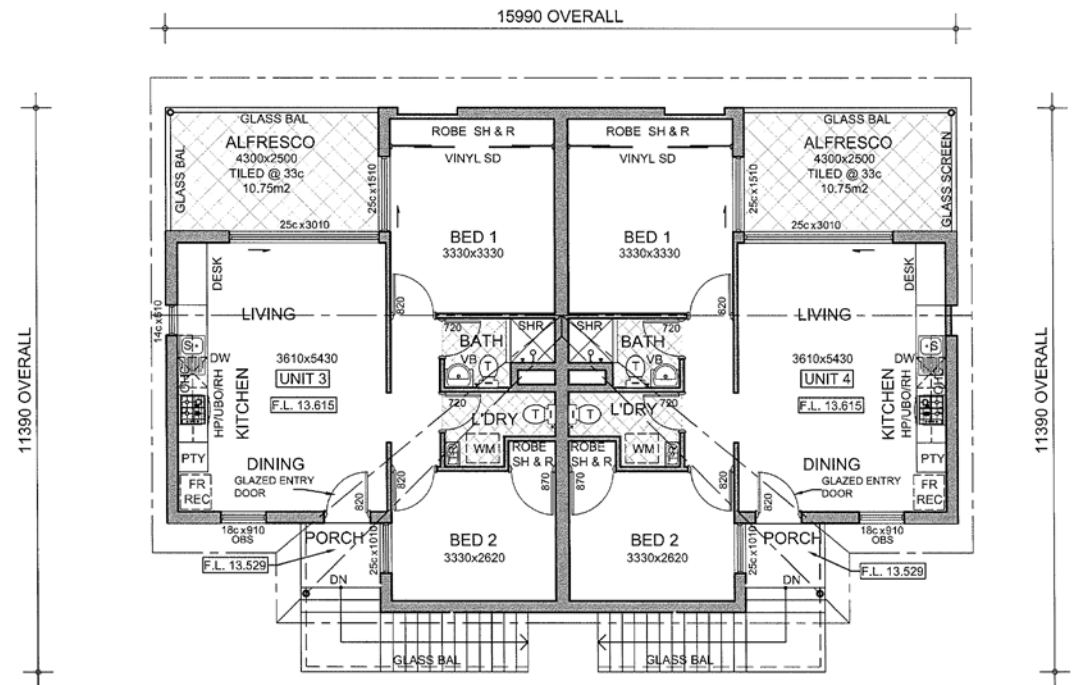
**ELEVATION 4 BUILDING A**  
 SCALE 1:100



**Attachment 04**  
Eight Multiple Dwellings  
Lot 29 (1) Bluebell Avenue, High Wycombe  
**Floor Plans for Building A**



**GROUND FLOOR PLAN  
BUILDING A**  
scale 1:100



**FIRST FLOOR PLAN  
BUILDING A**  
scale 1:100

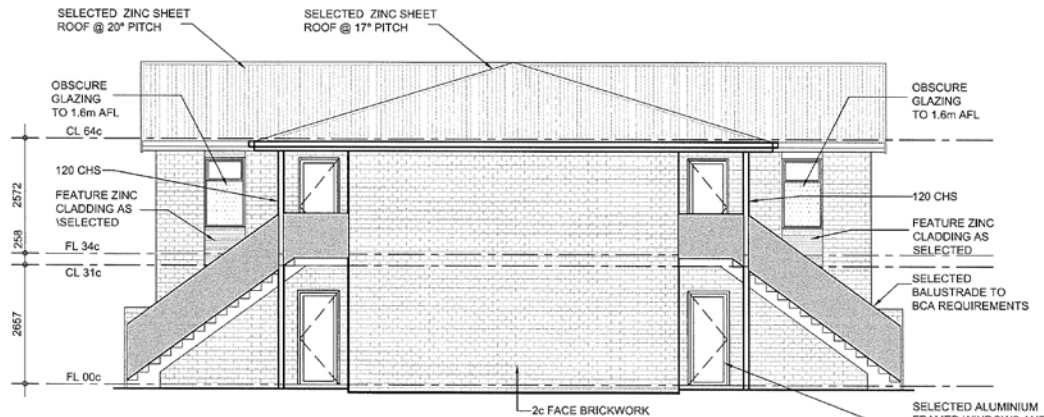
**Attachment 05**  
Eight Multiple Dwellings  
Lot 29 (1) Bluebell Avenue, High Wycombe  
**Elevations for Building B**



**ELEVATION 5 BUILDING B**  
SCALE 1:100



**ELEVATION 6 BUILDING B**  
SCALE 1:100

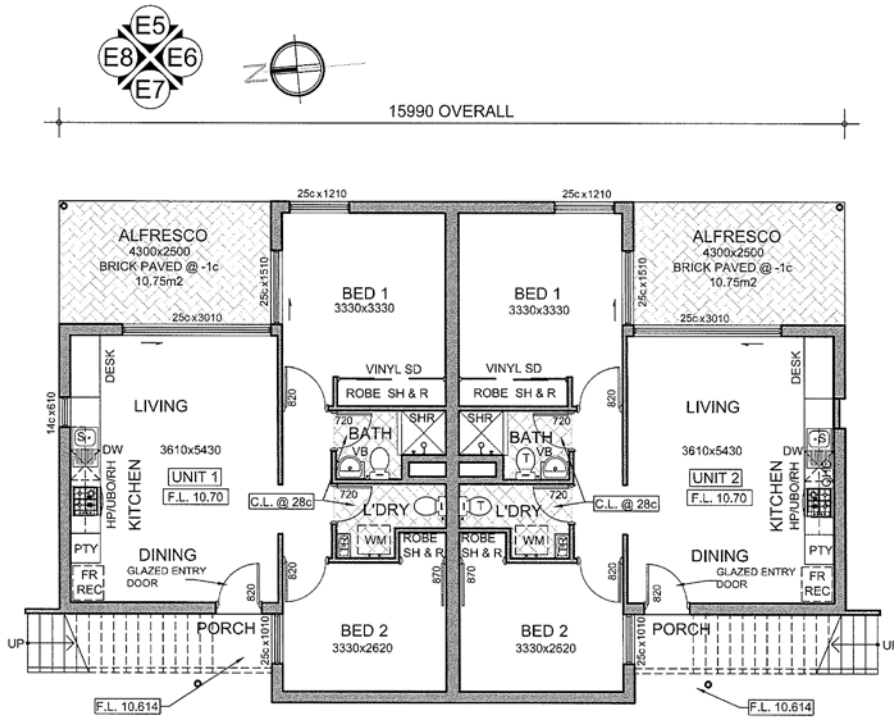


**ELEVATION 7 BUILDING B**  
SCALE 1:100



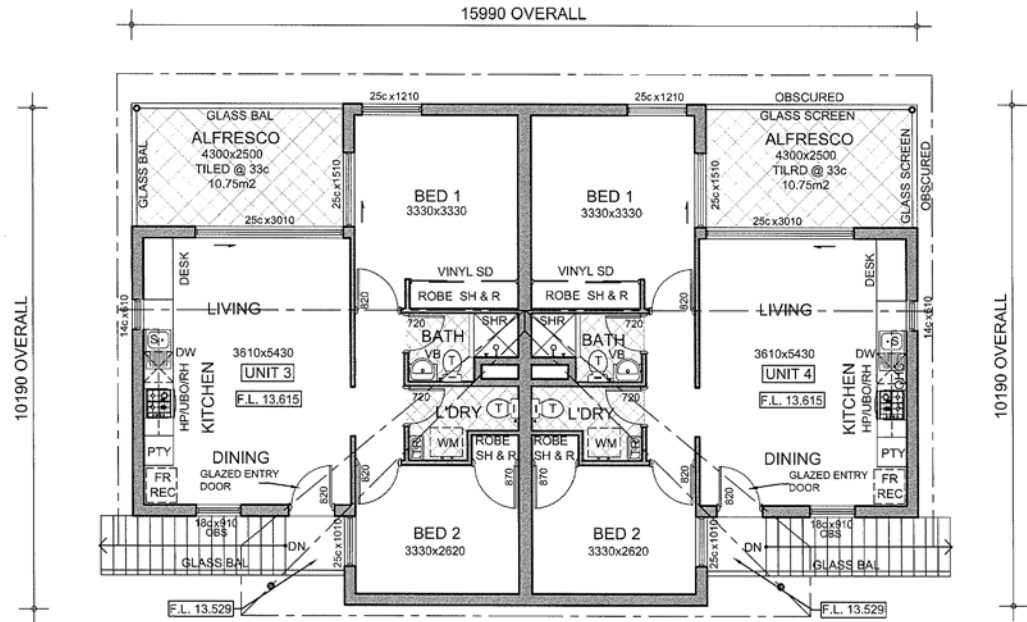
**ELEVATION 8 BUILDING B**  
SCALE 1:100

**Attachment 06**  
 Eight Multiple Dwellings  
 Lot 29 (1) Bluebell Avenue, High Wycombe  
**Floor Plans for Building B**



**GROUND FLOOR PLAN  
 BUILDING B**

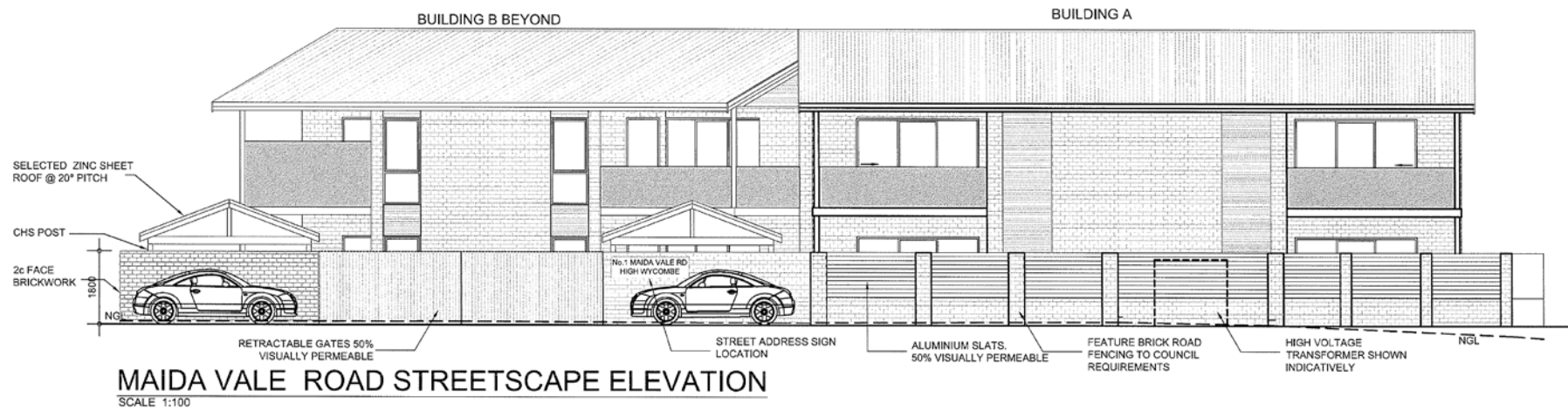
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**FIRST FLOOR PLAN  
 BUILDING B**

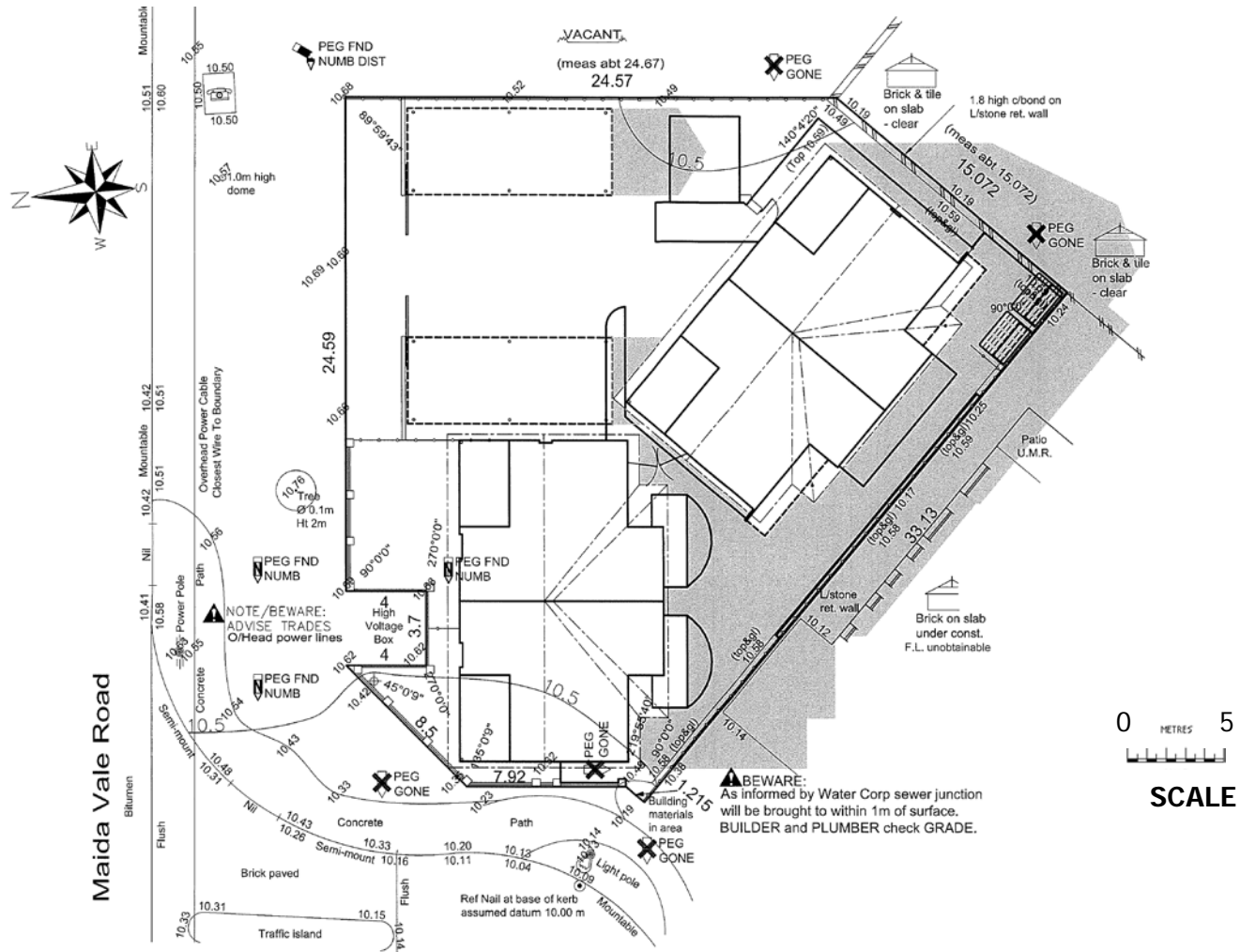
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**Attachment 07**  
Eight Multiple Dwellings  
Lot 29 (1) Bluebell Avenue, High Wycombe  
**Streetscape Elevations**



### Attachment 08

Eight Multiple Dwellings  
Lot 29 (1) Bluebell Avenue, High Wycombe  
Overshadowing Diagram



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

**74. Community Centre and Aged Persons Dwelling – Lot 99 (30) Elmore Way, High Wycombe**

Previous Items	OCM 136/07
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	EL-06/030
Applicant	Danmar Homes Pty Ltd
Owner	P Cinanni
Attachment 1	Site Plan
Attachment 2	Internal Floor Plan
Attachment 3	Elevations
Attachment 4	High Wycombe Cell U2 Structure Plan
Attachment 5	Approved Site Plan for Aged Persons Dwellings (Northern Section)
Attachment 6	Approved Site Plan for Aged Persons Dwellings (Southern Section)

**PURPOSE**

- To consider a planning application to build a community centre and one aged persons dwelling (“APD”) at Lot 99 (30) Elmore Way, High Wycombe. Refer to (Attachments 1 to 3).

**BACKGROUND**

- Land Details:**

Land Area:	2.01ha
Local Planning Scheme Zone:	Urban Development (R30)
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

- 



4. The property falls within the High Wycombe Cell U2 Structure Plan ("Structure Plan"), refer to (Attachment 4), which states the following notations for the property:

Land Particulars	Permitted Uses – Desired Development	Conditions
Lot 9001 on Deposited Plan 43865 (and amendments thereto).	Lifestyle Village	Development at the Lifestyle Retirement Village (over 55s) maybe developed at a density of R30.

5. In December 2007, Council resolved (OCM 136/07) to approve an application to build 64 APDs at the property, considered to be a retirement village. Refer to the approved site plans (Attachments 5 and 6).
6. Fifteen visitor bays were proposed to be available on the property. The Residential Design Codes ("R Codes") only required eight visitor bays.
7. The APDs are in the process of being constructed on the property.

#### DETAILS

8. Details of the application are as follows:
- A single storey community centre is proposed to be built where previously two APDs had been approved.
  - One APD is proposed to be built adjacent to the community centre, which is in the same location as that approved previously. Planning consent is being applied for again as the footprint of the building and external appearance is proposed to be different.
  - The community centre is to be used only by those persons residing in the retirement village for social events such as bingo, arts and crafts, morning/afternoon teas and bowling.
  - When the APDs were approved by Council 15 visitor bays were proposed to be available on the property. The Residential Design Codes ("R Codes") only required eight visitor bays. The seven surplus car bays are proposed to be available for the community centre.
  - The applicant has advised that the proposed community centre will mostly be used during normal business hours, however there may be occasional events held in the early evening.

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## STATUTORY AND LEGAL IMPLICATIONS

### Local Planning Scheme No. 3

9. Clause 4.2.1 (Objectives of the Zones – Urban Development) of the Scheme stipulates that the objectives for 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.

10. The proposal is deemed to be the land use Community Purpose under the Scheme which is defined as being:

*"The use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit."*

11. The property is identified as "Lifestyle Village" on the Structure Plan. The Scheme states that where a designation is shown on a Structure Plan, the permissibility of the use would be as if the land is zoned for that purpose.

12. Table 1 (Zoning Table) of the Scheme does not include the zoning Urban Development, and therefore does not stipulate which uses are permissible in that zoning. However, since the Structure Plan was adopted it has been the intention that the property be developed as a lifestyle village.

13. The Scheme car parking requirements for the use Community Purpose are the following:

<b>Car Parking Requirement</b>	<b>Required</b>	<b>Proposed</b>
Community Purpose – 1 car bay for every 5 persons the facility is design to accommodate.	37 car bays minimum	2

14. In accordance with the *Health (Public Buildings) Regulations 1992* ("the Regulations"), up to 184 people in aggregate could be allowed on the premises at any one time based on the principle that the following can be accommodated in the following areas:

- Craft room – 29 people.
- Alfresco area – 40 people.
- Function hall – 115 people.



- 
15. Clause 5.8.2 of the Scheme stipulates that Council may, at its discretion, apply a greater or lesser requirement for parking than that stipulated in the Scheme, if the proposed use is likely to demand a greater or lesser need for car parking bays, having regard to the scale and nature of the intended use.
16. Clause 5.8.3 (Reciprocal Parking) of the Scheme stipulates that the Shire may vary the parking requirements when it is considered reasonable to do so by the recognition of reciprocal arrangements for parking or access or circulation. In making its decision on application for such recognition, the Shire is to take into consideration the following matters:
- (i) *“the nature of the proposed development in relation to the existing or future development of any land within the immediate vicinity of the subject land;*
  - (ii) *the hours of normal operation of the intended use and abutting land uses;*
  - (iii) *any such matters as the local government considers relevant, including any legal agreements between affected landowners.”*
17. 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 number of matters, including:
- The compatibility of the development within its settings.
  - 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 State Planning Policy.
  - Any relevant submissions received on the application.
18. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

## POLICY IMPLICATIONS

### Residential Design Codes

19. The R Code requirements for APDs on properties with an R30 density are the following:

Site Requirements	Required	Proposed
Plot Ratio	100sqm	
Car Parking  Visitors - One per 4 APDs, with a minimum of 1 bay, or satisfy the Design Principles of the R Codes (refer to point 19 of this report).	15	15
Open Space	45% Minimum. Includes the proportionate share of any common property.	51%
Building setback from common property	2.5m	1.6m and 2.7m
Side and Rear setbacks (walls with major openings)  Wall Height of up to 6m and Wall Length of 9m or Less	1.5m or walls on a boundary not higher than 3.5m with an average of 3m for two-thirds the boundary length behind the street setback area.	A boundary wall with a height of 2.75m for 52% of the boundary length behind the street setback area.
Maximum Building Height: - Top of External Wall - Top of Pitched Roof	6m 9m	3.6m 5.8m
Minimum Outdoor Living Area	24sqm	29sqm

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20. Clause 5.5.2 P2 (Aged or Dependent Person's Dwellings) of the R Codes stipulates that the Deemed to Comply provisions for APDs can be varied subject to satisfying the following Design Principles:

- Reduces car dependence, i.e. is located in close proximity to public transport and services;
- Has due regard to the topography of the locality in which the site is located in respect to access and mobility;
- Has due regard to the availability of community facilities including parks and open space;
- Does not impinge upon neighbour amenity; and
- Responds to a demand for aged or dependent persons' accommodation in the locality

**Local Planning Policy DEV41 – Framework for assessing requests for variations to the number of car parking bays.**

21. Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays stipulates that a reduction in parking will only be considered by Council and not under delegation.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

22. There is no statutory requirement for the proposal to be advertised.

**FINANCIAL CONSIDERATION**

23. Nil.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

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

OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1            Provide efficient building and development approval services to the community.

---

## SUSTAINABILITY

### Social Implications

25. Activities conducted on site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*

### Economic Implications

26. Approval of the community centre will provide more employment opportunities for the local population.

### Environmental Implications

27. Nil.

## RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Action/Strategy
Council may resolve not to support the proposal.	Low	High	Ensure Council is aware that the proposal is considered an appropriate use in the proposed location.

## OFFICER COMMENT

29. The proposal is compliant with the R Codes and the Scheme with the exception of the car parking requirements for the Community Centre.
30. From a planning perspective it is considered that the proposal will have no significant impact on the amenity of the area given its scale, appearance, layout and purpose.
31. If the application is approved there will be a shortfall of 35 car bays for the proposed community centre. It should be noted from Attachment 1 that the applicant is proposing a total of nine Parking Bays which from a statutory perspective will comprise of seven visitor bays for the retirement village and two bays for the Community Centre. Practically however it is acknowledged that there will be shared utilisation of these bays between those required for visitors and those attending the community facility. This is considered acceptable for the following reasons:
- The community centre is to be used only by those residing in the retirement village for social events such as bingo, arts and crafts, morning/afternoon teas and bowling. Consequently the demand for parking associated with the Community Centre will be limited and offset partially by the availability of visitor parking on site.

- The total amount of APDs is not proposing to be increased compared with that Council previously approved.
- There is an expectation that retirement (lifestyle) villages include recreational facilities such as a community centre for aged person residing there.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 74/2013)**

That Council:

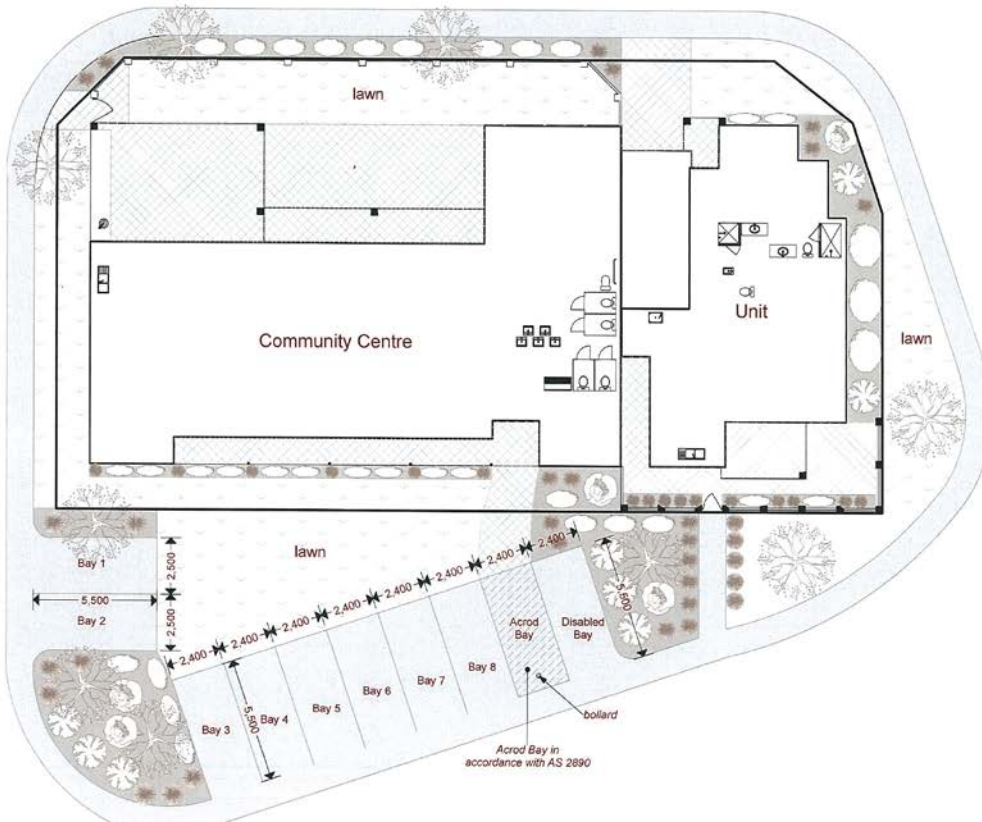
1. Approves the application dated 4 July 2013 to build a community centre and one aged person's dwelling at Lot 99 (30) Elmore Way, High Wycombe, subject to the following conditions:
  - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
  - b. Vehicle parking, manoeuvring and circulation areas, except for the overflow area, to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - c. The provision and maintenance of a total of nine car spaces including a minimum of two disabled car bays. All car parking and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter.
  - d. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the satisfaction of the Shire.
  - e. Stormwater being contained on site to the satisfaction of the Shire.
  - f. The community centre being used for social and recreational purposes by residents of the retirement village only, and not used as club premises or as a reception centre as defined under Local Planning Scheme No. 3.
  - g. The development shall be connected to reticulated sewer.
  - h. A nuisance, odour and noise assessment being submitted to and approved by the Shire prior to the issue of a building licence.










Moved: **Cr Martyn Cresswell**

Seconded: **Cr Dylan O'Connor**

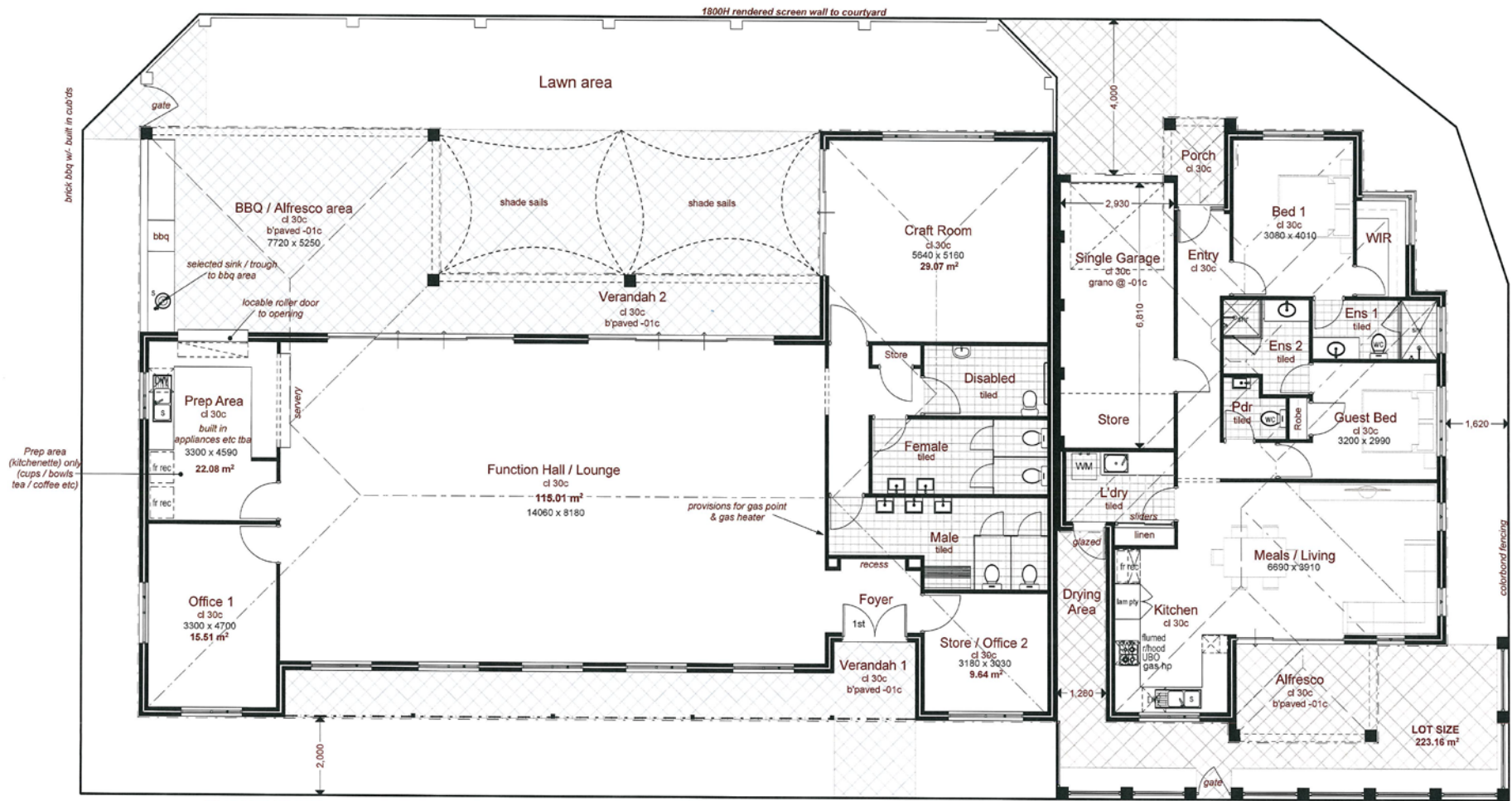
Vote: **CARRIED UNANIMOUSLY (10/0)**

**Attachment 01**  
 Community Centre and Aged Persons Dwelling  
 Lot 99 (30) Elmore Way, High Wycombe  
**Site Plan**

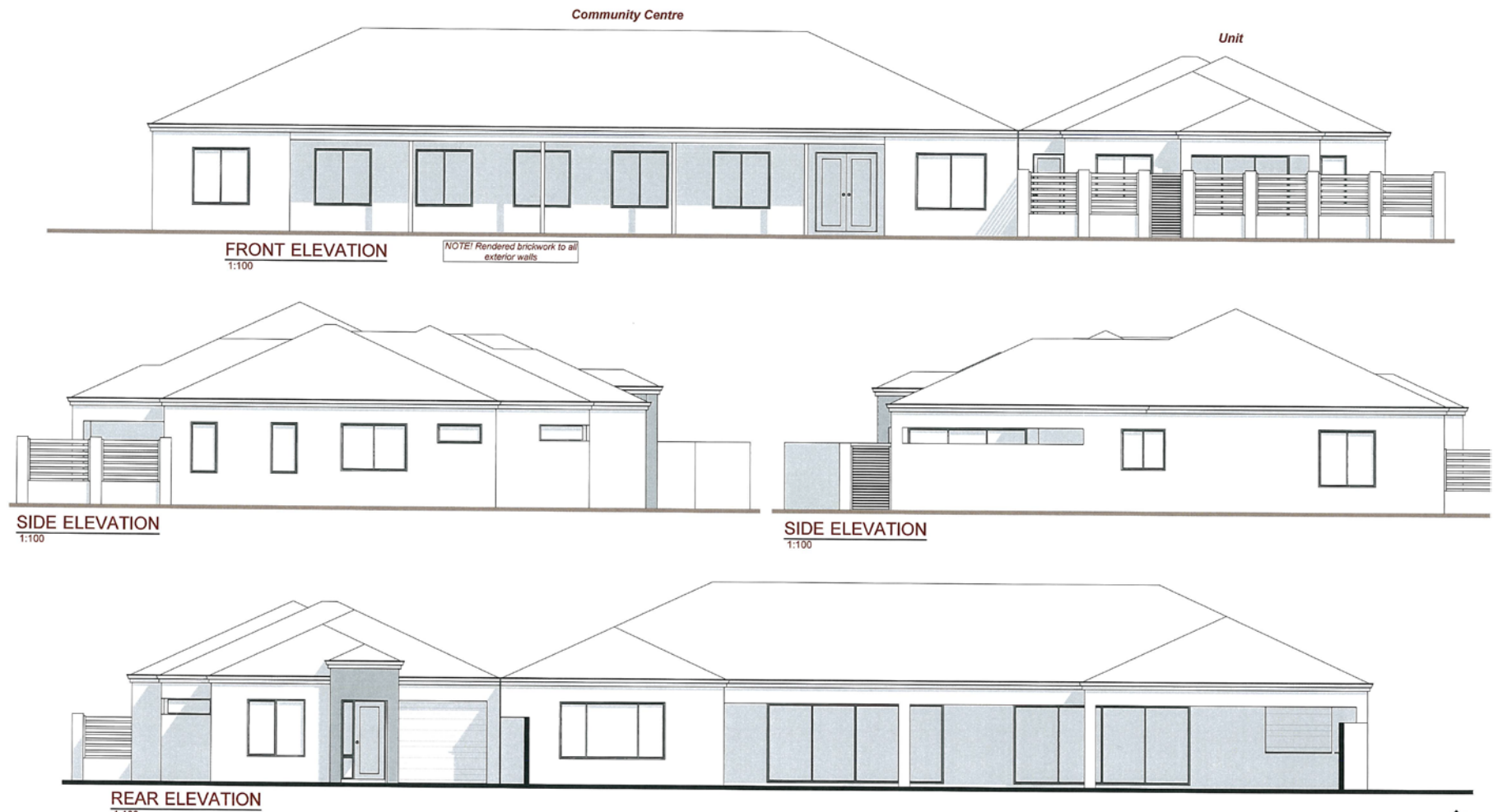


	<p><b>GROUND COVER</b>                      GOODENIACEAE  <i>Scaevola humilis</i>                      Herbaceous groundcover spreading to as much as 1.5 m across but usually only about 20 cm high. Dense green foliage carries lilac blue flowers in spring and summer</p>	
	<p><b>LOW SHRUB</b>                      Orthrosanthus lavius: Rhizomatous, perennial, herb, 0.15-0.55 m high.                      Fl. blue, Aug to Nov.</p>	
	<p><b>MEDIUM SHRUB</b>                      Bossiaea ericarpa                      Erect or straggly &amp; spreading shrub, 0.2-1 m high.                      Fl. yellow &amp; brown/red, Jul to Nov. Usually on sandy soils</p>	
	<p><b>MEDIUM-HIGH SHRUB</b>                      Melaleuca Scabra Shrub,                      0.2-1.5(-2) m high. Fl. pink-red-purple,                      Jan or Apr or Aug to Dec. Sandy or clay, often lateritic soils</p>	
	<p><b>TREE</b>                      Weeping Paperbark                      Melaleuca Leucadendron.                      4m - 8m high max. Flowers Spring-summer</p>	

**Attachment 02**  
Community Centre and Aged Persons Dwelling  
Lot 99 (30) Elmore Way, High Wycombe  
**Internal Floor Plan**



**Attachment 03**  
Community Centre and Aged Persons Dwelling  
Lot 99 (30) Elmore Way, High Wycombe  
**Elevations**





**Attachment 04**

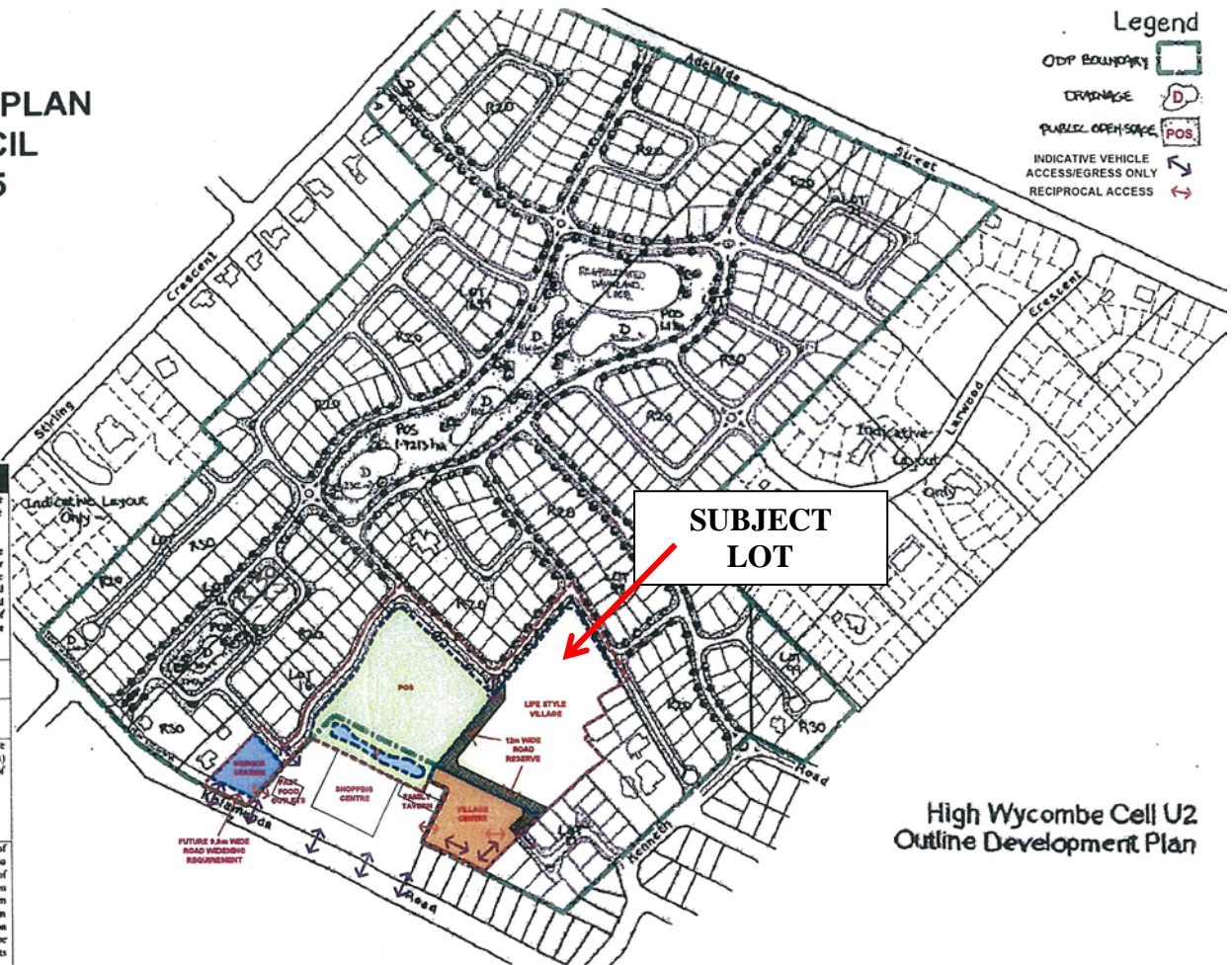
Community Centre and Aged Persons Dwelling  
Lot 99 (30) Elmore Way, High Wycombe  
**High Wycombe Cell U2 Structure Plan**

**OUTLINE DEVELOPMENT PLAN  
APPROVED BY COUNCIL  
IN SEPTEMBER 2005**

Land Particulars	Permitted Uses - Desired Development	Notes/Conditions
Lot 16 on Diagram 29137. Swan Location 1360.	Service Station, Convenience Store, Fast Food Outlet*  <i>Desired Development</i>	*A Fast Food Outlet shall be incidental to the predominant use of a Service Station.  Lot 16 is subject to a 9.9 metre road widening requirement for Kalamunda Road, across the frontage of Lot 16. Such road widening requirements will need to be taken into account as part of any future development/subdivision applications.
Lot 49 on Diagram 40814. Swan Location 1327.	Public Open Space.	
Reserve 43766 (Lot 1540) on Deposited Plan 29533.	Public Open Space.	
Lot 9001 on Deposited Plan 43865 (and amendments thereto)	Lifestyle Village*  Village Centre comprising of specialist uses such as a medical centre, health and fitness centre, restaurants, cafes, community facility and amenities, and carparking.	*Development of the Lifestyle Retirement Village (over 55s) may be developed at a density of 'R30'.
All land parcels mentioned above.	All uses not mentioned shall not be permitted unless the discretion of Council has been exercised and such uses proposed are consistent with the "Town Centre" concept supported by Council at the Ordinary meeting held on 20 September 2004.	The payment of cash-in-lieu of public open space, equivalent to 5,305m <sup>2</sup> as per the Deed of agreement entered into between the proponent and the Western Australian Planning Commission under cover of subdivision application 121144, shall be satisfied as per the requirements of the Deed.

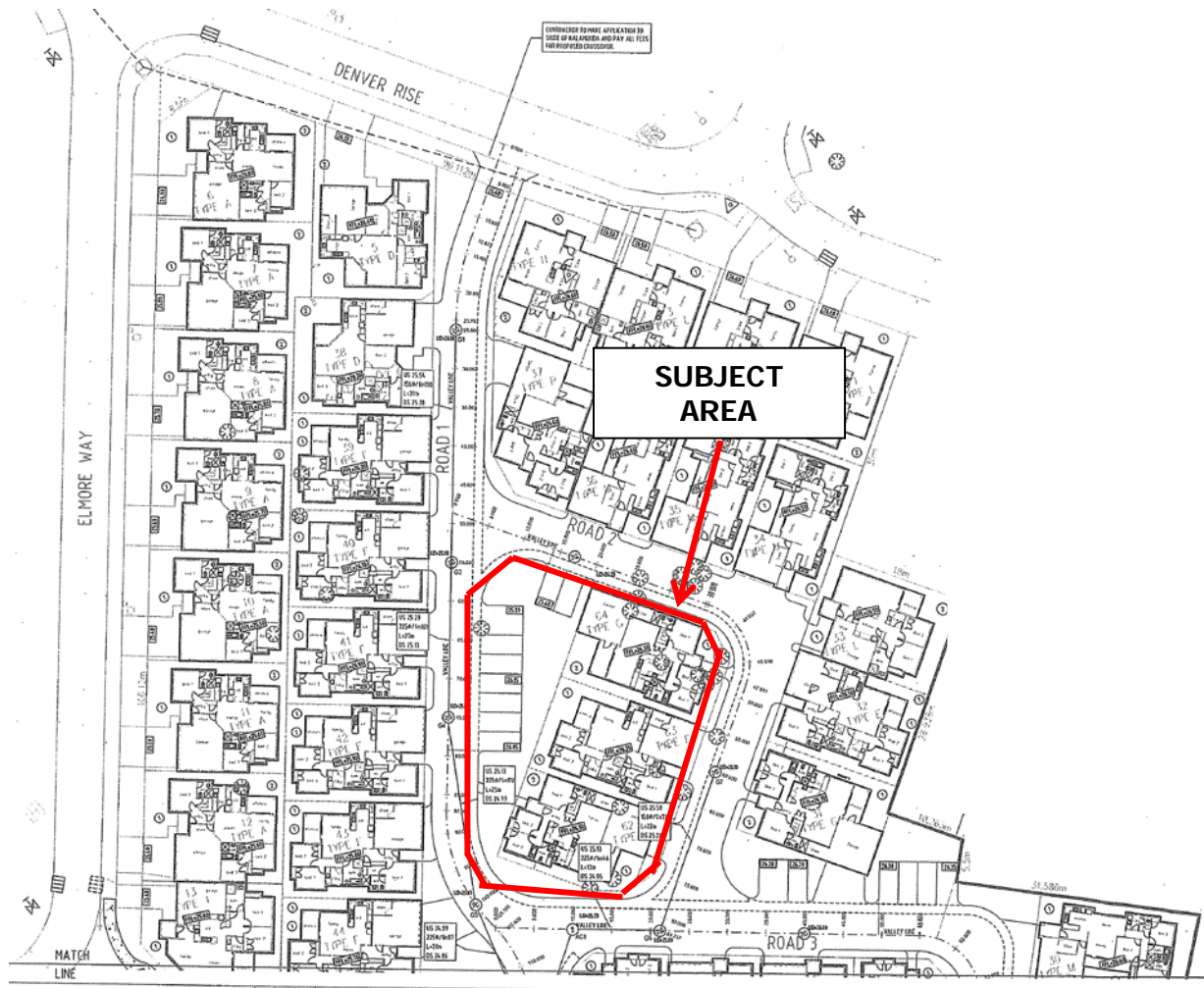
*Permitted uses*

*Desired Development*



High Wycombe Cell U2  
Outline Development Plan

**Attachment 05**  
Community Centre and Aged Persons Dwelling  
Lot 99 (30) Elmore Way, High Wycombe  
**Approved Site Plan for Aged Persons Dwellings (Northern Section)**



**Attachment 06**  
Community Centre and Aged Persons Dwelling  
Lot 99 (30) Elmore Way, High Wycombe  
**Approved Site Plan for Aged Persons Dwellings (Southern Section)**



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

Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil.

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

12.1 Development & Infrastructure Services Committee Meeting 16 September 2013. D&I 56 & 59, Application to Keep More Than Two Dogs – Lot 17(13) Aria Way, Forrestfield and Lot 1008 (10) Mandon Street, Forrestfield

Q. A Councillor stated that, until he is provided with information from a body such as the RSPCA or Dog Breeders Association stating what the required amount of open space is for these dogs, he is reluctant to approve an application like this.

A. Officers have not been able to find any policies or guidelines for the size of space required (yard size) related to the size and/or number of dogs. Any policy would be very subjective as a dog in a large yard which is not exercised and socialised would be worse off than a dog in a small yard that is exercised every day.

The RSPCA advise that the size of the yard would be up to the Local Government, under its local laws. However Shire officers are not aware of any other local government local law that addresses the minimum area question. The WALGA model Local Laws for Dogs does not address this issue.

Each multi dog application must be taken on its merits and Council still has the option, if there are issues, to rescind the approval. Declining a multi dog on the basis that the yard is too small would unlikely stand up to an appeal in State Administrative Tribunal.

12.2 Development & Infrastructure Services Committee Meeting 16 September 2013. D&I 60 Endorsement of the Local Emergency Management Arrangements

Q. A Councillor congratulated all involved in the production of this document; but asked why the presence of a canteen is not recorded for all schools, that have one, for example Lesmurdie Senior High School, as this might be an important consideration for use in emergency situations.

A. The welfare centres are chosen in consultation between the Department of Child Protection & Family Support ("CPFS") and the Shire. As the Shire does not own or control school facilities there is a reluctance to use such facilities during emergencies regardless of their capability or facilities.

The Shire has an adequate number of welfare centres which meet the requirements of the Shire and CPFS should the need arise.

Within the Local Emergency Management Authority ("LEMA") the Shire does have contact arrangements for schools and if such a need arose, requiring permission to use such a facility, the Shire or CPFS have the ability to contact the school to seek approval as required.

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12.3 Development & Infrastructure Services Committee Meeting 16 September 2013  
Regarding Item D&I 65 Place of Worship - Lot 411 (5) Rooth Road, Lesmurdie

Q. A Councillor asked if the public parking outside of the property (designed for users of public transport through the week) would be available for the Church's use. The Director Development & Infrastructure Services believed this could be used by the Church for their weekend gatherings.

A. In addition to normal on street parking, designated parking bays are available along Rooth Road for use by the general public including those attending the Place of Worship.

12.4 Cr Dylan O'Connor – Planning Enquiry

Q. Could you please provide me with the information as to whether there is a planning mechanism that allows an approval to be attached to the applicant and not the land?

A. Legal advice has indicated that the approval should, as a matter of principle, run with the land and not the applicant. The only occasion that the Shire has done this is with commercial vehicle parking. The reasons for this is that a landowner was to sell an authorised commercial vehicle(s), or if the property was sold to a different individual, then approval to park a commercial vehicle would be required to be re-applied for.

While maintaining the principle of the approval running with the land, the undertaking put forward by the Church, and agreed to by the Council, has the desired effect of enabling the Council to legally revert the approved land use to residential at the time the Church disposes of the property.

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

Nil.

**14.0 MEETING CLOSED TO THE PUBLIC**

Nil.

**15.0 CLOSURE**

15.1 Councillor Martyn Cresswell thanked the Council and wished them all the best in the local government elections; he hoped they were all returned to help with the up-coming decisions regarding amalgamations. This was his last meeting after 12 years on Council, which he said had been a very enjoyable experience.

The Chairperson thanked Councillor Cresswell and noted that it had been a pleasure working with such a professional Councillor.

There being no further business the Chairman declared the meeting closed at 7.03pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2013