

Development & Infrastructure Services Committee Meeting

Minutes for Monday 1 December 2014

CONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.31pm, and welcomed Councillors, Staff, Press 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
Simon Di Rosso	(Presiding Member) North Ward
Allan Morton	South West Ward
Noreen Townsend	South West Ward
Geoff Stallard	South East Ward
John Giardina	South East Ward
Andrew Waddell JP	North West Ward
Dylan O'Connor	North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Charles Sullivan	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance and PR
Andrew Fowler-Tutt	Manager Development Services
Nicole O'Neil	Public Relations Coordinator
Meri Comber	Governance Officer

Members of the Public 2

Members of the Press 2

2.2 Apologies

Councillors

Margaret Thomas JP	North Ward
Justin Whitten	South West Ward
Bob Emery	North West Ward

2.3 Leave of Absence Previously Approved

Nil.

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 10 November 2014, as published and circulated, are confirmed as a true and accurate record of the proceedings, subject to the following amendment to Report No. - D&I 62 - Proposed Modification to Cell 9 Wattle Grove Structure Plan – Lot 6 (287a) Hale Road, Wattle Grove:-

Change “Lot 6 (287a) Hale Road, Wattle Grove” to “Lot 6 (287) Hale Road, Wattle Grove” wherever it appears in the Report.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sue Bilich**

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

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 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. (Section 5.70 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.

67. Amendment No. 67 to Local Planning Scheme No.3 - Special Control Area - Bushfire Prone Area

Previous Items	OCM 86/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-STU-031
Applicant	N/A
Owner	Various owners
Attachment 1	Bushfire Prone Area Mapping
Attachment 2	Bushfire Hazard Assessment Report
Attachment 3	Submission Table

PURPOSE

1. To consider whether to adopt Amendment No. 67 to Local Planning Scheme No 3 (Scheme), to introduce a 'Bushfire Prone Area' as a Special Control Area on the Scheme map as "BPA". Refer (Attachment 1).

BACKGROUND

2. The Victorian bushfires in 2009 and the more recent bushfires in the Perth Hills areas of Roleystone/Kelmscott, and Parkerville/Stoneville, highlight the need for bush fire risk mitigation to be strengthened in the planning process.
3. Recommendations contained in the Western Australian Keelty Reports (2010-2011) identified the need for planning reform to assist the assessment of bushfire risk through all stages of the planning process. This included:
 - Declaration of a Bushfire Prone Area(s) through Local Planning Schemes; and
 - Continuous implementation of the "Draft State Planning Policy 3.7" (SPP 3.7) and the "Draft Planning for Bushfire Risk Management Guidelines" (the guidelines) in every planning decision.
4. The Shire of Kalamunda has extensive areas of bushland, with approximately 74% of the vegetation classified as State Forrest, Regional Parks, conservation areas and local natural areas.
5. In November 2012, the Shire engaged a consultant to undertake a bush fire hazard assessment for the Shire of Kalamunda.
6. In June 2014, Council resolved (En Bloc Resolution OCM 86/2014) to initiate Amendment No. 67 to the Scheme and to adopt the Bushfire Hazard Assessment Report (Attachment 2) and mapping.

7. In August 2014, the Western Australian Planning Commission (WAPC) released the proposed Planning and Development (*Bushfire Risk Management*) *Regulations* (Regulations).

DETAILS

8. The Bush Fire Hazard Report (the Report) for the Shire was undertaken in accordance with the guidelines detailed in Appendix 1 of the "Planning for Bush Fire Protection Guidelines Edition 2". The report has enabled the Shire to prepare a map identifying bushfire prone areas in the Shire for inclusion in the Scheme, to enable building applications to be assessed in accordance with the Building Code of Australia (BCA) and *AS3959 "Construction of Buildings in a Bush Fire Prone Area (AS3959)"*. Refer (Attachment 2).
9. The report makes the following recommendations:
1. That the Shire adopt the Bush Fire Hazard Assessment.
 2. That the Shire of Kalamunda declares Bush Fire Prone Areas based on the information contained in the report for inclusion in the Scheme in accordance with the Guidelines.
 3. That the Shire of Kalamunda review its firebreak notices to ensure the recognition of the requirements of the Bush Fire Prone declaration.
10. In respect to the last recommendation, the matter of reviewing firebreak notices will be considered at the conclusion of the Scheme amendment process.
11. In response to recommendation 2 of the Report, the proposed amendment to the Shire's Scheme will introduce a Bushfire Prone Special Control Area to be designated on the Scheme maps as BPA, with the purpose and intent of:
1. Identifying land that is bushfire prone given it is subject to, or likely to be subject to, a bushfire hazard;
 2. Ensuring that development within a BPA is designed in accordance with *AS3959* to address the level of bushfire hazard applying to the land; and
 3. Facilitate improved strategic planning for bushfires and more effective bushfire risk management.
12. The amendment will also introduce administrative provisions for BPA's in Part 6 – Special Control Areas of the Scheme. These provisions will allow the Shire through the Guidelines, to appropriately assess and determine in a consistent manner all planning applications in BPA's.
13. The BPA mapping provides bushfire hazard assessment for all the private and public land within the Shire of Kalamunda boundaries. The mapping establishes areas within the Shire that based on the vegetation type and class are rated as "Low", "Moderate" or "Extreme".

14. Bush Fire Hazard Assessment is the process of classifying the bushland in the Shire, in accordance with Guidelines, for the purpose of declaring BPA's of land. Hazard levels are then further upgraded, through the identification of land with the slope greater than 10 degrees.
15. Once the final rating of low, moderate or extreme is assigned to the land, a 100m buffer is added around any land rated moderate and extreme. The resulting map represents a BPA's for the Shire. Refer (Attachment 1).
16. The Bush Fire Hazard Assessment process is based on the predominant vegetation type. In areas of moderate risk these include:
 - Areas containing pasture or cropping areas with slopes in excess of 10 degrees;
 - Open woodland and shrub lands; and
 - Low shrubs with slopes of less than 10 degrees.In areas of high risk, these include:
 - Forests;
 - Woodlands; and
 - Tall shrubs.
17. In determining applications in BPA's, applicants will be required to provide the following to be undertaken by a suitably qualified professional:
 - Bushfire Attack Level Assessment (BAL) in accordance with the Guidelines; and
 - Bush Fire Hazard Level Assessment Report to demonstrate that all relevant bushfire protection criteria in the Guidelines have been considered and complied with.
18. A BAL is calculated based on the type of bushfire hazard vegetation, the distance from the vegetation and the positioning of the vegetation, i.e. up slope or downslope and the degree of the slope. A BAL figure determines the building standard in accordance with the *AS3959*.
19. The building of a single house in a BPA will require planning approval from the Shire. The only exemptions are listed below:
 - Gates and driveways that are compliant with the Guidelines;
 - Outbuildings further than 6m away from any development used for permanent or temporary habitation; and
 - Swimming Pools.
 - Building extension to single dwellings.
20. The amendment will also introduce provisions into the Scheme regarding the Regulations.

STATUTORY AND LEGAL CONSIDERATIONS

21. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
22. *Australian Standard AS3959: Construction of buildings in bushfire-prone areas (2009, AS3959)* is applicable to residential buildings in BPA's. Application of *AS3959* requires that an area be designated or declared bushfire prone before the standard can be enforced.
23. *AS3959* is primarily concerned with improving the ability of buildings in designated BPAs to better withstand attack from bushfire, giving a measure of protection to the building occupants as well as to the building itself.

POLICY CONSIDERATIONS

Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management

24. The WAPC has released a Draft State Planning Policy 3.7- Planning for Bushfire risk Management for public comment. It is anticipated that the policy will be adopted by the end of 2014.

The objectives of Draft State Planning Policy 3.7 Planning for Bushfire Risk Management (SPP 3.7) are as follows:

1. Facilitate the avoidance of placing people, property and infrastructure in areas of extreme bushfire risk.
2. Reduce vulnerability to bushfire through the identification and assessment of bushfire hazards and risk in decisions at all stages of the planning process, including strategic planning, regional and local planning schemes, and structure planning through to subdivision and development.
3. Ensure that subdivision, development and land-use proposals take into account bushfire protection requirements and include specified fire protection measures, especially over land that has or will have a moderate or extreme bushfire hazard level, and/or land where construction standards of BAL-12.5 and above apply.
4. Achieve a responsible and balanced approach between bushfire risk management measures and landscape amenity and biodiversity conservation objectives.

Draft Planning for Bushfire Risk Management Guidelines

25. The Draft Planning for Bushfire Risk Management Guidelines (The Guidelines) have been prepared by the WAPC, and have been released for public comment with the new draft policy. The Guidelines include supporting information from the Department of Fire and Emergency Services (DFES), for decision-making authorities, planners, proponents,

referral agencies and fire consultants to assist in implementation of SPP 3.7: Planning for Bushfire Risk Management, specifically while:

- Determining appropriate land use planning in relation to bushfire risk mitigation across the State;
 - Specifying the requirements which must be met at each stage of the planning process; and
 - Ensuring that necessary bushfire protection measures are incorporated into proposed developments.
26. These revised guidelines are designed to supplement the objectives and policy measures established in SPP 3.7, to assist in their interpretation, and provide advice on how bushfire risk is to be addressed when designing or assessing a proposal within a bushfire-prone area. It is intended that these guidelines will be reviewed regularly to respond to changing circumstances.
27. The Office of Bushfire Risk Management (OBRM) has endorsed these guidelines as a standard. As an OBRM-endorsed standard, these guidelines, in conjunction with SPP 3.7, will be the predominant document in Western Australia for use by DFES as well as other referral authorities, once adopted.
28. The Guidelines sets out the process for conducting a Bushfire Hazard Assessment in Appendix two. The classification on vegetation types is undertaken in accordance with AS3959 which is then classified in the guidelines as being "low", "moderate" or "extreme" rated vegetation.
29. Appendix four of the Guidelines establishes the bushfire protection "performance principles" and "acceptable solutions" for key management issues such as the siting and design of development. In regard to the siting of development, a 100m minimum Hazard Separation is required from vegetation to every building. Within the 100m separation, every building is to be surrounded by a 20m Building Protection Zone.

Proposed Planning and Development (Bushfire Risk Management) Regulations (Regulations)

30. The Regulations complement SPP 3.7 and the Guidelines. These instruments apply to different stages of the planning process but work together to achieve the objective of reducing the impact of bushfire damage on lives and properties.
31. The Regulations set criteria for determining if a property is in a bushfire prone area. These are:
- The property is in an area designated as bushfire prone by the Fire and Emergency Service Commissioner under the *Fire and Emergency Services Act 1998*; or
 - The bushfire status of the property has not yet been determined by the Fire and Emergency Services Commissioner, but the property is within 100 metres of an area of bushfire-prone vegetation (as defined in the Regulations) covering more than one hectare.

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32. The Regulations apply throughout Western Australia, and from 1 May 2015 will become part of, and be enforced through, all local planning schemes. No formal amendment to local planning schemes is required for this to occur.
 33. The Regulations apply to new development on approved lots. They are not applicable at the scheme amendment, structure plan or subdivision approval stages, to which SPP 3.7 and the Guidelines will apply.

COMMUNITY ENGAGEMENT REQUIREMENTS

34. The proposal was advertised for 60 days. The provisions of the *Town Planning Regulations 1967* and *Planning and Development Act 2005* require a 42 day advertising period.
35. The amendment was advertised in the form of a notice being published in a district newspaper and comments would be sought from applicable government agencies. Two open days were also held at the Kalamunda Centro Shopping Centre and the Kalamunda Cultural and Community Centre, to inform residents of the proposed amendment and assist residents with any queries they might have.
36. During the advertising period one non-objection and one submission which provided comment on the proposal were received. Refer to the submission table (Attachment 3).

FINANCIAL CONSIDERATION

37. In the event that the proposed amendment is approved, the Shire will have to give consideration to increased staffing levels, to ensure appropriate enforcement of building standards and increased bushfire protection measures and compliance on individual properties. This will be considered at the conclusion of the Scheme amendment process and at the appropriate budget review process.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

38. *Kalamunda Advancing: Strategic Community Plan to 2023*
 - OBJECTIVE 1.4 - To ensure the community has the resilience to respond and protect itself from danger and disasters.
 - Strategy 1.4.1 The Shire is well prepared and has plans and resources ready to responds to any disaster or danger that may confront its community.
 - OBJECTIVE 4.3 - To ensure the Shires development is in accord with the Shires 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

39. The amendment will ensure that residential development in BPA's is undertaken in such manner as to minimise the risk on life and property.

Economic Implications

40. The BAL assessment process and associated elevated construction standards, under *AS3959*, will result in an increase in the construction costs of new housing.
41. All new development in BPA will require a bushfire hazard and BAL assessment to be undertaken by a suitably qualified bushfire consultant.
42. There will be some situations where development in BPA's is precluded due to the BAL rating being too high, the vegetation not being able to be modified to an acceptable level, and/or the slope being too great.

Environmental Implications

43. Notwithstanding pressure from landowners to remove vegetation within Fire Hazard Separation Areas and Building Protection Zones, the application of *AS3959* will allow for the retention, where appropriate, of some vegetation. Importantly, SPP 3.7 aims to achieve a balanced approach between bushfire risk management measures and landscape amenity and biodiversity objectives.

RISK MANAGEMENT CONSIDERATIONS

44.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to adopt the scheme amendment	Unlikely	Extreme	Extreme	Ensure Council is aware that there may be significant legal ramifications for the Shire if the amendment does not proceed. Highlight that for the land identified as Bushfire prone, the Shire has no operative Scheme provisions for the purpose of applying <i>AS3959</i> .

Risk	Likelihood	Consequence	Rating	Action/Strategy
Landowners may dispute being included in a BPA.	Likely	Major	High	Require the landowner to submit appropriate justification as to why a lower assessment should be applied.

OFFICER COMMENT

- 45. The recent fires in Parkerville and Stoneville and resulting loss in property, highlight the ever increasing threat of bushfires to 'Hills' communities. The Shire of Kalamunda is not immune to the threat due its extensive areas of vegetation and natural topography.
- 46. The expansion of the urban-rural interface, increased numbers of people opting for a rural residential lifestyle and the drying climate with resulting increased fuel loads, are all the elements that have contributed to the increased bushfire risk.
- 47. The proposed Scheme amendment will give statutory effect to strengthen the planning process, and provide the Shire with the ability to assess subdivision/development in bush fire prone areas, thus avoiding inappropriately located development in areas with moderate or high risk bushfire risk.
- 48. The Bush Fire Hazard Assessment Report (Attachment 2) provides the appropriate level of direction for the Shire through the BPA mapping, to classify the bushland areas, both public and private, across the Shire in accordance with the Guidelines as either low, moderate or extreme risk. This has enabled the declaration of BPA's and the application of *AS3959*, and by association the Building Code of Australia.
- 49. Based on the BPA maps approximately 78% of the Shire is classified as an extreme fire risk. It should be noted however, that the majority (69%) of this area is identified as reserved land comprising predominantly State Forest.
- 50. Understanding the extent of the extreme bushfire risk in the Shire, legal advice has been received which indicates there are substantive legal ramifications for both Council and the Shire if the proposed amendment is not adopted.
- 51. The Scheme, unless otherwise stated, presently excludes single houses and associated outbuildings from requiring planning approval. In the context of this amendment, consideration has been given as to whether single dwellings and associated outbuildings should be excluded from requiring planning approval in areas of risk. In circumstances where the risk is either moderate or high, it is considered appropriate not to exclude such buildings from requiring planning approval. To do otherwise, may have legal ramifications for Council and the Shire.

52. It should be noted that the assessment level and therefore the BPA mapping will change over time as areas are either cleared for development or revegetated. The maps will be re-assessed using the latest aerial photography at least once every 5 years and amended as required.
53. It is acknowledged that the designation of BPA's will affect landowners financially. This will occur primarily through the engagement of suitably qualified consultants to prepare bushfire hazard, and BAL assessments, and increased building construction costs. Given the substantive risk involved, such costs are unavoidable.
54. The importance of establishing a robust statutory and policy planning framework for bushfires is acknowledged. The draft SPP 3.7, Regulations and Guidelines have been prepared with an aim to strengthen the implementation of bushfire risk mitigation through the planning system. The Shire has consulted with the WAPC in respect to these draft documents and the implications for the proposed amendment. As a consequence, some minor changes have been made to the proposed Scheme provisions. On the whole however, it is considered that the proposed amendment is consistent with the policy and direction of the State Government.
55. The proposed Scheme amendment will provide the Shire with the necessary framework by which development in BPA's can be considered in the planning process in a consistent manner. It will ensure the Shire can apply *AS3959*, where appropriate in the planning and building process, in order to mitigate against bushfire risk.
56. Since the amendment was initiated by Council the WAPC has released the proposed Planning and Development (*Bushfire Risk Management Regulations*) (Regulations). Modifications are therefore proposed to be made to the amendment so that reference is made to the Regulations.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 67/2014)

That Council:

1. Notes the submissions received in response to Amendment No. 67 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 with modification (as highlighted), in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 67</p>

Resolved that the Council in pursuance of Part 5 of the *Planning and Development Act 2005* amend the above Local Planning Scheme by:

a) Deleting clause 5.6.1 and inserting the following clause in its place:

“5.6.1 Except for development in respect of which the Residential Design Codes apply and development in a Bushfire Prone Area, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such condition as the local government thinks fit.”

b) Deleting clause 5.9.1 (iii).

c) Deleting clause 5.9.2 (iv) and renumbering remaining clauses accordingly.

d) Deleting clause 5.11.1 (i)(e)

e) Deleting clause 5.11.2 (vi) and renumbering remaining clauses accordingly.

f) Deleting clause 5.12.1 (i)(e) and renumbering remaining clauses accordingly.

g) Deleting clause 5.12.2 (v)

h) Deleting clause 5.13.1 (i)(f)

i) Deleting clause 5.13.2 (vi)

j) Amending Clause 6.1.1:

(1) to renumber the second sub-clause “(f)” in clause 6.1.1 to “(g)”; and

(2) to insert a new subclause “(h)” as follows;

“(h) Bushfire Prone Areas shown on the Scheme Map as BPA”

k) Inserting a new clause 6.6 to follow existing clause 6.5 'development contribution areas (DCA)' as follows:

“6.6 Bushfire Prone Areas

6.6.1 Interpretation

In clause 6.6, unless the context otherwise requires:

“AS3959” means Australian Standards AS 3959 Construction of buildings in bushfire-prone areas, as amended from time to time;

“Bushfire Attack Level” means the bushfire attack level of a site assessed in accordance with AS3959;

“Bushfire Prone Area” means a bushfire prone special control area shown on the Scheme Map as BPA and certified by the Fire and Emergency Services Commissioner;

***“Bushfire Regulations”** means the Planning and Development (Bushfire Risk Management) Regulations, as amended from time to time.*

***“Bushfire Risk Management Guidelines”** means the policy entitled ‘Planning for Bushfire Risk Management Guidelines and Appendices’, as amended from time to time;
“State Planning Policy 3.7” means State Planning Policy 3.7 Planning for Bushfire Risk Management, as amended from time to time;*

6.6.2 Purpose

The purpose and intent of designating a Bushfire Prone Area is to:

- (a) identify land that is bushfire prone by reason of it being subject to, or likely to be subject to, a bushfire hazard;*
- (b) ensure that development within a Bushfire Prone Area is effectively designed in accordance with AS3959 to address the level of bush fire hazard applying to the land; and*
- (c) facilitate improved strategic planning for bushfires and more effective bushfire risk management.*
- (d) implement the requirements under State Planning Policy 3.7, **Bushfire Regulations** and related Bushfire Risk management guidelines.*

Note: The designation of particular parts of the district as Bushfire Prone Areas does not mean that land not designated as a Bushfire Prone Area is free from risk associated with bushfire threat.

6.6.3 Applications in a Bushfire Prone Area

An application for planning approval within a Bushfire Prone Area must be accompanied by:

- (a) a bushfire attack level assessment carried out in accordance with the methodology contained in the Bushfire Risk Management Guidelines by a suitably qualified professional; and*
- (b) a bushfire management plan carried out in accordance with the Bushfire Risk Management Guidelines which addresses each criteria to the satisfaction of the Shire.*

6.6.4 Development requirements in a Bushfire Prone Area

Development in a Bushfire Prone Area shall comply with AS3959.

6.6.5 Determination of applications in a Bushfire Prone Area

- (1) Without detracting from clause 3.4.2 or clause 10.2, the local government in:*

- (a) *determining an application for planning approval; or*
- (b) *making a recommendation in respect of an application for subdivision approval; or*
- (c) *the adoption or amendment of a structure plan resulting in the introduction or intensification of development;*

in respect of land in a Bushfire Prone Area, shall have due regard to:

- (a) *State Planning Policy 3.7;*
- (b) *the Bushfire Risk Management Guidelines;*
- (c) *AS3959;*
- (d) *the Bushfire Regulations;*
- ~~(e)~~ (e) *any other relevant policy or standard dealing with areas subject to bushfire hazard; and*
- ~~(e)~~ (f) *any relevant advice in relation to the application from the local government's Chief Bush Fire Control Officer.*

(2) *Notwithstanding any other provision of this Scheme, the local government may refuse to approve a proposed development within a Bushfire Prone Area, if the local government considers:*

- (a) *the proposed development does not comply with State Planning Policy 3.7, the Bushfire Risk Management Guidelines, AS3959, the Bushfire Regulations or any relevant other policy or standard applicable to Bushfire Prone Areas;*
- (b) *the level of bushfire hazard to which the proposed development is likely to be subject presents an unreasonable level of risk to life and property; or*
- (c) *the site of the proposed development is assessed to have a bushfire attack level of BAL-40 or BAL-FZ.*

I) Amending clause 8.2 "Permitted Development" by deleting subclause (b) and substituting the following subclause:

"(b) The erection on a lot of a single house including any extension, ancillary outbuildings, swimming pools, driveways and gates, except where:

- (i) *the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;*
- (ii) *the development will be located in a heritage area designated under the Scheme; or*
- (iii) *the development is located in a Bushfire Prone Area with the exception of:*

- *Gates and driveways that are compliant with the Bushfire Risk Management Guidelines; and*
- *Outbuildings further than 6m away from any development used for permanent or temporary habitation; and*
- *Swimming pools.”*

Amending Schedule 1 by inserting the following definition in appropriate alphabetical order:

“Bushfire Prone Area” has the meaning given to it by clause 6.6.1;

“Bushfire Risk Management Guidelines” has the meaning given to it by clause 6.6.1;

“Bushfire Regulations” has the same meaning given to it by clause 6.6.1;

m) Including Designated Bush Fire Prone Area Mapping under the Scheme.

3. Amends the Scheme text accordingly.

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

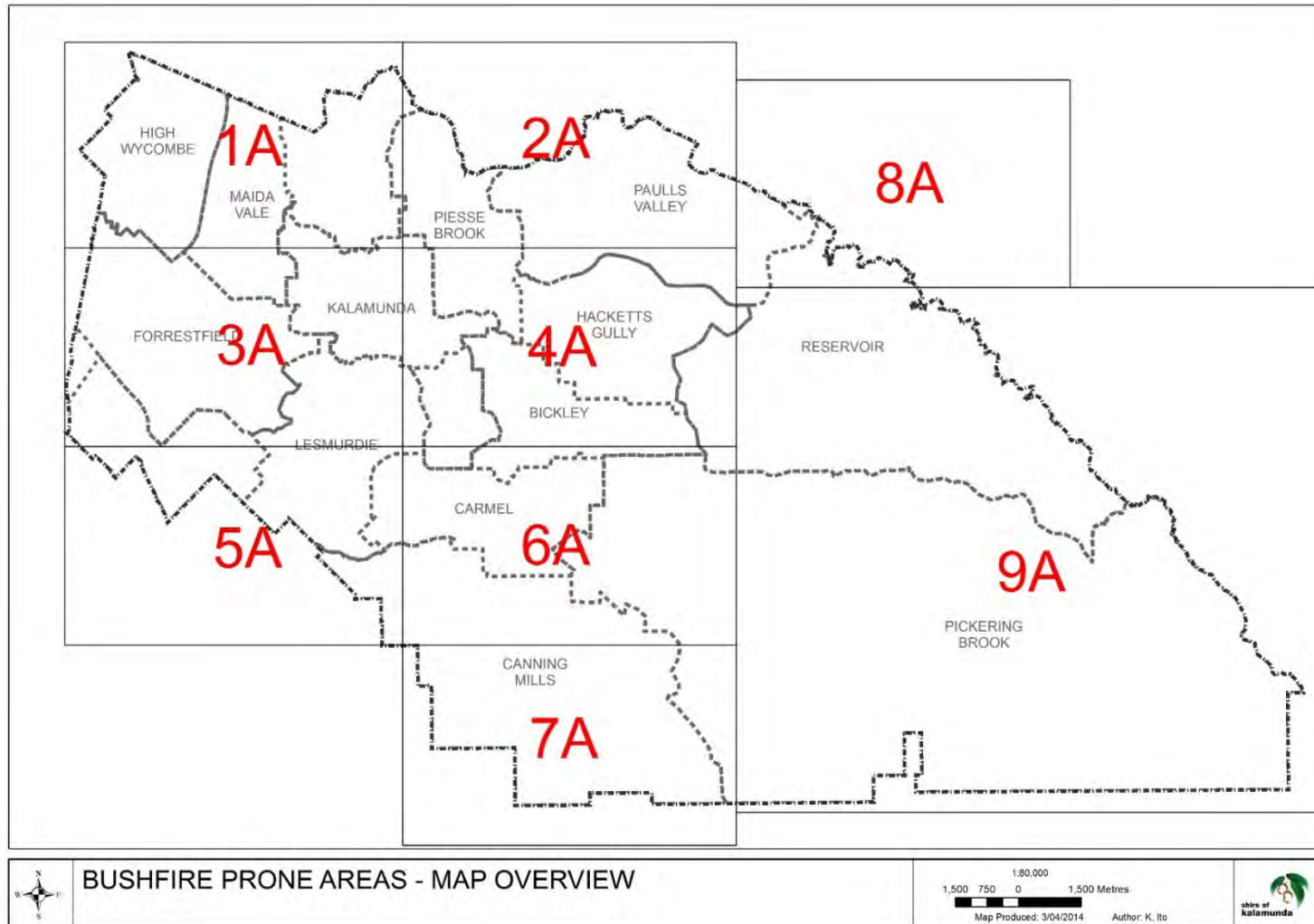
Moved: **Cr Geoff Stallard**

Seconded: **Cr Noreen Townsend**

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

Attachment 1






















**Amendment No. 67 to Local Planning Scheme No. 3 - Special Control Area - Bushfire Prone Area
Bushfire Prone Area Mapping**



LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP OVERVIEW

LEGEND






METROPOLITAN REGION SCHEME RESERVES

 PARKS AND RECREATION	 PRIMARY REGIONAL ROADS
 RESTRICTED PUBLIC ACCESS	 OTHER REGIONAL ROADS
 RAILWAYS	 PUBLIC PURPOSES -
 PORT INSTALLATIONS	DENOTED AS FOLLOWS:
 STATE FORESTS	 HOSPITAL
 WATER CATCHMENTS	 HIGH SCHOOL
 CIVIC AND CULTURAL	 TECHNICAL SCHOOL
 WATERWAYS	 CAR PARK
	 UNIVERSITY
	 COMMONWEALTH GOVERNMENT
	 STATE ENERGY COMMISSION
	 SPECIAL USES
	 WATER AUTHORITY OF WA
	 PRISON















LOCAL SCHEME RESERVES

 LOCAL OPEN SPACE
 PUBLIC PURPOSES
 PUBLIC PURPOSES
DENOTED AS FOLLOWS:
AC AGED CARE
AG AGRICULTURE PROTECTION BOARD & CONSERVATION
AM ST. JOHN AMBULANCE
AQ AQUATIC CENTRE
BS BUS STATION
CH CHURCH
CO COUNCIL OFFICES
CP COMMUNITY PURPOSE
EL ELECTRICAL SUB STATION
EX TELEPHONE EXCHANGE
H HALL / COMMUNITY CENTRE
HOS HOSPITAL
K KINDERGARTEN
LIB LIBRARY
MUS RAILWAY MUSEUM
PB PUBLIC BUILDING
POL POLICE STATION
PS PRIMARY SCHOOL
WA WATER TANK

ZONES

 RESIDENTIAL	 GENERAL INDUSTRY
 RESIDENTIAL BUSHLAND	 LIGHT INDUSTRY
 URBAN DEVELOPMENT	 RURAL AGRICULTURE
 COMMERCIAL	 RURAL COMPOSITE
 DISTRICT CENTRE	 RURAL CONSERVATION
 MIXED USE	 RURAL LANDSCAPE INTEREST
 SERVICE STATION	 SPECIAL RURAL
 SPECIAL USE	
 PRIVATE CLUBS & INSTITUTIONS	

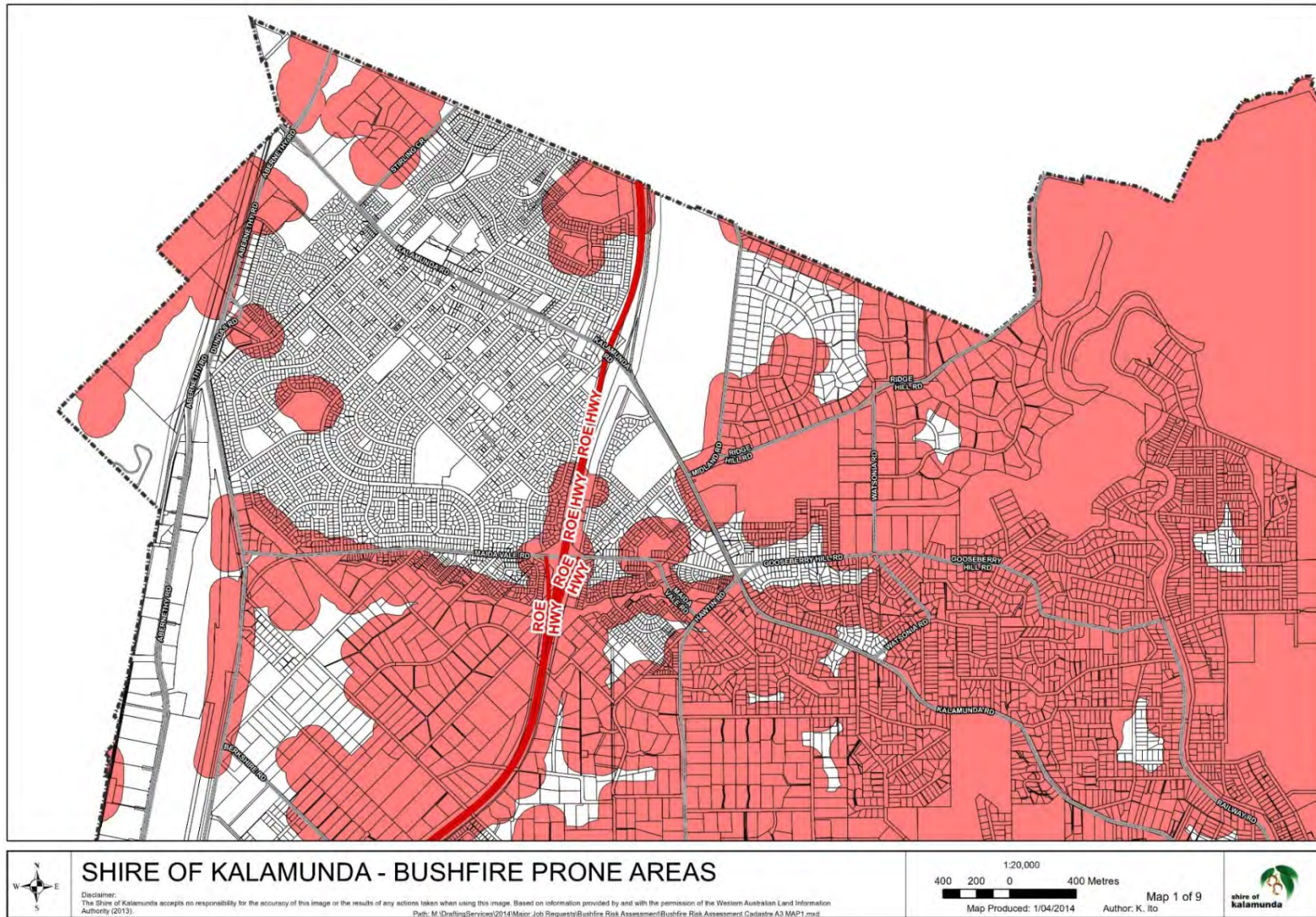
OTHER

 R CODES	 SCA-KALAMUNDA TOWN CENTRE
 ADDITIONAL USES	 DESIGN CONTROL AREA (SEE SCHEME TEXT)
 RESTRICTED USES	 SPECIAL USE AREA (SEE SCHEME TEXT)
 SCHEME BOUNDARY	 ENVIRONMENTAL CONDITIONS (SEE SCHEME TEXT)
 LOCAL GOVERNMENT BOUNDARY	 SC3 - SCA 20ANEF
 DEVELOPMENT AREA (SEE SCHEME TEXT)	 SC4 - SCA 300M POULTRY FARM BUFFER
	 NO ZONE
	 "BPA" - BUSHFIRE PRONE AREA

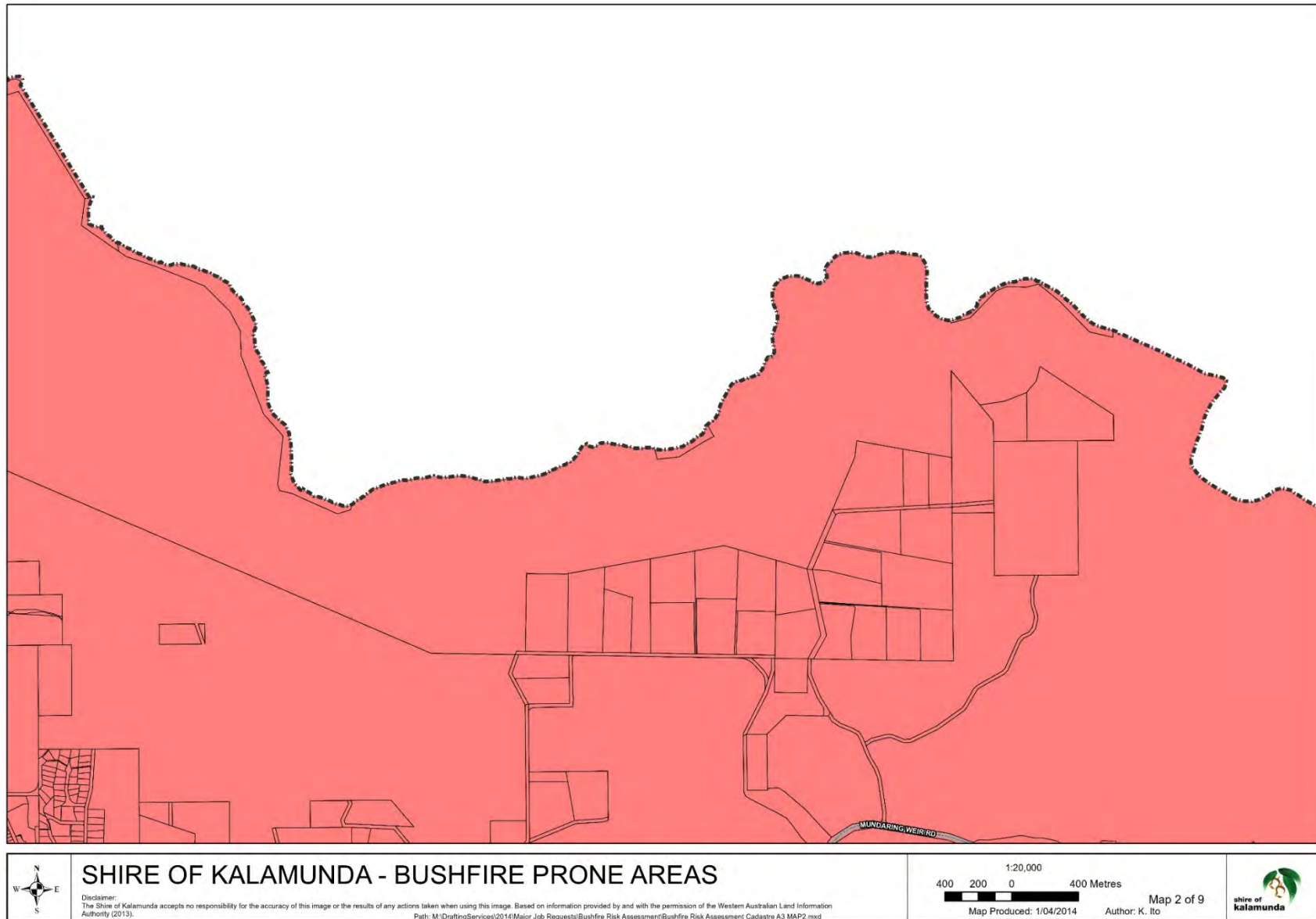
VERSION No 1

SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 (DISTRICT SCHEME)

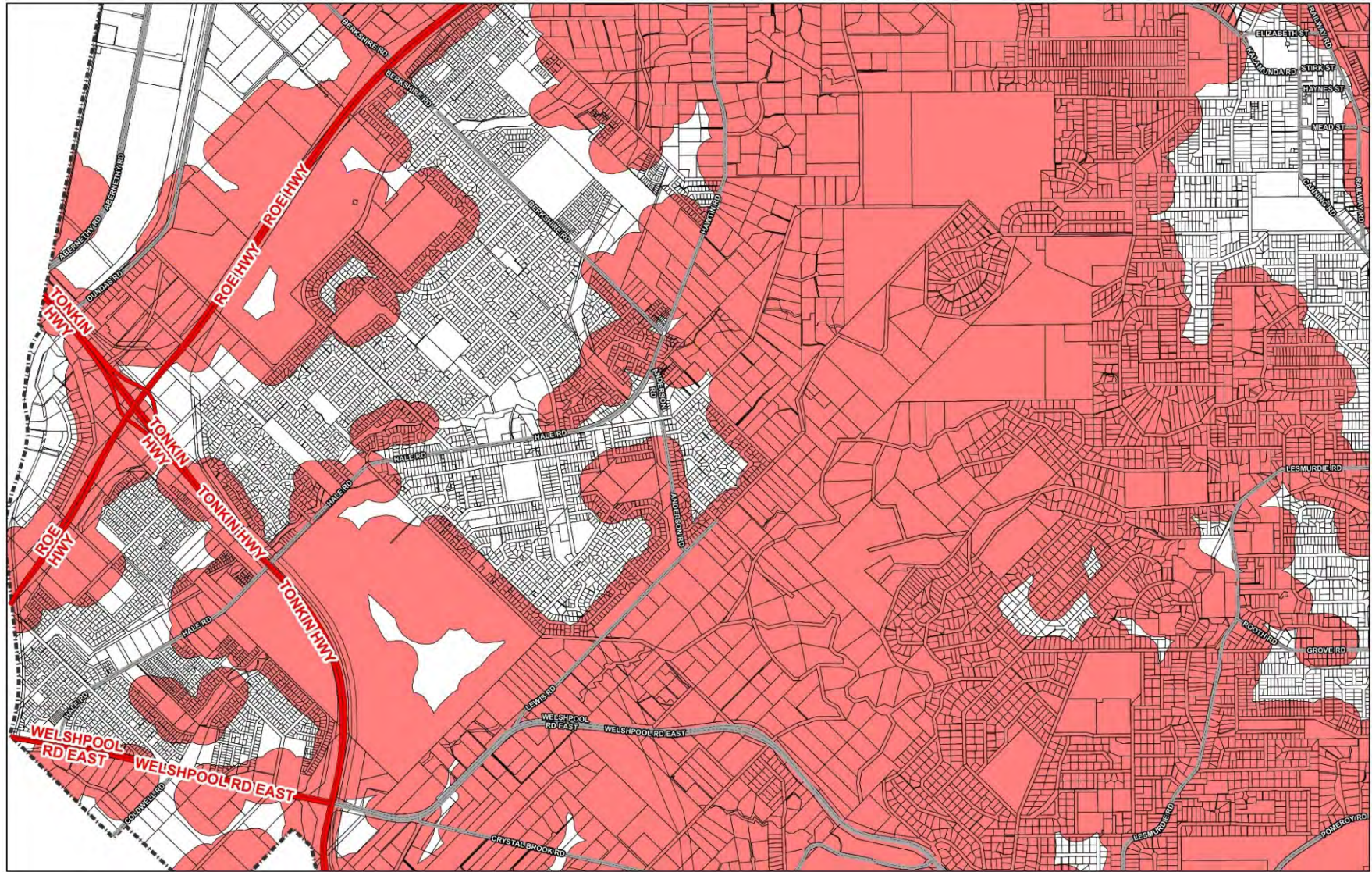
LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP LEGEND



LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 1A

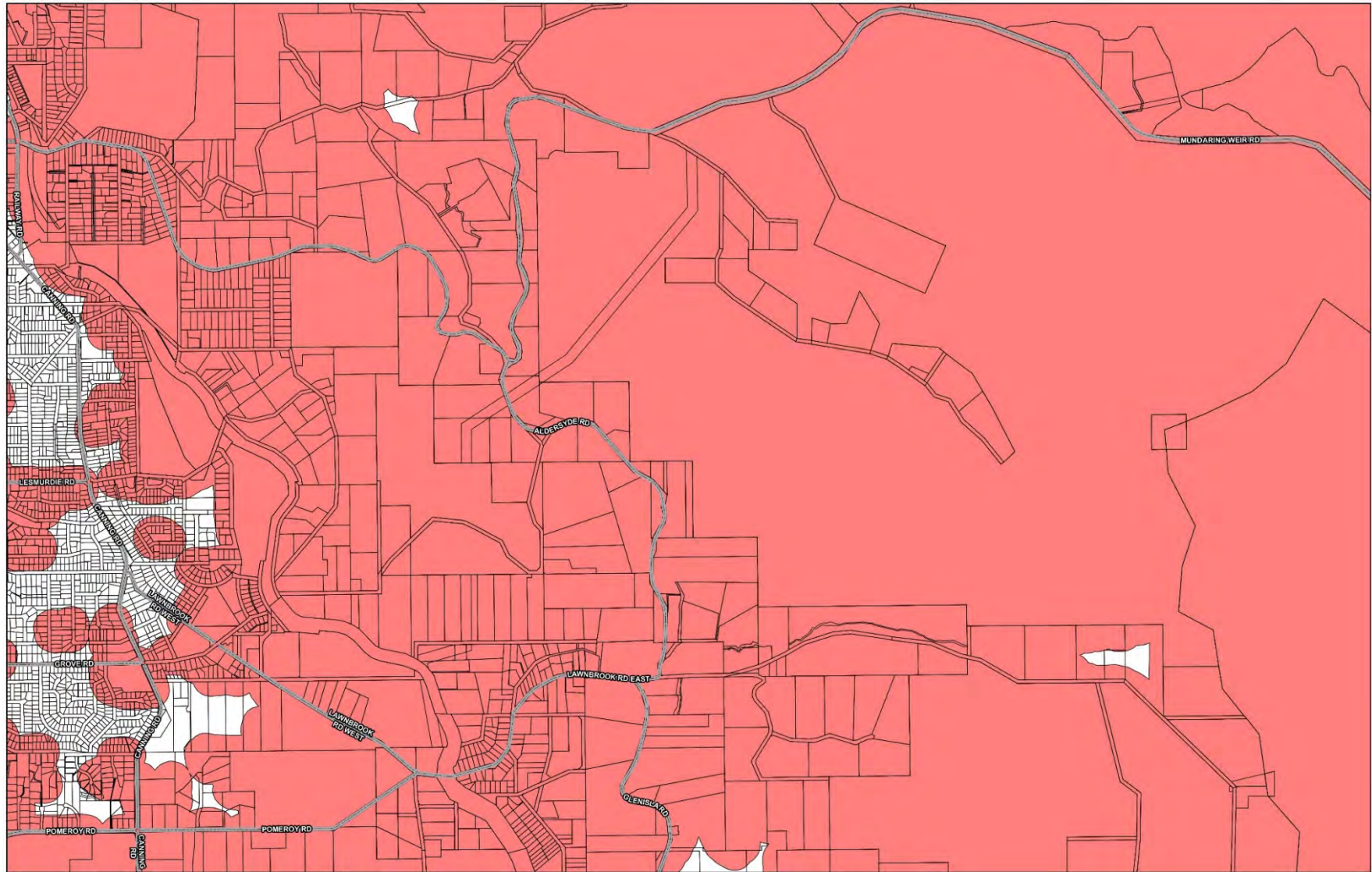


LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 2A



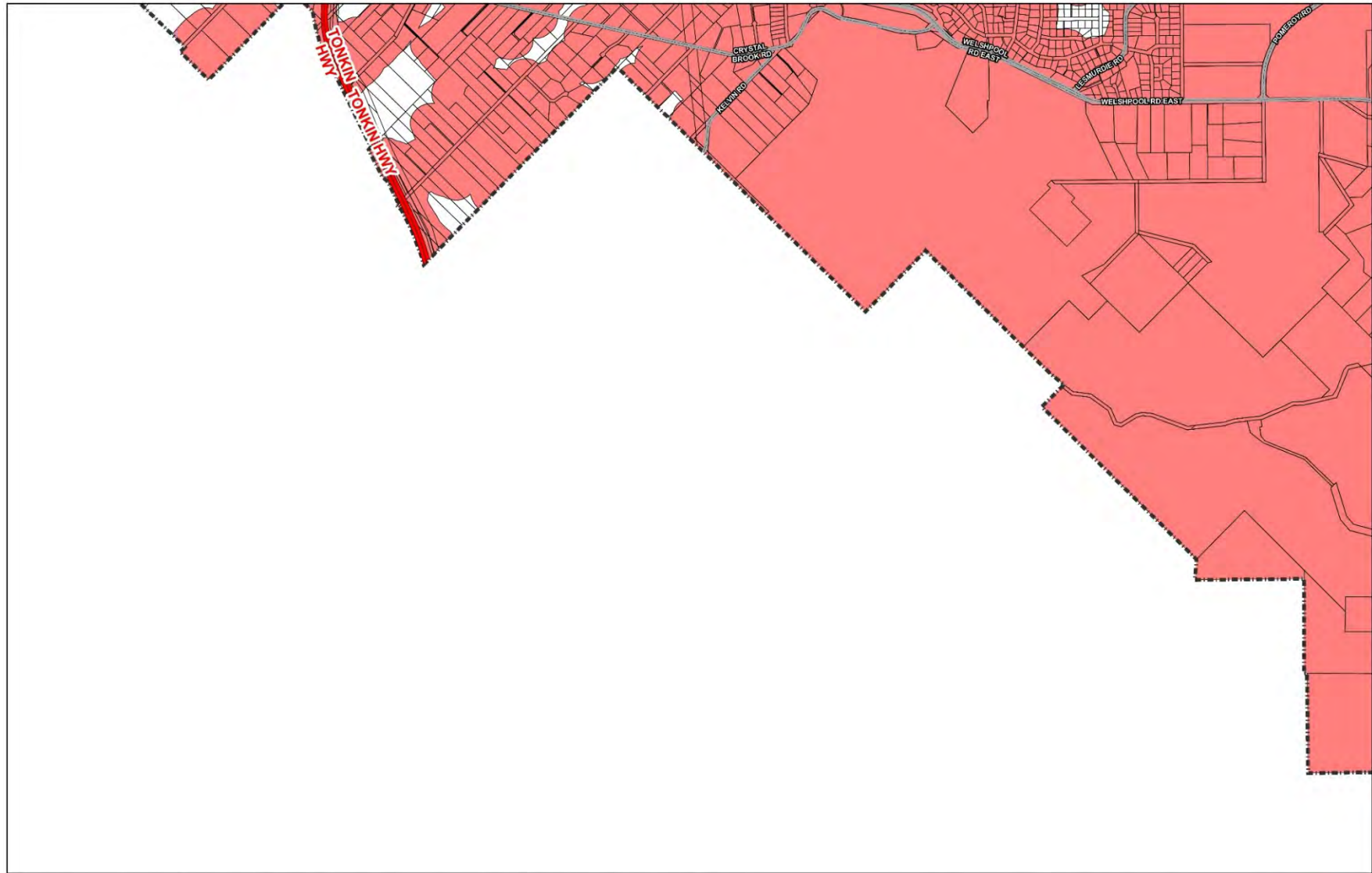
	<p>SHIRE OF KALAMUNDA - BUSHFIRE PRONE AREAS</p> <p><small>Disclaimer: The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Based on information provided by and with the permission of the Western Australian Land Information Authority (2013). Path: M:\Drafting\services\2014\Major Job Requests\Bushfire Risk Assessment\Bushfire Risk Assessment Cadastral A3 MAP3.mxd</small></p>	<p>1:20,000</p> <p>400 200 0 400 Metres</p> <p>Map Produced: 1/04/2014 Author: K. Ito</p>	
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LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 3A



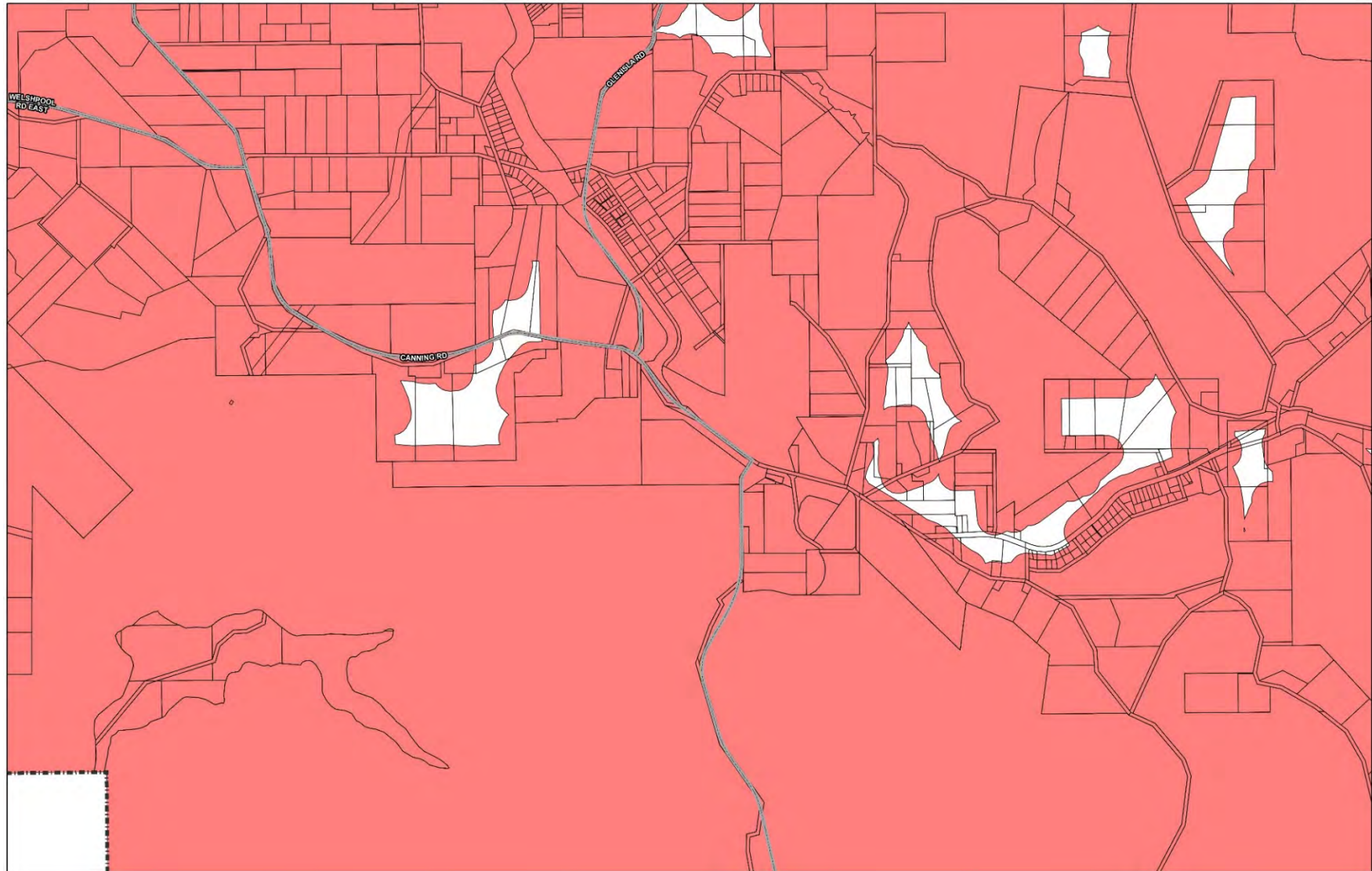
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<small>Disclaimer: The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Based on information provided by and with the permission of the Western Australian Land Information Authority (2013). Path: M:\Drafting\Services\2014\Major Job Requests\Bushfire Risk Assessment\Bushfire Risk Assessment Cadastre A3 MAP4.mxd</small>		Map Produced: 1/04/2014	Map 4 of 9 Author: K. Ito

LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 4A



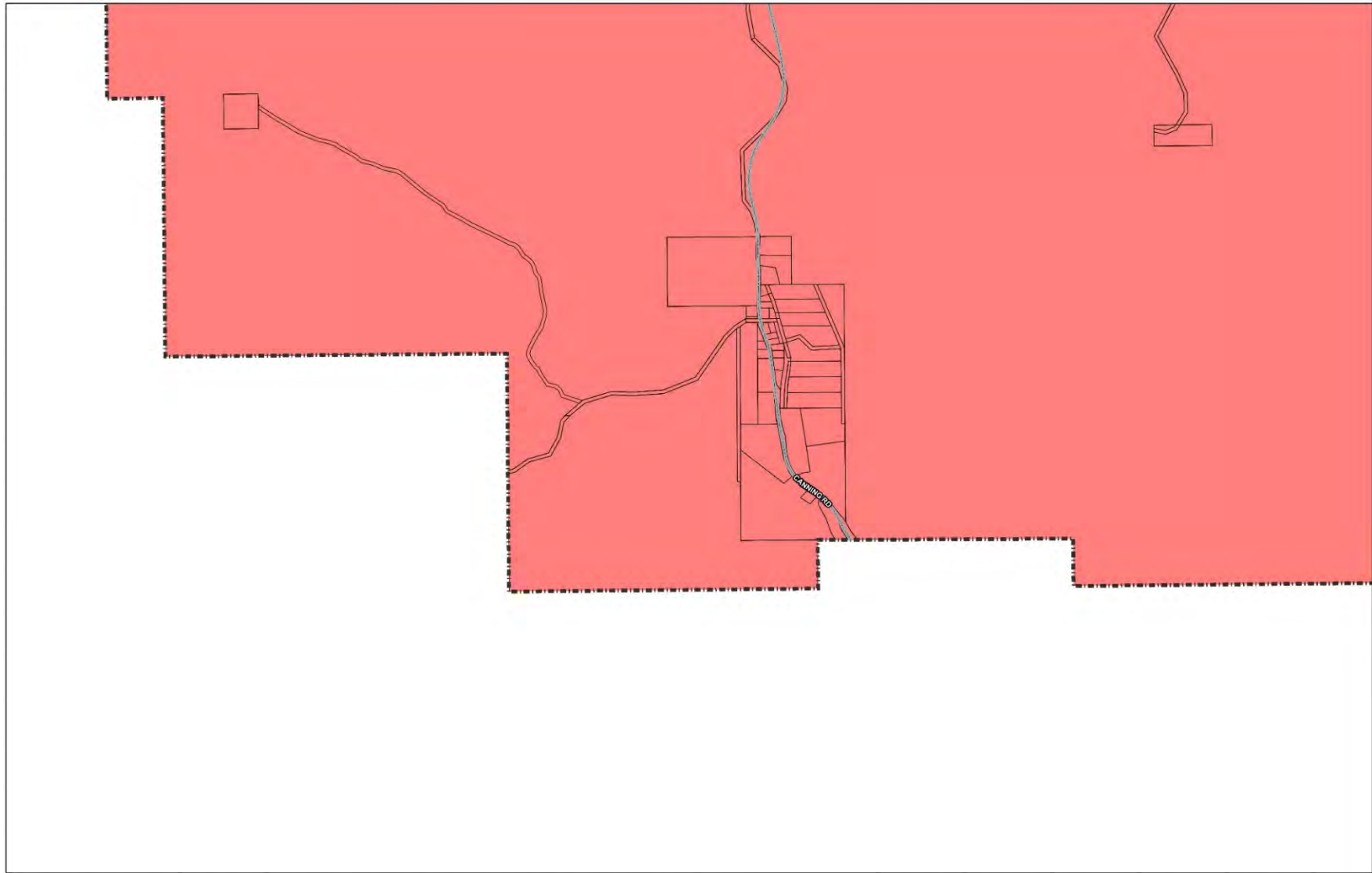
	SHIRE OF KALAMUNDA - BUSHFIRE PRONE AREAS	1:20,000 400 200 0 400 Metres	
<small>Disclaimer: The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Based on information provided by and with the permission of the Western Australian Land Information Authority (2013). Path: M:\DraftingServices\2014\Major Job Requests\Bushfire Risk Assessment\Bushfire Risk Assessment Cadastre A3 MAP5.mxd</small>	Map Produced: 1/04/2014	Map 5 of 9 Author: K. Ito	

LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 5A



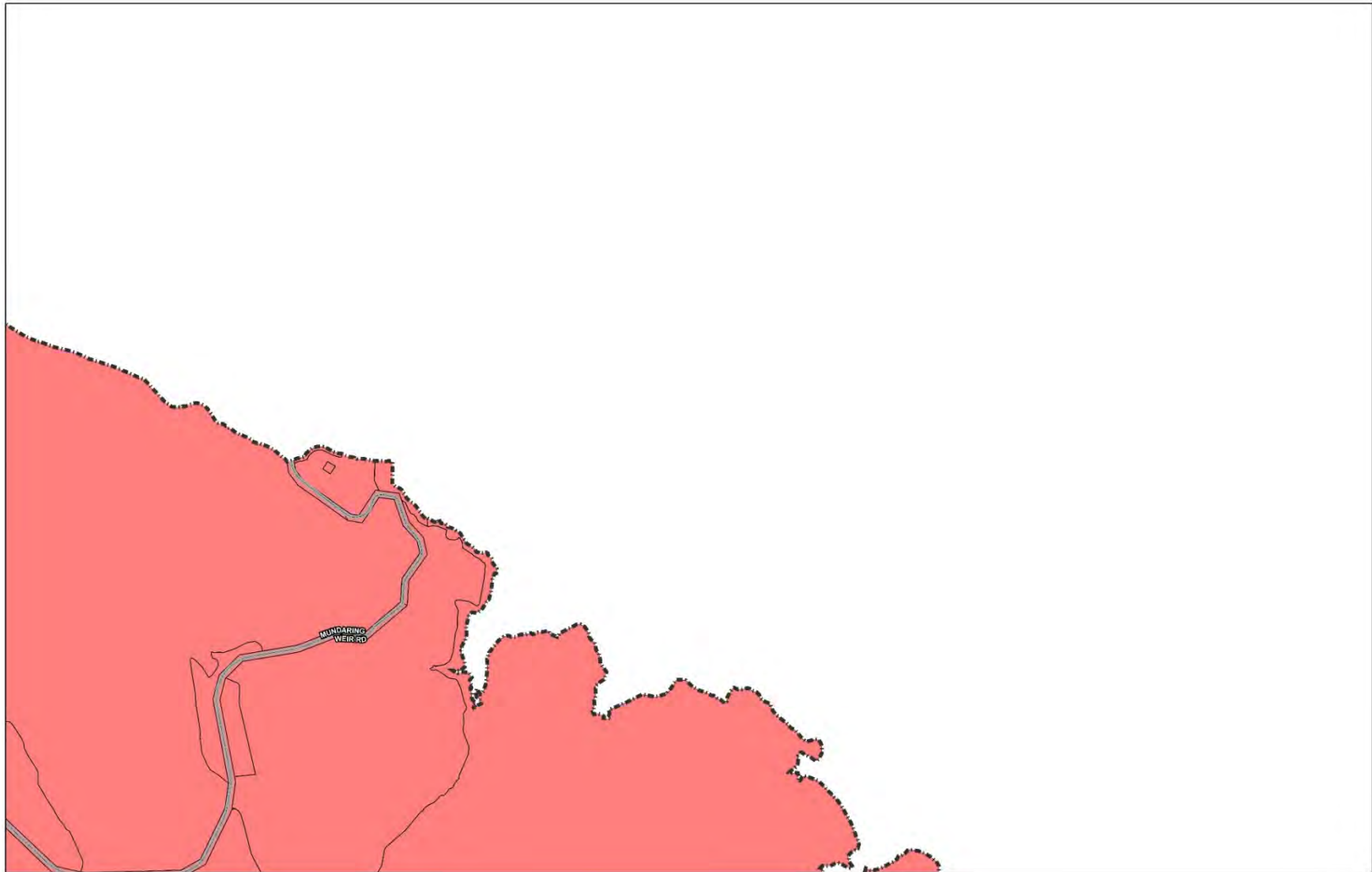
	<p>SHIRE OF KALAMUNDA - BUSHFIRE PRONE AREAS</p> <p><small>Disclaimer: The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Based on information provided by and with the permission of the Western Australian Land Information Authority (2013). Path: M:\Drafting\services\2014\Major Job Requests\Bushfire Risk Assessment\Bushfire Risk Assessment Cadastre A3 MAP6.mxd</small></p>	<p>1:20,000</p> <p>400 200 0 400 Metres</p> <p>Map Produced: 1/04/2014 Author: K. Ito</p>	
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LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 6A



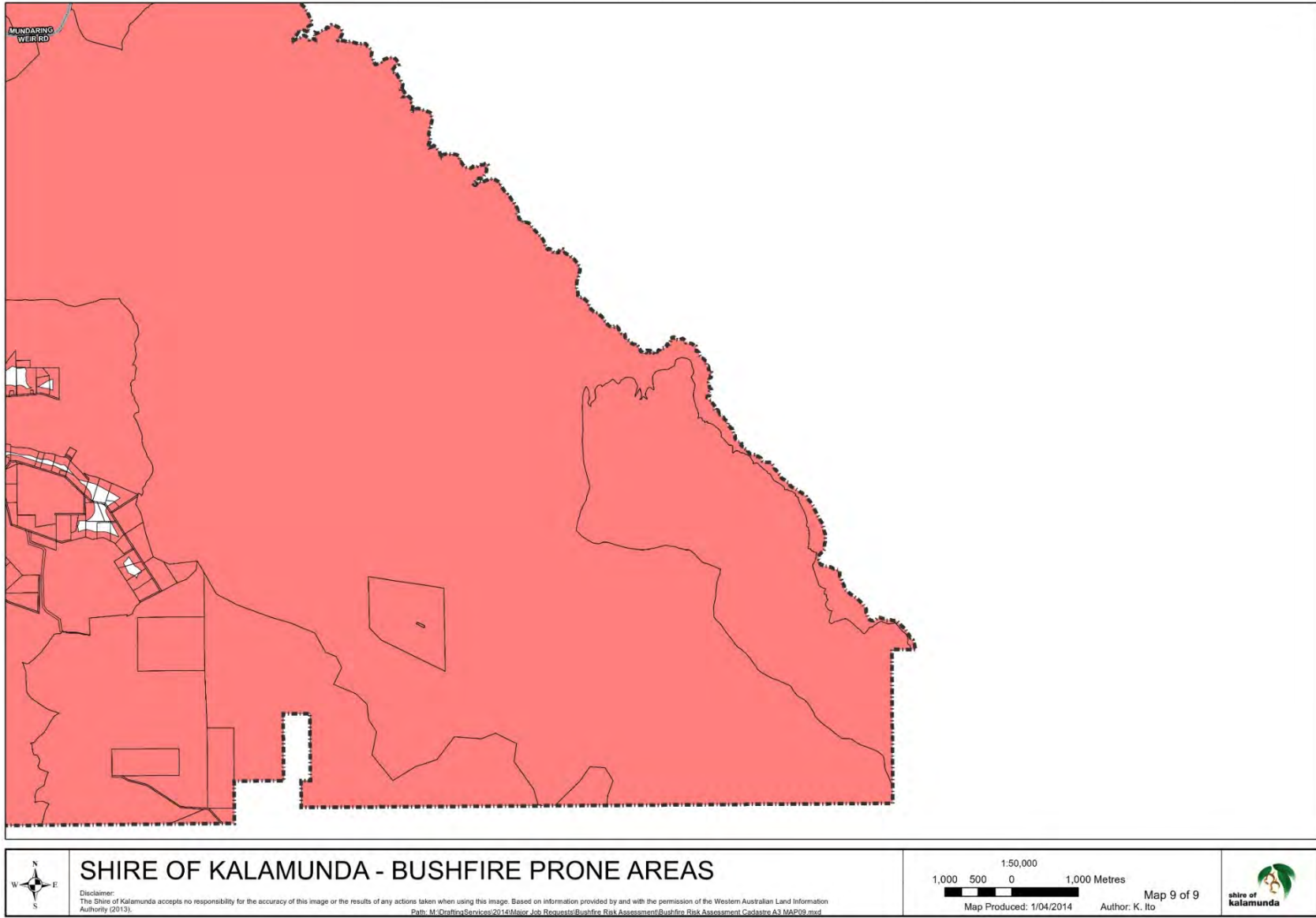
	<p>SHIRE OF KALAMUNDA - BUSHFIRE PRONE AREAS</p> <p><small>Disclaimer: The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Based on information provided by and with the permission of the Western Australian Land Information Authority (2013). Path: M:\DraftingServices\2014\Major Job Requests\Bushfire Risk Assessment\Bushfire Risk Assessment Cadastre A3 MAP7.mxd</small></p>	<p>1:20,000</p> <p>400 200 0 400 Metres</p> <p>Map Produced: 1/04/2014 Author: K. Ito</p>	
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LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 7A



	<p>SHIRE OF KALAMUNDA - BUSHFIRE PRONE AREAS</p> <p><small>Disclaimer: The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Based on information provided by and with the permission of the Western Australian Land Information Authority (2013). Path: M:\Drafting\services\2014\Major Job Requests\Bushfire Risk Assessment\Bushfire Risk Assessment Cadastral A3 MAP08.mxd</small></p>	<p>1:20,000</p> <p>400 200 0 400 Metres</p> <p>Map Produced: 1/04/2014 Author: K. Ito</p>	
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LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 8A

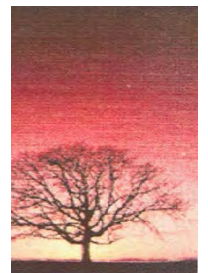


LPS 3 AMENDMENT – SCA – BUSHFIRE PRONE AREA – MAP 9A

Attachment 2

Amendment No. 67 to Local Planning Scheme No. 3 - Special Control Area - Bushfire Prone Area
Bushfire Hazard Assessment Report

**REPORT INTO THE
BUSH FIRE HAZARD ASSESSMENT
COVERING THE
SHIRE OF KALAMUNDA**



**FirePlan WA
September 2013**

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Report into Bush Fire Hazard Assessment Shire of Kalamunda**Prepared For****Shire of Kalamunda****Prepared By****FirePlan WA****10 Bracken Road****Thornlie WA 6108****T: 94931692 F: 94930330****E: firepla@bigpond.net.au****Document Status**

Version	Comment	Reviewer	Review Date
Version 1		Bill Harris	18.03.13.
Version 2	SoK		22.04.13.
Version 3	SoK		13.08.13.
Version 4	SoK		17.09.13.

Disclaimer: The measures contained in this bush fire hazard assessment report are considered to be minimum recommendations and they do not guarantee that a building will not be damaged in a bush fire. All surveys, forecasts, projections and recommendations made in this report associated with the project are made in good faith on the basis of information available to FirePlan WA at the time; and achievement of the level of implementation of fire precautions will depend among other things on the actions of the Shire of Kalamunda, landowners or occupiers over which FirePlan WA has no control. Notwithstanding anything contained therein, FirePlan WA will not, except as the law may require, be liable for any loss or other consequences (whether or not due to the negligence of the consultants, their servants or agents) arising out of the services rendered by the consultants.

1.0 INTRODUCTION

FirePlan WA was contracted by the Shire of Kalamunda to carry out a Bush Fire Hazard Assessment for the whole of the municipality in accordance with the guidelines detailed in Appendix 1 of "Planning for Bush Fire Protection" Edition 2 (WAPC/DFES 2010). This publication should be read as a precursor to reading this report as knowledge of the definitions, interpretations and terminology is essential to the understanding of the report.

1.1 Purpose

The purpose of this report is to develop a map of the Shire of Kalamunda which will be included in the Shire of Kalamunda Local Planning Scheme No. 3. This action will enable building permit applications to be dealt with in accordance with the Building Code of Australia (BCA) and AS 3959 "Construction of Buildings in a Bush Fire Prone Area."

Bush Fire Hazard Assessment is the process of classifying the bushland, both public and private, across the Shire in accordance with Planning for Bush Fire Protection document for the purpose of declaring **Bush Fire Prone** areas of land within the Shire to enable the application of the BCA and AS 3959.

In designated Bush Fire Prone areas, all habitable buildings should comply with Australian Standard AS 3959 which is referred to in the Building Code of Australia. This report outlines some of the **standards, processes** and the preparation of **local fire policy** that is to be considered by the Shire of Kalamunda in order to improve fire protection to landowners/ occupiers, residents and land managers within the Municipality.

2.0 THE PLANNING PROCESS HIERARCHY

2.1 The Structure Plan. A local structure plan is a statutory document prepared by the local government, a landowner or a landowner representative and approved under the provisions of a local planning scheme.

- A structure plan must address bush fire hazard risk and assessment in accordance with the WAPC's *Planning for Bushfire Protection Guidelines* (May 2010) and outline compliance and mitigation measures; and
- Identify the likely impacts of bushfire risk management activities.

2.2 Subdivision Plan. A subdivision plan is a document prepared by a landowner or landowner representative and should closely match the approved structure plan, if applicable.

- A Fire Management Plan (FMP) is to be prepared by a suitable qualified fire consultant in accordance with the *Planning for Bush Fire Protection Guidelines*, on behalf of the landowner or a landowner representative. The FMP is to be prepared to the satisfaction of the Shire of Kalamunda and approved by the WAPC.

2.2 Development Application.

- New dwellings on land designated bush fire prone or subject to a FMP will require planning approval and dwellings constructed to AS 3959.

2.3 Building Permit Application.

- A landowner or the Shire of Kalamunda (at the landowners cost) may request that a Bush fire assessment is carried out as part of the Building Permit Application process to confirm (in an existing development with a Fire Management Plan) or determine the dwelling construction standard in accordance with AS 3959.
- This may apply to older created Lots that are in a bush fire prone area but do not have a Fire Management Plan or where the Lot has remained vacant or where extensions or renovations are being carried out to an existing dwelling.

3.0 BUSH FIRE HAZARD ASSESSMENT METHODOLOGY

"Planning for Bush Fire Protection" Edition 2 sets out the process for conducting a Bush fire Hazard Assessment in Appendix 1 Section 1 as follows:

"Classify the bush fire hazard by assessing the predominant vegetation is a key to the initial determination of the site suitability for subdivision/development and if deemed suitable the potential level of construction standard is determined by the application of the current Australian Standard AS 3959 "Construction of Buildings in Bush Fire Prone Areas" at the subdivision/development stage".

Using Table 1 of the Guidelines, Vegetation Type and Class (both text description and graphic description tables) bushfire hazard is classified as either "Extreme", "Moderate" or "Low". The Guidelines exclude strips of vegetation less than 20 metres wide and smaller than 0.25 ha.

The Bush Fire Hazard rating based on the predominant vegetation is:-

Low – this area will generally be:

- Areas devoid of standing native vegetation (less than 0.25 ha cumulative area)
- Areas which due to climatic or vegetation (e.g. rainforest) conditions, do not experience bush fires
- Inner urban or suburban areas with maintained gardens and very limited native standing vegetation (less than 0.25 ha cumulative area)
- Pasture or cropping areas with very limited native standing vegetation that is a shrubland, woodland or forest.

Moderate – this area will generally be:

- Areas containing pasture or cropping areas with slopes in excess of 10°
- Open woodlands
- Open shrub lands
- Low shrubs with slopes of less than 10° or flat land
- Suburban areas with some native tree cover.

Extreme – this area will generally be:

- Forests
- Woodlands
- Tall shrubs.

Slope is a significant factor in fire behaviour. Bush fires travel twice as fast up a 10° slope and four times as fast up a 20° slope. The slope of the land under the classified vegetation is much more important than the slope of the land between the site and the edge of the classified vegetation. The slope of the land under the vegetation has a direct influence on the rate of spread, the severity of the fire and the ultimate level of heat radiant flux.

Slope analysis of areas of greater and less than 10° and greater than 20° were used in conjunction with the vegetation assessment to determine the Bush Fire Hazard rating for the Shire of Kalamunda.

FirePlan WA liaised with the Department of Planning, Shire of Kalamunda staff and Community Emergency Management Officer in preparing this assessment. The field information was marked on aerial photographs which were digitised by the Shire of Kalamunda to form the mapping of Bush Fire Hazard Areas for the Shire.

It is acknowledged the assessment level and therefore the mapping will change over time as areas are either cleared for development or revegetated. The maps should be re-assessed using the latest aerial photograph at least once every 5 years and amend as required.

This Shire wide assessment does not remove the requirement for a more detailed assessment and detailed determination of a Bush Fire Attack Level (BAL) by each landowner applying to subdivide or develop their property. As outlined in Section 4.0, there is a requirement for individual Fire Management Plans to be prepared and reviewed in accordance with the *Planning for Bush Fire Protection* guidelines (prepared by WAPC & DFES).

The information shown below in Figure 1 depicts some of the sites assessed as "Moderate" and Figure 2 depicts some of the sites classified as "Extreme"

Figure 1 Sample photographs depicting sites rated as “Moderate”.



Shrub vegetation



Open woodland



**Scrub and leaf litter removed
(inside fence)**



Scrub and leaf removed

Figure 2 Sample photographs depicting sites rated as “Extreme”.



Low open forest



Low open forest



Slopes increase Bush Fire Hazard



Low open forest - heavy fuels



Low open forest- heavy fuels

Planning and Examples of Bush Fire Risk



Proposed building envelope in bushland



Private property to the left of the power line in road reserve



Narrow road – does not comply with current standards



Small turnaround area does not comply with current standards.



Narrow road – does not comply with current standards



Building located on top of slope - forest vegetation

4.0 BUSH FIRE PRONE AREAS

Bush Fire Prone areas are defined in the guidelines as:-

“For the purpose of these guidelines, a bush fire prone area is an area that has been declared as such by the relevant Local Government responsible for an area. Once an area is declared bush fire prone, the AS 3959 applies to all new residential development in it”.

The BCA details the types of buildings to which AS 3959 applies within each state within Australia.

Based on the guidelines bush fire prone areas shall apply to all stands of significant vegetation rated as “Moderate” and “Extreme” and all land within 100 metres of the perimeter of that vegetation as shown as hatched on the maps.

Generally Local Governments have been showing the mapped vegetated areas rated as **“Moderate” and “Extreme” plus a 100 metre buffer** in a red hatch as the **Bush Fire Prone area**. See sample in Figure 3.

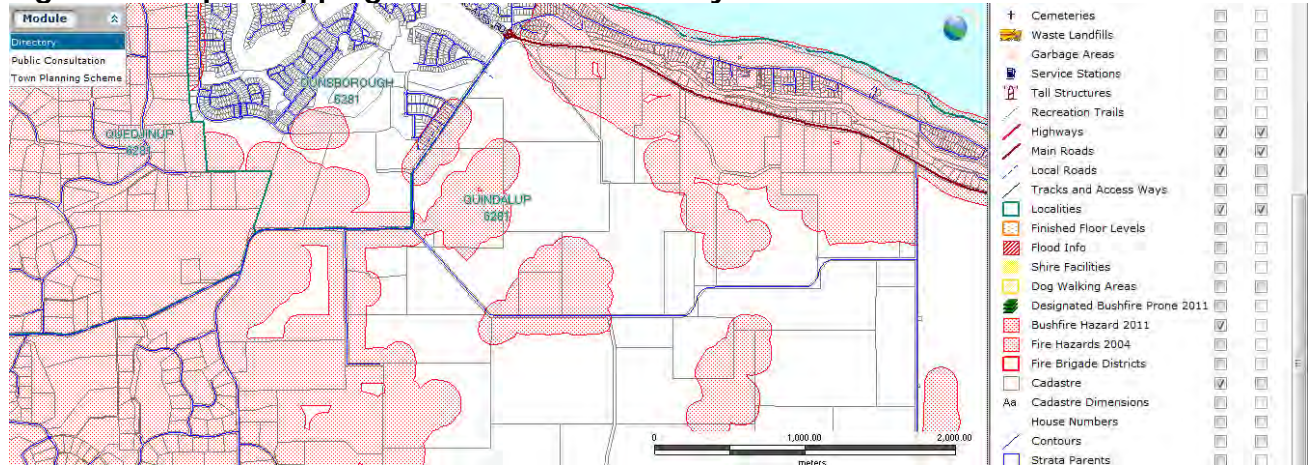
All buildings to be constructed within the bush fire prone zone will be required to comply with the requirements of AS 3959.

It is therefore recommended that the Shire of Kalamunda designate bush fire prone areas within the Shire as those areas hatched on the maps attached as Appendix A of this report and include a clause in its Local Planning Scheme identifying the requirements to be met for development in bush fire prone areas.

Should a landowner/developer dispute their land being included as a bush fire prone area shown on the maps, the landowner/ developer must provide appropriate justification to the Shire setting out the lower assessment. The Shire may require the landowner/ developer to arrange a site specific bush fire hazard assessment, done by a suitably qualified fire management consultant. If the Shire is satisfied with the detailed bush fire hazard assessment, it can:-

- determine that the land is not within a Designated Bush Fire Prone area if the hazard is assessed as “low” and is further away from moderate or extreme classified vegetation than 100 metres; or
- modify its requirements relating to AS 3959 for the building construction standards if the hazard assessment is “Moderate”.

Figure 1 Sample Mapping of Bush Fire Prone City of Busselton



Aerial map of same location

4.1 Preparation of Fire Management Plan

It is important that for subdivisions, a developer is required to prepare a Fire Management Plan as early as possible in the planning process. Many developers are now well aware of the influence and importance of the *Guidelines* and now consider bushfires as the number one planning issue to be satisfactorily addressed for a development to proceed.

There may be a need to update the Fire Management Plan at each stage of the subdivision which may take up to 5 years from the concept stage to clearance of conditions and the sale of Lots. During this time the Guidelines may have changed and building construction standards detailed in AS 3959 may also have changed.

4.2 Planning For Bush Fire Protection

Planning for Bush Fire Protection Edition 2, 2010' (referred to as the guidelines in this document) is a set of guidelines that outline a range of matters that need to be addressed at various stages of the planning process, to provide an appropriate level of protection to life and property from bush fires and avoid inappropriately located or designed land use, subdivision and development on land where a bush fire risk is identified.

The guidelines have been prepared jointly by the Department of Fire and Emergency Services of Western Australia (DFES) and the Western Australian Planning Commission (WAPC) in accordance with clause 6 of *State Planning Policy 3.4 Natural Hazards and Disasters* (SPP 3.4)."

"Local governments are encouraged to adopt the guidelines as policy and may add to their list of acceptable solutions by including solutions that are appropriate to local needs. These solutions can be used to clarify and reinforce the intent of the performance criteria and acceptable solutions in the guidelines".

It is recommended that the Shire of Kalamunda adopt *Planning for Bush Fire Protection* Guidelines as a Policy.

4.3 Local Planning Policy – Bush Fire Protection.

It is recommended that that a Local Planning Policy - Fire Protection is developed to include the processes for dealing with Bush fire Protection development that supports and enhances *Planning for Bush Fire Protection*. The Policy should include but not be limited to:-

- Additional standards /acceptable solutions
- Gate standards
- Water supply fittings and standards especially tanks
- Minimum water supply for each property where reticulated water is not supplied – domestic and water for fire fighting.
- Fire access standards;
- Firebreak / fire access standards; maintenance responsibilities of standards and acceptable solutions; fire management plans review processes;
- Words of signs on emergency access; siting of buildings to minimise the removal of vegetation;
- Fire management plan to be the subject of a 70A Notification on Titles.

4.4 Building Permit Application

Building Permit Applications for structures in a bush fire prone area should be accompanied by a form that must be completed by the builder specifying that the design complies with the requirements of AS 3959 for the relevant BAL.

The BAL assessment would have been required and prepared for the planning approval, prior to lodging the Building Permit Application.

4.5 Areas of Possible Exclusion from Development

Some areas of the Shire may be **unsuitable** for residential, rural residential, rural smallholding and tourist development due to their extreme fire risk.

In areas where the slopes are greater than 20° for less than 100 metres surrounding the dwelling site, dwellings cannot be constructed as AS 3959 does not address construction standards for areas with slopes greater than 20° due to the extreme risk.

For existing lots, or where appropriately justified, some development may be allowed after considering factors such as land use, size of allotment, and the amount of clearing permitted, potential of erosion, number of dwellings per lot etc.

The absence of two access/egress routes from a proposed development would preclude developments in these localities. It may be advisable for the Shire to prepare a plan of future roads that will be required to be funded by developers to ensure access in bush fire hazard areas can be provided.

In "Planning for Bush Fire Protection" Appendix 2 the Performance Criteria states:
"The internal layout, design and construction of public and private vehicular access in the subdivision/development allow emergency and other vehicles to move through it easily and safely at all times. Two different vehicular access routes, both of which connect to the public road network are available to all residents/the public at all times".

In new subdivisions it is important that two access routes are provided in Stage One of the development. One of these access routes may not need to be to the final internal road standard required by the Shire, but should comply with the Public Road, Fire Service Routes or Emergency access ways detailed in *Planning for Bush Fire Protection* as a minimum.

In many cases, a development may contain several stages before the road system is completed and meets the requirement standard. Many things can change, sales may not be achieved, and staging of the development may need to be extended or suspended. If two access routes are not established in the first stage, it may put resident's lives at risk in the event of a fire.

4.6 Conservation of Natural Vegetation

Better planning seeks to ensure that both fire management and conservation of native vegetation (due to the importance of flora and fauna attributes) should occur. There is typically a greater opportunity to achieve this where the land currently has a "Rural" zoning and/or earlier in the planning process. Typically, if there are options to locate development on cleared land, then this is preferable from a fire management and conservation perspective. This Shire wide bush fire hazard assessment seeks to influence the location of development and subdivision design to better account for bush fire risks.

Where conservation values are of greater importance than allowing a landowner to construct a dwelling or other development/subdivision near areas containing rare or threatened vegetation or a conservation area, then conservation may need to take priority. There may be opportunities for a redesign of the subdivision/development.

Where existing lots exist or an approval is in place, it is paramount that the protection of life and property through compliance with Building Protection Zones, Hazard Separation Zones and Building Construction Standards in accordance with current standards and must be implemented as a priority over the conservation considerations.

5.0 Firebreak Notice

Firebreaks have been shown to play a role in the protection of life, property and the environment however by themselves they will fall short of the stated objective.

Firebreak Notices should include all the elements that will ensure landowners do their part in ongoing maintenance of firebreaks and Building Protection Zones. There are some changes required to the current Shire of Kalamunda Firebreak Notice...

Firebreak notices need to reflect the Building Protection Zone (BPZ) dimensions as prescribed in the Guidelines which states the minimum BPZ for houses is 20 meters. Currently the Shire Firebreak Notice does not address a Building Protection Zone or other fire mitigation strategies that should apply to landowners.

It is essential that in today's environment with climate change, more damaging winds, higher intensity fires occurring, more houses than ever being destroyed, that we have to look beyond the firebreaks as a "simple and effective means of protecting our property". We have to have a more comprehensive approach for the future.

In future developments we will have all of the performance criteria and acceptable solutions contained in a Fire Management Plan to assist but we need to improve community fire protection of existing dwellings and communities.

The Shire of Kalamunda Firebreak Notice 2013/2014 needs to be updated to include:-

- Definition of Building Protection Zone and Hazard Separation Zone that is consistent with "Planning for Bush Fire Protection";
- Fuel Reduction Requirement of vegetation outside Building Protection Zone and Hazard Separation Zone;
- Definitions of Flammable Material;

5.1 Firebreak Review and Implementation:

- The firebreak order is to be reviewed for implementation in the 2013/14 fire season;
- Compliance with existing Fire Management Plans needs to be audited and process of recording, enforcement and provision of copies of Fire Management Plans to new landowners it to be put in place.

6.0 Implementation Issues

There are several issues that must be considered to implement Bush Fire Protection within the Shire of Kalamunda:

- Three elements- Bush Fire Planning, Planning for the Development and the implementation of building standards must be clearly understood and implemented by Council and Staff. The responsibilities for the various management units within the Council need to be clearly documented. E.g. who approves a Fire Management Plan for a development- Community Fire Manager or Planning Department, who clears the Fire Management Plan as a Condition of subdivision, etc.;
- Implement bush fire planning by developers at the earliest stage in the planning process in order to achieve better safety for residents in the development area. This includes urban development interfacing with vegetation.
- Ensure that conditions of subdivision are met by the developer prior to clearance of those conditions. This should include a site inspection.
- Any changes to the location of a building envelope may increase the risk from a bush fire by locating the building closer to vegetation thus changing the Building Protection Zone, Hazard Separation Zone and building construction standards. Overcome by good communication between Council staff and documenting a process for internal referral to appropriate staff before a decision is made.
- Review Council's Firebreak Notice to include recommended changes to Building Protection Zones and Hazard Separation Zones around dwellings.
- Consider as standard practice that the developer is to install the Building Protection Zones and Hazard Separation Zone standards as a condition of subdivision (in Lots under 1ha) which presents the lot (at the time of sale) to a standard that the new landowner can see and just needs to maintain. In Lots over 1 ha the Building Protection Zone and Hazard Separation Zone are to be implemented prior to laying of the dwelling foundations (e.g. as part of site works). In lots over 1 ha bush fire fuel loads on lots must be reduced to below 4-6 tonnes/ha prior to sale of a Lot.
- The inspection of proposed dwelling construction for compliance with BCA and AS 3959 need to put in place and implemented by Shire's Building Surveyors. Interaction between Planning, Fire Control and Building needs to be documented. The process of outside Fire Consultants providing building site assessments to determine AS 3959-2009 BAL ratings need to be documented. A standard assessment form has been adopted between Fire Consultants and some Local Governments and could be used or modified to suite the Shire of Kalamunda requirements;
- Consider the inspection requirements for implementation of BPZ/HSZ prior to occupation of dwellings in light of changes to the BCA in general.

- Training of Fire Control, planning officers and Building Surveyors in the outcomes, procedures and standard of record keeping will need to be carried out as this project is implemented.
- In circumstances where a development has already been approved but dwelling construction is not complete, the Shire will need to consider how it is going to handle these limited situations where the minimum setback if 21 metres (for a BAL -29 construction standard) from vegetation in areas cannot be achieved. DFES does not support construction standards above BAL-29, however the BCA has two higher classifications which reduce the required separation. The Shire will need to determine guidelines for limited exemptions to enable staff to deal with these circumstances. It should be noted that the BCA has prescribed requirements up to and including BAL FZ (Flame Zone) construction standards. This will enable a limited number of Lots that exist which fall into this category to be handled.
- Ensure that copies of individual Fire Management Plans are available to future landowners- a traceable register and archiving of Fire Management Plans is required.
- Compliance with existing Fire Management Plans needs to be audited and process of recording, enforcement and provision of copies of Fire Management Plans to new landowners is put in place.

7.0 RECOMMENDATIONS

This report recommends:

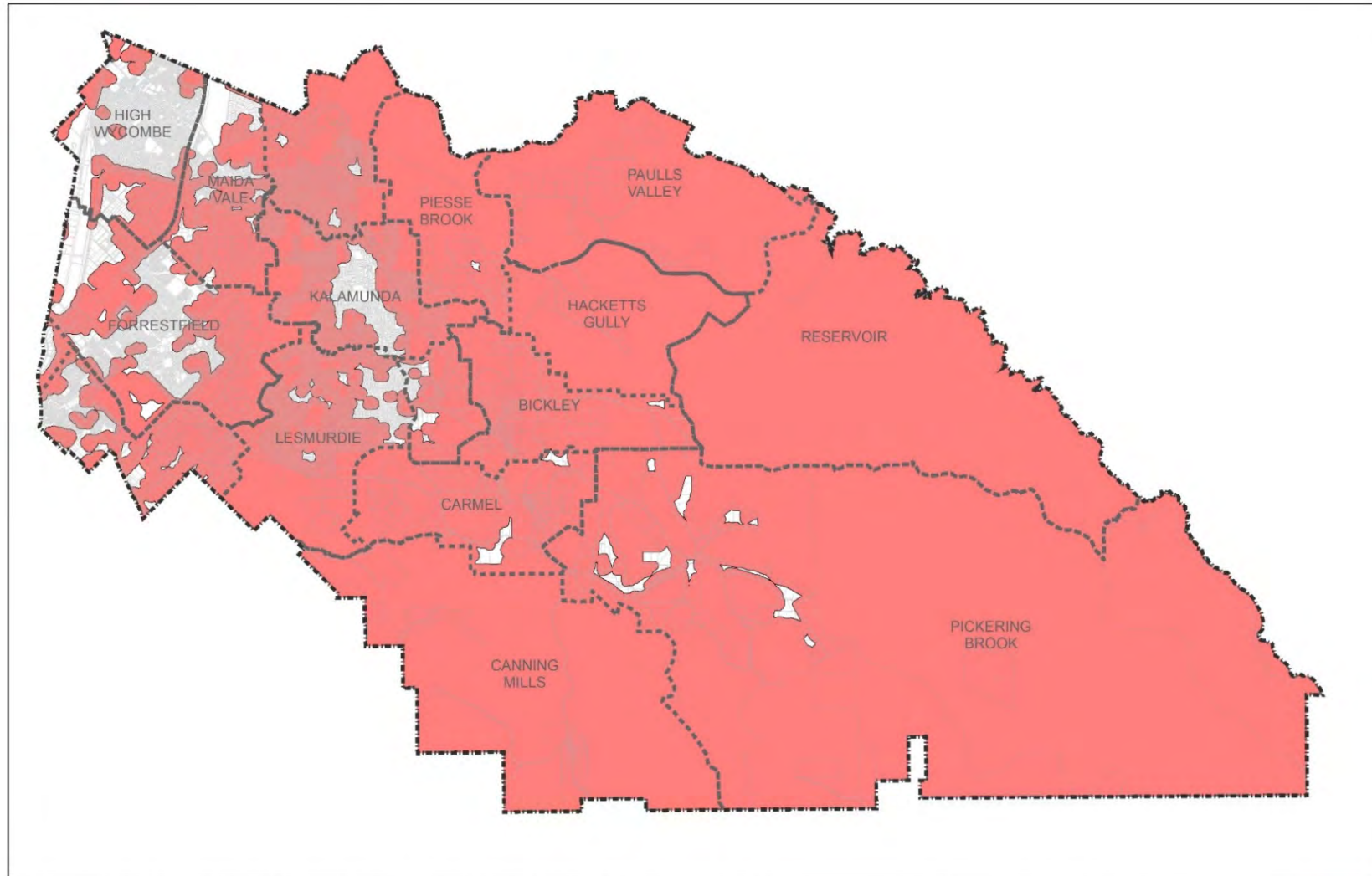
1. That the Shire of Kalamunda adopts the Bush Fire Hazard Assessment as supplied by FirePlan WA.
2. That the Shire of Kalamunda declares Bush Fire Prone Areas based on the information from the Bush Fire Hazard Assessment in the Local Planning Scheme No 3 in accordance with the recommendation of Planning for Bush Fire Protection Guidelines.
3. That the Shire of Kalamunda reviews the Firebreak Notice to ensure recognition of the requirements of the Bush Fire Prone declaration.

References:

Planning for Bush Fire Protection guidelines Edition 2 (Department of Fire and Emergency Services, Western Australian Planning Commission and Department of Planning 2010)

Structure Plan Preparation Guidelines (Department of Planning and Western Australian Planning Commission August 2012).

State Planning Policy 3.4 Natural Hazards and Disasters (Western Australian Planning Commission April 2006).



	<p>APPENDIX A - DECLARED BUSH FIRE PRONE AREAS</p> <p><small>Disclaimer: The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Based on information provided by and with the permission of the Western Australian Land Information Authority (2013). Path: M:\Drafting\services\2014\Major Job Requests\Bushfire Risk Assessment\Report Attachment Bushfire Prone Areas A3.mxd</small></p>	<p>1:80,000</p> <p>1,500 750 0 1,500 Metres</p> <p>Map Produced: 2/04/2014 Author: K. Ito</p>	
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Attachment 3

Amendment No. 67 to Local Planning Scheme No. 3 - Special Control Area - Bushfire Prone Area

Submission Table

	Details	Comment	Staff Comment
1.	<p>Urbis Level 1 55 St Georges Terrace PERTH WA 6000</p>	<p>Comment on the proposal.</p> <p>a) This submission has been prepared on behalf of the landowners of Lot 9000 (171) Glyde Road, Lesmurdie.</p> <p>b) The property is currently the subject of Amendment No. 73 to Local Planning Scheme No. 3 to rezone the lot from Public Purpose – Church to Residential R5. Ultimately the rezoning will facilitate the development of 10 residential lots.</p> <p>c) In response to the existing bushfire risk identified for the site a Bushfire Management Plan and Bushfire Attack Level Assessment has been undertaken and submitted to the Shire as part of Amendment No. 73. This report acknowledges that whilst the land is currently assessed with a ‘Moderate’ to ‘Extreme’ bushfire hazard level, ultimately the subject site and adjacent land will be cleared for development, therefore the bushfire hazard level for both areas will be ‘Low’. As a result, the only additional bushfire management and mitigation measures required are</p>	<p>a) Noted.</p> <p>b) In September 2014, Council resolved to initiate Amendment No. 73 to the Scheme, to rezone Lot 9000 (171) Glyde Road, Lesmurdie, from Public Purpose – Church to Residential R5.</p> <p>c) A Bushfire Management Plan submitted by the applicant identified the property and two lots adjoining the eastern boundary, as mostly being at extreme risk of a bushfire. In the event that the Scheme amendment proceeds and future development occurs over the site, the resulting loss of vegetation will remove the extreme bush fire risk classification over the site.</p> <p>It is acknowledged that if the amendment gets approved and subsequently the properties get redeveloped there is the potential for the bushfire hazard level to become ‘Low’, however until this redevelopment occurs the Shire is unable to amend its bushfire prone area mapping.</p>

		<p>those specified within the Shire Fire Control Notice.</p> <p>d) The post-development bushfire hazard level will be classified as 'Low' and will ultimately require the Shire Bushfire Prone Area Mapping to be updated accordingly.</p>	<p>d) If the amendment is approved the Shire will be required to review its Bushfire Prone Area Map once every 5 years as a minimum. When this is undertaken it will consider whether to change the risk classification over the locality.</p>
<p>2.</p>	<p>P and K Ambrose 73 First Avenue BICKLEY WA 6076</p>	<p>Non-objection.</p> <p>We are well aware, as we live in an extreme fire zone, that you are taking a proactive approach to protecting your residents and I commend the Kalamunda Shire for trying to address this issue prior to our next fire season.</p>	<p>Noted.</p>

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

68. Amendment No. 71 to Local Planning Scheme No. 3 – Modifications to Scheme Text – Payment of Developer Contributions

Previous Items	OCM 125/2014, OCM 135/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/071
Applicant	N/A
Owner	N/A

PURPOSE

1. To consider whether to finally adopt Amendment No. 71 to Local Planning Scheme No. 3 (Scheme) to modify the provision in the Scheme text relating to developer contribution payments.

BACKGROUND

2. In May 2013, the Minister approved Amendment No. 48 to the Scheme, which amongst other provisions, proposed that Developer Contribution Items for Stage 1 Forrestfield/High Wycombe Industrial Area be inserted under Schedule 12 (Development Areas) in the Scheme.
3. In March 2014, Council resolved (En Bloc Resolution OCM 47/2014) to request the preparation of a local planning policy that establishes guidelines around staged payments for Developer Contributions for Stage 1 of the Forrestfield/High Wycombe Industrial Area (Stage 1) for consideration by Council at a future meeting.
4. In May 2014, Council resolved (En Bloc Resolution OCM 68/2014) to endorse the Policy for the purpose of advertising.
5. In July 2014, Council resolved (Resolution OCM 110/2014) that the Scheme be amended to disallow staged payments for development within the Forrestfield/High Wycombe Industrial Area, and to ensure that all contributions are paid in full as a condition of any planning approval.
6. In August 2014, Council resolved (Resolution OCM 125/2014) to initiate Amendment No. 71 to the Scheme.
7. In September 2014, Council resolved (En Bloc Resolution OCM 135/2014) not to proceed with the Policy.

DETAILS

8. It is proposed that clause 6.5.14.2 (Payment of Cost Contribution) of the Scheme be modified as follows:

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

Forrestfield/High Wycombe Industrial Area, where the Owner's Cost Contribution is required to be paid in a lump sum."

STATUTORY AND LEGAL CONSIDERATIONS

9. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
10. Schedule 11 (Development Areas) of the Scheme describes the Development Areas (DAs) and sets out the purpose and particular requirements that may apply to the DA.
11. Landowners are not permitted to subdivide or develop land which falls within a DA without paying the Developer Contribution in accordance with Schedule 11 of the Scheme.
12. Part 6 – Special Control Areas of the Scheme establishes Development Areas on the scheme maps as "DA" with a number and included in Schedule 11.

POLICY CONSIDERATIONS

State Planning Policy No. 3.6 – Development Contributions for Infrastructure

13. State Planning Policy No. 3.6 – Development Contributions for Infrastructure (SPP 3.6) sets out the principles underlying development.
14. The model text provisions in SPP 3.6 for the incorporation of development contribution plans into local planning schemes, stipulates the following:

"6.3.14.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by installments or in such other manner acceptable to the local government."

COMMUNITY ENGAGEMENT REQUIREMENTS

15. The proposal was advertised in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District.
16. During the advertising period no submissions were received.

FINANCIAL CONSIDERATIONS

17. There will be a cost involved in advertising the proposed amendment, this is however, covered in the Development Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

18. *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

19. Nil.

Economic Implications

20. The staged payment process may assist developers in meeting their financial obligations to the Developer Contribution Scheme. However, without the prompt payment of contributions, the Shire will be unable to coordinate the essential infrastructure works required to develop the industrial area in a timely manner.

Environmental Implications

21. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 22.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|---|
| The amendment may be refused by the Minister. | Likely | Major | High | If the amendment is refused by the Minister it is recommended that a Policy be prepared which outlines Council's expectations in terms of payment of developer contributions. |

OFFICER COMMENT

23. The Scheme currently allows the developer contribution to be paid in a lump sum or by instalments which are acceptable to Council. This however has to be considered in the context of the Scheme meeting its obligations in respect to the delivery of scheme Infrastructure. Staged payments may affect the timely development and provision by the scheme infrastructure. The scheme currently has insufficient funds to undertake key infrastructure works.
24. Council has previously supported three requests from developers to stage their developer contribution payment over a period of 6 to 15 months. This has meant that cash flow to the Developer Contribution Scheme has been delayed at a time when the land acquisition for the construction of roads and drainage is a priority.
25. The idea of the amendment is to remove discretion to allow for deferral of developer contribution payments.
26. The amendment if approved, would result in Scheme provisions which are inconsistent with the following Model Scheme Text provisions stipulated under SPP 3.6:

“6.3.14.2 The owner, with the agreement of the local government, may pay the owner’s cost contribution in a lump sum, by installments or in such other manner acceptable to the local government.”

27. It is acknowledged that developer contributions can represent a significant financial component of a development.

A Councillor queried the Risk Management Considerations at point 22. and asked for clarification regarding the Risk –“The amendment may be refused by the Minister” being noted as likely. Director Development Services replied that this is an amendment to the model scheme text and it has been customary that any amendment to the model scheme text provisions which the State has released often do not obtain approval from the Minister.

A Councillor queried why it was necessary to move away from the current wording which states “with the agreement of the local government”, when the local government could make an exception each time the Forrestfield/High Wycombe Industrial Area comes before Council.

The Director Development Services noted that the current wording removed any discretion for Council and gave developers the ability to put in an appeal through the State Administrative Tribunal. By removing Council’s discretion in the area there would be no ability for Council to consider it and therefore there would be no way that a review of the decision could be made on those grounds.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 68/2014)

That Council:

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

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 71

Resolved that the Council in pursuance of Part 5 of the *Planning and Development Act 2005* amend the above Local Planning Scheme by:

- a) Modifying clause 6.5.14.2 (Payment of Cost Contribution) to the following:

"6.5.14.2 The Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner acceptable to the local government. The exception being for development within the Forrestfield/High Wycombe Industrial Area, where the Owner's Cost Contribution is required to be paid in a lump sum."

2. Amends the Scheme text accordingly.
3. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting final approval be granted.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

Vote:

For

Cr John Giardina
Cr Geoff Stallard
Cr Allan Morton
Cr Andrew Waddell
Cr Dylan O'Connor
Cr Sue Bilich

Against

Cr Noreen Townsend
Cr Simon Di Rosso

CARRIED (6/2)

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

69. Proposed Modification to the Maida Vale Cell 6 Structure Plan – Lot 256 (53) Maida Vale Road, Maida Vale

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	MD-03/053
Applicant	Gray and Lewis Land Use Planners
Owner	The Estate of Leslie William Frost
Attachment 1	Proposed modification to Cell 6 Structure Plan
Attachment 2	Summary of submissions

PURPOSE

- To consider an amendment to the Cell 6 Maida Vale Structure Plan (Cell 6 Structure Plan) to re-code Lot 256 (53) Maida Vale Road, Maida Vale from R20 to R40.

BACKGROUND

- Land Details:**

Land Area:	2000m ²
Structure Plan Zone:	R20
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

Locality Plan



-
4. The proposed modification relates to Lot 256 (53) Maida Vale Road, Maida Vale. The Subject land has frontage to both Maida Vale Road and Pinker Crescent.
 5. The subject land is surrounded by R20 coded development with the exception of a few R30 and R40 coded lots which adjoin the future local centre site approximately 200 metres east. Properties located directly north of Maida Vale Road are included in the Shire's Local Housing Strategy, and are identified as having a split code of R12.5/R30 in the future.
 6. The property currently contains a single dwelling which will likely be removed at such time that the property is subdivided and developed in the future.

DETAILS

7. The proposed modification seeks to change the residential density code of the subject property from a density of R20 to R40. A copy of the modification plan is included as Attachment 1.
8. The applicant has justified the proposal as follows:
 - The proposed density code is consistent with the intent of current State Planning documents such as *Directions 2031* and *Liveable Neighbourhoods Policy*. *Directions 2031* promotes increased housing diversity, adaptability, affordability and choice, while *Liveable Neighbourhoods* encourages higher density housing to be within close proximity to activity centres, public open space, commercial facilities and public transport.
9. There are no concept plans for the subdivision or development of the site, however, re-coding of the site to R40 would potentially allow for the development of 9 dwellings on the site or multiple dwellings with a maximum plot ratio area of 0.6.

STATUTORY AND LEGAL CONSIDERATIONS

10. Sub-clause 6.2.5.1 of Local Planning Scheme No.3 (the Scheme) outlines that Council may adopt a minor change to or departure from a Structure Plan, if in its opinion, the change or departure does not materially alter the intent of the Structure Plan.
11. If adopted by Council, the modified Structure Plan will be forwarded to the Western Australian Planning Commission (WAPC) for endorsement. In the event that the WAPC refuses the modification, there is a right of appeal to the State Administration Tribunal. The WAPC would be the respondent for any such appeal.

POLICY CONSIDERATIONS

12. The Shire's Local Housing Policy was adopted by Council on 24 March 2014. Although the subject land is not specially addressed in the Local Housing Strategy, the proposed modification is consistent with the following objectives:

- *To provide for a greater variety of lot sizes and housing types that will cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services, while at the same time meeting the social and economic needs of the Shire's changing demographics.*
- *To identify suitable areas for greater housing choice which are strategically located, i.e. close to, or well connected to, existing and future services (for example, employment centres, main transport routes/hubs, community facilities, shopping centres, and most importantly, the two District Centres within the Shire – Kalamunda and Forrestfield).*

COMMUNITY ENGAGEMENT REQUIREMENTS

13. As the subject land directly adjoins existing residential development, the modification was advertised to the adjoining property owners in accordance with 9.4.3(a) of the Scheme. The advertising period of 21 days commenced on 6 October 2014.
14. Two objections to the proposal were received which are summarised in Attachment 2. The issues raised related to increased traffic, a lack of parking and the possibility of sand drift onto neighbouring properties during development.

FINANCIAL CONSIDERATIONS

15. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.2 To effectively plan for the diverse range of housing stock that will be required to meet the social and economic needs of the Shire's changing demographic.
- Strategy 4.2.1 Facilitate the delivery through strategies and policy development of a diverse range of housing within the Shire to ensure inclusiveness in population accommodation.

SUSTAINABILITY

Social Implications

17. Facilitating R40 lot sizes will ultimately lead to a greater housing affordability which in turn will allow for a potentially broader demographic.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

20.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Possible	Insignificant	Low	Ensure Council is aware that the proposed modification would allow for medium density residential development which is consistent with other densities in the area.

OFFICER COMMENT

21. The subject property is located approximately 200 metres from the future local shopping centre at the intersection of Old Maida Vale Road and Maida Vale Road. The site is also located adjacent to a bus route. Given this, the proposal is considered consistent with the objectives of Liveable Neighbourhoods, Directions 2031 and Beyond and the Shire's Local Housing Strategy in allowing for a mix of residential densities located in close proximity to existing/future commercial facilities and public transport.
22. The objections received were ultimately concerned with the impact of the proposal on the amenity of the locality. It is considered that the particular issues of concern to the objector will largely be addressed through the development assessment process where issues such as parking, vehicle access and the design of dwellings will be assessed for compliance with the Scheme and Residential Design Codes.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 69/2014)

That Council:

1. Adopts the proposed modification to the Cell 6 Structure Plan to increase the density coding of Lot 256 (53) Maida Vale Road, Maida Vale from R20 to R40.
2. Forwards a copy of the modification to the Cell 6 Structure Plan to the Western Australian Planning Commission for endorsement.

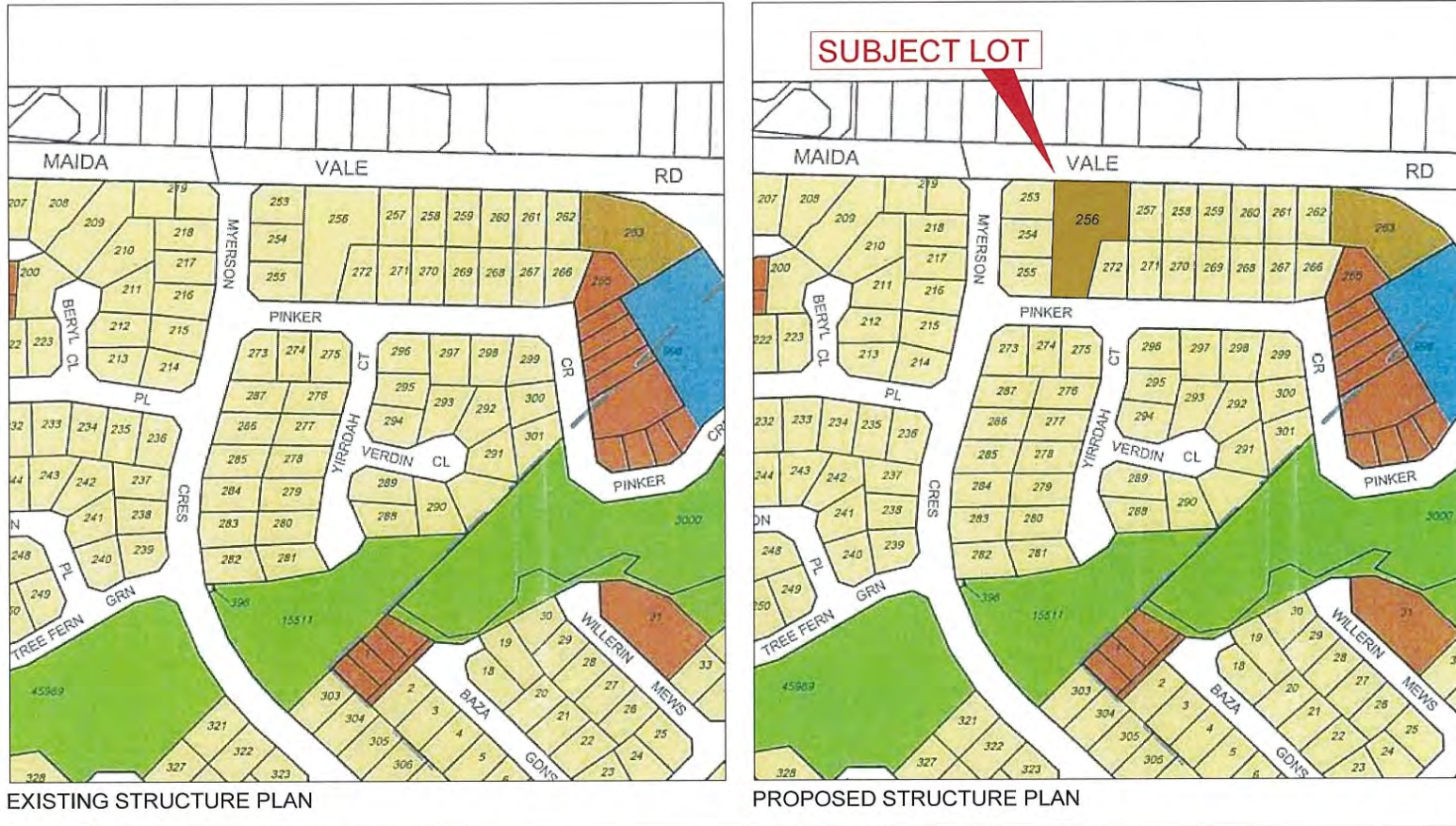
Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

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

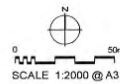
Attachment 1

Proposed Modification to the Maida Vale Cell 6 Structure Plan – Lot 256 (53) Maida Vale Road, Maida Vale
Proposed Modification to Cell 6 Structure Plan



PROPOSED MODIFICATION
 MAIDA VALE CELL 6 STRUCTURE PLAN
 LOT 256 (No. 53) MAIDA VALE ROAD
 MAIDA VALE

LEGEND
 RESIDENTIAL R20
 RESIDENTIAL R40



GRAY & LEWIS
 LAND USE PLANNERS

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Attachment 2

Proposed Modification to the Maida Vale Cell 6 Structure Plan – Lot 256 (53) Maida Vale Road, Maida Vale

Submission Table

	Submission	Details	Comments
1	Michael Richards 6 Pinker Crescent - Maida Vale	<p>Object</p> <ol style="list-style-type: none"> 1. I am very concerned about the impact of increased traffic and how it will affect us living directly opposite the property. 2. Developers and council want to profit by building as many dwellings as possible. 3. Sand will blow onto my property during the construction of the development. 4. There will be a lack of parking during Christmas, Birthday parties etc. This is already a problem with people using our verge as a car park. 	<ol style="list-style-type: none"> 1. Due to the lot primarily fronting Maida Vale Road, it is anticipated that the majority of additional traffic would enter and exit directly via Maida Vale road, therefore limiting the impact of the development on Pinker Crescent where the objector resides. Furthermore, the additional vehicle trips generated per day are well within the carrying capacity of the local road network. 2. This is not a planning concern. 3. The subject property has subdivision and development potential regardless of whether the current proposal is approved. The Shire will require a dust management plan as part of the subdivision/development application process. Shire staff will be able to investigate any complaint regarding sand drift at the time the site works are occurring in the future if this becomes a problem. 4. Regardless of the number of dwellings constructed on the property, car parking will be required in accordance with the Residential Design Codes. Generally, the Residential Design Codes requires two on-site car parking bays per dwelling, with a visitor car parking bay for the development of more than four grouped dwellings. It is not reasonable for every new development to incorporate adequate parking for special occasions which may occur from time to time.

2	Joseph Anquetil 7 Pinker Crescent – Maida Vale	Object	Objection Noted.
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10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr Andrew Waddell – Footpath Wandoo Road, Forrestfield

Q1. I have previously queried when a footpath will be constructed on Wandoo Road, Forrestfield. It has been a while now and I have not had an update, what is the Shire planning for a footpath in that area?

A1. Director Infrastructure Services responded that the location and costing has taken place and this has been proposed in the capital works program as part of the long term financial plan for the next budget cycle.

Q2. From this can you tell me when this is projected to take place?

A2. Taken on notice by the Director Infrastructure Services.

11.2 Cr John Giardina – Cars Parked for sale Corner Lewis and Canning Roads

Q. I notice this area is again being used to park cars for sale and seems to be larger each week; can the Shire do something about this?

A. The Director Development Services indicated he would provide Councillors with confidential legal advice that was previously sought.

11.3 Cr Dylan O'Connor – Trucks using Milner and Maida Vale Roads

Q1. Further to my previous questions regarding trucks using Milner and Maida Vale Roads, does the Shire of Kalamunda have enough data to discern what numbers and vehicle types are using this area?

A1. The Director Infrastructure Services responded not at this stage, however, the Shire have recently given an undertaking to local residents to set up traffic counters which can record the time, speed and vehicle type. They had discussed the erection of a sign with Main Roads who were not supportive at this time; however they may reconsider once the Counter's information has been collated.

Q2. Are those counters installed and will there be sufficient installed?

A2. They are about to be installed in a number of strategic locations to give the best analysis of the pattern of the traffic movements that we can, a minimum of seven day counts will take place in each location.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Cr Geoff Stallard – Central Road

Q1. During the discussion concerning Item 60 on this Agenda several residents complained about speeding vehicles on Central Road. Whilst it was necessary to divorce these complaints from the development being considered is there any way the Shire could look at slowing the traffic on this road?

A1. The Director Infrastructure Services noted this and indicated both infringements and physical speed controls is being investigated.

12.2 Cr Frank Lindsey – Problems with the Laneway Access

Q. As a follow on from Cr Geoff Stallard's question; could staff also examine the Laneway and the problems caused by commercial users blocking this?

A. Traffic and pedestrian safety in relation to the laneway between Burt Street and Canning Road will also be investigated.

12.3 Cr Bob Emery – Thanks to Kalamunda Historical Society

Q. Could a letter of thanks be sent to the Kalamunda Historical Society for their exhibition "Commemorating WWI", this was very well attended and an enormous amount of work made for an exceptional display?

A. The Chief Executive Officer has sent a letter to the Kalamunda Historical Society to pass on Cr Bob Emery's kind words.

12.4 Cr Dylan O'Connor – Heavy Vehicle Use of Milner and Maida Vale Road Intersection

Q1. Residents have contacted me to ask if there are any traffic plans in the area of the Milner and Maida Vale Road Intersection to try and take heavy trucks off the suburban roads.

A1. The Director of infrastructure Services stated there is currently a proposal to Main Roads WA in relation to signage control at this intersection. Unfortunately this problem is compounded by certain vehicles classes illegally using these roads. In terms of future development this intersection was discussed at a public meeting last week.

Q2. What is the timeframe for the future planning for this area?

A2. The Shire is presently working on a draft District Structure Plan for the areas previously identified as Stages 2 and 3 in order to maximise the land use planning opportunities arising from the Forrestfield Train Station. In addition to land use opportunities, the draft plan will identify the proposed road network and key intersections to ensure industrial traffic does not access through proposed residential areas. It is planned to have the draft plan to Council for approval to advertise in early 2015 and to the WAPC for endorsement by mid to late 2015.

12.5 Cr Sue Bilich – Green Waste Pick Up

Q. Could the Director of Infrastructure Services look into the possibility of reinstating the green waste pick up?

A. Director of Infrastructure Services agreed to investigate this and will give a briefing session to Councillors following this.

Councillor Bilich wished to clarify that the reinstatement she requested was because many blocks are in a high bushfire area and was to assist with the clearing of green waste on larger blocks and looks forward to the briefing session.

12.6 Cr Margaret Thomas – Noise from the Kalamunda Hotel

Q. I have been advised again that there is excessive noise for Residents from the Kalamunda Hotel could this please be investigated?

A. A letter has been sent to the Kalamunda Hotel reiterating their requirements under the noise legislation

13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

13.1 Nil.

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Nil.

15.0 CLOSURE

15.1 There being no further business the Presiding Member declared the meeting closed at 6.46pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2014