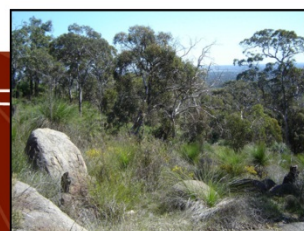


# Development & Infrastructure Services Committee Meeting

Minutes for 14 July 2014

**UNCONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.33pm, and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Sue Bilich	(Shire President) North Ward
Simon Di Rosso	(Presiding Member) North Ward
Noreen Townsend	South West Ward
Justin Whitten	South West Ward
Geoff Stallard	South East Ward
Frank Lindsey	South East Ward
Dylan O'Connor	North West Ward
Bob Emery	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
Nina Lytton	Acting Manager Development Services
Nicole O'Neill	Public Relations Coordinator
Kristy McGuire	Executive Research Officer Director Corporate Services

**Members of the Public** 3

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Cr Andrew Waddell JP	North West Ward
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#### 2.3 Leave of Absence Previously Approved

Cr John Giardina	South East Ward
Cr Allan Morton	South West Ward
Cr Margaret Thomas JP	North Ward

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### **3.0 PUBLIC QUESTION TIME**

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

3.1 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 June 2014 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

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. (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.

**38. Function Room and Dining Area Extension at the High Wycombe Tavern – Lot 98 (530) Kalamunda Road, High Wycombe**

Previous Items	OCM 81/06, OCM 115/06, OCM 68/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	KL-02/530
Applicant	P Cinanni
Owner	P Cinanni

Attachment 1	Site Plan
Attachment 2	Internal Floor Plan
Attachment 3	North Elevation

**PURPOSE**

1. To consider an application for an extension to the dining area and new function room for the High Wycombe Tavern at Lot 98 (530) Kalamunda Road, High Wycombe. Refer to (Attachments 1, 2 and 3).
2. The applicant is seeking dispensation on the number of car parking bays required under Local Planning Scheme No. 3 (the Scheme).

**BACKGROUND**

3. **Land Details:**

Land Area:	2.29ha
Local Planning Scheme Zone:	Special Use – Shopping Centre and Tavern
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**



5. Nearby properties contain single and aged person dwellings, public open space, a medical centre and fast food outlets.
6. In September 2006, Council resolved (En Bloc Resolution OCM 81/06) to approve an application for a shopping centre, tavern, betting agency and liquor store on the property with 496 bays provided.
7. In December 2006, Council resolved (En Bloc Resolution OCM 115/06) to approve an application for a fast food outlet and drive through on the property. This resulted in a surplus of 4 car parking bays.
8. In May 2014, Council resolved (En Bloc Resolution OCM 68/2014) to adopt Amendment No. 63 to Local Planning Scheme No. 3 (the Scheme) which proposes to modify the car parking requirements for the use 'Shop' to 5 bays per 100sqm of net lettable area (NLA). This is yet to be determined by the Minister for Planning.

## **DETAILS**

9. The proposal will be accommodated within the existing building footprint, with the proposed uses extending into an existing tenancy and the centre office.
10. The existing dining room will be extended to create an additional floor area of 39sqm NLA and the function room will have a floor area of 78sqm NLA. The applicant has advised that the function room will be used solely for unhosted events.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. Clause 4.2.5 (Objectives of the Zones – Special Use) of the Scheme stipulates that the objectives for the Urban Development zone are the following:  
  
*"To accommodate a specific use with special conditions on land where the provisions of the zoning table are not sufficiently sensitive or comprehensive to achieve the same objective."*
12. Schedule 4 (Special Use Zones) of the Scheme stipulates that the Special Uses for the property are 'Shopping Centre' and 'Tavern'.
13. The Scheme car parking requirements for the existing uses on the property, inclusive of the proposed internal alterations to the tavern, are as follows:

<b>Car Parking Requirement</b>	<b>Required</b>	<b>Proposed</b>
Shops	7 bays per 100sqm NLA 4,782 NLA = 334.74 bays minimum	483 bays
Fast Food Outlet	10 bays per 100sqm NLA 362sqm NLA = 36.2 bays minimum	
Tavern <ul style="list-style-type: none"> <li>• Existing Function Room – 118sqm</li> <li>• Dining Room – 99sqm</li> <li>• Lounge Bar – 176sqm</li> <li>• Bar Area – 50sqm</li> <li>• Alfresco Dining Areas – 222sqm</li> <li>• Proposed Function Room – 79sqm</li> <li>• Proposed Dining Area Extension – 39sqm</li> </ul>	1 bay for every 5sqm of bar and public area  783sqm NLA = 156.6 bays minimum	
<b>Total:</b>	<b>528 bays minimum</b>	<b>483</b>

14. If Council approves the application there would be a shortfall of 45 car parking bays.
15. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings.
  - The likely effect of the scale and appearance of the proposal.
  - Preservation of the amenity of the locality.
  - The relationship of the proposal to development on adjoining properties or on other properties in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.
16. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.



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## **POLICY CONSIDERATIONS**

### **Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays**

17. 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**

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

## **FINANCIAL CONSIDERATIONS**

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

## **SUSTAINABILITY**

### **Social Implications**

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

### **Economic Implications**

22. Approval of the application will potentially provide more employment opportunities for the local population.

### **Environmental Implications**

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not support the proposal.	Possible	Insignificant	Low	Ensure Council is aware that the proposal is considered an appropriate use in the proposed location and is compliant with the Scheme except for the car parking requirements.

## OFFICER COMMENT

25. The proposal is compliant with the Scheme with the exception of the car parking requirements.
26. There are 483 car parking bays on site. If the application was approved by Council there would be a shortfall of 45 car bays.
27. In May 2014 Council resolved (En Bloc Resolution OCM 68/2014) to adopt Amendment No. 63 to the Scheme which proposes to modify the car parking requirements for the use 'Shop' to 5 bays per 100sqm of NLA.
28. If this car parking requirement was applied to the proposal current and proposed floor space, there would be a surplus of 51 car bays.
29. The proposed function room is not permitted to be used for hosted formal or ceremonial occasions, as this would be deemed to be the use 'Reception Centre', which is not permitted in the Special Use zone for the property.

<b>Voting Requirements: Simple Majority</b>
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## OFFICER RECOMMENDATION (D&I 38/2014)

That Council:

1. Approves the application dated 30 May 2014 for an additional function room and a dining area extension at the High Wycombe Tavern at Lot 98 (530) Kalamunda Road, High Wycombe, subject to the following condition:
  - a. The proposed function room not being used for hosted formal and/or ceremonial occasions.

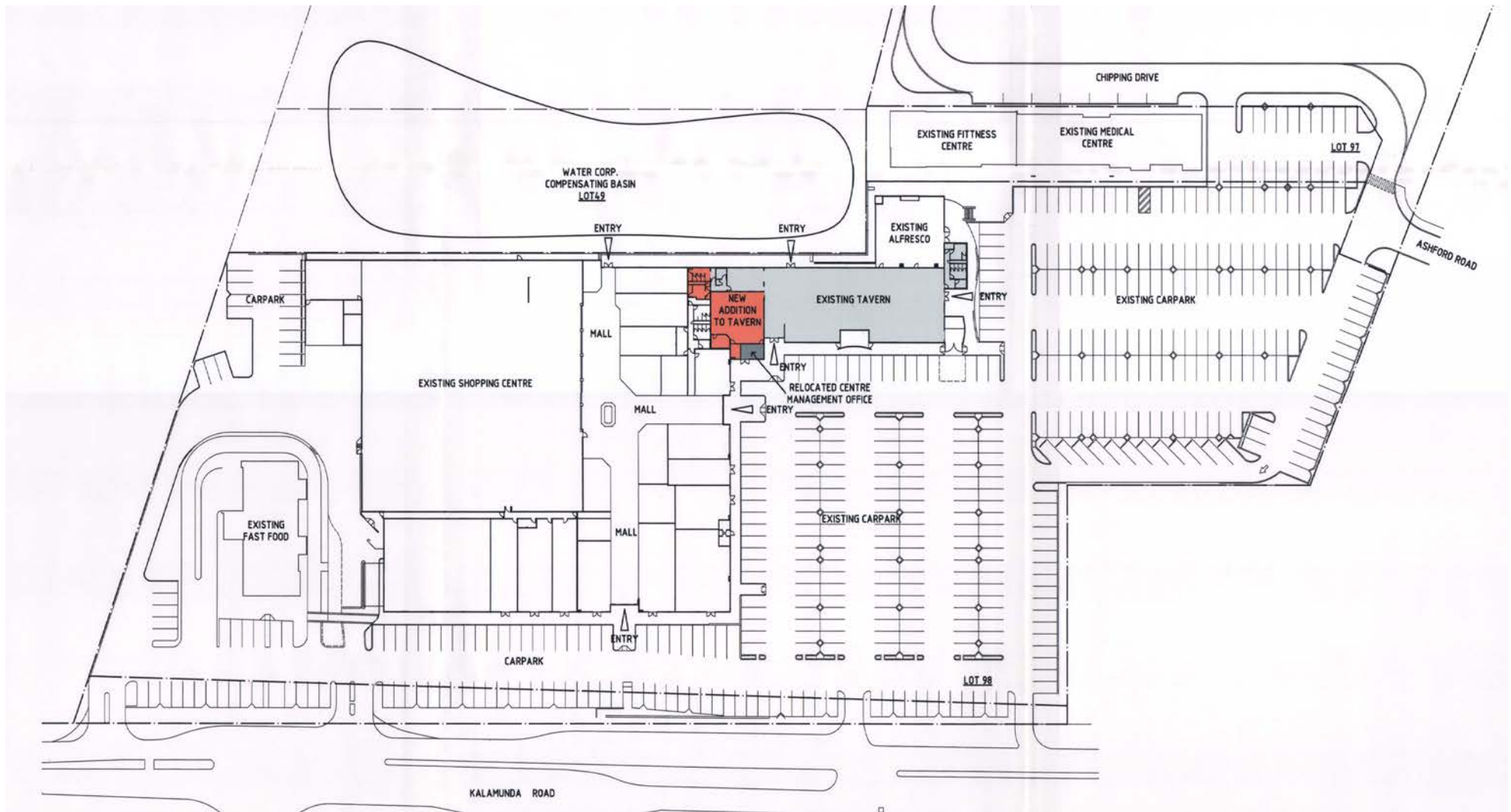
Moved: **Cr Dylan O'Connor**

Seconded: **Cr Bob Emery**

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

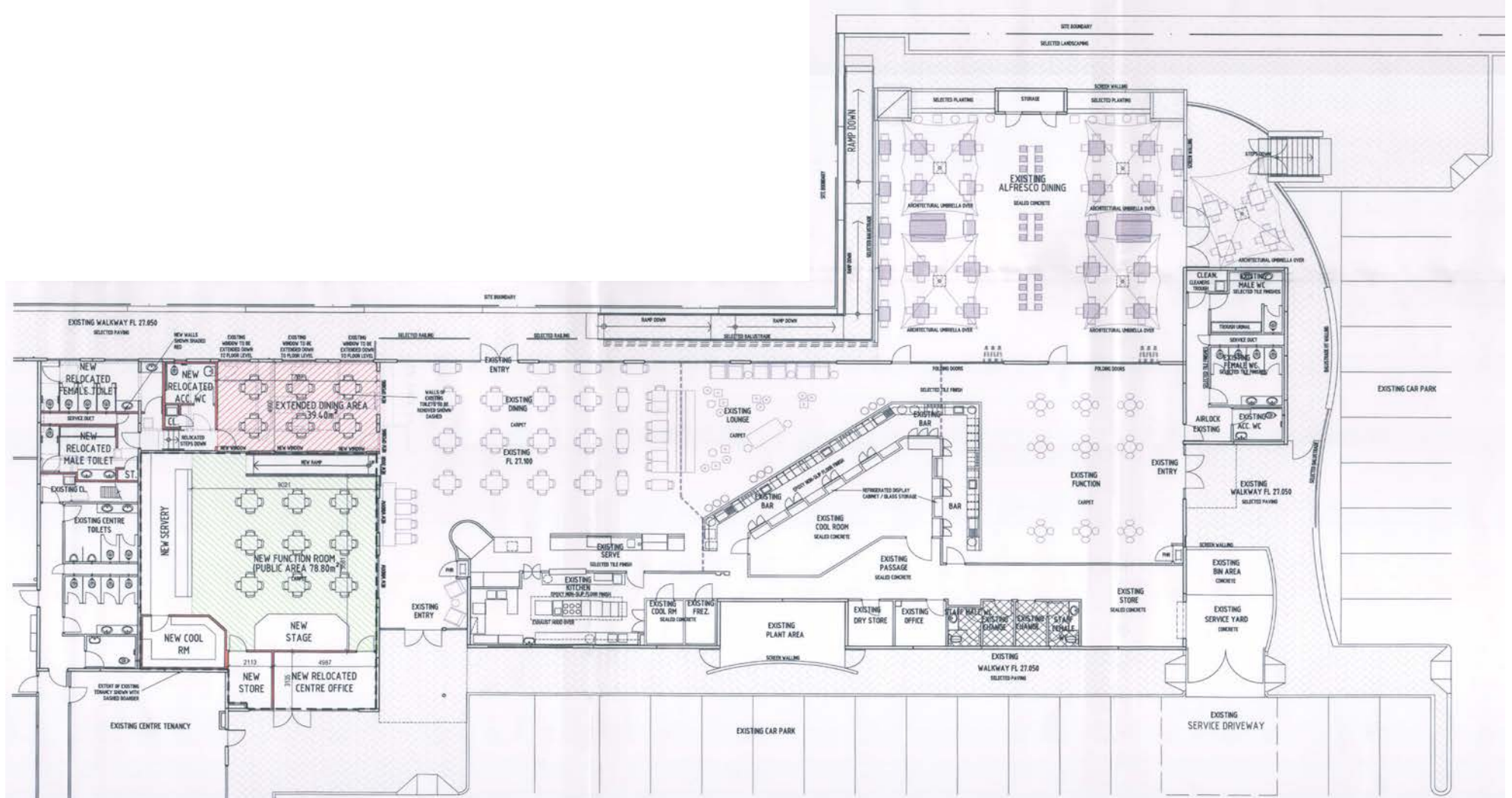
**Attachment 1**

**Additional Function Room and Dining Area Extension at the High Wycombe Tavern – Lot 98 (530) Kalamunda Road, High Wycombe  
Site Plan**



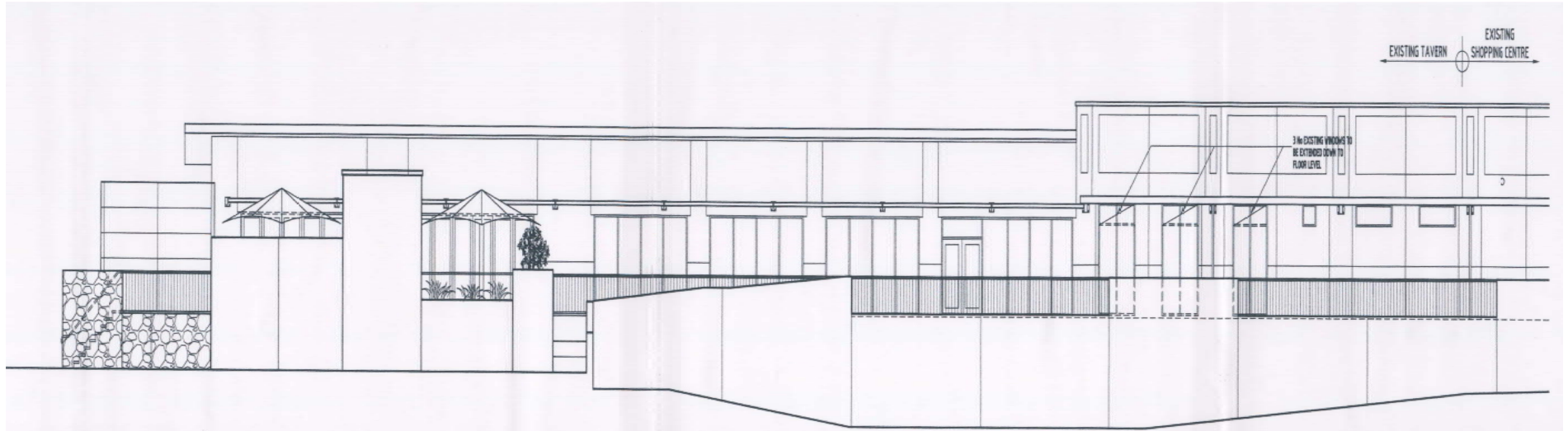
## Attachment 2

### Additional Function Room and Dining Area Extension at the High Wycombe Tavern – Lot 98 (530) Kalamunda Road, High Wycombe Internal Floor Plan



**Attachment 3**

**Additional Function Room and Dining Area Extension at the High Wycombe Tavern – Lot 98 (530) Kalamunda Road, High Wycombe  
North Elevation**



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

**39. Proposed Developer Contribution Instalment Plan for an Approved Transport Depot – Lot 211 (49) Nardine Close, High Wycombe**

Previous Items	OCM 68/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	NR-10/049
Applicant	J Walsh
Owner	G Walsh

Attachment 1	Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan
Attachment 2	Scheme Provisions for Developer Contribution Items
Attachment 3	Developer Contribution Cost Schedule

**PURPOSE**

- To consider a request to stage the developer contribution payments required for an approved transport depot at Lot 211 (49) Nardine Close, High Wycombe.

**BACKGROUND**

2. **Land Details:**

Land Area:	9,560sqm
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**



4. The property is located within Stage 1 of the Forrestfield/High Wycombe Industrial Area (Stage 1). The property contains a caretaker's dwelling and a workshop used in conjunction with a transport depot operating from the property.
5. In February 2013, the WA Planning Commission (the Commission) endorsed a Structure Plan for Stage 1 of the Forrestfield/High Wycombe Industrial Area. Refer (Attachment 1).
6. In May 2013, the Minister approved Amendment No. 48 to the Scheme, which amongst other provisions, proposed that Developer Contribution Items for Stage 1 be inserted under Schedule 12 (Development Areas) in the Scheme. Refer to (Attachment 2). The Developer Contribution Cost Schedule (Attachment 3), establishes the cost contribution and apportionment for each landowner. The current Developer Contribution Rate is \$28.49 per sqm plus GST.
7. In May 2014, a retrospective planning application was approved for a transport depot on the property.
8. It is a condition of the planning approval that the landowner is required to make a proportional contribution to the cost of common infrastructure such as road upgrades and modifications, land acquisition for road reserves, dual use paths and administration costs of the sharing arrangements.
9. Due to the ongoing requests to consider staging of developer contributions, and to ensure some consistency in the decision making process, in May 2014, Council resolved (En Bloc Resolution OCM 68/2014) to endorse proposed Local Planning Policy P-DEV 44 – Forrestfield/High Wycombe Industrial Area – Deferral of Developer Contributions (the Policy) for the purpose of advertising. The advertising period for the Policy concluded on 24 June 2014. A report will be presented to Council to consider whether to adopt the Policy at a future meeting.

## **DETAILS**

10. The total net developer contribution for the approved development on the subject site is currently \$272,364.40 exclusive of GST.
11. The landowner has requested that this payment be made at the following three stages:
  - An amount of \$100,000 to be paid on 30 August 2014.
  - An amount of \$100,000 to be paid on 30 August 2015; and
  - The remaining balance be paid on 30 August 2016.

## **STATUTORY AND LEGAL CONSIDERATIONS**

12. Schedule 12 (Development Contribution Areas) of the Scheme describes the DAs and sets out the purpose and particular requirements that may apply to the DA.

13. Clause 6.5.14.2 (Payment of Cost Contribution) of the Scheme stipulates that the owner, with the agreement of Council, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to Council.

## **POLICY CONSIDERATIONS**

### **State Planning Policy No. 3.6 – Development Contributions for Infrastructure**

14. State Planning Policy No. 3.6 – Development Contributions for Infrastructure sets out the principles underlying development.

### **Proposed Local Planning Policy P-DEV 44 – Forrestfield/High Wycombe Industrial Area – Deferral of Developer Contributions**

15. The objective of the policy is to provide clear guidelines as to how and when Council will consider the deferral of the payment of developer contributions for developments that have planning approval to ensure Scheme infrastructure is delivered in a timely manner.
16. The Policy stipulates that if Council grants such a request the minimum conditions to be included in any agreement for deferral are:
- a) The placing of a Caveat on the property's title.
  - b) The maximum period for deferral is to be two payments over a six month period from the issuance of a building licence. No extension to this will be considered.
  - c) A minimum payment of 30% of the total contribution fee is to be paid prior to the building licence being issued. In circumstances where the building licence has already been issued, or not required, the first instalment payment being made within 28 days of Council's decision.
17. The caveat will be terminated when the payment of cash meets the liability. The document is to be prepared by the Shire's solicitors at full cost to the applicant.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

18. Nil.

## **FINANCIAL CONSIDERATIONS**

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

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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



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## SUSTAINABILITY

### Social Implications

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

### Economic Implications

22. The staged payment process will assist the developer in meeting his financial obligations to the Scheme. However, without the timely payment of contributions, the Shire will be unable to coordinate the essential infrastructure works needed to make the development functional.

### Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Instalments being deferred across a long timeframe.	Possible	Major	High	Without the contribution being paid within the short term, the required upgrades and modifications to roads, the acquisition of land for road Reserves and dual use paths, amongst other items, may be delayed.
The applicant defaulting.	Possible	Major	High	A Caveat being placed on the property's Title.

## OFFICER COMMENT

25. The Scheme allows the developer contribution to be paid in a lump sum or by instalments which are acceptable to Council. This however has to be considered in the context of the Scheme meeting its obligations in respect to the delivery of Scheme Infrastructure.
26. Without the contribution being paid either in full or in a timely manner the required road extensions, upgrades to the roads and the acquisition of land for road reserves, amongst other items, may be delayed.
27. It is acknowledged that Council has previously supported staged payments to assist developers. However, this has to be made in the context on how the proposal will have an impact on cash flow and the Shire's ability to deliver key scheme infrastructure.

28. The Policy has been prepared with the intent to provide Council with clear guidelines as to how and when a request for the deferral of contributions will be considered. In this regard, the applicant is seeking a three year payment regime which is inconsistent with the Policy which proposes a maximum of two payments over a six month period.
29. Under the Policy any request for deferral of contributions should be considered in the context the Developer Contribution Scheme financial position. Presently the Scheme has limited funds and as such it is open to Council not to support any deferral of the contributions.
30. Considering the above, it is recommended that Council support a six month payment regime in accordance with the Policy.

*Mr David Kelly spoke against the officer recommendation indicating that there should be no staged contributions to ensure money is available in the scheme to provide the infrastructure that is required. Mr Bill McWhirter spoke against the officers' recommendation and supported the comments of Mr Kelly.*

*Cr O'Connor indicated that he had an alternative motion, the Presiding Member obtained a seconder then asked the mover and the seconder to outline the alternative motion and the rationale for it.*

*The Presiding Member foreshadowed a further alternative motion.*

*The Presiding Member sought a mover and seconder for the officer recommendation, none was forthcoming and the officer recommendation lapsed.*

<b>Voting Requirements: Simple Majority</b>
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<b>OFFICER RECOMMENDATION (D&amp;I 39/2014)</b>
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That Council:

- |    |  |
|----|--|
| 1. | Approves the contribution amount to be paid in two instalments subject to the following conditions: <ol style="list-style-type: none"><li>a) A minimum payment of 30% of the total contribution fee be paid within 28 days of Council's decision at the applicable rate; and</li><li>b) The remaining amount owed be paid within six months of Council's decision at the applicable rate.</li><li>c) Requires a caveat be placed on the property's title at the landowner's expense requiring the Development Contribution payments be made as agreed to by Council.</li></ol> |
|----|--|

Moved: **LAPSED**

Seconded:

Vote:

*The Presiding Member then called for a vote on the alternative motion of Cr O'Connor.*

## **ALTERNATIVE MOTION**

Voting Requirements : Simple Majority
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That Council:

1. Refuse the Applicant's request for any staged payments.

Moved: **Cr Dylan O'Connor**

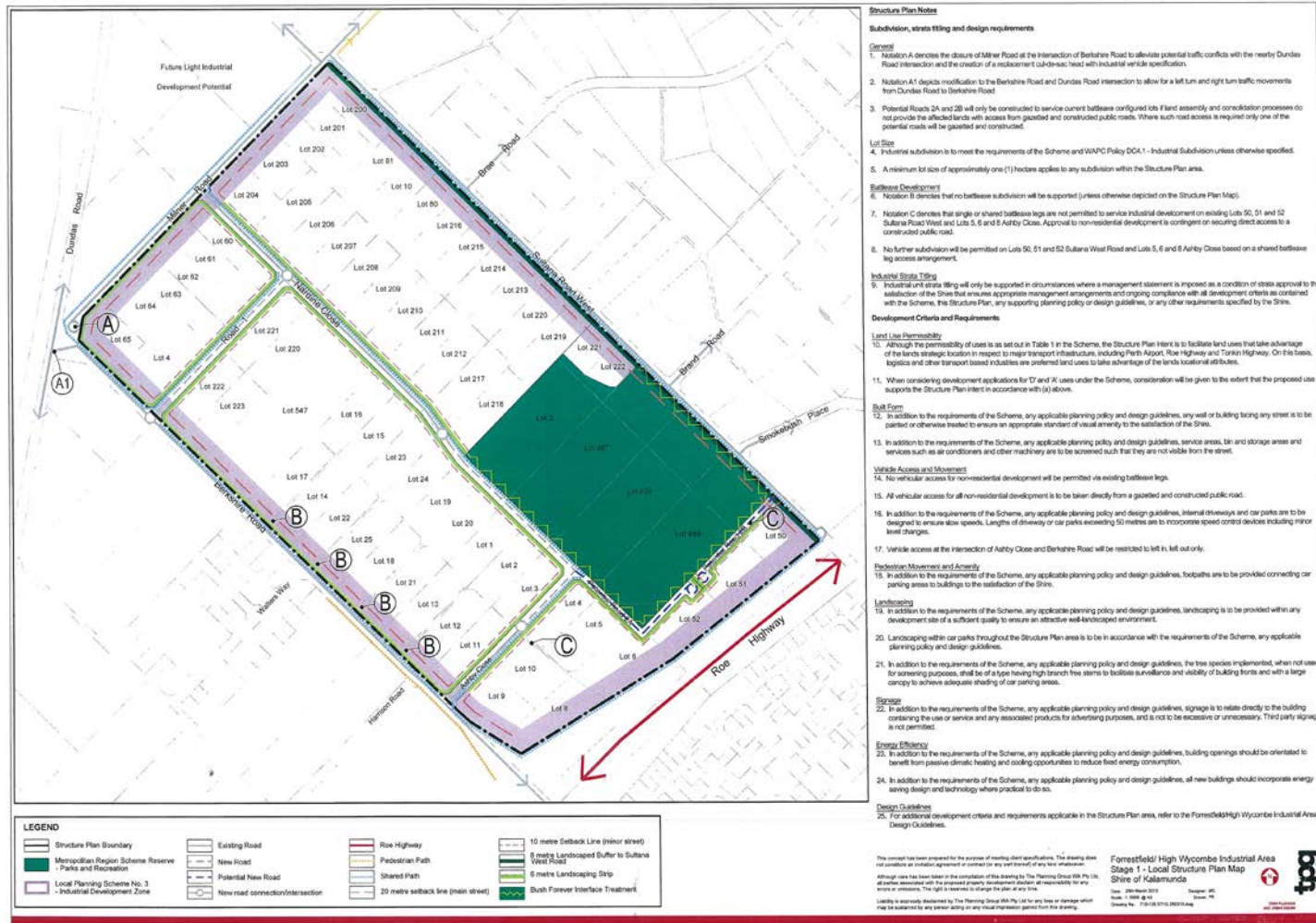
Seconded: **Cr Bob Emery**

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

# Attachment 1

## Proposed Developer Contribution Instalment Plan for an Approved Light Industry Lot 211 (49) Nardine Close, High Wycombe

### Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan



## **Attachment 2**

Proposed Developer Contribution Instalment Plan for an Approved Light Industry  
Lot 211 (49) Nardine Close, High Wycombe

### **Scheme Provisions for Developer Contribution Items**

#### ***“6.5 DEVELOPMENT CONTRIBUTION AREAS (DCA)***

##### ***6.5.1 Interpretation***

*In clause 6.5 unless the context otherwise requires –*

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

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

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

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

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

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

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

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

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

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

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

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### **6.5.2 Purpose**

*The purpose of having Development Contribution Areas is to –*

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

### **6.5.3 Development contribution plan required**

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

### **6.5.4 Development contribution plan part of scheme**

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

### **6.5.5 Subdivision, strata subdivision and development**

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

### **6.5.6 Guiding principles for development contribution plans**

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

- (a) Need and the nexus*

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

- (b) Transparency*

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

*(c) Equity*

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

*(d) Certainty*

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

*(e) Efficiency*

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

*(f) Consistency*

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

*(g) Right of consultation and review*

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

*(h) Accountable*

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

### **6.5.7 Content of development contribution plans**

*The Development Contribution Plan is to specify –*

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

### **6.5.8 Period of development contribution plan**

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

### **6.5.9 Land Excluded**

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

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

*is to be excluded.*

### **6.5.10 Development contribution plan report and cost apportionment schedule**

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

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

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

### **6.5.11 Cost contributions based on estimates**

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

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

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

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



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

## **6.5.12 Valuation**

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

6.5.12.2 *In clause 6.5.12 –*

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

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

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

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

6.5.12.3 *If an Owner objects to a valuation made by the Valuer, the Owner may give notice to the local government requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.*

6.5.12.4 *If, following a review, the Valuer's determination of the value of the land is still not a figure acceptable to the Owner, the value is to be determined:*

- (a) By any method agreed between the local government and the owner; or*
- (b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the Planning and Development Act 2005.*

### **6.5.13 Liability for cost contributions**

6.5.13.1 *An Owner must make a Cost Contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 6.5.3.*

6.5.13.2 *An Owner's liability to pay the Owner's Cost Contribution to the local government arises on the earlier of -*

- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the Owner's land within the Development Contribution Area;*
- (b) the commencement of any development on the Owner's land within the Development Contribution Area;*
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or*
- (d) the approval of a change or extension of use by the local government on the Owner's land within the Development Contribution Area.*

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

6.5.13.3 *Notwithstanding clause 6.5.13.2, an Owner's liability to pay the Owner's Cost Contribution does not arise if the Owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the Development Contribution Plan.*

6.5.13.4 *Where a Development Contribution Plan expires in accordance with clause 6.5.8, an owner's outstanding liability to pay the Owner's Cost Contribution under the Development Contribution Plan shall be deemed to continue in effect and be carried over into any subsequent Development Contribution Plan which includes the Owner's land, and the Owner's land, subject to such liability.*

#### **6.5.14 Payment of cost contribution**

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

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

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

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

#### **6.5.15 Charge on land**

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

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

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

#### **6.5.16 Administration of funds**

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



**6.5.19**

***Arbitration***

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

### Attachment 3

Proposed Developer Contribution Instalment Plan for an Approved Light Industry  
Lot 211 (49) Nardine Close, High Wycombe

#### Developer Contribution Cost Schedule

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

	<p>identified as appropriate at the discretion of the local government) and administrative costs; and</p> <p>p) Costs for the repayment of any loans raised by the local government for the purchase of any land for road reserves or any of the abovementioned works.</p>
Method for Calculating Contributions	<p>All landowners within DCA1 shall make a proportional contribution to the cost of common infrastructure and administrative items based on net lot areas.</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA1 which will be reviewed annually.</p> <p>owner's cost contribution = net lot area (m<sup>2</sup>) x contribution rate</p> <p>where</p> $\text{contribution rate} = \frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{total area of DCA (m}^2\text{)}}$ <p>net lot area = lot area (m<sup>2</sup>) - area of road reserve (m<sup>2</sup>)</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA1 which will be reviewed annually.</p>
Period of Operation	10 years
Priority and timing of infrastructure	The timing of the provision of infrastructure will be developer driven and subject to market demand for land. Infrastructure is generally to be provided within the 10 year operating period for the DCP.
Review Process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost index or other appropriate index as approved by the qualified person undertaking the certification of costs.</p>

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

**40. Proposed Modification to High Wycombe Urban Cell U4 Structure Plan – Lot 101 (14) Littlefield Road, High Wycombe**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	LT-02/014
Applicant	Grey and Lewis Land Use Planners
Owner	Anthony and Deborah Black

Attachment 1	Existing High Wycombe Urban Area U4 Structure Plan
Attachment 2	Proposed High Wycombe Urban Area U4 Structure Plan
Attachment 3	Indicative plan of subdivision
Attachment 4	Submission Table

**PURPOSE**

- To consider a modification to the High Wycombe Urban Area Cell U4 Structure Plan to re-code Lot 101 (14) Littlefield Road, High Wycombe from R20 to R30.

**BACKGROUND**

- Land Details:**

Land Area:	2531sqm
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban
Structure Plan Zone:	Residential R20

**Locality Plan**





3. The property contains a single dwelling which is proposed to be retained, in addition to a shed and swimming pool which will be removed when the property is subdivided and developed.
4. Properties surrounding the subject site are characterised as single or grouped dwellings, with a density coding of R20.

## DETAILS

5. The proposed modification seeks to amend the residential density code for the subject property from Residential R20 to Residential R30. A copy of the existing and proposed Structure Plans is included as (Attachments 2 and 3) respectively.
6. Currently, the site could potentially be subdivided into five lots. Re-coding the property to R30 would facilitate subdivision of the property into seven lots.
7. On 8 April 2014 the Western Australian Planning Commission (WAPC) referred an application for subdivision of the site to the Shire for comment. Refer to (Attachment 3) for the plan of subdivision, depicting seven lots. Assessment of this subdivision application has been deferred until such time that the current Structure Plan modification has been finalised.
8. The applicant has justified the proposal as follows:
  - The proposed modification will create the opportunity for additional medium density housing with excellent access to public transport, public open space, shops, services and facilities.
  - The demand for residential land in High Wycombe will continue to grow due to its proximity to the foothills and natural features, accessibility to regional transport routes and employment centres and its relative proximity to Perth.
  - The inclusion of Lot 101 Littlefield Road as an R30 site in the Structure Plan will allow greater housing choice to cater for the different lifestyle needs of future residents. Some variation in density will also help to foster a more diverse and cohesive community.

## STATUTORY AND LEGAL CONSIDERATIONS

9. The property is zoned Urban Development under Local Planning Scheme No. 3 (the Scheme), the objectives of which 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. Sub-clause 6.2.5.1 of 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 Commission for endorsement. In the event that the WAPC refuses the modification, there is a right of appeal to the State Administration Tribunal.

## **POLICY CONSIDERATIONS**

12. The Shire's Local Housing Strategy was adopted by Council on 24 March 2014. The proposed modification is consistent with the following objectives of the Strategy:

- *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 proposal was advertised to adjoining and opposite property owners in accordance with 9.4.3(a) of the Scheme. The advertising period of 21 days concluded on 7 May 2014.
14. Two objections to the proposal were received, which are summarised in the submission table refer (Attachment 4). Both submitters were concerned with the impact on their properties caused by noise, vibration and dust, particularly during the construction stage of developing the properties.

## **FINANCIAL CONSIDERATIONS**

15. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

17. A variety of lot sizes will provide a greater choice of housing which in turn will allow for a potential broader demographic.

### Economic Implications

18. Nil.

### Environmental Implications

19. No significant vegetation exists on the property.

## RISK MANAGEMENT CONSIDERATIONS

20.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not support the proposal.	Possible	Insignificant	Low	Ensure Council is aware that the proposed modification is consistent with the intent of the Shire's Local Housing Strategy

## OFFICER COMMENT

21. In respect to the objection raised to the proposal, it is noted that regardless of whether the current modification is supported, the property owner is able to subdivide and develop the site in accordance with its current R20 zoning, and that the difference in impact during development would be negligible.
22. The proposal is consistent with the objectives of the Shire's Local Housing Strategy, in allowing for a mix of residential densities located in close proximity to commercial public open space, commercial facilities and public transport, all of which exist in relatively close proximity to the property.

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<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 40/2014)**

That Council:

1. Adopts the proposed modification to the High Wycombe Urban Area Cell U4 Structure Plan to increase the density coding of Lot 101 (14) Littlefield Road, High Wycombe, from R20 to R30.
2. Forwards the modified High Wycombe Urban Area Cell U4 Structure Plan to the Western Australian Planning Commission for endorsement.

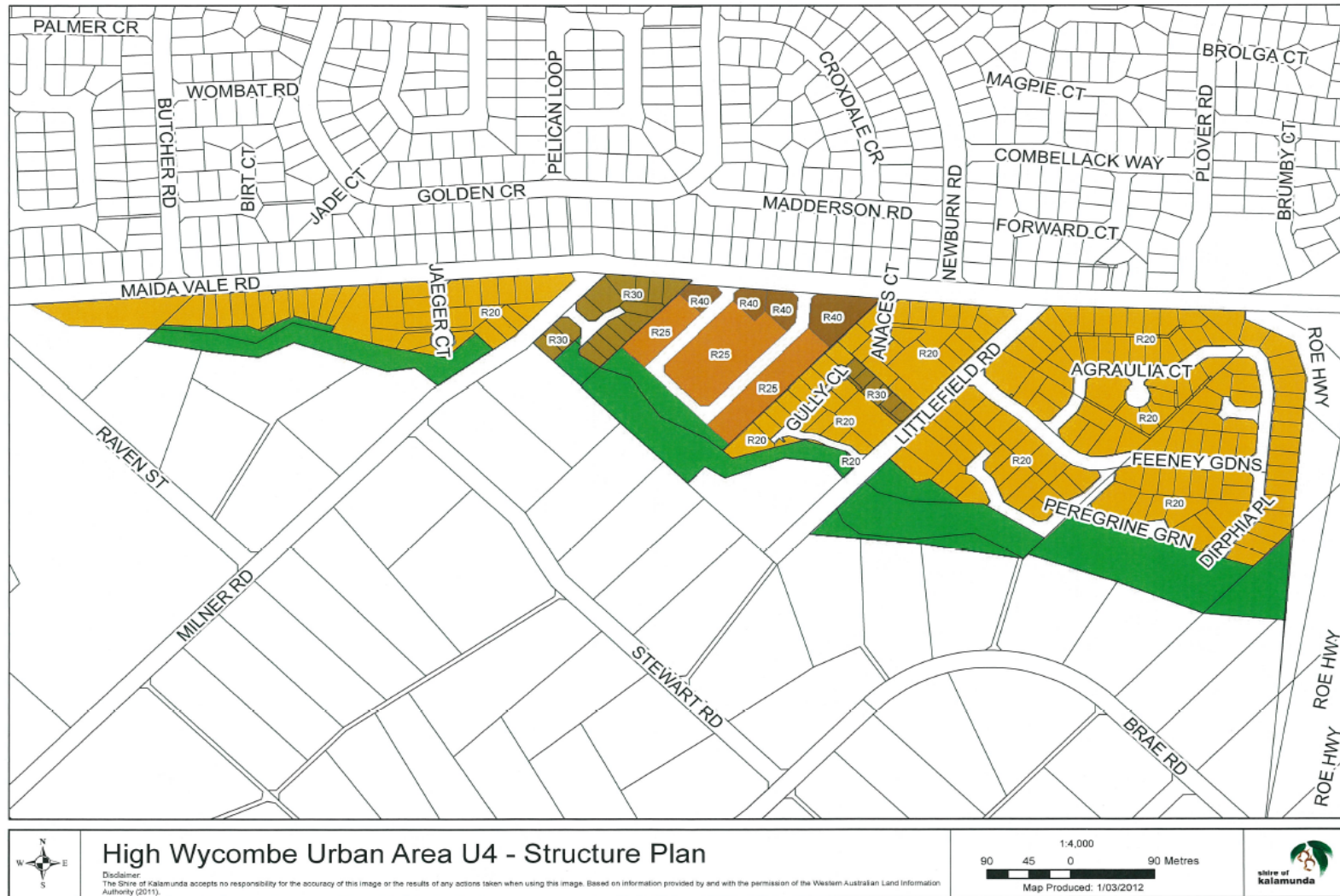
Moved: **Cr Dylan O'Connor**

Seconded: **Cr Frank Lindsey**

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

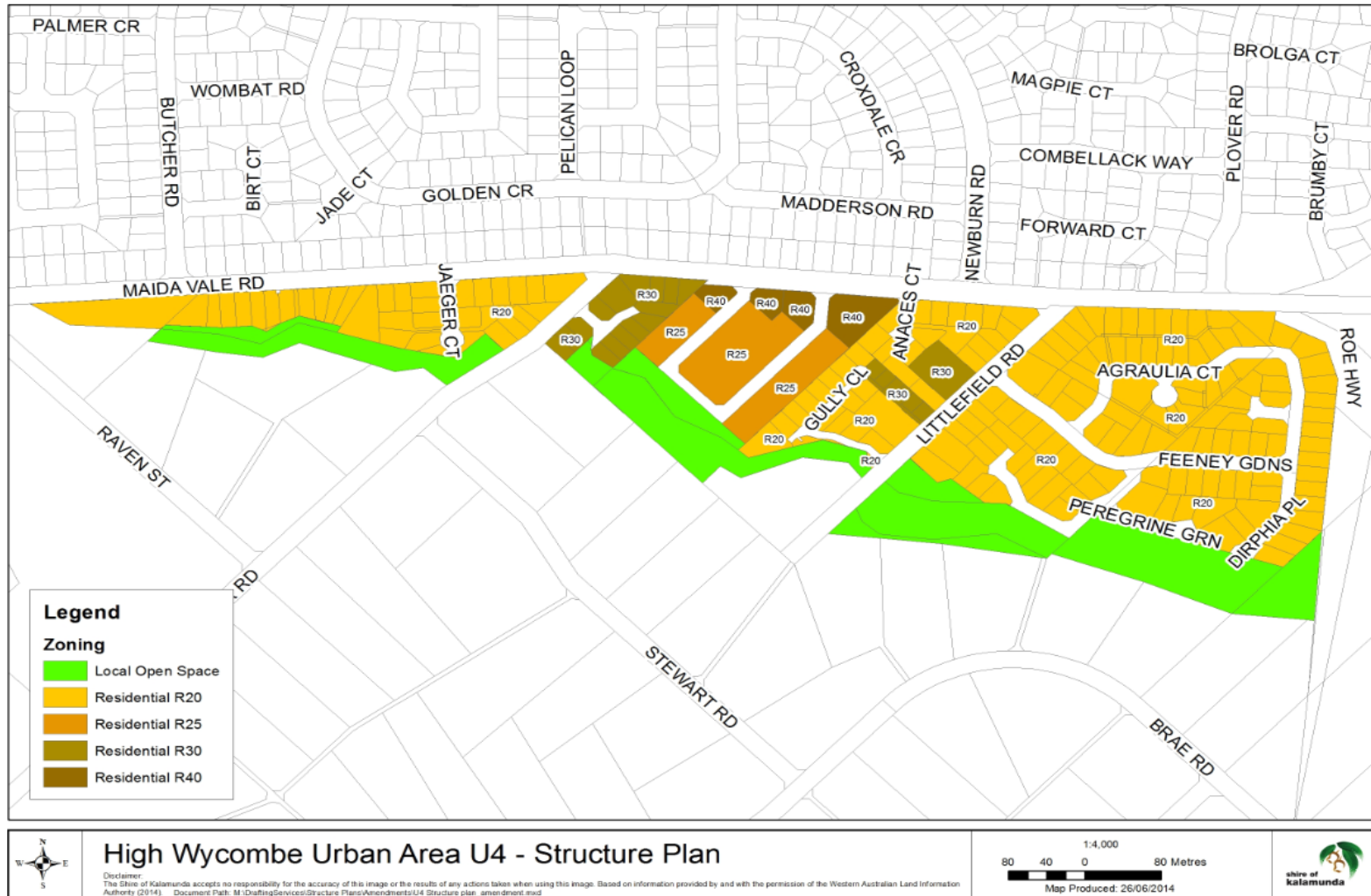
### Attachment 1

Proposed Modification to High Wycombe Urban Cell U4 Structure Plan – Lot 101 (14) Littlefield Road, High Wycombe  
**Existing High Wycombe Urban Area U4 Structure Plan**



## Attachment 2

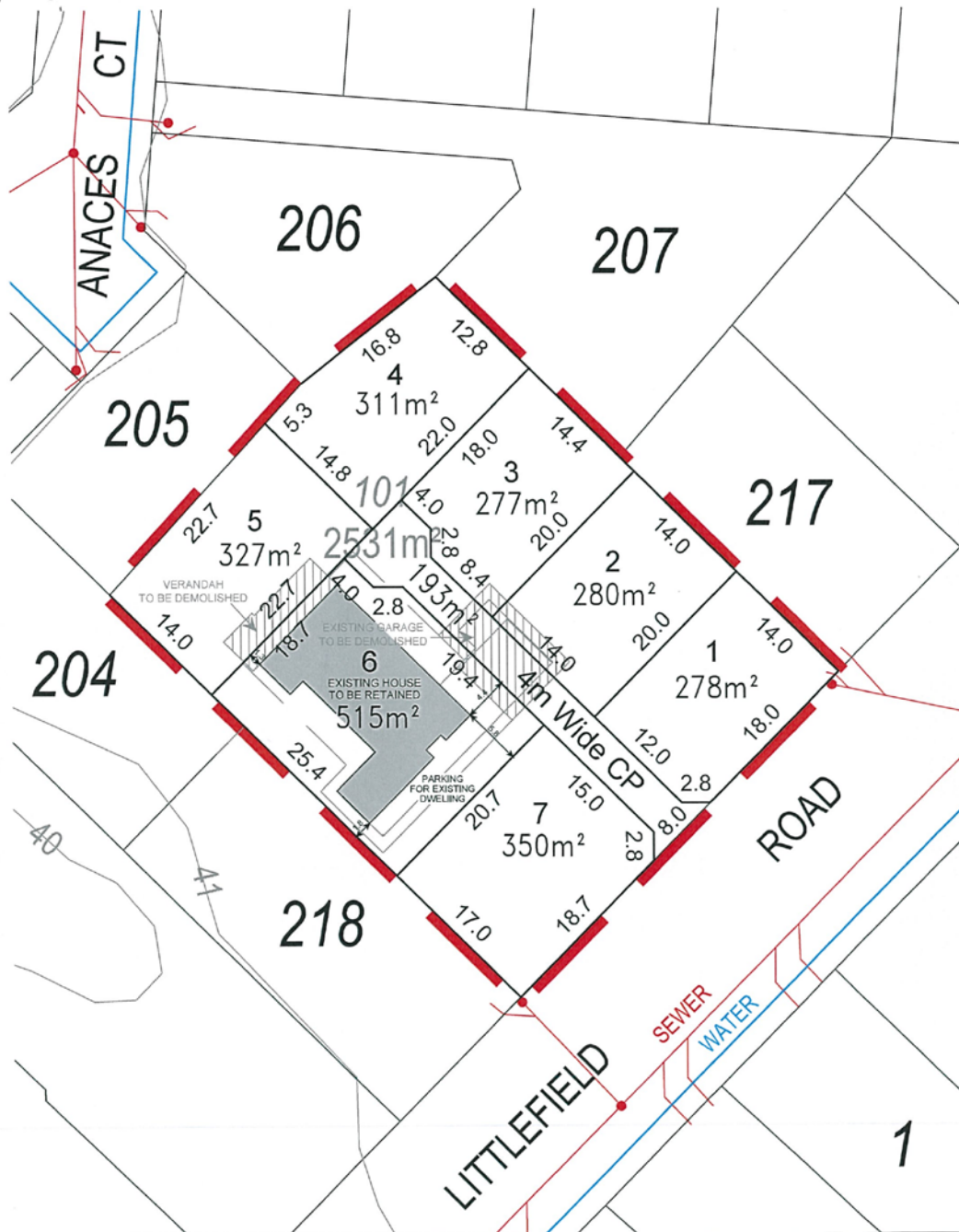
Proposed Modification to High Wycombe Urban Cell U4 Structure Plan – Lot 101 (14) Littlefield Road, High Wycombe  
**Proposed High Wycombe Urban Area U4 Structure Plan**



### Attachment 3

Proposed Modification to High Wycombe Urban Cell U4 Structure Plan  
– Lot 101 (14) Littlefield Road, High Wycombe

### Indicative Plan of Subdivision



**PROPOSED SURVEY  
STRATA SUBDIVISION**  
LOT 101 (No. 14) LITTLEFIELD ROAD  
HIGH WYCOMBE

NOTE:  
Areas and dimensions subject to survey.

LEGEND  
SUBJECT LAND



**GRAY & LEWIS**  
LAND USE PLANNERS  
Suite 5, 2 Hardy Street  
South Perth, WA 6151  
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JOB REFERENCE: 102951 DATE: 17th MARCH 2014  
THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.

**Attachment 4**

Proposed Modification to High Wycombe Urban Cell U4 Structure Plan – Lot 101 (14) Littlefield Road, High Wycombe

**Submission Table**

Submission		Details	Comments
1.	Name and address withheld	<p>Object</p> <ol style="list-style-type: none"> <li>1. Constant vibrations from heavy earth moving equipment may cause structural damage to our house.</li> <li>2. Dust and fine sand will be picked up by wind and will make cleaning the pool difficult and expensive. Our vehicles will be constantly covered in dust.</li> </ol>	<ol style="list-style-type: none"> <li>1. The property can be subdivided into five lots and developed regardless of whether the modification is approved. Approval of the current amendment is unlikely to intensify any temporary impacts to neighbours caused by site works.</li> <li>2. Matters pertaining to the management of the site can be addressed at the development application stage.</li> </ol>
2.	Joan Smith 9 Anaces Court High Wycombe 6057	<p>Object</p> <ol style="list-style-type: none"> <li>1. I do not approve of having seven lots on the property as neighbours and myself will have a lot of noise and dust as well as building.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> </ol>



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

**41. Amendment to Local Planning Scheme No. 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions)**

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

Attachment 1 Proposed Modified Zoning Table

**PURPOSE**

1. To consider whether to initiate an amendment to Local Planning Scheme No. 3 (the Scheme) to insert provisions into Table 1 (Zoning Table) and Schedule 1 (Land Use Definitions) of the Scheme for the use Recycling Industry. Refer to (Attachment 1).

**BACKGROUND**

2. The Shire has received several enquiries regarding the possibility of commencing recycling businesses within the Shire.
3. The use would be classed as General Industry in the Scheme as it would not meet the amenity requirements of the Light Industry definition, however to remove any ambiguity, it is proposed to define a recycling activity as a specific land use in the Scheme.

**DETAILS**

4. It is proposed that Schedule 1 of the Scheme be modified to include the land use Recycling Industry which will be defined as the following:

*“Recycling Industry - Premises on which waste is sorted, processed, dismantled, melted, prior to pending final disposal or re-use.”*

5. It is also proposed that Table 1 of the Scheme be modified to include the use Recycling Industry as an ‘X’ prohibited use in all zonings, with the exception of General Industry, which is a ‘D’ use and therefore not permitted unless approved by Council. Refer to (Attachment 1).

**STATUTORY AND LEGAL CONSIDERATIONS**

**Local Planning Scheme No. 3**

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

- 
7. Table 1 (Zoning Table) of the Scheme indicates the uses that can be considered in the Shire in the various zones.

### **POLICY CONSIDERATIONS**

8. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

9. If the amendment was initiated by Council it would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* and *Planning and Development Act 2005*.
10. The amendment would be required to be advertised in the form of a notice being published in a district newspaper.

### **FINANCIAL CONSIDERATIONS**

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

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

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

OBJECTIVE 4.1 – To ensure land use plans provide long term sustainable population growth.

Strategy 4.1.4 Facilitate the development of industrial land within the Shire.

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

### **SUSTAINABILITY**

#### **Social Implications**

13. The inclusion of a recycling activity in Table 1 of the Scheme as a prohibited use in all zones with the exception of general industry, will ensure existing land use activities will not be compromised in terms of noise and dust emissions.

#### **Economic Implications**

14. Nil.

## Environmental Implications

15. The proposed amendment will ensure recycling industries are located in general industrial areas where environmental impacts are unlikely.

## RISK MANAGEMENT CONSIDERATIONS

16.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to initiate the amendment.	Possible	Minor	Medium	Make sure Council is aware that currently there are no specific provisions in the Scheme with regard to recycling industries in the Scheme.

## OFFICER COMMENT

17. Currently there are no specific provisions in the Scheme with regard to a recycling activity. Such a use is considered to fall within the definition of general industry by virtue of the perceived amenity impacts. Whether however, a recycling activity should be considered as a general industrial activity and not a light industrial activity may currently be open to interpretation.
18. Restricting the permissibility of a recycling activity in Table 1 of the Scheme to a general industry zone, removes any doubt as to the suitability and permissibility of classifying the activity as a light industry. The proposed amendment provides clarity for the Shire and those businesses wishing to locate a recycling activity in areas designated for light industrial uses.

*A Councillor sought clarification of the use of the words "processed" and "melted." The Director Development Services clarified that processing refers to items coming in as one form and going out in another. The Councillor then queried if the intention for the recycling industry was only to be for sorting, packing, bailing, shipping out, or are they looking for that facility to change the products into a secondary material? Director Development Services provided explanation advising this amendment is to clarify that Recycling is a General Industry activity.*

*A Councillor queried if this included the processing of concrete for road base. The Director Development Services confirmed it would.*

*A Councillor questioned if this would then allow a previous company who the Shire have approved development on Berkshire Road to process their inner material? The Director Development Services advised that Council had approved the storage of the material only, for them to process the material they would have to bring an application back for a General Industry.*

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**Voting Requirements: Simple Majority**

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**OFFICER RECOMMENDATION (D&I 41/2014)**

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) Modify Table 1 (Zoning Table) of Local Planning Scheme No. 3 to include the land use 'Recycling Industry' as an 'X' prohibited use in all zonings with the exception of General Industry, which is a 'D' use and therefore not permitted unless approved by Council.
- (b) Insert the following land use definition into Schedule 1 (Land Use Definitions) of the Scheme:

*"Recycling Industry - Premises on which waste is sorted, processed, dismantled, melted, prior to pending final disposal or re-use."*

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

Moved: **Cr Sue Bilich**

Seconded: **Cr Geoff Stallard**

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

**Attachment 1**

Amendment to Local Planning Scheme No. 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions)

**Proposed Modified Zoning Table**

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
Recycling Industry	X	X	X	X	X	X	D	X	X	X	X	X	X	X	X

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## 10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 Cr Margaret Thomas – Approvals of Balconies

That Council:

Request the Chief Executive Officer to investigate and advise whether the Shire of Kalamunda is confident that it would not be found to be negligent for approvals of balcony designs to be installed on buildings and which later fail.

Moved: **Cr Simon Di Rosso**

Seconded: **Cr Sue Bilich**

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

#### **Rationale**

With the recent Court decision pertaining to a balcony failure at a house in South Yunderup, the Shire of Murray along with the builder have been found liable for a balcony collapse during a function at the property. (Reported in the West Australian 24 June 2014).

It would seem prudent that the Shire assess the risk it may face from these type of incidents.

#### **Staff Comment**

The Shire's approval process would be a matter considered in any building structure that collapses following an approval. Without reassessing each and every application a second time, it would not be possible to conduct a review with any level of certainty. The Shire remains confident in its assessment of building licences. From a risk management point of view, the likelihood of such an occurrence would be considered very rare.

A review would necessitate the employment of a significant number of additional staff and is estimated it would take at least twelve months to complete.

## 11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

### 11.1 Cr Geoff Stallard – Court proceedings with the Amalgamation

Q. Can I please have an update with the actions regarding the court proceedings with the Amalgamation?

A. The Chief Executive Officer advised she will brief Councillors after the meeting.

---

11.2 Cr Noreen Townsend – Update on Funds

Q. Is it possible to have a report provided to Council of what funds are held in the reserve fund for the industrial area development and the POS fund for the Cell 9 development?

A. The Director Corporate Services advised that this will form part of the monthly financial report and will be brought to the next Corporate & Community Services Committee Meeting.

11.3 Cr Justin Whitten – Enforcement of Illegal Activities at Berkshire Industrial Estate

Q. Can we have a report on the enforcement of illegal activities on Berkshire Industrial Estate?

A. Director Development Services advised that a final quote has been received from solicitors to take action and will provide a confidential brief to Councillors.

11.4 Cr Justin Whitten – Intersection of Berkshire/Hale Road

Q. This new chicanes at intersection of Berkshire Road and Hale Road Forrestfield is degrading very quickly due to trucks driving straight over the top of it. I asked staff if it could be monitored and would like to know of any progress.

A. Director Infrastructure Services advised that staff have been monitoring the intersection and will see what develops over the next couple of months.

11.5 Cr Bob Emery – Echo Report, Pipeline Corridor through Kalamunda and Mundaring

Q. An article was in the Echo paper this week referencing a pipeline corridor going through Kalamunda and Mundaring. This has been going on since September so why haven't Councillors been briefed on this matter and why are we taking ten months to reply to a letter?

A. Director Development Services advised that after an earlier enquiry, one letter had been received advising that a corridor was being considered with three separate corridors, and there had been no follow up communication since and a briefing has been requested.

11.6 Cr Bob Emery – Caravan and Camping Grounds Act

Q. In the Act it quite clearly states that there should be an Authorised Person appointed by Council, have we got an authorised person? If so, who is it, and when were they nominated?

A. Director Development Services advised that the Manager Health Services is our Authorised Person. This will be confirmed in writing.

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11.7 Cr Dylan O'Connor – Handrails outside shopping centre on Kalamunda Road, High Wycombe

Q. Earlier last month a car crashed and rolled into the hand rails outside the shopping centre on Kalamunda Road, High Wycombe. The hand rails were damaged and removed. Can the rails please be reinstated quickly as at the moment there is only danger tape there?

A. Director Infrastructure Services will follow up on this urgently.

11.8 Cr Simon Di Rosso – Meeting of Car Club, Canning Road

Q1. There seems to be a regular meeting of a large car club in the car park at Woolworths on Canning Road. Residents have mentioned that there has been an increase of hoon activities after the meeting. Do we have any kind of public event requirements or any notification requirements of that particular event?

A1. This question was taken on notice.

Q2. Cr Justin Whitten asked if the name of the car club is known.

A2. Cr Simon Di Rosso will confirm.

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

12.1 Item 35 D&I Meeting 9 June 2014 – Annual Caravan Park Renewals

Q. A Councillor asked when the last time the \$6 site fee had been reviewed.

A. Director Development Services advised that the fees have not been reviewed since the regulations were gazetted in 1997. The regulations are currently under review and the fees will form part of this review.

The Councillor was happy with this response, provided that it covered administration costs.

**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 7.03pm.



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