

# Development & Infrastructure Services Committee Meeting

Minutes for Monday 7 December 2015

**UNCONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.38pm, and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

Andrew Waddell JP	(Shire President)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Tracy Destree		North Ward
Simon Di Rosso	(Presiding Member)	North Ward
Michael Fernie		South East Ward
John Giardina		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
Noreen Townsend		South West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance & PR
Jordan Koroveshi	Senior Strategic Planning Officer
Nicole O'Neill	Public Relations Coordinator
Meri Comber	Governance Officer

**Members of the Public** 8

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Nil.

#### 2.3 Leave of Absence Previously Approved

Nil.

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### **3.0 PUBLIC QUESTION TIME**

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

#### **3.1 Questions from Development & Infrastructure Committee Meeting 9 November 2015**

Dick Lovegrove, Wattle Grove

- Q1. At the last Council meeting I asked if it was the official policy of this Council for any of the three urban expansion areas currently being considered to be promoted one before another and I was informed it was not. As the North Forrestfield area has been promoted who instigated this?
- A1. Director Development Services indicated a request was received from the Chairman of the West Australian Planning Commission to progress planning of the area in response to the investment in rail infrastructure.
- Q2. When was this received?
- A2. The letter is dated 7 August 2014.
- Q3. How did the Council become involved in hiring a private Town Planner and how much has been spent by the Shire for this Town Planner to date?
- A3. With respect to the preparation of the Forrestfield North District Structure Plan, the Shire sent out a brief seeking written quotes to undertake the work. Two written quotes were received. TPG were appointed on the basis of their understanding of the project brief, previous experience and price. To date, the Shire has spent \$102,437 ex GST with TPG on this project.
- Q4. A strip of land sold recently on Hawtin Road zoned as R20, with the current push for in-fill development, is an increase in zoning likely to be viewed favourably for this land if the owners were to approach Council?
- A4. Director Development Services clarified that the land in question had been owned by Western Power, he indicated it is currently zoned urban development with a notional structure plan over a portion of the site which does show R20 development. If a developer was to come back with a new plan this would need to be assessed and any decision would be made by the State Government and not the Shire who could only make a recommendation.

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3.2 **Questions from Development & Infrastructure Committee Meeting  
7 December 2015**

Neta Parker, Paulls Valley

- Q1. How much of the land and property enhancement and maintenance reserve budget was used in the 2014/2015 year to purchase land for the purpose of linking wildlife corridors?
- Q2. Could funds from this reserve be used to supplement grant monies for non-indigenous species control and eradication?
- Q3. What part of the budget has weed eradication and control come – is it community amenities, recreation and culture or property and services?

A1-3. These questions were taken on notice.

**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 November 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**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 Cr Michael Fernie declared an Interest Affecting Impartiality regarding Item 52 – Lot 6 (11) Thornton Place, Gooseberry Hill – Parking of one Commercial Vehicle as he has known the owner of the property for many years and worked within the same industry.

8.2.2 Cr Michael Fernie declared an Interest affecting Impartiality regarding Item 53 – Submission on Draft Planning Policy 2.5: Rural Planning Policy as he is a primary producer in the defined area.

## 9.0 **REPORTS TO COUNCIL**

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

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

**48. Draft Planning Policy – Planning and Development Compliance**

Previous Items	OCM114/2015
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	OR-CMA-016
Applicant	Not Applicable
Owner	Not Applicable
Attachment 1	Draft Local Planning Policy – Planning and Development Compliance

**PURPOSE**

1. To consider final adoption of draft Local Planning Policy – Planning and Development Compliance (Attachment 1).

**BACKGROUND**

2. The Shire periodically reviews, revokes and adds new policies to its register. Policies are used to ensure consistency, transparency and integrated processes in decision making as well as adding clarity to an intent to existing legislation. This Policy has been drafted as an adjunct to the enforcement and administration policies of Local Planning Scheme No. 3 (the Scheme).
3. A consistent, transparent and integrated process is considered to be an important regulatory function at the local level. It supports the integrity of the Scheme to control land use and development in an orderly and proper manner, as well as protecting the public from undesirable and unlawful activities.
4. The Shire has an obligation to properly record and investigate all reports and complaints about unauthorised uses and development pursuant to the Scheme.

**DETAILS**

5. The Policy sets out the objectives and the process for investigating and responding to matters of non-compliance with the Scheme and ancillary planning instruments, such as local planning policies.
6. The intent of this Policy is to clarify the necessary steps in the compliance process and provide consistent, transparent and integrated process for planning compliance including the issuance of Infringement Notices and Directions Orders. The Policy will relate to zoned land and not public spaces such as roads and reservations.

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## **STATUTORY AND LEGAL CONSIDERATIONS**

7. Local Planning Policies are created under Local Planning Scheme No. 3. A Local Planning Policy can be prepared in respect to any matter related to the planning and development of the Scheme area so as to apply:
  - (a) Generally or for a particular class or classes of matters: and
  - (b) Throughout the Scheme area or in one or more parts of the Scheme area.
  
8. A Local Planning Policy is not binding on the Shire in its decision making and if a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

## **POLICY CONSIDERATIONS**

9. The Policy follows the adopted Council template and has been drafted in accordance with the principles of orderly and proper planning.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

10. The Policy was advertised by way of a public notice in a newspaper circulating in the district with a consultation period of 21 days. At the end of the submission period, no submissions had been received.

## **FINANCIAL CONSIDERATIONS**

11. The Policy gives guidance as to when legal action, and the associated legal costs, should be contemplated.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

12. *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 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

## **SUSTAINABILITY**

### **Social Implications**

13. Adoption of the Policy will provide a consistent, transparent and integrated process when dealing with compliance matters and ensure that they are dealt with in a proactive manner.



14. If adopted, the general public will have a greater certainty and understanding of the process the Shire will undertake when dealing with compliance issues. This will be of benefit to both the complainant (where applicable) and the owner/operator of the land on which the development or use is undertaken.

### **Economic Implications**

15. Nil.

### **Environmental Implications**

16. Nil.

### **RISK MANAGEMENT CONSIDERATIONS**

17.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Action/Strategy</b>
Lack of consistency in the decision making process.	Possible	Minor	Medium	Make sure Council is aware of the objectives and intent of the Policy.

### **OFFICER COMMENT**

18. An integral function of the Scheme is to ensure that land use and development is in accordance with a variety of matters. The Scheme enunciates the powers of the Shire to take action, but gives little guidance in terms of process and circumstances of how these powers should be exercised.
19. Unauthorised land uses are generally brought to the Shire's attention by complaints from nearby and affected residents/occupants. Typically these relate to land uses or activities such as parking of Commercial Vehicles or Storage, with a lesser number of complaints being generated over built development.
20. Complaints are more likely to be received when there are ongoing matters of amenity, such as noise and visual impacts. It is also necessary to ensure that approved development has occurred and is used in accordance with the planning consent and conditions.
21. It is noted that often unauthorised land uses are a result of considerable financial investment and consequence to the land owner and therefore some owners are reluctant to follow administration instruction.
22. Currently when an unauthorised land use is brought to the attention of staff, the landowner is written to, requesting that an activity cease or that a retrospective application is made, where applicable. If a matter has not been satisfactorily concluded, the landowner is advised that the Shire may need to contemplate legal action.

23. It is not always practical, reasonable or financially prudent to proceed with legal action, particularly where there is not a public interest in doing so. As such, the Policy sets out matters to be considered throughout the compliance investigation process and criteria for when legal action should be contemplated.

24. It is recommended that the Policy be adopted without modification.

*A Councillor had foreshadowed a motion with a change to Attachment 1, the Officer Recommendation was put but no mover was found.*

*The foreshadowed motion was then put. The changes to (Attachment 1) are highlighted in these Minutes.*

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION (D&I 48/2015)**

That Council:

1. Pursuant to clause 2.2 and 2.4.1 of Local Planning Scheme No.3, adopt the following Policy:

- Planning Policy – Planning and Development Compliance (Attachment 1).

Moved: **LAPSED**

Seconded:

Vote:

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 48/2015)**

That Council:

1. Pursuant to clause 2.2 and 2.4.1 of Local Planning Scheme No.3, adopt the following Policy:

- Planning Policy – Planning and Development Compliance (**Revised** Attachment 1).

Moved: **Cr Andrew Waddell**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

## Attachment 1

### Planning and Development Compliance Policy

#### Management Procedure

Local Planning Scheme No.3  
Planning and Development Act 2005  
Planning and Development Regulations 2009

#### Relevant Delegation

### Purpose

Councils have an obligation to properly record and consider all reports and complaints about unauthorised uses and development under Local Planning Scheme No.3 (LPS 3). An effective complaint handling system is also a good risk management practice.

The purpose of this Policy is to establish a consistent, transparent and integrated process for planning compliance including the issuance of Infringement Notices and Directions orders.

This Policy:

- Is not legally binding on the Shire;
- Is general in nature and does not exhaustively address all specific considerations that may be considered by the Shire;
- Does not limit the discretion of the Shire, or compel the Shire to take action; and
- Is not intended to be viewed as a substitute for legal advice or process.

### Policy Statement

This Policy is to be read in conjunction with Council Policy S-DSO-1 Enforcement in respect to the principles outlined in that Policy.

The policy provisions are set out and are applied as follows:

#### 1.0 Jurisdiction

On receipt or notification of any planning compliance issue, the jurisdiction of the Shire will first be determined. Any matter falling outside of the jurisdiction of the Local Planning Scheme and relevant planning policies will be referred to the appropriate authority and the complainant advised as such. No further action will be taken by the Shire.

#### 2.0 Priority

Compliance issues will be progressed in accordance with the following priorities (in order) irrespective of the number or frequency of complaints received:

- Dangerous or unsafe buildings and matters of significant nuisance impacting on broad public amenity, health or safety.
- Any matter involving direct environmental impacts or degradation.

The Shire will not take compliance action on complaints that are considered to be frivolous or vexatious, ~~or when~~ where a complainant cannot reasonably demonstrate that the non-compliance directly impacts upon them.

All other compliance matters will be progressed in the order in which they arise.

Complaints are required to be in writing and include specific details of the compliance matter. Where the complaint relates to an activity, information such as time and frequency of events should be provided.

### **3.0 Circumstances Where The Shire May Take No Further Compliance Action**

The Shire may determine not to take compliance action where:

- The extent of the non-compliance is minor to the point of being barely distinguishable from a compliant development~~:-~~
- The non-compliance has been in existence ~~for a substantial time period~~ since the gazettal of the scheme and has no apparent impact on the amenity of adjoining properties, the streetscape, is structurally sound (where applicable) and poses no threat to community safety~~:-~~
- Where the potential rectification or penalty is disproportionate to the outcome the action would seek to achieve~~:-~~ or
- Where an activity constitutes domestic enjoyment, notwithstanding that the activity may be defined under the Local Planning Scheme.

### **4.0 Undertaking Compliance Action**

Compliance action will usually involve one or more of the following:

#### **4.1 Planning Infringement Notice**

Where an unauthorised land use is occurring, or is occurring contrary to a planning consent, the Shire may issue a Planning Infringement Notice as prescribed by the *Planning and Development Regulations 2009*.

In respect to issuing a Planning Infringement Notice with the accompanying modified penalty, these may be issued on multiple occasions at a frequency at the discretion of the Chief Executive Officer or delegated officer.

#### **4.2 Directions Notice**

Where an unauthorised use or development has occurred, or has occurred contrary to a planning consent, the Shire may issue a Directions Notice as prescribed under the *Planning and Development Act 2005*, as follows:

- a) Where the matter related to an unauthorised use, a Direction Notice may be given to the owner or alleged offender seeking the cessation of the use within a specified time period. The specified time period will depend on the nature of the offence and its effect on the public interest.
- b) Where the matter related to an unauthorised built development, a Directions Notice may be given to the owner or alleged offender seeking them to remove, pull down,

take up, or alter the development, and restore the land as nearly as practicable to its condition immediately before the development started. Where a Directions Notice has been issued for unauthorised built development, a minimum of 60 days from the date of the issue of the Directions Notice will be allowed for the owner or alleged offender to comply.

#### **4.3 Referral to the Shire's Solicitors to Initiate Legal Action**

Where an unauthorised use or development has occurred, the Shire may refer the matter directly to its solicitors for potential prosecution.

In considering legal action in respect of prosecuting a matter, the Shire will take into account:

- The likely success of achieving a conviction;
- The potential cost of legal action; and
- The broader public interest in the action.

#### **4.4 Retrospective Application Seeking Approval**

Where an authorised use or development has occurred and in the opinion of the Shire the use or development may be capable of being considered for retrospective consideration, the land owner/occupant will be requested in writing to lodge a retrospective development application within 21 days. If an application has not been received within this period a second request in writing will be sent with an additional 7 days for submission.

If after this period no formal application has been granted, or additional time for lodgement not been granted, the Shire may undertake compliance action for the unauthorised use or development in accordance with items 4.1, 4.2 or 4.3 above.

<b>Related Local Law</b>			
<b>Related Policies</b>			
<b>Related Budget Schedule</b>			
<b>Legislation</b>			
<b>Conditions</b>			
<b>Authority</b>			
<b>Adopted</b>		<b>Next Review Date</b>	

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

**49. Lot 426 (1) Pipe Lily Drive, High Wycombe – Modification to Karingal Green Structure Plan**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development services
File Reference	PP-04/001
Applicant	Creative Design and Planning
Owner	Activ Foundation Inc.
Attachment 1	Current Karingal Green Structure Plan
Attachment 2	Proposed Modification to Karingal Green Structure Plan
Attachment 3	Submission Table

**PURPOSE**

- To consider the modification to the Karingal Green Structure Plan to re-code Lot 426 (1) Pipe Lily Drive, High Wycombe from R30 to R60.

**BACKGROUND**

**2. Land Details:**

Land Area:	3429 sqm
Outline Development Plan Zone:	R30
Local Planning Scheme Zone	Urban Development
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

**3.**



4. The proposed modification relates to Lot 426 (1) Pipe Lily Drive, High Wycombe. The subject lot has frontage to Pipe Lily Drive, Hawkevale Road and Citriadora Avenue.
5. The subject lot is surrounded by R20 Coded development with the exception of two R30 coded lots located approximately 44 metres and 144 meters respectively to the north. It is also adjacent to Gladys Newton Park (Attachment 1).
6. The property is currently vacant and will be subsequently 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 R30 to R60 (Attachment 2).
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.*
  - *The proposal is consistent with The Shires Local Planning Strategy, specifically "identify medium density infill development opportunities around activity centres, public transport and public open spaces, subject to urban design and streetscape guidelines".*
  - *Multiple frontages to three (3) streets creates multiple access points and dwelling configuration opportunities*
  - *The subject lots size is appropriate to accommodate a medium density built form outcome that can address the surrounding streetscapes and enable the concealment of car parking.*
  - *Future development of medium density dwellings will deliver greater housing affordability options to a broader and more diverse demographic.*
  - *The site should be considered in the context of the future Aged Care development, rather than the established residential context. There is a direct relationship and connection between the site and the future Aged Care Development at 8 Hybanthus Avenue, High Wycombe to the west, by virtue of the orientation of lots and the position of the Public Open Space.*
  - *The development of the site to R60 will complement the future Aged Care facility and allow for synergies to be developed between these land uses. For example, the R60 coding allows for the delivery of a greater diversity of housing product, including smaller 1-2 bedroom apartments as part of a Multiple Dwelling development. Whilst it is acknowledged these could be delivered at a lower density, the commercial viability of the development would be compromised as a result of the reduction in yield. It is anticipated the future development of the site would offer a housing*

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*product not currently available in the local context to accommodate those people who might have a direct relationship with the future occupants of the Aged Care facility.*

- *Recent trends in development industry standards reflect a shift towards density codings of R60 and greater for the delivery of medium density housing product, being the opportunity for both Grouped and Multiple dwelling development. A R40 density code limits the ability to deliver commercially viable medium density development as a result of a lower plot ratio and other R-Code standards.*
- *The adjoining street, being Hawkevale Road, is not a typical residential street, it is designed as a boulevard style street, with trees retained within a central median. The future development of the site to R60 can be designed to address this street and would nicely 'frame' the adjoining POS area.*
- *All detailed design elements associated with the future R60 development of the site could be addressed through a Development Application.*

9. There are no concept plans for the subdivision or development of the site, however, re-coding of the site to R60 would potentially allow for the development of 22 group dwellings and/or 34 multiple dwellings at a minimum.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

10. Part 4 - Clause 20 of the Deemed Provisions of the *Planning and Development Regulations (Local Planning Scheme Regulations) 2015* outlines that council must forward their recommendation to the WAPC for determination. In the event that the WAPC refuses the modification, there is a right of appeal to the State Administrative Tribunal. The WAPC would be the respondent for any such appeal.

#### **POLICY CONSIDERATIONS**

11. The Shire's Local Housing Strategy 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.*



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## **COMMUNITY ENGAGEMENT REQUIREMENTS**

12. 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 25 August 2015 and concluded on the 15 September 2015.
13. Fifteen objections to the proposal were received (Attachment 3). The issues raised related to increased traffic, pedestrian safety, impacts to the amenity and the possibility of anti-social/criminal activity.

## **FINANCIAL CONSIDERATIONS**

14. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

15. *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**

16. Allowing R60 lot sizes will ultimately lead to a greater housing affordability which in turn will allow for a potentially broader demographic.

### **Economic Implications**

17. Nil.

### **Environmental Implications**

18. High density development and increased pressure on existing facilities and amenity may detrimentally impact the natural environment in close proximity to the subject lot.

## RISK MANAGEMENT CONSIDERATIONS

19.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	The proposal will result in a built form outcome inconsistent with the prevailing residential density of the area.	Possible	Insignificant	Low	Ensure Council is aware that the proposed modification would allow for larger scale medium density residential development which is inconsistent with other densities in the area.

## OFFICER COMMENT

20. The subject lot is located adjacent to Gladys Newton Park which would provide outdoor activity options for future inhabitants, however the subject lot is approximately 900 metres from the existing High Wycombe Shopping Centre on Kalamunda Road and 400 metres from a high frequency bus route, which is outside the walkable catchment area.
21. Given the location of the lot and the distance to the above amenities, the proposal is considered inconsistent with the objectives of Liveable Neighbourhoods and the Shire's Local Planning Scheme to warrant the increase in density from R30 to R60.
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 objectors could largely be addressed through the development assessment process where issues such as parking, vehicle access and the design of dwellings would be assessed for compliance with the Scheme and Residential Design Codes.

*Jane Goddard spoke against the Officer Recommendation; there were no Councillor questions.*

*A Councillor wished to move the motion with an additional Point 2. This was seconded and the vote was then taken.*

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 49/2015)

That Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends:-
  - (a) Refusal of the proposed modification to the Karingal Green Structure Plan to increase the density coding of Lot 426 (1) Pipe Lily Drive, High Wycombe from R30 to R60.

- (b) The proposal be forwarded to the Western Australian Planning Commission for its determination.

2. **That the submitters are advised of the Council Recommendation.**

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**Attachment 1**

Lot 426 (1) Pipe Lily Drive, High Wycombe – Modification to Karingal Green Structure Plan.

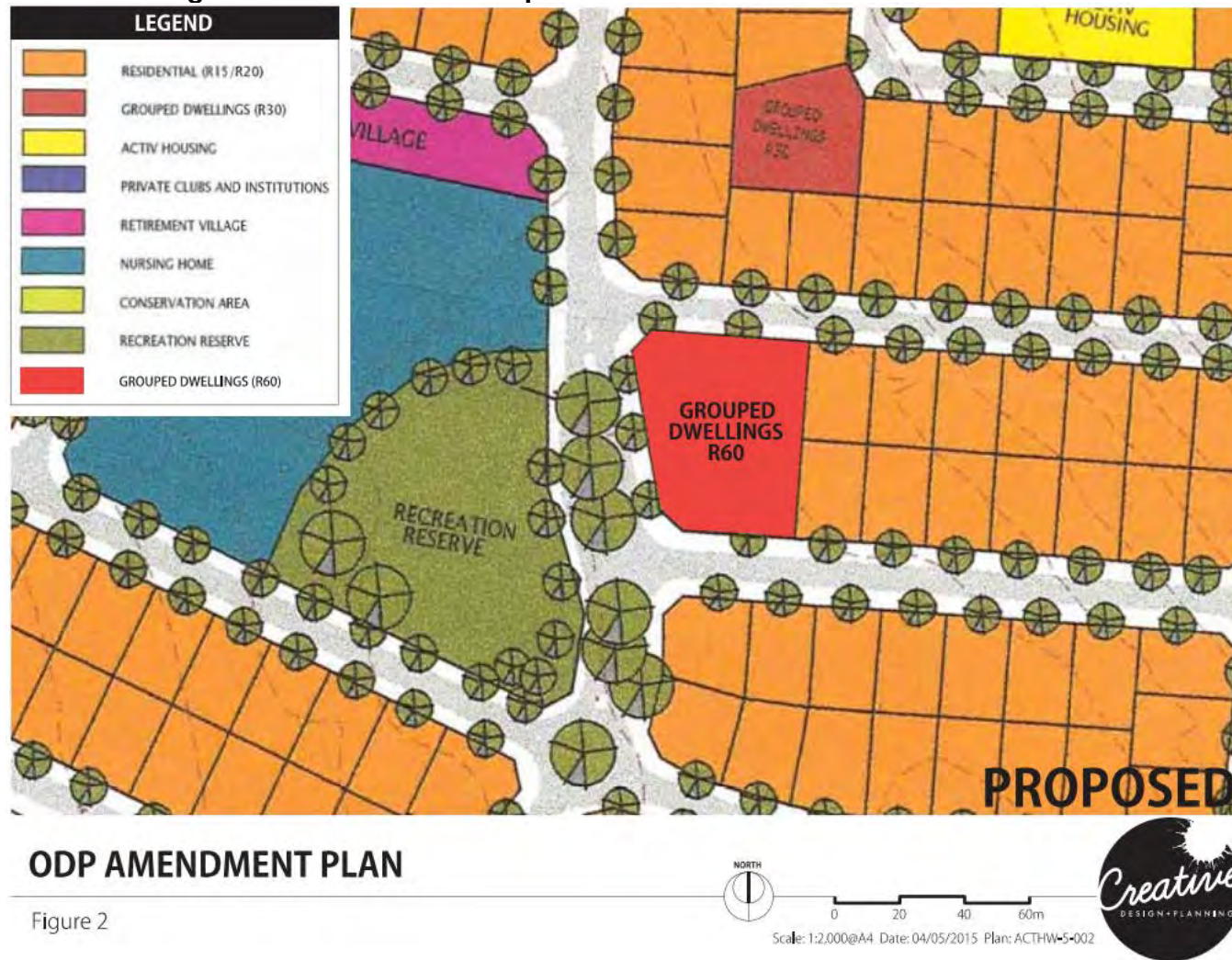
**Current Karingal Green Outline Development Plan**



**Attachment 2**

Lot 426 (1) Pipe Lily Drive, High Wycombe – Modification to Karingal Green Structure Plan.

**Proposed Amendment to Karingal Green Outline Development Plan**



**Attachment 3**

Lot 426 (1) Pipe Lily Drive, High Wycombe – Modification to Karingal Green Structure Plan.

**Submission Table**

Submission	Details	Comments	
1.	Name and Address withheld	<p>Object to the Proposal</p> <ul style="list-style-type: none"> <li>• Increase in traffic &amp; associate issues</li> <li>• Not enough details provided</li> <li>• Increased pressure on parking</li> <li>• Impact of higher density living on increased anti-social behaviour</li> <li>• Highly object to any access from Citriadora ave</li> <li>• Longbuild time and disruptions</li> <li>• Density doesn't fit within the area, the impact of this on children &amp; elderly</li> <li>• Financial ramifications – drop in housing value</li> </ul>	<p>Issues related to traffic, development and parking can be addressed at DA stage.</p> <p>Increase in density doesn't translate into anti-social behaviour. Use of CPTED design outcomes can be utilised to prevent anti-social and criminal activities.</p> <p>Issues of compliance related to noise and dust can be addressed by the Shires environmental health officers.</p> <p>The Shires Local Planning Strategy aims to provide a range of housing options.</p> <p>Housing values are not a relevant planning consideration.</p>
2.	Name and Address withheld	<p>Object to the proposal</p> <ul style="list-style-type: none"> <li>• Increased traffic will affect access to Hawkvale Rd</li> <li>• Increased pressure on parking</li> <li>• Impact of higher density living on increased anti-social behaviour</li> <li>• Financial ramifications – drop in housing value</li> </ul>	<p>Traffic and parking matters can be addressed at the DA stage</p> <p>Minimal correlation between higher density living and anti-social behaviour</p> <p>Impacts on land value is not a relevant planning consideration</p>
3.	Name and Address withheld	<p>Object to the proposal</p> <ul style="list-style-type: none"> <li>• Does not keep in character of the area</li> <li>• Concerns over the type of occupants the development would attract</li> <li>• There is undeveloped land that could be developed as an alternative</li> <li>• When I contacted the Shire in 2004 about development potential of this land I was informed this land would be 9-11 units only.</li> </ul>	<p>The rezoning of R60 would be unique to the area, no other density coding in the Karingal Green Structure Plan exceeds R30.</p> <p>Type of future occupants cannot be a planning consideration</p> <p>Under current coding(R30) there is a potential for 11 units</p>

4.	Name and Address withheld	<p>Object to the proposal</p> <ul style="list-style-type: none"> <li>• Extra traffic in the area</li> <li>• More information on occupancy of building</li> <li>• Strongly object to rentals</li> <li>• Extra traffic in the area will stop children walking &amp; playing safely</li> </ul>	<p>Issues related to traffic impact and pedestrian safety would be addressed at the DA stage.</p> <p>Information related to possible tenants is not required under the Shire Local Planning Scheme No 3</p> <p>Objection to rentals was noted</p>
5.	Leanne & Anthony Cook PO Box 2137 (22 Hawkevale rd) High Wycombe	<p>Object to the proposal</p> <ul style="list-style-type: none"> <li>• Already a great demand on infrastructure and traffic within the area</li> <li>• Increase in traffic &amp; associated issues</li> <li>• Safety issues for children in the area</li> <li>• Increased anti-social behaviour such as crime, hooning, &amp; noise</li> </ul>	<p>Issues related to traffic, development and parking can be addressed at DA stage.</p> <p>Increase in density doesn't translate into anti-social behaviour. Use of CPTED design outcomes can be utilised to prevent anti-social and criminal activities.</p>
6.	Glenn Miller 9 Pipe Lily Drive High Wycombe	<p>Object to the proposal</p> <ul style="list-style-type: none"> <li>• Will adversely affect the amenity and value of existing housing</li> <li>• Sufficient blocks south of Kalamunda road for R60 developments</li> <li>• small road with park where children frequent and will need to contend with increased traffic</li> <li>• Originally marked for active foundation, group housing. If no longer for this it must be subdivided to R30 to suit the existing establishments.</li> </ul>	<p>Impacts on land value is not a relevant planning consideration</p> <p>The Shires Local Housing Strategy has identified possible R60 development north and south on Kalamunda Road</p> <p>Issues related to traffic, development and parking can be addressed at DA stage.</p> <p>Noted</p>
7.	Name and Address withheld	Object to the proposal	Noted
8.	Jane Goddard 24 Hawkevale Road High Wycombe	<p>Object to the proposal</p> <ul style="list-style-type: none"> <li>• Increased traffic area and associated issues</li> <li>• Will heighten hooning in the area</li> </ul>	<p>Issues related to traffic, development and parking can be addressed at DA stage.</p> <p>Increase in density doesn't translate into anti-social behaviour. Use of CPTED design outcomes can be utilised to prevent anti-social and criminal activities.</p>

9.	Mr & Mrs Parkin 11 Pipe Lily Drive High Wycombe	Object to the proposal <ul style="list-style-type: none"> <li>Increased traffic will increase noise which is already high</li> <li>Parking from the development will create a significant traffic issue</li> <li>Does council propose to spend money fixing Hawkevale road e.g. widening the road to help with the increased traffic flow; that will be expected from both proposed buildings?</li> <li>Please call us to further discuss 9454 6625</li> </ul>	Issues related to traffic impact and pedestrian safety can be addressed at the DA stage.  The impact on traffic is not likely to require the widening of Hawkevale Road.
10.	Tanya & David Wheeler 9 Lambertia Crescent High Wycombe	Object to the proposal <ul style="list-style-type: none"> <li>*if rezoning is for the Activ Foundation then I don't have an issue</li> <li>If it is for a private developer I object</li> <li>Concerns about increased traffic, increase in rental/undesirable tenants in the area leading to increased crime</li> </ul>	Subject Lot is still under Activ Foundation ownership.  Issues related to traffic impact and pedestrian safety can be addressed at the DA stage.
11.	K & K Smith 14 Pipe Lily Drive High Wycombe	Object to the proposal	Noted.
12.	No Name 23 Hawkevale road High Wycombe	Object to the proposal <ul style="list-style-type: none"> <li>Hawkevale road already has enough traffic, this again will put more cars in what was a quiet road, has now become a speedway for all and sundry</li> </ul>	Issues related to traffic impact and pedestrian safety can be addressed at the DA stage.
13.	Brayden Rowe 5 Lily Drive High Wycombe	Object to the proposal <ul style="list-style-type: none"> <li>Such a high density is not suited to a family orientated suburban locality</li> <li>It will have a detrimental effect on the area</li> </ul>	The Shires Local Planning Strategy does support the identification of areas with opportunity to provide a range of housing choices it is acknowledged that the proposed density would be inconsistent with the prevailing residential density of the area.  The potential impact on the amenity of the area and surrounding landowners would have to be carefully assessed at the development application stage.



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14.	Leanne White 12 Citriadora Avenue, High Wycombe	Object to the proposal	Noted
15.	Roy & Nisette Houareau 7 Lambertia Crescent High Wycombe	No objection to the proposal	Noted

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

**50. Consideration of Amendment 74 to Local Planning Scheme No. 3**

Previous Items	OCM 155/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/074
Applicant	N/A
Owner	N/A
Attachment 1	Amendment 74 Form 2A Proposal and Reasoning
Attachment 2	Mapping Modifications
Attachment 3	Summary of Submissions

**PURPOSE**

1. To consider supporting Amendment No. 74 to Local Planning Scheme No. 3 (Scheme) to modify various provisions in the Scheme text.

**BACKGROUND**

2. Since the Scheme was gazetted in March 2007, a number of anomalies have been identified in the text and the mapping. The majority of those anomalies can be traced back to previous modifications made to the Scheme that created inconsistent numbering, inconsistency with other planning instruments, such as the Residential Design Codes, and inconsistency between Table One (Zoning Table) and Schedule 1 (Land Use Definitions).
3. On 19 October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) came into effect and made a large number of Local Planning Scheme No. 3's provisions obsolete by enacting them in State legislation.
4. Amendment 74 seeks to address a number of issues that currently exist in the Scheme but will no longer include modifications to provisions that have been made obsolete by the Regulations.
5. The Shire is currently preparing additional amendments to remove the obsolete provisions from the Scheme and update the Scheme to reflect the changes proposed under the Regulations. The changes proposed in Amendment 74 are being presented to Council now in order to address issues that will not be addressed by the later administrative amendment.

**DETAILS**

6. The Regulations require an amendment to be in a form approved by the Western Australian Planning Commission. This form and report is included as (Attachment 1). The form contains all modifications proposed to be made to the Scheme, the reasoning behind each change, and the reasoning on why the amendment should be considered a 'standard' amendment under the Regulations.

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7. By way of summary, the following modifications to the Scheme text are proposed:
- Various clause numbers being modified to reflect the correct clause number that are being made reference to elsewhere in the Scheme and/or related Planning policies.
  - The uses 'Multiple Dwellings', 'Single Bedroom Dwellings' and 'Keeping of Animals' being listed under Table 1 (Zoning Table) of the Scheme. Refer to (Attachment 2).
  - Provisions under Schedule 2 (Additional Uses) and Schedule 4 (Special Uses) of the Scheme being modified to be consistent with those on the Scheme Zoning Maps. Refer to (Attachments 3).
  - The definition for ancillary accommodation being deleted and replaced with ancillary dwelling under Schedule 1 (Land Use Definitions) of the Scheme.
  - Section 5.3 (Special Applications of the Residential Design Codes) of the Scheme being replaced with provisions regarding development of aged or dependant dwellings.
  - The definition for the use Home Store being modified under Schedule 1 (Land Use Definitions) of the Scheme.
8. Since Council initiated Amendment 74, Amendment 59 to the Scheme has been gazetted resulting in two items under Schedule 2 (Additional Uses) of the Scheme being numbered 'A49'. This will be corrected accordingly.
9. The advertised version of Amendment 74 included a number of changes to now-obsolete provisions. These have been removed from the final amendment document as the provisions to which they relate are overwritten by the Regulations.
10. Mapping changes are a result of Special Uses and Additional Uses being renumbered. These changes are included as (Attachment 2).

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. The *Planning and Development (Local Planning Schemes) Regulations 2015* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to support the proposed amendment then the Minister for Planning will determine the amendment.

## **POLICY CONSIDERATIONS**

12. Nil.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

13. 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 Shire. It was advertised for 60 days due to the Christmas and New Year period.
14. A summary of the submissions received is included as (Attachment 3). There were three (3) responses to the public advertising; none objecting to any of the proposals. The responses suggested additional opportunities for aged and dependent persons' dwellings, and the installation of a noise wall on Dundas Road. The Shire will address both of these issues as part of a more detailed planning process for Forrestfield/High Wycombe and other local centres.

## FINANCIAL CONSIDERATIONS

15. There will be a cost involved in publishing a notice in the Government Gazette and newspaper if the amendment is approved by the Minister, however, this will be covered by the Development Services budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

16. *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

17. Nil.

### 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 amendment.	Possible	Insignificant	Low	Ensure Council is fully aware of the rationale for the Scheme modifications.

## OFFICER COMMENT

21. The proposed modifications will provide clarity and assist in the procedural and governance aspects of the Shire's development control responsibilities.

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 50/2015)

That Council:

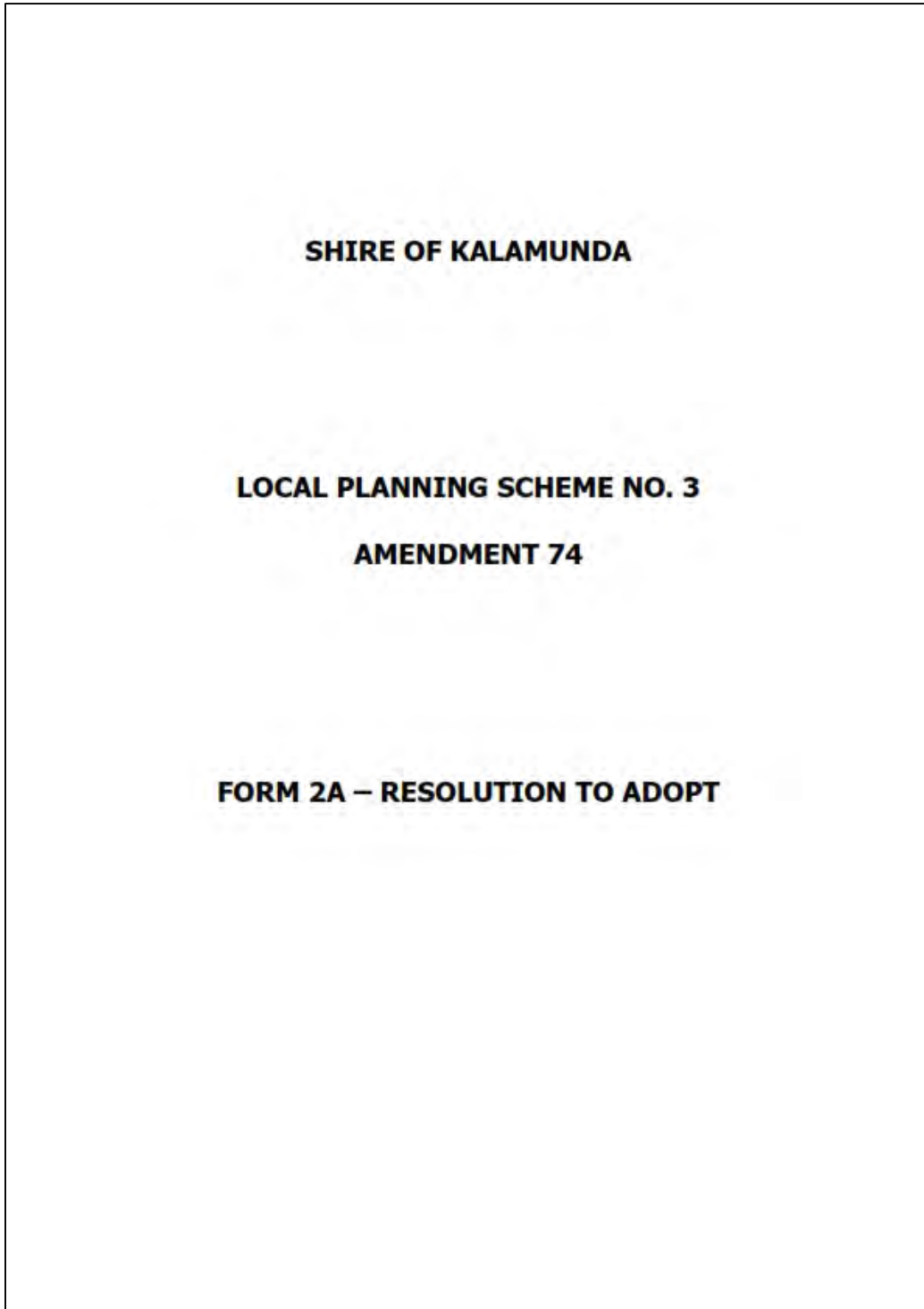
1. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports Amendment 74 to Local Planning Scheme No. 3 (Attachment 1).
2. Pursuant to Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards to the Western Australian Planning Commission:
  - (i) The Amendment documentation as at Attachment 1;
  - (ii) The mapping modifications as at Attachment 2; and
  - (iii) The summary of submissions as at Attachment 3.

Moved: **Cr Michael Fernie**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**Attachment 1**



Form 2A Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005

**RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 74

Resolved that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- a) Including the uses 'Multiple Dwellings' and 'Single Bedroom Dwellings' in Table 1 (Zoning Table), as follows:

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
Aged/Dependent Dwellings	D	D	P	P	A	X	X	X	D	X	X	X	X	X	X
Multiple Dwellings	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X
Single Bedroom Dwellings	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X

- b) Modifying Table 1 (Zoning Table) of the Scheme so that the use 'Aged and Dependent Dwellings' becomes a 'D' use under the Private Clubs and Institutions zoning.
- c) Deleting the existing provisions under Section 5.3 (Special Applications of Residential Design Codes) of the Scheme and replacing with the following:

"5.3.1 Consideration will be given to applications for Aged or Dependent Persons' Dwellings where less than 5 in a single development are proposed."

"5.3.2 Consideration will not be given to applications proposing a variation to the minimum open space requirement stipulated under Tables 1 and 4 of the

*Residential Design Codes, unless otherwise provided for in an adopted local development plan."*

- d) Delete Section 5.4 (Special Applications for the Subdivision of Land) of the Scheme and accordingly renumber the Sections and clauses which follow, and those Sections applicable in the Table of Contents.
- e) Modifying Section 5.5 (Restrictive Covenants) of the Scheme as follows:
- ~~"5.5~~ **5.4** *Restrictive Covenants*
- ~~5.5.1~~ **5.4.1** *Subject to clause ~~5.4.2~~ 5.5.1, a restrictive covenant affecting any land..."*
- ~~5.5.2~~ **5.4.2** *Where clause ~~5.4.1~~ 5.5.1 operates to extinguish a vary a restrictive covenant..."*
- f) Modifying Section 5.18 (Keeping of Animals) of the Scheme as follows, and the Table of Contents be modified to reflect the change in heading:
- ~~"5.18 Keeping of Animals~~ **Rural Pursuit**
- ~~5.18.1 (iii)~~ **5.18.1 (iii)** *Local government shall not approve the keeping of animals in the Rural Conservation, Rural Landscape Interest ~~and Residential Bushland~~ zones if clearing of remnant natural vegetation is required for this purpose."*
- g) Renumbering Section 5.23 (Unkempt Land) of the Scheme from 'iv, v, vi' to 'i, ii, iii'.
- h) Deleting the definition for 'Ancillary Accommodation' under Schedule 1 (Land Use Definitions) of the Scheme, and replace with the following:
- "Ancillary Dwelling"** *has the same meaning given to the term in the Residential Design Codes."*
- i) Deleting the definition for the use 'Home Store' stipulated under Schedule 1 (Land Use Definitions) of the Scheme, and replace with the following:
- "Home Store"** *means a shop with a NLA not exceeding 100sqm which is attached to a dwelling and is operated by a person(s) residing in the dwelling, and sells foodstuffs or goods of a similar domestic nature intended for the day to day consumption or use by persons in the locality of the shop."*
- j) Modifying the definition for the use 'Rural Pursuit' stipulated under Schedule 1 (Land Use Definitions) of the Scheme to the following:
- "Rural Pursuit"** *means any land or building used for:*
- (a) *The rearing or agistment or ~~keeping~~ of non-domesticated animals;"*
- k) Including the following definitions under Schedule 1 (Land Use Definitions) of the Scheme:



**"Multiple Dwellings"** has the same meaning given to the term in the Residential Design Codes."

**"Grouped Dwelling"** has the same meaning given to the term in the Residential Design Codes."

- l) Modifying the following items under Schedule 2 (Additional Uses) of the Scheme and the Scheme maps:
- Item A16 - 30 Mundaring Weir Road, Kalamunda, be changed to A50.
  - Item A21 – 80 Dodd Road, Bickley, be changed to A51.
  - Item A49 – 25 and 29 Lewis Road, Wattle Grove, be changed to A52.
- m) Modifying Item A38 – 268 Kalamunda Road, Maida Vale, under Schedule 2 (Additional Uses) of the Scheme to A38 - 266 Kalamunda Road, Maida Vale.
- n) Deleting the provisions under Schedule 4 (Special Uses) of the Scheme with regard to Lots 1 (10) and 40 (20) "West Sultana Road", and Lot 20 (100) Milner Road, High Wycombe.
- o) Amending the Scheme Zoning Map so that it is consistent with items SU7 to SU18 under Schedule 4 (Special Uses) of the Scheme.
- p) Deleting reference to clause 5.6.1 under the heading "Schedule 10 – Environmental Conditions" of the Scheme, and change to clause 5.7.1.

The Shire of Kalamunda considers Amendment 74 standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The Amendment relates to zones that are consistent with the objectives in the Scheme;
- The Amendment proposes mostly administrative changes; and
- The modifications that are not administrative are in accordance with the Shire's Local Planning Strategy.

Dated this    day of                    **2015**

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**SHIRE OF KALAMUNDA**

**LOCAL PLANNING SCHEME NO. 3**

**AMENDMENT 74**

**REPORT FOR WAPC**

**PROPOSAL TO AMEND A TOWN PLANNING SCHEME**

- 1.1 LOCAL AUTHORITY:** Shire of Kalamunda
- 1.2 DESCRIPTION OF SCHEME:** Local Planning Scheme No. 3
- 1.3 TYPE OF SCHEME:** Local Planning Scheme
- 1.4 SERIAL No. OF AMENDMENT:** Amendment No. 74
- 1.5 PROPOSAL AND REASONING:**

	<b>Proposed Modification</b>	<b>Reason</b>
a)	Including the uses 'Multiple Dwellings' and 'Single Bedroom Dwellings' in Table 1 (Zoning Table) as per Form 2A, attached.	<p>Currently Local Planning Scheme No. 3 ("Scheme") requires proposals for uses not listed under Table 1 to be advertised, even if compliant with the Planning standards and requirements. Also uses not listed are required to be determined by Council. The processing time of such proposals is unnecessarily delayed for these reasons.</p> <p>Including these uses in the Zoning Table will minimise the amount of consultation that would otherwise be required. If deemed necessary, such development will still be presented to Council for its consideration.</p>
b)	Modifying Table 1 (Zoning Table) of the Scheme so that the use 'Aged and Dependent Dwellings' becomes a 'D' use under the Private Clubs and Institutions zoning.	Currently the use 'Aged/Dependent Dwellings' has the symbol 'S' under the Private Clubs and Institutions zoning in Table 1. The symbol has no meaning under the Scheme and appears to have been made in error.
c)	<p>Deleting the existing provisions under Section 5.3 (Special Applications of Residential Design Codes) of the Scheme and replacing with the following:</p> <p><i>"5.3.1 Consideration will be given to applications for Aged or Dependent Persons' Dwellings where less than 5 in a single development are proposed."</i></p> <p><i>"5.3.2 Consideration will not be given to applications proposing a variation to the minimum open space requirement stipulated under Tables 1</i></p>	<p>The intended purpose of Section 5.3 of the Scheme is to allow for variations to provisions stipulated under the Residential Design Codes ("R Codes") to be considered. Currently the provisions stipulated are what the Shire is to have due regard to when considering proposals for grouped dwellings and Aged/Dependent Dwellings. Such matters are addressed under Section 10.2 (Matters to be Considered by Local Government) of the Scheme and the R Codes, and are therefore redundant.</p> <p>Clause 5.3.1 is proposed as currently the R Codes only permit a minimum of 5 Aged/Dependent Dwellings in a single</p>

	<p><i>and 4 of the Residential Design Codes, unless otherwise provided for in an adopted local development plan."</i></p>	<p>development. It is well known that there is a shortage of dwellings in the Shire to accommodate aged persons. The proposed provision will assist with addressing this issue to an extent, and also allow for opportunity for more affordable housing.</p> <p>Clause 5.3.2 is proposed as variations to the minimum site coverage permitted under the R Codes results in undesirable development which is out of character for an area.</p>
d)	<p>Delete Section 5.4 (Special Applications for the Subdivision of Land) of the Scheme and accordingly renumber the Sections and clauses which follow, and those Sections applicable in the Table of Contents.</p>	<p>Section 5.4 was deleted as part of Amendment No. 34 to the Scheme which was Gazetted on 23 December 2011.</p>
e)	<p>Modifying Section 5.5 (Restrictive Covenants) of the Scheme as follows:</p> <p><del>5.5</del> <i>5.4 Restrictive Covenants</i></p> <p><del>5.5.1</del> <i>5.4.1 Subject to clause 5.4.2 5.5.1, a restrictive covenant affecting any land..."</i></p> <p><del>5.5.2</del> <i>5.4.2 Where clause 5.4.1 5.5.1 operates to extinguish a vary a restrictive covenant..."</i></p>	<p>The clauses referred to currently do not exist in the Scheme. Also refer to the modification d).</p>
f)	<p>Modifying Section 5.18 (Keeping of Animals) of the Scheme as follows, and the Table of Contents be modified to reflect the change in heading:</p> <p><i>"5.18 <del>Keeping of Animals</del> Rural Pursuit</i></p> <p><i>5.18.1 (iii) Local government shall not approve the keeping of animals in the Rural Conservation, Rural Landscape Interest <del>and Residential Bushland</del> zones if clearing of remnant natural vegetation is required for this purpose."</i></p>	<p>Currently there is no land use 'Keeping of Animals' under the Scheme, as such it is deemed more appropriate that the heading be changed to the use 'Rural Pursuit' as this will relate the keeping of animals.</p> <p>An objective of the Residential Bushland zone is to give consideration to land uses that are compatible with the amenity of surrounding residential development. The keeping of non-domesticated animals on Residential Bushland zoned properties would potentially have an unacceptable impact on the amenity of residential development in terms of noise and odours, amongst other issues.</p>
g)	<p>Renumbering Section 5.23 (Unkempt Land) of the Scheme from 'iv, v, vi' to 'i, ii, iii'.</p>	

h)	<p>Deleting the definition for 'Ancillary Accommodation' under Schedule 1 (Land Use Definitions) of the Scheme, and replace with the following:</p> <p><b>"Ancillary Dwelling"</b> has the same meaning given to the term in the Residential Design Codes."</p>	<p>The use 'Ancillary Accommodation' and its definition existed in the 2002 edition of the R Codes and therefore needs to be modified to be consistent with the current edition.</p>
i)	<p>Deleting the definition for the use 'Home Store' stipulated under Schedule 1 (Land Use Definitions) of the Scheme, and replace with the following:</p> <p><b>"Home Store"</b> means a shop with a NLA not exceeding 100sqm which is attached to a dwelling and is operated by a person(s) residing in the dwelling, and sells foodstuffs or goods of a similar domestic nature intended for the day to day consumption or use by persons in the locality of the shop."</p>	<p>The intent of a home store is to operate as a corner/deli shop within a residential area, however the current definition allows for any type of shop which could potentially result in loss of amenity for residents. Therefore the definition is proposed to be modified so that the intent of the use is clearer.</p>
j)	<p>Modifying the definition for the use 'Rural Pursuit' stipulated under Schedule 1 (Land Use Definitions) of the Scheme to the following:</p> <p><b>"Rural Pursuit"</b> means any land or building used for:</p> <p>(a) The rearing or agistment or keeping of non-domesticated animals;"</p>	<p>These modifications are proposed so as to be consistent with the provisions of Section 5.18 of the Scheme.</p>
k)	<p>Including the following definitions under Schedule 1 (Land Use Definitions) of the Scheme:</p> <p><b>"Multiple Dwellings"</b> has the same meaning given to the term in the Residential Design Codes."</p> <p><b>"Grouped Dwelling"</b> has the same meaning given to the term in the Residential Design Codes."</p>	<p>The inclusion of these land uses are proposed as they are uses listed under Table 1 (Zoning Table) of the Scheme which are currently not defined.</p>
l)	<p>Modifying the following items under Schedule 2 (Additional Uses) of the Scheme and the Scheme Maps:</p>	<p>Items are duplicated under Schedule 2 of the Scheme and therefore need to be renumbered in the Scheme text and on the Scheme Zoning Maps.</p>

	<ul style="list-style-type: none"> <li>• Item A16 - 30 Mundaring Weir Road, Kalamunda, be changed to A50.</li> <li>• Item A21 – 80 Dodd Road, Bickley, be changed to A51.</li> <li>• Item A49 – 25 and 29 Lewis Road, Wattle Grove, be changed to A52.</li> </ul>	
m)	Modifying Item A38 – 268 Kalamunda Road, Maida Vale, under Schedule 2 (Additional Uses) of the Scheme to A38 - 266 Kalamunda Road, Maida Vale.	Item A38 refers to an incorrect property address. The property 268 Kalamunda Road, Maida Vale, relates to Item A37 under the Scheme.
n)	Deleting the provisions under Schedule 4 (Special Uses) of the Scheme with regard to Lots 1 (10) and 40 (20) "West Sultana Road", and Lot 20 (100) Milner Road, High Wycombe.	These were deleted from the Scheme as part of Amendment No. 38 which was Gazetted on 23/12/11.
o)	Amending the Scheme Zoning Map so that it is consistent with items SU7 to SU18 under Schedule 4 (Special Uses) of the Scheme.	When Amendment No. 38 to the Scheme was Gazetted the Scheme Zoning Map was not amended so as to be consistent with Schedule 4 (Special Uses) of the Scheme Text.
p)	Deleting reference to clause 5.6.1 under the heading "Schedule 10 – Environmental Conditions" of the Scheme, and change to clause 5.7.1.	The clause currently referred to is incorrect as it is with regard to variations to site and development standards and requirements, not environment conditions.

## 2.0 BACKGROUND

Since the Scheme was gazetted in March 2007 a number of anomalies have been identified. The majority of those anomalies can be traced back to modifications made to the Scheme creating inconsistent provision numbering, inconsistency with other planning instruments, such as the Residential Design Codes and inconsistency between Table One (Zoning Table) and Schedule 1 (Land Use Definitions).

The modifications proposed to be made to the Scheme, and the reasons for them, are outlined in above.

Since the amendment was initiated by Council, Amendment No. 59 to the Scheme has been gazetted resulting in two items under Schedule 2 (Additional Uses) of the Scheme being 'A49'. This is proposed to be modified accordingly.

## 3.0 STRATEGIC COMMUNITY PLAN

*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.

**4.0 CONCLUSION**

The proposed modifications will provide clarity for officers and will assist in the procedural and governance aspects of the Shire's development control responsibilities.

**SHIRE OF KALAMUNDA**

**LOCAL PLANNING SCHEME NO. 3**

**AMENDMENT 74**

**FORM 3B – SIGNING PAGE**



Form 3B *Planning and Development (Local Planning Schemes) Regulations 2015*

*Planning and Development Act 2005*

**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

Shire of Kalamunda

Local Planning Scheme No. 3

Amendment No. 74

It is hereby notified for public information, in accordance with Section 87(3) of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Kalamunda Local Planning Scheme No. 3 Amendment No. 74 on the ... day of ..... 2015:

- a) Including the uses 'Multiple Dwellings' and 'Single Bedroom Dwellings' in Table 1 (Zoning Table), as follows:

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
Aged/Dependent Dwellings	D	D	P	P	A	X	X	X	D	X	X	X	X	X	X
Multiple Dwellings	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X
Single Bedroom Dwellings	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X

- b) Modifying Table 1 (Zoning Table) of the Scheme so that the use 'Aged and Dependent Dwellings' becomes a 'D' use under the Private Clubs and Institutions zoning.
- c) Deleting the existing provisions under Section 5.3 (Special Applications of Residential Design Codes) of the Scheme and replacing with the following:

*"5.3.1 Consideration will be given to applications for Aged or Dependent Persons' Dwellings where less than 5 in a single development are proposed."*

*"5.3.2 Consideration will not be given to applications proposing a variation to the minimum open space requirement stipulated under Tables 1 and 4 of the Residential Design Codes, unless otherwise provided for in an adopted local development plan."*

- d) Delete Section 5.4 (Special Applications for the Subdivision of Land) of the Scheme and accordingly renumber the Sections and clauses which follow, and those Sections applicable in the Table of Contents.

- e) Modifying Section 5.5 (Restrictive Covenants) of the Scheme as follows:

~~"5.5~~ *5.4 Restrictive Covenants*

~~5.5.1~~ *5.4.1 Subject to clause ~~5.4.2~~ 5.5.1, a restrictive covenant affecting any land..."*

~~5.5.2~~ *5.4.2 Where clause ~~5.4.1~~ 5.5.1 operates to extinguish a vary a restrictive covenant..."*

- f) Modifying Section 5.18 (Keeping of Animals) of the Scheme as follows, and the Table of Contents be modified to reflect the change in heading:

*"5.18 ~~Keeping of Animals~~ Rural Pursuit*

*5.18.1 (iii) Local government shall not approve the keeping of animals in the Rural Conservation, Rural Landscape Interest ~~and Residential Bushland~~ zones if clearing of remnant natural vegetation is required for this purpose."*

- g) Renumbering Section 5.23 (Unkempt Land) of the Scheme from 'iv, v, vi' to 'i, ii, iii'

- h) Deleting the definition for 'Ancillary Accommodation' under Schedule 1 (Land Use Definitions) of the Scheme, and replace with the following:

*"**Ancillary Dwelling**" has the same meaning given to the term in the Residential Design Codes."*

- i) Deleting the definition for the use 'Home Store' stipulated under Schedule 1 (Land Use Definitions) of the Scheme, and replace with the following:

*"**Home Store**" means a shop with a NLA not exceeding 100sqm which is attached to a dwelling and is operated by a person(s) residing in the dwelling, and sells foodstuffs or goods of a similar domestic nature intended for the day to day consumption or use by persons in the locality of the shop."*

- j) Modifying the definition for the use 'Rural Pursuit' stipulated under Schedule 1 (Land Use Definitions) of the Scheme to the following:

*"**Rural Pursuit**" means any land or building used for:*

- (a) The rearing or agistment ~~or~~ keeping of non-domesticated animals;"*

- k) Including the following definitions under Schedule 1 (Land Use Definitions) of the Scheme:
- "Multiple Dwellings" has the same meaning given to the term in the Residential Design Codes."*
- "Grouped Dwelling" has the same meaning given to the term in the Residential Design Codes."*
- l) Modifying the following items under Schedule 2 (Additional Uses) of the Scheme and the Scheme maps:
- Item A16 - 30 Mundaring Weir Road, Kalamunda, be changed to A50.
  - Item A21 – 80 Dodd Road, Bickley, be changed to A51.
  - Item A49 – 25 and 29 Lewis Road, Wattle Grove, be changed to A52.
- m) Modifying Item A38 – 268 Kalamunda Road, Maida Vale, under Schedule 2 (Additional Uses) of the Scheme to A38 - 266 Kalamunda Road, Maida Vale.
- n) Deleting the provisions under Schedule 4 (Special Uses) of the Scheme with regard to Lots 1 (10) and 40 (20) "West Sultana Road", and Lot 20 (100) Milner Road, High Wycombe.
- o) Amending the Scheme Zoning Map so that it is consistent with items SU7 to SU18 under Schedule 4 (Special Uses) of the Scheme.
- p) Deleting reference to clause 5.6.1 under the heading "Schedule 10 – Environmental Conditions" of the Scheme, and change to clause 5.7.1.

\_\_\_\_\_  
(Secretary, Western Australian Planning Commission)

\_\_\_\_\_  
(Shire President)

\_\_\_\_\_  
(Chief Executive Officer)

**Attachment 2**  
 Consideration of Amendment 74 to Local Planning Scheme No. 3  
**Mapping Modifications**

	Existing Scheme Map	Proposed Scheme Map
1. Lot 10 (30) Mundaring Weir Road, Kalamunda		
2. Lot 200 (80) Dodd Road, Bickley		
3. Lot 7 (25) and 4255 (29) Lewis Road, Wattle Grove		

	Existing Scheme Map	Proposed Scheme Map
<p>4. Lot 503 (105) Watsonia Road, Maida Vale</p>		
<p>5. Lot 319 (186) Hale Road, Forrestfield</p>		
<p>6. Lot 402 (351) Hawtin Road, Forrestfield</p>		

	Existing Scheme Map	Proposed Scheme Map
7. Lot 498 (2) Cypress Road, Forrestfield		
8. Lot 15 (43) Canning Road, Kalamunda		
9. Lot 4 (81) Canning Road, Kalamunda		

	Existing Scheme Map	Proposed Scheme Map
10. Lot 3 (5) Heath Road and Lot 29 (14) Canning Road,		
11. Lot 1 (345) Kalamunda Road, Maida Vale		
12. Lot 29 (492) Kalamunda Road, High Wycombe		
13. Lot 100 (597) Kalamunda Road, High Wycombe		

	Existing Scheme Map	Proposed Scheme Map
14. Lot 98 (530) Kalamunda Road, High Wycombe		
15. Lot 1 (31) Sanderson Road, Lesmurdie		



### Attachment 3

Consideration of Amendment 74 to Local Planning Scheme No. 3

### Summary of Submissions

Details		Comment	Staff Comment
1.	Graeme Young 12 Lyndhurst Road KALAMUNDA WA 6076	Agrees in principle with the development of Aged or Dependent Persons' Dwellings within a development of less than five units.  Considers greater scope for development where deep sewer is not available.	Noted. This will be addressed as part of the outcomes of the Hills Rural Study.
2.	Steve Mueller 24 Wheelwright Road LESMURDIE WA 6076	Comments that in non-sewered areas, there should be a density bonus given to development of aged accommodation.  Suggests areas around existing local centres be dual coded up to R12.5 if development is for aged persons' dwellings.	Noted. This will be investigated as part of the Shire's Housing Opportunity Areas and Dual Density Code Policy.
3.	Rebecca Sandiford 3 Kapok Court HIGH WYCOMBE 6067	Recommends that sound barriers be installed along Dundas Road to block the noise from the train.	Noted. Design of Dundas Road infrastructure will be considered as part of the Forrestfield/High Wycombe District and Local Structure Plan.

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

**51. Amendment to Cell 9 Wattle Grove Structure Plan Lot 8 (302) Hale Road Wattle Grove**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	IE-175671 (PG-DEV-013)
Applicant	Gray & Lewis Land Use Planners
Owner	Harry Joksimovic, Nicholas Svagelj

Attachment 1	Current Wattle Grove Structure Plan
Attachment 2	Proposed Amendment to the Wattle Grove Structure Plan
Attachment 3	Proposed Subdivision Layout

**PURPOSE**

- To consider an amendment to the Cell 9 Wattle Grove Structure Plan (the Structure Plan) to change the density code of Lot 8 (302) Hale Road, Wattle Grove from R20 to R30.

**BACKGROUND**

**2. Land Details:**

Land Area:	Approximately 10,494m <sup>2</sup>
Metropolitan Regional Scheme Zone:	Urban
Local Planning Scheme Zone:	Urban Development
Local Structure Plan Zone:	Residential R20, Public Open Space

**3. Locality Plan:**



4. The amendment area relates to a portion of Lot 8 Hale Road, Wattle Grove.
5. Council adopted the Structure Plan for Cell 9 in 2000 and the Western Australian Planning Commission (WAPC) endorsed it in March 2001. The Structure Plan facilitates the development of residential, commercial, mixed use, school, motel and community land uses. The amendment area is currently zoned Residential R20 and is surrounded by 'Residential' zoned land, which is at various stages of being subdivided and developed.
6. A copy of the adopted Wattle Grove Structure Plan as it relates to the amendment area is included as (Attachment 1).
7. A subdivision application was submitted by the applicant to the WAPC on 13 August 2015 with the intent of subdividing the property at the modified R30 density. On 6 November 2015, the WAPC deferred the application, requiring the applicant to complete a formal structure plan amendment prior to the approval of the subdivision.
8. Deemed Provision 27 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows a decision-maker to approve development not in line with a structure plan, without a formal amendment process. The applicant was of the opinion that the change from R20 to R30 did not represent a major modification and could be assessed without an amendment. However, advice from the Department of Planning was that the R-Code of a property could not be modified through this provision; it should instead go through a formal amendment process.

## DETAILS

9. The proposed amendment to the Structure Plan seeks to modify the density code of lot 8 Hale Road, Wattle Grove from R20 to R30.
10. Currently, lot 8 Hale Road is zoned Residential R20 under the Structure Plan; this provides the property a development potential of 14 lots. Increasing the density code to R30 would increase the development potential to 19 lots, which could provide for more flexibility in housing choices. The proposed subdivision layout is included as (Attachment 3).

## STATUTORY AND LEGAL CONSIDERATIONS

11. The property is zoned 'Urban Development' under Local Planning Scheme 3 (the Scheme). The objectives of the 'Urban Development' zone are as follows:
  - *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
  - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*

- 
12. After advertising, the modified Structure Plan will be forwarded to the WAPC for endorsement. In the event that the WAPC refuses the modification, there is a right of review (appeal) to the State Administrative Tribunal.

### **POLICY CONSIDERATIONS**

13. The WAPC's *Liveable Neighbourhoods Policy* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.
14. *Liveable Neighbourhoods* encourages higher density housing in close proximity to activity centres, public open space, commercial facilities and public transport routes.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

15. The proposal was advertised for a period of 14 days from 26 October 2015 to 11 November 2015 in accordance with Clause 18 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertising occurred by way of the proposal being referred to affected nearby landowners.
16. Two (2) submissions were received from owners who had no objection to the proposal. The Shire notes the non-objections.

### **FINANCIAL CONSIDERATIONS**

17. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

18. *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**

19. The amendment would facilitate the development of a larger variety of lot sizes providing a greater choice of housing which in turn will allow for a potential broader demographic.

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## Economic Implications

20. Nil.

## Environmental Implications

21. The interface to Woodlupine Creek should be maintained appropriately through the subdivision process.

## RISK MANAGEMENT CONSIDERATIONS

22.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Possible	Insignificant	Low	Ensure that Council is aware of the implications of not supporting the proposal.

## OFFICER COMMENT

23. The proposal is consistent with the objectives of *Liveable Neighbourhoods and Directions 2013 and Beyond*, in allowing for a mix of residential densities located in close proximity of Public Open Space, commercial facilities and public transport, all of which are provided for in relatively close proximity to the amendment area.
24. The proposed density of R30 represents a minor increase in density from the existing R20 and would not have a measurable effect on the amenity of the surrounding area.
25. A number of properties along Hale Road and the surrounding Cell 9 area have already been recoded from R20 to R30. The density code is suitable for the area and will not have a large impact on services and facilities.
26. The increase in traffic from the proposed recoding is negligible. An additional five (5) dwellings will only result in approximately 30 additional traffic movements per day.
27. Due to the above reasons, the Shire believes the proposal will enable a more efficient use of land and consistent built form outcome than the currently adopted Structure Plan prescribes.

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 51/2015)**

That Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends:
  - a) Approval of the Cell 9 Wattle Grove Structure Plan to include a change of density code of Lot 8 (302) Hale Road, Wattle Grove from R20 to R30.
  - b) The proposed amendment be forwarded to the Western Australian Planning Commission by 13 January 2016 for approval.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**Attachment 1**

Amendment to Cell 9 Wattle Grove Structure Plan Lot 8 (302) Hale Road Wattle Grove

**Current Wattle Grove Structure Plan**



## Attachment 2

Amendment to Cell 9 Wattle Grove Structure Plan Lot 8 (302) Hale Road Wattle Grove

### Proposed Amendment to the Wattle Grove Structure Plan





**Attachment 3**

**Amendment to Cell 9 Wattle Grove Structure Plan Lot 8 (302) Hale Road Wattle Grove  
 Proposed Subdivision Layout**



**PROPOSED SUBDIVISION  
 LOT 8 HALE ROAD  
 WATTLE GROVE**

JOB REFERENCE: 100987    DATE: 7th AUGUST 2015  
 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.

NOTE:  
 Areas and dimensions subject to survey.

LEGEND  
 SUBJECT LAND  
 BUILDINGS TO BE REMOVED



**Figure 3**

**GRAY & LEWIS**  
 LAND USE PLANNERS  
 Suite 0, 2 Hardy Street  
 South Perth, WA 6151  
 T (08) 9474 3722  
 F (08) 9474 1172  
 perth@graylewis.com.au

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**  
*Cr Michael Fernie declared an interest affecting impartiality regarding this item*

**52. Lot 6 (11) Thornton Place, Gooseberry Hill – Parking of One Commercial Vehicle**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	TH-10/11
Applicant	P & A Guimelli
Owner	As above
Attachment 1	Site Plan
Attachment 2	Submission Table

**PURPOSE**

1. To consider a retrospective application for the parking of one Commercial Vehicle (Prime Mover) at Lot 6 (11) Thornton Place, Gooseberry Hill (the Site).
2. The application has been submitted following a complaint lodged by a nearby land owner.

**BACKGROUND**

**3. Land Details:**

Land Area:	2321.26 m <sup>2</sup>
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban
Structure Plan Zone:	N/A

**4. Locality Plan**



## DETAILS

5. The applicant proposes to park a prime mover only and will not have any trailers or other attachments on the site. Details of the proposal are contained in the Policy Considerations section of this report.
6. There have been complaints by one neighbour on the street about the unauthorised parking and early morning starts.

## STATUTORY AND LEGAL CONSIDERATIONS

7. The parking of a Commercial Vehicle on a Residential zoned site is an "A" use, which means that the use is not permitted unless Council has granted permission following public advertising.
8. If Council refuses the application or imposes conditions that are unacceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

## POLICY CONSIDERATIONS

9. The parking of a Commercial Vehicle is assessed against Policy DEV 22 – *Parking of Commercial Vehicles on Private Property*

The following is an analysis of the proposal in relation to the application:

<b>Policy requirement</b>	<b>Proposal</b>
Maximum 11 metres in length	6.0 metres in length
Maximum 4.3 metres in height	4.2 metres in height
Vehicle is to be parked behind the front alignment of the dwelling and preferably behind the rear alignment of the dwelling. Where the vehicle is parked alongside the dwelling, then gates or fencing to a height of 1.8m should be erected to satisfactorily screen the vehicle.	The vehicle is proposed to be parked alongside the dwelling, but is not screened from the public realm by way of a gate or fence.
The vehicle must be parked on the lot so that it does not interfere with access and egress of other vehicles. Where possible, vehicles should be parked such that they do not need to be reversed out.	The vehicle is parked on a driveway not servicing the garage and as such will not interfere with other vehicles on the site. The vehicle is able to leave the site in forward gear.
Spray painting, panel beating and major servicing of the vehicle will not be permitted on the lot.	If approved, this will be included as a condition.

Washing of the vehicle on the lot is limited to the use of water and mild detergent and excludes the use of solvents, degreasers and steam cleaning.	If approved, this will be included as a condition.
The vehicle shall only be started and manoeuvred on the lot in accordance with times and a manner approved by Council. Standard start and manoeuvring times are 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm Sundays, unless otherwise approved by Council. The cleaning and maintenance of the vehicle is restricted to the hours of 8.00am to 7.00pm Monday to Saturday and 9.00am and 6pm Sunday, unless otherwise approved by Council.	The applicant advises that operating times are 7.00am to 7.00pm Monday to Friday. If approved movement, cleaning and maintenance times can be included as a condition.
Idling and cooling down shall be restricted to 5 minutes per day.	Idling periods are 1 minute start time and 1 minute stop time.

## COMMUNITY ENGAGEMENT REQUIREMENTS

10. In accordance with Scheme requirements, the proposal was advertised to nearby and affected land owners for a 14 day submission period. At the end of the submission period four submissions had been received, consisting of one objection and three non-objections.

The main issues raised in the objection are:

- The vehicle has been parked on the site for some time and it regularly leaves at 5.30am. The objector is concerned that the applicant would not adhere to the stipulated movement times.
- The subject street does not have a footpath and a large vehicle travelling on it would pose a risk to pedestrians, particularly children.

## FINANCIAL CONSIDERATIONS

11. Nil.

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## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

12. *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

13. Potential impacts on the amenity of the area, primarily due to the noise associated with the operation of the vehicle.

### Economic Implications

14. Nil.

### Environmental Implications

15. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 16.
- | Risk   | Likelihood | Consequence   | Rating | Action/Strategy   |
|--|------------|---------------|--------|---|
| The applicant may not adhere to the restrictions on the movement and start up times. | Possible   | Insignificant | Low    | Ensure if complaints are received that they are recorded and the matter is investigated promptly. |

## OFFICER COMMENT

17. The proposal is generally compliant with the Planning Policy for the Parking of Commercial Vehicles, with the exception of the screening of the vehicle from the public realm by way of a gate or fence. It is considered however that this is not necessary as the site is at the head of a cul-de-sac and thus the vehicle, given where it is to be parked on the site, will have very little visual impact on the public realm.
18. In respect to the matters raised in the objections and comments, the following comments are made. One comment alleges that the vehicle regularly leaves the site at 5.30am and that the applicant would not adhere to specific movement times if approved. As with all approvals, it is incumbent on an

applicant to adhere to the conditions of consent. If and when a condition is alleged to have been breached then action would be taken in accordance with compliance protocols.

19. In respect to the street having no footpaths and the vehicle posing a risk to pedestrians, particularly children it is considered that this is not a substantive issue. The street is 200m in length and therefore relatively short and the commercial vehicle would be travelling at a low speed on Thornton Place. Additionally, a larger vehicle would be more evident than car by virtue of its visual presence and audibility.
20. It is recommended that the application be approved.

*Cr Michael Fernie disclosed an Impartiality Interest as he has known the owner of the property for many years and worked within the same industry; he noted this would not affect his ability to be impartial.*

*Hilary Surmon, Gooseberry Hill spoke against the Officer Recommendation. A Councillor asked what the concern was regarding the conditions stipulated, Hilary Surmon indicated it was not the conditions of the recommendation which were the concern, but the issue of non-compliance to the conditions.*

*Glynn Tomazin, Gooseberry Hill spoke against the Officer Recommendation. Cr Tracy Destree noted the photographs sent to her from Glynn Tomazin had been forward by her to all Councillors.*

*Paul Giumelli spoke in favour of the Officer Recommendation. A Councillor asked if Paul Giumelli understood that if the Officer Recommendation proceeds only the Prime Mover will be allowed to his property and no trailers; he confirmed he understood this.*

*A Councillor asked for confirmation from Paul Giumelli that he was aware the actions would be applied if he was in breach of the conditions; this was confirmed.*

*A Councillor asked if the vehicle was taken home on Friday evening how he would be able to use it on Mondays without breaching the only moving after 7.00am stipulation; he advised it would be returned to his depot on Saturday or Sunday. Considering this information, the Councillor asked the Director Development Services if this would conflict with the allowed hours in the Officer Recommendation, he confirmed it would.*

*The Officer Recommendation was moved and seconded.*

*A Councillor requested an Amendment to Point f. to add the words: and 9-5 Saturday and Sunday, this was accepted by the mover and seconder.*

*A Councillor requested an Amendment to Point b. that the maintenance and cleaning times for Sunday be moved from 9.00am - 6.00pm to 9.00am to 5.00pm. The mover and seconder accepted this Amendment.*

*A Councillor requested a further Amendment to Point b. that no maintenance and cleaning of the vehicle be allowed on Sundays. The mover and seconder accepted this Amendment.*

*Councillors went into debate and the vote was then taken.*

*A Councillor asked what the enforcement provisions would be in relation to this matter. The Director Development Services indicated that should the Planning Compliance Policy be passed this would be the primary source of guidance. The Shire would carry out investigations, look at the circumstances and take action in accordance with the scale of the breach. In this instance Council could revoke the approval as well as prosecute and issue fines. The Councillor further asked if there had been any history with relation to this particular parking issue. The Director Development Services took this question on notice.*

<b>Voting Requirements: Simple Majority</b>
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### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 52/2015)**

That Council:

1. Approves the retrospective planning application dated 14 October 2015 for Aileen and Paul Guimelli to continue to park one commercial vehicle, a prime mover (registration number 1CRA 141), at Lot 6 (11) Thornton Place, Gooseberry Hill, subject to the following conditions:
  - a. The vehicle must, at all times, be parked in the location shown on the site plan.
  - b. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday. ~~and 9.00am to 5.00pm on Sundays.~~
  - c. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition 2. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
  - d. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
  - e. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
  - f. Movement and start-up times of the vehicle being restricted to 7.00am and 7.00pm Monday to Friday **and 9.00am to 5.00pm Saturday and Sunday.**

Moved: **Cr John Giardina**

Seconded: **Cr Noreen Townsend**

Vote:

**For**

**Cr Michael Fernie  
Cr John Giardina  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Noreen Townsend  
Cr Andrew Waddell  
Cr Sara Lohmeyer  
Cr Dylan O'Connor  
Cr Sue Bilich  
CARRIED (9/3)**

**Against**

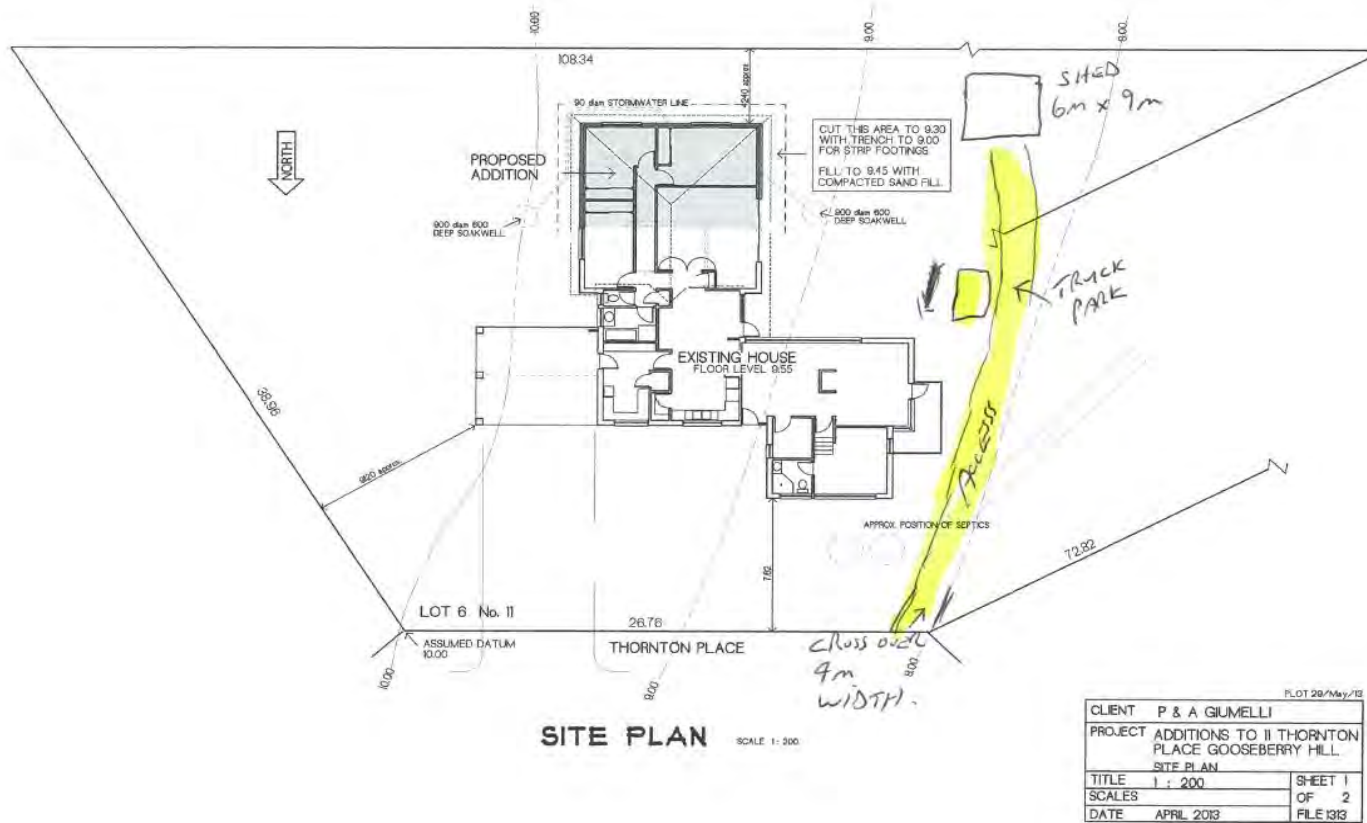
**Cr Brooke O'Donnell  
Cr Tracy Destree  
Cr Simon Di Rosso**



**Attachment 1**

Lot 6 (11) Thornton Place, Gooseberry Hill – Parking of One Commercial Vehicle

**Site Plan**



**Attachment 2**

Lot 6 (11) Thornton Place, Gooseberry Hill – Parking of One Commercial Vehicle

**Submission Table**

	Details	Comment	Staff Comment
1.	Name and address withheld	<p>Objection to the proposal.</p> <p>a) The owner will not adhere to the conditions and will leave early in the morning.</p> <p>b) The street has no footpath so not save for a truck to come and go regularly.</p>	<p>Noted.</p> <p>a) If approved, the application should be subject to conditions stipulating movement times.</p> <p>b) Noted, however the lack of a footpath would not preclude consideration of the application.</p>
2.	Glynn Tomazin 8 Thornton Place GOOSEBERRY HILL WA 6076	<p>No objection. Comment on the proposal.</p> <p>a) The truck shouldn't reverse out.</p> <p>b) No servicing of truck at the property.</p> <p>c) Vehicle speed to the access site to be very slow.</p>	<p>Noted.</p> <p>a) The vehicle will be able to leave the site in forward gear.</p> <p>b) If approved there should be conditions imposed stipulating the level of servicing permitted.</p> <p>c) If granted the planning consent could not impose off site requirements, such as the speed the vehicle may travel. However the site is on a relatively short street and as such, it is anticipated that the vehicle would travel relatively slowly on Thornton Place.</p>
3.	Susan Mchugh & DP Mchugh 7 Thornton Place GOOSEBERRY HILL WA 6076	<p>No objection.</p>	<p>Noted.</p>

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4.	E Mattiske 9 Thornton Place GOOSEBERRY HILL WA 6076	No objection. Comment: a) The truck shouldn't reverse out early morning. b) Suggest that the vehicle should not be moved on weekends.	Noted.  a) See comment 2 a)  b) The applicant has advised that that vehicle would only be used on weekdays.
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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**  
*Cr Michael Fernie declared an interest affecting impartiality regarding this item.*

**53. Submission on Draft State Planning Policy 2.5: Rural Planning Policy**

Previous Items	NA
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	OR-IGR-037
Applicant	NA
Owner	NA
Attachment 1	Draft State Planning Policy 2.5: Rural Planning Policy
Attachment 2	Submission to Draft State Planning Policy 2.5: Rural Planning Policy

**PURPOSE**

1. To endorse a submission on the Draft State Planning Policy 2.5: Rural Planning Policy.

**BACKGROUND**

2. In September 2015, the Department of Planning released the Draft State Planning Policy 2.5: Rural Planning Policy (the draft policy) for public comment. Refer (Attachment 1.) The draft policy seeks to replace the existing policy, gazetted in May 2012.
3. Council at its meeting on 23 March 2015, endorsed the Hills Rural Study. This is relevant to the submission to the draft policy because both documents have many of the same objectives, primarily the preservation of priority agricultural land. As such, the Shire's submission will take into account how the new draft policy aligns with the recommendations of the Hills Rural Study.

**DETAILS**

4. The draft policy replaces State Planning Policy 2.5: Land Use Planning in Rural Areas and State Planning Policy 4.3: Poultry Farms Policy.

**What is the same as in the current policy**

5. The intent of the draft policy is the same as the current policy- to protect and preserve WA's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.
6. The draft policy concludes that, as rural land in Perth is running out, the land remaining must be used to its maximum efficiency. It is the intent of the draft policy to generally support rural land becoming priority agricultural land, environmental protection land, basic raw material extraction, infrastructure, or urban land.

7. Although acknowledging that rural living has a market as it provides lifestyle options that are attractive, the draft policy identifies it as an inefficient way of accommodating people and a process that causes irreversible sterilisation of arable land. As such, it stipulates a number of requirements that need to be met in the rare cases where new rural living will be supported.
8. The draft policy applies to the preparation of planning documents, subdivisions and developments on or for rural zoned land. The draft policy protects rural land by requiring local planning schemes and strategies support any proposed future changes away from rural land uses. It also seeks to retain priority agricultural land for agricultural purposes where it is shown in a local planning scheme. Creating new rural lots through subdivision is generally not supported in the draft policy as it may compromise existing, future and potential primary production.
9. The policy notes that rural subdivisions are still going to be controlled by local planning scheme provisions and guided by Development Control Policy 3.4: Subdivision of Rural Zoned Land.

### **What is different to the current policy**

10. The draft policy provides more detailed policy guidance for development issues on rural land. The draft policy has also absorbed the policy intent of State Planning Policy 4.3: Poultry Farms as well as policy measures for basic raw materials outside of the Perth and Peel planning regions.
11. Relationship of the draft policy to environmental and health regulations and policies provides an exhaustive list of relevant regulations and policies and how the draft policy relates to each of them.
12. The draft policy substantially expands two areas in current policy:
  - *Avoiding the land use conflicts* is now incorporated in broader *Preventing and managing impact in land use planning* and further supported by *Determining a buffer*, *Planning approach for buffers* and *Planning approach for sensitive land uses in rural zones potentially affected by a rural land use*.
  - *Implementation* of the policy is substantially expanded and addresses implementation of policy at each level of the planning framework, from high level strategic right down to the individual subdivision and development stages.
13. The draft policy introduces a new explanatory note on *Rural lots that may be created under the exceptional circumstances of DCP 3.4: Subdivision of rural land* which serves to clarify the objectives of DCP 3.4.
14. The draft policy also sets out parameters on how the facilities of regional significance will be assessed in a new *Regional facilities* paragraph.

### **STATUTORY AND LEGAL CONSIDERATIONS**

15. Council are requested by the Western Australian Planning Commission to make a submission on the draft policy. Due to the Shire's large tracts of land affected by this policy, Council should consider the implications of the draft

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policy and if necessary, prepare a submission to endorse its vision and to guide future local planning of rural areas.

### **POLICY CONSIDERATIONS**

16. The draft policy replaces *State Planning Policy 2.5: Land Use Planning in Rural Areas* and *State Planning Policy 4.3: Poultry Farms*.
17. The draft policy informs development, subdivision and re-zoning in rural areas.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

18. The draft policy was released for public comment on 21 September 2015 and closes on 19 January 2016.
19. Residents have the ability to make their own individual submission on the proposed draft policy.

### **FINANCIAL CONSIDERATIONS**

20. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

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

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

Strategy 4.1.6 Continue to work collaboratively with State Government and agencies to deliver strategic land use plans, policies and initiatives.

### **SUSTAINABILITY**

#### **Social Implications**

22. This draft policy might have implications on the community composition in the Shire's rural areas. Inability to further subdivide in rural areas and introduce new rural living zoned land will prevent any substantial increase in population of the area. It should be noted that the provisions in relation to the future rural subdivision in this draft policy are very similar to the current policy.

#### **Economic Implications**

23. This draft policy's main objective is preservation of rural land, in particular it's agricultural and environmental values. Long term, these objectives imply a positive economic impact for the community.

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## Environmental Implications

24. The draft policy reinforces the objectives in managing and improving environmental and landscape attributes of rural land, already outlined in the current policy.

## RISK MANAGEMENT CONSIDERATIONS

25.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may decide not to make a submission	Possible	Insignificant	Low	Make sure Council is aware this is an opportunity to feed into the planning/building framework.

## OFFICER COMMENT

26. The objectives of the draft policy are not very different to the current policy and the variations will have a minimal impact on how the Shire of Kalamunda deals with and considers current and future zoning, land use and subdivisions in its rural area.
27. In preparing the submission to the draft SPP 2.5, the consideration is given to how the draft policy aligns with the findings and the recommendations of the Hills Rural Study 2014.
28. Final Recommendation 1 of the Hills Rural Study is to support landowners in developing initiatives to diversify and improve the viability of agricultural activity. While the draft policy doesn't address this initiative directly, the measures that it implements should have a positive effect on viability through more efficient use of land and protection of priority areas.
29. Final Recommendation 2 of the Hills Rural Study seeks to introduce new land use permissibility to improve flexibility of businesses that landowners can operate. The draft policy details the importance of protecting rural zones and limiting the introduction of land uses that may constrain rural land uses. The Shire should use the guidance of the draft policy to ensure that land use flexibility and sensitive land uses are planned appropriately.
30. Final Recommendation 3 of the Hills Rural Study includes a recommendation for further exploration of 6 options for potential future subdivision in the area, as presented in the Study. The draft policy reinforces the current policy on the issues of further subdivisions in rural areas by clarifying the constraints on rural subdivisions and referring back to the DCP 3.4 for guidance. The unchanged stance on the subdivision in the draft policy might preclude future exploration of subdivisional options as stated in the Recommendation 3 of Hills Rural Study 2014.

31. The draft policy repeatedly states the importance of a local planning scheme's Priority Agriculture Zone determination. This coincides with Final Recommendation 3b of the Hills Rural Study, which proposes an amendment to the Local Planning Scheme No. 3 to include a Priority Agriculture Zone.
32. The draft policy is generally in line with the planning principles of Shire's Local Planning Scheme No. 3, Local Planning Strategy and the findings of the Hills Rural Study 2014. The Shire's submission (Attachment 2) will reflect that.

*Cr Michael Fernie disclosed an Impartiality Interest as he is a primary producer in the defined area but indicated he would consider the matter on its merits and vote accordingly.*

*A Councillor asked if this Policy would have any affect in the Shire's capacity to enable development of the Pickering Brook Townsite, The Director Development Services indicated it would be difficult to know how the Commission would view this in that particular context however he believed they would be supportive of a more intensive form of development to expand the Townsite The Councillor further asked how much of the rural land will be included, Director Development Services indicated it was hard to know until the mapping of priority agricultural land, highlighted in the Hills Rural Study, is completed.*

*A Councillor asked if all other Councillors were aware of the Hills Rural Study; for the benefit of all, the Chief Executive Officer requested the Director Development Services give a brief description of this document.*

*A Councillor then asked if the mapping of the priority agricultural zone review had commenced. The Director advised the Department of Agriculture do not currently have a budget to enable this and there is currently no timeframe. The Councillor asked what the outcome will be if this review is not carried out, Director Development Services indicated that Council could consider appointing its own consultant in association with the Department if they would be happy to accept the findings. A Councillor asked if the Director of Development Services would be able to request the State Planning to delineate the priority agricultural area, the Director confirmed this could be done.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 53/2015)**

That Council:

1. Notes the submission on the draft State Planning Policy 2.5: Rural Planning Policy as at (Attachment 2) and
2. Forwards the submission to the Western Australian Planning Commission.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**



**Attachment 1**

Draft State Planning Policy 2.5: Rural Planning Policy

[Click HERE to go direct to the document](#)

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## **Attachment 2**

### Shire submission to Department of Planning

The Shire of Kalamunda acknowledges that the new draft policy has the same intent as the current policy, to protect and preserve rural land assets for their importance their economic, natural resource, food production, environmental and landscape values.

Although the draft policy is not substantially different to the current policy, it provides more detailed guidance for development issues on rural land and expands substantially the implementations section of the document. Implementation of the policy at each level of planning, from regional strategic planning down to the subdivision and development, outlines clearly what a decision maker is required to consider at each step in the planning process.

The expansion of the issues of avoidance of land use conflict gives additional guidance on prevention and managing impacts in land use planning with the emphasis on buffers and the sensitive land uses in rural areas.

The draft policy also introduces a new explanatory note on rural lots that may be created under the exceptional circumstances of DCP 3.4: Subdivision of rural land which serves to clarify the objectives of DCP 3.4.

The Shire of Kalamunda welcomes the additional information presented in the draft policy as it gives more certainty to the decision makers while determining applications in rural areas.

The objectives of the draft policy are generally in line with the current policy and the variations will have a minimal impact on how the Shire of Kalamunda deals with and considers current and future zoning, land use and subdivisions in its rural area.

The Shire of Kalamunda has more than 2000ha of rural zoned land and has recently adopted Hills Rural Study (the Study), that made a number of recommendations in response to the objectives of the Study. Consideration was given to how the draft policy aligns with the findings and the recommendations of the Hills Rural Study 2014.

Final Recommendation 1 of the Hills Rural Study is to support landowners in developing initiatives to diversify and improve the viability of agricultural activity. While the draft policy doesn't address this initiative directly, the measures that it implements should have a positive effect on viability through more efficient use of land and protection of priority areas.

Final Recommendation 2 of the Hills Rural Study seeks to introduce new land use permissibility to improve flexibility of businesses that landowners can operate. The draft policy details the importance of protecting rural zones and limiting the introduction of land uses that may constrain rural land uses. The Shire will therefore use the guidance of the draft policy to ensure that land use flexibility and sensitive land uses are planned appropriately.

Final Recommendation 3 of the Hills Rural Study includes a recommendation for further exploration of 6 options for potential future subdivision in the area, as presented in the Study. The draft policy reinforces the current position on the issues of further subdivisions in rural areas by clarifying the constraints on rural subdivisions and referring back to the DCP 3.4 for guidance. The unchanged stance on the subdivision in the draft policy might preclude future exploration of subdivisional options as stated in the Recommendation 3 of Hills Rural Study 2014.

The draft policy also emphasises the importance of the designation of Priority Agriculture Zone in local planning schemes. That has already been acknowledged in one of the final recommendations of Hills Rural Study, where it is proposed that an amendment to the Local Planning Scheme No. 3 is initiated to introduce a Priority Agriculture Zone.

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

**54. Retention and Removal of Vegetation within Building Protection Zones**

Previous Items	N/A
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Services
File Reference	PG-STU-031
Applicant	N/A
Owner	N/A
Attachment 1	Vegetation at Significant Sites

**PURPOSE**

1. To seek Councils endorsement for the removal and retention of specified vegetation within Building Protection Zones (BPZ) of six habitable buildings in the Shire.

**BACKGROUND**

2. As part of the 2015/16 budget process, Council approved the allocation of funds to deliver the implementation of building protection zones to Shire owned and controlled buildings by 1 November 2015.
3. A building protection zone is a 20 metre circle of safety applicable to habitable buildings whereby vegetation is removed and/or pruned and fuel is reduced to increase the buildings likelihood of survival from a bushfire.
4. The need for BPZ were issued by the State government in 2012 to encourage a shared responsibility of reducing fire risk in Western Australia after the loss of assets and life in bushfire events.
5. Local Governments are considered to be at the forefront of administering these requirements and the Shire has chosen to lead by example whereby BPZ have been created around 56 habitable buildings owned by the Shire.
6. The Shire has been actively engaging its residents to implement the BPZ on their own properties through a program run by the Community Bushfire Safety Officer.

**DETAILS**

7. The BPZ works have targeted the:
  - removal of shrubs greater than 2 metres;
  - separation of tree canopies;
  - under pruning of trees to gain a 2 metre clearance;
  - removal of tree limbs overhanging the building structure to gain a 2 metre clearance;
  - removal of deadwood in trees and woody weeds; and
  - tree removal where needed.

8. In six locations the BPZ vegetation removal was not strictly adhered to due to the mature nature of the trees, their size and contribution to the landscape. These locations are:
- Jorgensen Park
  - Kalamunda History Village
  - Kalamunda Bowling Club
  - Falls Farm
  - Zig Zag Cultural Centre
  - Lapidary Club at Kostera Oval
9. In the above cases some formal gardens are found within the BPZ and removal as per the criteria would impact aesthetics of the site and users of the facilities.
10. (Attachment 1) provides details and images of the vegetation within the BPZ of these facilities. The recommendations for these locations are summarised in the table following:

Location	Recommendation	Comment
<p><u>Jorgensen Park</u></p> <ul style="list-style-type: none"> <li>• A mix of native and exotic shrubs higher than 2 metres grow adjacent to the building</li> </ul>	<ol style="list-style-type: none"> <li>1. Undertake community engagement to advise and seek comments regarding the proposal to:               <ol style="list-style-type: none"> <li>a. Remove all vegetation over 2 metres high around the building.</li> <li>b. Remove two semi mature Marri trees growing within the BPZ.</li> </ol> </li> </ol>	<p>As these trees and shrubs are a mix of native and exotic species, their removal would have minimal impact on the retention of the natural bush values of the reserve. These species can increase fire risk and as this reserve is classified as a fire prone area, the removal is recommended.</p>
<p><u>Kalamunda History Village</u></p> <ul style="list-style-type: none"> <li>• White gum with a building constructed around the tree.</li> <li>• Mature white gums overhanging roof space of outbuildings.</li> <li>• Mature Marri trees overhang buildings.</li> </ul>	<ol style="list-style-type: none"> <li>1. These trees are to be retained.</li> <li>2. Trees that overhang the roof space of building will have lower limbs pruned so there is a minimum 3 metre clearance from the roof space.</li> <li>3. Regular maintenance of the site be programmed by the site operators to remove excess leaf litter and clear gutters.</li> </ol>	<p>The trees form part of the historic village atmosphere, the Shire has invested considerable resources in protecting and retaining the trees and the history village volunteers have a localised connection with the trees. Regular maintenance to the site, such as the removal of leaf litter and roof gutter cleaning will reduce any fire hazard. Discussions between Shire departments from a fire and arboriculture perspective agreed that the trees could be retained.</p>

<p><u>Kalamunda Bowling Club</u></p> <ul style="list-style-type: none"> <li>Mix of native and exotic shrubs.</li> </ul>	<ol style="list-style-type: none"> <li>Retain shrubs and trees over 2 metres in height.</li> </ol>	<p>The retention of the species would not have a material effect on fire risk. As this is a planted area, the retention of the mix of species will not be inconsistent with the surrounding area.</p>
<p><u>Falls Farm</u></p> <ul style="list-style-type: none"> <li>Exotic species.</li> </ul>	<ol style="list-style-type: none"> <li>Retain shrubs and trees over 2 metres in height within the BPZ zone.</li> <li>Undertake canopy reduction and selective removal of trees within 20 metres of the BPZ to eliminate the connection of canopies.</li> </ol>	<p>The higher water content in these plants make them fire retardant to a certain extent compared to native species. Many of these plants complement the heritage landscape.</p>
<p><u>Zig Zag Cultural Centre</u></p> <ul style="list-style-type: none"> <li>2 semi mature White Gums.</li> </ul>	<ol style="list-style-type: none"> <li>These trees are to be retained.</li> </ol>	<p>Council originally agreed to retain these 2 white gum trees at the Library when the site was redeveloped. They currently contain flood lights to feature the trees structure at night. Limbs overhanging the roof space have been pruned and the trees do provide a landscape quality to the town area.</p>
<p><u>Lapidary Club at Koster Oval</u></p> <ul style="list-style-type: none"> <li>1 mature Pine tree.</li> <li>3 semi mature Marri trees.</li> </ul>	<ol style="list-style-type: none"> <li>These trees are to be retained.</li> </ol>	<p>The trees provide shading of the building, improving comfort for the users and lowering the requirements for mechanical ventilation, thereby reducing electricity consumption and charges. The site is not a fire prone zone and is situated adjacent to areas devoid of high vegetation such as the road carriageway and oval.</p>

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## **STATUTORY AND LEGAL CONSIDERATIONS**

11. Guidelines encouraging best practice include the *Bush Fires Act 1954*, Planning for Bushfire Protection Guidelines edition 2 (Western Australia Planning Commission) and standards for BPZ developed by the Department of Fire and Emergency Services.
12. To demonstrate its commitment to the protection of the community from bush fire, the Shire has determined that it should lead by example in the implementation of BPZ.
13. The local government authority has responsibility to consider and approve any variations to the requirements of the Bushfire Protection Zone under the requirements of the Fire Breaks Notice 2015/16.

## **POLICY CONSIDERATIONS**

14. The Shire was recently declared a bushfire prone area and implementation of BPZ complements this course of action.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

15. The nominated buildings identified in this report were identified as facilities where the strict adherence to the requirements of the BPZ would not necessarily meet the objectives of the *Bush Fire Act* and may have adverse consequences to the community.
16. All sites included in this report have been subject to preliminary discussions with the affected groups to discuss the Building Protection Zone requirements and actions.
17. The decisions regarding these locations will be communicated to the affected groups and reasons provided to ensure that the actions are fully understood.
18. This will include direct communication with the representatives of the groups, outlining the reasons for the recommendation and the decision made.

## **FINANCIAL CONSIDERATION**

19. The 2015/16 budget includes sufficient funds to complete the works as recommended in this report.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

20. *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 1.1.4            The Shire is well prepared and has plans and resources ready to respond to any disaster or danger that may confront its community.

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

Strategy 4.7.2            Ensure adequate processes and procedures are in place to measure and achieve efficiency in asset management.

## SUSTAINABILITY

### Social Implications

21.            In cases where vegetation is to be removed, the decision making process is to be communicated to the affected stakeholders, as they may have been involved in the implementation and maintenance of the surrounding gardens.

### Economic Implications

22.            The loss of tree shade in some locations may result in an increase in internal building temperatures. As a result, the utilisation of internal cooling may increase resulting in a corresponding increase in electricity consumption and costs.
23.            In the event of a bushfire, the risk of a habitable building being lost in a bush fire will reduce.

### Environmental Implications

24.            The removal of vegetation will impact the habitat for birds and mammals and will increase the heating of the adjacent building as shade will no longer be provided.
25.            The creation of BPZ around Shire facilities at some sites has resulted in the removal of many woody weeds which have benefit to the overall environment.

## RISK MANAGEMENT CONSIDERATONS

26.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Damage to infrastructure during vegetation removal	Possible	Major	High	Experienced contractor to choose best method to undertake works; i.e. cherry picker or climb tree.
Injury to passers by	Possible	Major	High	Works area to be barricaded to prevent access by the public. Spotter to be in place.



Risk	Likelihood	Consequence	Rating	Action/Strategy
Retention of vegetation outside the requirements of the BPZ may cause damage or loss to a building	Possible	Major	High	<p>Council to approve a variation to the requirements of the BPZ.</p> <p>Retained vegetation will be under pruned to ensure that sufficient separation between lower branches and the building envelope / roof.</p> <p>Retained vegetation will have additional canopy separation to minimise the risk of fire moving between trees.</p> <p>Areas where vegetation is retained will be maintained to ensure fuel loads are maintained below the required thresholds for the period between October and March each year.</p>

**OFFICER COMMENT**

- 27. The Shire developed a BPZ assessment criteria to meet best practice asset protection in the event of a bushfire whilst working to reduce environmental impacts through vegetation removal.
- 28. Multiple Shire Departments have collaborated to achieve and implement the BPZ criteria.
- 29. The creation of BPZ around Shire facilities has resulted in positive comments from the public.
- 30. The Shire has delegated authority to make variations to the requirements of the BPZ at the six sites.
- 31. The recommendations in this report are based on current and future site conditions and the surrounding land use and features.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 54/2015)**

That Council:

1. Approve a variation to the requirements of the Building Protection Zones to retain specific vegetation at the following locations: Kalamunda History Village, Kalamunda Bowling Club, Falls Farm, Zig Zag Cultural Centre and the Lapidary Club at Kostera Oval.
2. Endorses the proposal to remove vegetation around the facilities at Jorgensen Park and Falls Farm to meet the Building Protection Zone criteria.
3. Notes the communication strategy outlined in the *Community Engagement Requirements* of this Report.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (12/0)**

## Attachment 1

### Vegetation at Significant Sites

#### Kalamunda History Village

**Bushfire Prone:**

Yes

**Location and Locality Map:**

15 William Street Kalamunda



#### **Vegetation:**

- One white gum with a building constructed around the tree



- Two mature white gums overhanging roof space of out buildings



- Three mature marri trees over hang buildings



**Issues and Considerations:**

Side pruning these trees off the buildings beyond what has already occurred will put these trees under significant stress and could result in decline and death of the trees.

The trees form part of the historic village atmosphere, the Shire has invested considerable resources in protecting and retaining the trees and the history village volunteers have a localised connection with the trees.

Regular maintenance to the site, such as the removal of leaf litter and roof gutter cleaning will reduce any fire hazard. Discussions between Shire departments from a fire and arboriculture perspective agreed that the trees could be retained.

**Recommendation:**

1. These trees are to be retained.
2. Trees that overhang the roof space of buildings will have lower limbs pruned so there is a minimum 3 metre clearance from the roof space.
3. Regular maintenance of the site be programmed by the site operators to remove excess leaf litter and clear gutters.

## **Zig Zag Cultural Centre**

**Bushfire Prone:**

No

**Location and Locality Map:**

50 Railway Rd, Kalamunda



### **Vegetation:**

- 2 semi mature White Gums



### **Issues and Considerations:**

Council originally agreed to retain these 2 white gum trees at the Library when the site was redeveloped. They currently contain flood lights to feature the trees structure at night. Limbs overhanging the roof space have been pruned and the trees do provide a landscape quality to the town area.

### **Recommendation:**

1. These trees are to be retained.

## **Lapidary Club Kostera Oval**

**Bushfire Prone:**

No

**Location and Locality Map:**

3 Recreation Rd, Kalamunda



### **Vegetation:**

- 1 mature Pine tree
- 3 Semi mature Marri trees



### **Issues and Considerations:**

The trees provide shading of the building, improving comfort for the users and lowering the requirements for mechanical ventilation, thereby reducing electricity consumption and charges.

Due to power lines on the road side, these trees have been side pruned for power line clearances. Side pruning to meet the Building Protection Zone requirements would result in a tree devoid of branches, impacting on the aesthetics and function of trees.

Lower limbs on the trees have been removed to give a 6 to 7 metre clearance above the roof space.

The site is not a fire prone zone and is situated adjacent to areas devoid of high vegetation such as the road carriageway and oval.

### **Recommendation:**

1. These trees are to be retained.

## **Jorgensen Park**

**Bushfire Prone:**

Yes

**Location and Locality Map:**

2 Crescent Rd, Kalamunda



### **Vegetation:**

- A mix of native and exotic shrubs higher than 2 metres grow adjacent to the building



### **Issues and Considerations:**

Jorgensen Park is situated in a fire prone area and adjoins bushland managed by the Department of Parks and Wildlife. It also backs onto residential areas that adjoin the Kalamunda Township.

This park is highly used by the public for recreation and workshops, it is therefore important community engagement is undertaken appropriately and timely before any works occur.

### **Recommendation:**

1. Undertake community engagement to advise and seek comments regarding the proposal to:
  - a. Remove all vegetation over 2 metres high around the building.
  - b. Remove two semi mature Marri trees growing within the BPZ.

## **Kalamunda Bowling Club**

**Bushfire Prone:**

No

**Location and Locality Map:**

24 Kalamunda Rd, Kalamunda



### **Vegetation:**

- Mix of native and exotic shrub.



### **Issues and Considerations:**

The bowling club is located in a turfed and reticulated area with Kalamunda Road on one side. It is not situated in a bushfire prone zone.

### **Recommendation:**

1. Retain shrubs and trees over 2 metres in height.



## **Falls Farm**

**Bushfire Prone:**

Yes

**Location and Locality Map:**

229 Lesmurdie Rd, Lesmurdie



### **Vegetation:**

- Exotic species



### **Issues and Considerations:**

The higher water content in these plants make them fire retardant to a certain extent compared to native species. Many of these plants complement the heritage landscape.

### **Recommendation:**

1. Retain shrubs and trees over 2 metres in height within the BPZ zone.
2. Undertake canopy reduction and selective removal of trees within 20 metres of the BPZ to eliminate the connection of canopies.

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

**55. Noise Management Plan for Class 2 Specified Works**

Previous Items	OCM 86/2015
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Services
File Reference	OCM 86/2015
Applicant	N/A
Owner	N/A
Attachment 1	Noise Management Plan for Street Sweeping
Attachment 2	Noise Management Plan for Litter Bin Services
Attachment 3	Noise Management Plan for Footpath Sweeping

**PURPOSE**

1. To endorse the advertising of the Noise Management Plan for Class 2 Specified Works in relation to:
  - The Shire's in-house street sweeping service;
  - The Shire's in-house litter bin servicing; and
  - The Shire's footpath sweeping service currently conducted by Envirosweep (ABN 52 067 331 460) under tender.

**BACKGROUND**

2. The *Environmental Protection (Noise) Regulations 1997*, are intended to provide controls for the generation of noise from specified works. The controls are specified under Regulation 7 for works defined in Part 2, Division 2, Regulation 14A.
3. Specified works means:
  - (a) The collection of waste; or
  - (b) The cleaning of a road or the drains for a road; or
  - (c) The cleaning of public places, including footpaths, cycle paths, car parks and beaches; or
  - (d) The maintenance of road verges and public open space (including the collection of rubbish and the planting, trimming, watering or removal of trees).
4. Class 1 works means specified work carried out between:
  - (a) 7am and 7pm on any day that is not a Sunday or public holiday; or
  - (b) 9am and 7pm on a Sunday or public holiday.
5. Class 2 works means specified work carried out otherwise than between the hours specified in the definition of Class 1 works paragraph (a) and (b).

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6. . The *Environmental Protection (Noise) Regulations 1997*, Regulation 7 does not apply to:
- Class 1 works undertaken in the quietest reasonable and quietest manner and the equipment used is the quietest reasonably available.
  - Class 2 Works where a Noise Management Plan has been prepared and the work is accordance with that plan.

## **DETAILS**

7. This report addresses a noise management plan for the following specified works:

- The Shire's in-house street sweeping and litter bin services; and
- The Shire's footpath sweeping service currently conducted by EnviroSweep.

Carried out in the following times:

- (a) 6am and 7am on any day that is not a Sunday or public holiday; or
- (b) 6am and 9am hours on a Sunday or public holiday.

8. The Shire undertakes sweeping of roads, footpath and car parks from 6am on weekdays to enable the area to be swept before traffic increases and cars commence parking in public places.
9. The Shire commences bin pickup and emptying from reserves and public places from 6am to enable this function to be completed prior to the commencement of activities at these facilities. These works are also conducted for events which may require the emptying of bins on Sunday or public holidays.

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. The *Environmental Protection (Noise) Regulations 1997*, regulates the generation of noise.
11. The *Environmental Protection (Noise) Regulations 1997*, Part 2, Division 2, Regulation 14A are intended to provide controls for the generation of noise from specified works.

## **POLICY CONSIDERATIONS**

12. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

13. Community consultation to be undertaken for a period of thirty-two (32) days in order that the community of the Shire of Kalamunda has an opportunity to comment where appropriate.

14. A public notice will be placed in the local newspapers and a copy of the Noise Management Plan for Class 2 Specified Works will be available for inspection at the Shire Administration Office. The Noise Management Plan for Class 2 Specified Works will also be available on the Shire's website.
15. Subject to the outcome of the consultation, the Noise Management Plan for Class 2 Specified Works can be approved (as is or revised) by the Chief Executive Officer under delegation. If there are substantial objections, a further report will be provided to Council.
16. As part of the community engagement process, the Shire will directly mail out to properties on the affected sweeping routes to advise that the Noise Management Plan is being considered by Council and available on the Shire of Kalamunda website.
17. As part of the community engagement process, the Shire will directly mail out to properties opposite the reserves identified to advise that the Noise Management Plan as it relates to litter bin collections is being considered by Council and available on the Shire of Kalamunda website.

## **FINANCIAL CONSIDERATIONS**

18. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

19. *Kalamunda Advancing: Strategic Community Plan to 2023*  
OBJECTIVE 3.5 – To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.  
Strategy 3.5.1            Provide regular and reliable resource recovery collection services to the community.

## **SUSTAINABILITY**

### **Social Implications**

20. Several locations across the Shire present specific issues for litter bin servicing and street and footpath sweeping vehicles. These include:
  - Safety and congestion issues on high volume traffic roads.
  - Ensuring that footpaths, road, car parks and kerb lines are accessible for sweeping.
  - Ensuring that litter bin servicing and footpath and street sweeping activities are conducted in school zones and other sensitive areas before peak periods.
  - Permit the emptying of bins as soon as possible after an event to prevent rubbish from spreading into other areas and minimise health and amenity issues to the community.

21. In order to ensure the effective and efficient removal of litter bin waste and provision of footpath and street sweeping activities, it is proposed to conduct these services in the designated locations from 6am.

**Economic Implications**

22. Nil.

**Environmental Implications**

23. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
That the Shire does not endorse the Noise Management Plan for Class 2 Specified Works for public consultation.	Unlikely	Major	Medium	Litter bin servicing and street and footpath sweeping activities will operate after: <ul style="list-style-type: none"> <li>• 7am on days that are not Sundays or public holidays.</li> <li>• 9am on Sundays or public holidays.</li> </ul> Resulting in: <ul style="list-style-type: none"> <li>• additional safety risk and increased traffic congestion in high volume roads and around schools.</li> <li>• increased amenity and health risks to reserve users as bins are not emptied promptly.</li> </ul>
That there are significant objections to the Noise Management Plan for Class 2 Specified Works as advertised	Possible	Minor	Medium	Where possible identify alternative locations or methods to reduce the level of noise. Undertake further consultation to alleviate concerns. Additional report to Council for determination.

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## OFFICER COMMENT

25. A Noise Management Plan for Class 2 Specified Works is required under the *Environmental Protection (Noise) Regulations 1997* to undertake the Specified Works outside the standard working hours of 7am to 5pm weekdays.
26. The Noise Management Plan for litter bin servicing and street sweeping activities include measures to minimise noise emissions and a system to be reviewed annually.
27. If approved by the Shire of Kalamunda Chief Executive Officer (CEO) under delegated authority, the Noise Management Plan for Class 2 Specified Works will be valid for a period of three (3) years after the date of commencement.
28. It is noted that there has been no change in the existing litter bin servicing or street sweeping schedules, nor is there any proposed change in servicing schedules.

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 55/2015)

That Council:

1. Endorses the public consultation process for advertising the Noise Management Plan for Class 2 Specified Works for road and footpath sweeping and litter bin servicing, to commence in December 2015, with a public notice to appear in a newspaper generally circulating within the municipal district.
2. Endorses the direct mail out to residents on street sweeping routes and in the streets surrounding the reserves impacted by Class 2 Specified Works.
3. Notes that the Chief Executive Officer will endorse and sign the Noise Management Plan for Class 2 Specified Works once submissions are received and collated, except if there are significant objections that cannot be resolved. In this situation a further report will be provided to Council for consideration.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**Attachment 1**

Noise Management Plan for Street Sweeping

[Click HERE to go directly to the document](#)

**Attachment 2**

Noise Management Plan for Litter Bin Services

[Click HERE to go directly to the document](#)

**Attachment 3**

Noise Management Plan for Footpath Sweeping

[Click HERE to go directly to the document](#)

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

## 56. Alan Anderson Park Restoration

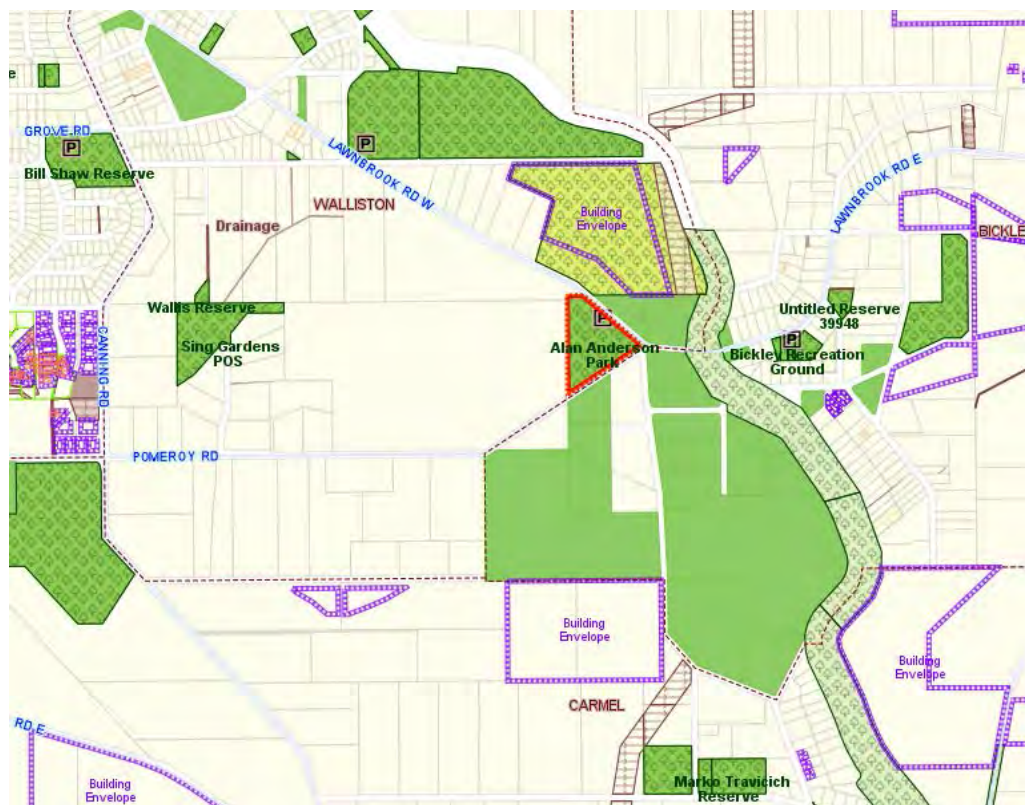
Previous Items	
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Services
File Reference	LW-03/180
Applicant	N/A
Owner	N/A

### PURPOSE

1. To consider the future of Alan Anderson Park, Walliston.

### BACKGROUND

2. Alan Anderson Park, is located on an old tip site at the corner of Lawnbrook Road West and Pomeroy Road. A locality plan is provided





- 
3. The locality plan shows the proximity to other alternative open space in proximity including:
    - Bill Shaw Reserve (Neighbourhood Park) 1,500 metres
    - Sing Gardens POS 1,150 metres
    - Bickley Recreation Ground 620 metres
    - Marko Travicich Reserve 1,300 metres
    - Railway Heritage Trail 350 metres
  4. Alan Anderson Park is categorised as a local level park. It includes a small playground and toilet facilities. There is an unsealed and partially unformed car park on the northern side of the reserve with a picnic shelter adjacent. There are no formed paths or other infrastructure.
  5. Alan Anderson Park is currently used primarily for local residents and, on a regular basis, the Kalamunda Dog Obedience School uses the site for its activities.
  6. Over several years, the site has developed a number of undulations and sink holes, with the Shire undertaking ad-hoc restoration as these were reported. These actions are not documented, however the recollections of staff indicate that this issue predates 2009.
  7. The number of sink holes developing has increased and in mid-2015, a number of sink holes developed concurrently and created a significant safety risk to the community. As a result, the park was immediately closed to the public and a geotechnical assessment by a consultant was undertaken in late 2015.
  8. The consultant's report identified the likely cause of the settlement and sink holes and made recommendations regarding the restoration of the site.

## **DETAILS**

9. Alan Anderson Park was used as a tip site. This included the deposit of building rubble, car parts and other inert materials.
10. The geotechnical analysis and bores found that there was insufficient compaction of waste materials as the site was filled and as a result, there is ongoing settlement of the waste materials. Further to this, there are indications that as the materials in the tip site degrade, additional air pockets are forming, causing the capping layer to settle. As a result, the site has formed undulations and sink holes.
11. The sink holes range in size from a few centimetres to up to 50 centimetres in diameter.
12. The geotechnical report recommends that the inert waste material be fully excavated and the site filled with uncontaminated granular fill. The cost to do this, including the tipping costs (based on an assumption of nil contamination) is in the order of \$1,000,000 to \$1,500,000, with an additional \$700,000 in contingencies.

13. In addition to the recommendation of the geotechnical report, there are four alternatives, summarised in the following table:

<b>Option</b>	<b>Detail</b>	<b>Estimated Cost</b>
Option 1 – full restoration of the public open space as recommended by the Geotechnical Report.	Full Restoration of the site. Excavate the existing waste materials and transport/dispose at an authorised landfill site. Import appropriate granular fill and compact in layers to achieve desired levels. Landscape and reinstate infrastructure. Minimum 12-18 months. Maintenance as a Local POS.	\$2,937,500
Option 2 – full restoration of the public open space using an alternative waste treatment method.	Excavate the capping layer and transport and dispose to an authorised landfill site. Compact exposed waste materials to sufficient levels to reduce ongoing settlement. Import appropriate capping material and compact to DEC requirements. Import appropriate granular fill and compact in layers to achieve desired levels. Landscape and reinstate infrastructure. Minimum 12-18 months. Maintenance as a Local POS.	\$2,062,500
Option 3 – full restoration of the public open space with no treatment of the waste.	Import appropriate granular fill and compact in layers to achieve desired levels. Landscape and reinstate infrastructure. Minimum 3-6 months Maintenance as a local POS.	\$312,500
Option 4 – convert to a bushland reserve	Install appropriate fencing. Planting funded from offset programs. Maintenance as a bushland reserve.	\$100,000

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. Under the provisions of the *Contaminated Sites Act 2003* the Department of Environment Regulation (DER) has classified this site as – ‘possibly contaminated – investigation required’. This means any works undertaken is to be in accordance with the provisions of the *Contaminated Sites Act 2003* and associated DER contaminated sites guidelines. At the end of such works a report is prepared and provided to the DER who after due consideration will provide comment which may include recommendations for further works.

## **POLICY CONSIDERATIONS**

15. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

16. All options require a level of community engagement as follows

Option	Commentary	Engagement Requirements
Option 1 – Full restoration, removing existing waste.	Site to be restored to a condition where ongoing maintenance is not likely and the reserve can be opened to the public. These works are extensive and may result in the park being closed for a long period	Explain the process and timeframes for the works.
Option 2 – Full Restoration using in-situ compaction of waste.	Site to be restored to a condition where ongoing maintenance is not likely and the reserve can be opened to the public. These works are extensive and may result in the park being closed for a long period	Explain the process and timeframes for the works.
Option 3 – Site levelling	Public access to the site, however can be completed earlier	Explain the process and timeframes for the works.
Option 4 – Return to Bushland Reserve	Permanent closure of the reserve as a public passive space, used as an offset site and, over time becoming a bushland reserve	Explain the reasons for this option, costs, benefits and outcomes. Include information sessions and public forums.

17. In all cases, the engagement should also include on-site advertising, media releases and direct mail-out to residents within 600 metres of the reserve and the operators of the Kalamunda Dog Obedience School.

## FINANCIAL CONSIDERATIONS

18. The three options are costed as per the following table. These costings are based on preliminary estimates of the volumes required and therefore are only for the purposes of indicating an order of magnitude of the costs. A more detailed estimate will be undertaken, however it must be noted that restoration of landfill sites is renowned for the high value of variations required once work has commenced.

Item	Option 1 – removal of waste and place fill	Option 2 – in-situ compaction and capping	Option 3 – surface levelling	Option 4 - return to bushland reserve
Restoration Cost	\$1,500,000	\$1,000,000	\$150,000	\$5,000
Contingency	\$700,000	\$500,000	\$0	\$0
Landscaping	\$150,000	\$150,000	\$100,000	Planting funded by offsets. Fencing = \$80,000
Sub total	\$2,350,000	\$1,650,000	\$250,000	\$80,000
Overheads (25%)	\$587,500	\$412,500	\$62,500	\$20,000
<b>Total Estimate</b>	<b>\$2,937,500</b>	<b>\$2,062,500</b>	<b>\$312,500</b>	<b>\$105,000</b>

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

## SUSTAINABILITY

### Social Implications

20. Alan Anderson Park has been closed to the public since August 2015.
21. The initial indications are that the restoration works under options one or two could not be completed until July 2016 subject to approval of funding. This includes consideration for the procurement process and delays in the periods over Christmas and Easter when works are likely to be on-hold.
22. If option three is preferred, then there is the additional consideration of whether the reserve should remain as public open space, this could be completed by March/April 2016.
23. The fourth option will result in the reserve being reclassified as a bushland reserve (to be used as an offset site for other projects). In this case, the park would be permanently closed to the public.

## Economic Implications

24. Nil.

## Environmental Implications

25. Alan Anderson Park was used for the disposal of inert waste, however the recent geotechnical study found indications of general waste (glass, bottles and clothing, etc).

26. The site has been decommissioned as a tip-site and has been converted into a local park for passive recreation.

27. If the site was returned to a bushland reserve, through offsets, this would provide additional habitat for wildlife.

28. The use of this site as an offset area would enable the further redevelopment of other active and passive open space in areas where the current level of provision is low or under pressure (e.g. Maida Vale Reserve).

29. The restoration of the site by removing existing waste and transferring this to another landfill would have negative impacts on the environment through:

- The additional fuel required to remove and cart the waste materials and rehabilitate the site.
- The utilisation of scarce landfill volume.
- The requirement for resources to provide backfill materials.

30. The restoration of the site will also have negative environmental impacts through:

- The additional fuel required to compact and rehabilitate the site.
- The requirement for resources to provide backfill materials.

## RISK MANAGEMENT CONSIDERATIONS

31.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Option 1 – contamination of the environment	Possible	Major	High	Ensure that when existing waste is exposed that mitigation is in place to prevent waste being spread into the environment. Ensure that when waste is being transport, all waste is adequately loaded and sealed.
Option 2 – contamination of the environment	Possible	Major	High	Ensure that when existing waste is exposed that mitigation is in place to prevent waste being spread into the environment.

Option 3 – sinkholes continue to develop	Likely	Major	High	Understand the risk to the community if a sinkhole develops and causes injury or loss. Implement ongoing inspections. Make provisions in the budget to undertake ongoing management of the issues.
Option 4 - The reserve is permanently closed to the public with the potential for the local community to voice its dissatisfaction with the decision	Possible	Minor	Medium	That Council is provided with sufficient information to ensure it undertakes its decision making effectively, noting the likely costs to restore the site will have a major impact on the delivery of other services and capital projects over the coming year. Significant community engagement would be necessary to provide information to the community about the reason for the decision to close. <i>This also provides a positive outcome in relation to providing a feasible site for offsets that may be required in order to develop other open space for active and passive recreation.</i>
Option 1 and 2 - That the volumes of fill required exceed estimates	Likely	Minor	High	That sufficient contingencies are built into the projected estimates to cater for this possibility.
Option 2 - That the process of compacting the materials in-situ causes excessive sudden settlement	Possible	Major	High	That the compaction process is undertaken by experienced contractors and with a methodology to minimise the potential for sudden settlement of the fill materials. <i>This will require consideration in the project risk plan as part of any tender process.</i>

Option 1,2,3 or 4 – That DER indicate that they require some form of monitoring of the site.	Possible	Minor	Medium	The budget to include funding of \$100,000 annually for the purposes of undertaking these types of monitoring programs.
Option 4 - That DER indicate that they require some form of restoration of the site, resulting in higher project costs than estimated	Possible	Major	High	Liaise with DER at to ensure that the scope of works considers any additional compliance requirements.

#### OFFICER COMMENT

32. The costs to fully restore the site (Option 1 and 2) are in the order of \$2,000,000 - \$3,000,000 irrespective of the option. These options allow the continued use of the area as public open space with minimal risk of ongoing issues. Maintenance costs would normalise. These options also have the highest environmental cost and significant project risk, requiring substantial contingencies.
33. The cost to level the surface (Option 3) are more modest at \$312,500, but in the same magnitude as the development of a new neighbourhood park. This option increases the annual maintenance burden. There are significant organisational risks in terms of the ongoing potential for sink holes to develop causing injury or loss to the community.
34. The cost to return the site to a bushland reserve is the lowest and provides the best balance between benefit and cost. The major issue for the community is the loss of this public open space. Maintenance requirements will be reduced as the service levels are lower for this type of asset.
35. An alternative site for the operations of the Kalamunda Dog Obedience School should be found irrespective of the option selected to ensure the continued operation of this service.

*A Councillor asked how urgent this matter is, Director Infrastructure Services indicated the Park has been closed since August 2015; local people have asked for a decision on its future, if Council decides not to proceed, then the Shire will continue to ensure the facility is kept closed, signed and write to the nearby residents to inform them the matter is still under consideration.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 56/2015)**

That Council:

1. Note this report regarding the future of Alan Anderson Park in Walliston.
2. Endorse the proposal to return Alan Anderson Park to a bushland reserve, using the site for future offsets as a means to provide the required plantings. The site will be fully fenced to minimise future public access.
3. Undertake a community engagement program with residents using onsite advertising, direct mail-out and media releases. Following consultation a report will be presented in March 2016.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**



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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 Nil.

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

12.1 Nil.

**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 7.35pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2015