

# Development & Infrastructure Services Committee Meeting

Minutes for 9 February 2015

**UNCONFIRMED**



**shire of  
kalamunda**

## INDEX

1.0	OFFICIAL OPENING.....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED .....	3
3.0	PUBLIC QUESTION TIME .....	4
4.0	PETITIONS/DEPUTATIONS .....	4
5.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
6.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	5
7.0	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	5
8.0	DISCLOSURE OF INTERESTS.....	5
9.0	REPORTS TO COUNCIL .....	5
	01. PROPOSED DETAILED AREA PLAN – LOT 26 (119) SHEFFIELD ROAD, WATTLE GROVE .....	6
	02. PROPOSED DETAILED AREA PLAN – LOT 1 (31) SANDERSON ROAD, LESMURDIE .....	11
	03. AMENDMENT NO. 73 TO LOCAL PLANNING SCHEME NO. 3 – REZONE FROM LOCAL RESERVE - PUBLIC PURPOSE (CHURCH) TO RESIDENTIAL R5 – LOT 9000 (171) GLYDE ROAD, LESMURDIE .....	17
	04. AMENDMENT NO. 68 TO LOCAL PLANNING SCHEME NO. 3 – MODIFICATIONS TO THE ZONING TABLE AND SCHEDULE 1 (LAND USE DEFINITIONS).....	34
	05. PROPOSED MODIFICATION TO HOURS OF OPERATION - LOT 4 (81) CANNING ROAD, KALAMUNDA.....	78
	06. 20 BEDFORD CRESCENT, FORRESTFIELD – ROAD CLOSURE .....	86
	07. APPLICATION FOR FUNDING UNDER THE BETTER BINS PROGRAM.....	95
	08. CONFIDENTIAL REPORT – CONSIDERATION OF TENDERS – ELECTRICAL MAINTENANCE SERVICES (RFT1406) .....	109
10.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	110
11.0	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	110
12.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	111
13.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	111
14.0	MEETING CLOSED TO THE PUBLIC.....	111
15.0	CLOSURE .....	113

---

## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.30pm, and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

Sue Bilich	(Shire President) North Ward
Margaret Thomas JP	North Ward
Simon Di Rosso	(Presiding Member) North Ward
Allan Morton	South West Ward
Noreen Townsend	South West Ward
Justin Whitten	South West Ward
Geoff Stallard	South East Ward
John Giardina	South East Ward
Frank Lindsey	South East Ward
Andrew Waddell JP	North West Ward

##### Members of Staff

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

**Members of the Public** 7

**Members of the Press** 1

#### 2.2 Apologies

##### Councillors

Bob Emery	North West Ward
Dylan O'Connor	North West Ward

#### 2.3 Leave of Absence Previously Approved

Nil.

### 3.0 PUBLIC QUESTION TIME

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

#### 3.1 Peter Forrest – Kalamunda

Q1. Are Councillors given copies of the actual submissions presented in Committee Meetings or do they only receive the officer's summary?

A1. The Director of Development Services responded that only the officer's summaries are given to Councillors, however, the verbatim copies are always available for Councillors to see.

Q2. The property described in Item 3 on this Agenda seems to be an ideal site for a modest aged person's complex, would Councillors from this Committee personally pursue that as an alternative option in direct discussion with the land owners before recommending any decision on rezoning?

A2. The Director Development Services clarified that this report was to request the rezoning from Public Purpose (Church), which would not allow for aged care, to Residential R5, which could. Under the Shire's Town Planning Scheme the applicant might then consider aged independent dwellings or aged residential care. Therefore, this amendment would give opportunities such as aged care to be considered on the site. Whether or not the land owner decides to go that way is entirely at their discretion.

### 4.0 PETITIONS/DEPUTATIONS

#### 4.1 Jacinta Dowsing – Director DC Recycling Pty Ltd

An approved Deputation was presented in reference to Item O4. – Amendment No 68 to Local Planning Scheme No 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions) by Jacinta Dowsing, Director of DC Recycling Pty Ltd. Ms Dowsing requested Councillors vote against the Officer Recommendation.

The Presiding Member thanked Jacinta Dowsing for her presentation, there were no questions from Councillors.

### 5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held 1 December 2014, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Andrew Waddell**

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

---

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

6.1 Nil.

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

**7.1 08. CONFIDENTIAL REPORT – Consideration of Tenders – Electrical Maintenance Services (RFT1406)**

*Reason for Confidentiality Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

**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 Cr Geoff Stallard declared an Indirect Financial Interest relating to Report 03. Amendment to No.73 to Local Planning Scheme No.3 – Rezone from Local Reserve – Public Purpose (Church) to Residential R5 – Lot 9000 (171) Glyde Road, as he is employed by the Oblate of Mary Immaculate (Acting as Mazenod College).

**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 Simon Di Rosso declared an interest affecting impartiality regarding Item 05 Proposed Modification to Hours of Operation – Lot 4 – 81 Canning Road, Kalamunda as he is a member of Gym Tonic.

**9.0 REPORTS TO COUNCIL**

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

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

**01. Proposed Detailed Area Plan – Lot 26 (119) Sheffield Road, Wattle Grove**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	147772
Applicant	Auguste Properties
Owner	M Bush
 Attachment 1	 Proposed Detailed Area Plan

**PURPOSE**

1. To consider whether to adopt a Detailed Area Plan (DAP) for Lot 26 (119) Sheffield Road, Wattle Grove. Refer to Attachment 1.

**BACKGROUND**

**2. Land Details:**

Land Area:	6,654m <sup>2</sup>
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban
Structure Plan Zone:	R20

**Locality Plan**

**3.**



4. The property falls within the Wattle Grove Cell 9 Structure Plan, contains a single dwelling and an easement for the Parmelia High Pressure Gas Pipeline, and is bounded by Roe Highway and a Railway Reserve to the west, and Public Open Space to the south.
5. In July 2013, the Western Australian Planning Commission (WAPC) approved an application to subdivide the property into five freehold lots. A condition of the subdivision requires the preparation of a DAP to address '*Quiet House Design Guidelines*' due to the site's proximity to potential noise nuisances (Roe Highway, flight paths and rail line).

## **DETAILS**

6. A DAP is a document that provides design and development requirements in addition to or in replacement of those already required under a Structure Plan or the Residential Design Codes (R Codes). These requirements may be more or less restrictive than the prevailing standards, in this instance the R Codes. No variations are proposed to the R Codes requirements and the DAP only references matters relative to noise attenuation.
7. The DAP outlines design matters addressed in terms of external wall, door and roof materials and glazing.
8. A 2.4m high Colorbond fencing is proposed along the western and northern boundaries to minimise the impact noise from the nearby rail line.

## **STATUTORY AND LEGAL CONSIDERATIONS**

9. Clause 6.2.6 (Detailed Area Plans) of the Scheme makes provision for a DAP to be prepared where it is considered to be desirable to enhance, elaborate or expand the details or provisions contained in the Scheme or a Structure Plan.
10. Council is to either approve the DAP with or without conditions, or refuse to approve the DAP.
11. If adopted by Council, the DAP will be forwarded to the WA Planning Commission for its information. In the event that Council refuses the DAP, there is a right of review (appeal) to the State Administrative Tribunal.

## **POLICY CONSIDERATIONS**

### **State Planning Policy 5.4 – Road and Rail Transportation Noise and Freight Consideration in Land Use Planning**

12. State Planning Policy 5.4 – Road and Rail Transportation Noise and Freight Consideration in Land Use Planning (SPP 5.4) aims to promote a system in which sustainable land use and transport are mutually compatible. It seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost of transport infrastructure.

- 
13. SPP 5.4 also aims to provide a standardised and consistent framework for the consideration and management of the impacts of transport noise and freight operations when dealing with new noise-sensitive development in the vicinity of existing or future major transport. The policy does this primarily by:
- identifying the situations in which it would be appropriate to assess proposals for transport noise impacts;
  - establishing noise criteria to be used in the assessment of these proposals; and
  - identifying measures that can be adopted to reduce road and rail transport noise in these instances.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

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

### **FINANCIAL CONSIDERATIONS**

15. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

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

OBJECTIVE 4.3 – To ensure that 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. Adoption of the DAP will ensure that development within the DAP area appropriately responds to higher than usual noise levels. This will create a more liveable environment for future residents.

#### **Economic Implications**

18. Nil.

#### **Environmental Implications**

19. Nil.



## RISK MANAGEMENT CONSIDERATIONS

20.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Unlikely	Major	Medium	Ensure Council is aware that the clearance of the subdivision approval will not be possible until all the conditions have been satisfied.
Residents being exposed to noise from Roe Highway.	Possible	Minor	Medium	The DAP introduces quiet house design guidelines to all residential developments within the DAP area in order to mitigate noise from Roe Highway.

## OFFICER COMMENT

21. Adoption of the DAP will introduce specific design and construction standards necessary to mitigate potential noise nuisances. The provision of the DAP will also inform potential purchasers of the land to the variations to standard building requirement. It is recommended that Council adopt the DAP.
22. The 2.4m high fencing along the eastern and northern boundaries is considered appropriate given the need to mitigate noise from the adjoining rail line.

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

## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 01/2015)

That Council:

1. Adopt the proposed Detailed Area Plan for Lot 26 (119) Sheffield Road, Wattle Grove, in accordance with clause 6.2.6(c) of Local Planning Scheme No. 3.
2. Forward the proposed Detailed Area Plan, once adopted, to the Western Australian Planning Commission for its information.

Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

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

**Attachment 1**

Proposed Detailed Area Plan – Lot 26 (119) Sheffield Road, Wattle Grove  
**Proposed Detailed Area Plan**



**LOT 26 SHEFFIELD ROAD, WATTLE GROVE**

**DETAILED AREA PLAN OF PROPOSED LOTS 61 TO 64 – NOISE ATTENUATION**

1. **PRACTICAL BARRIER**  
 THE DEVELOPER IS TO CONSTRUCT A 2.4m HIGH FENCE WITH STEEL POSTS TO THE SATISFACTION OF THE SHIRE ON THE WESTERN AND NORTHERN BOUNDARY OF THE PROPERTY AS DEPICTED ON THIS DAP.
2. **'QUIET HOUSE DESIGN ELEMENTS'**
  - 2.1 **INDOOR NOISE LEVELS**  
 DWELLINGS CONSTRUCTED ON THE SUBJECT LOTS SHALL BE DESIGNED TO COMPLY WITH AUSTRALIAN STANDARD AS2021-1994 – RECOMMENDED DESIGN LEVELS REVERBERATION TIMES FOR BUILDING INTERIORS AND NOISE LEVELS OF 45dB(A) LIVING AND 40dB(A) SLEEPING.
  - 2.2 **OUTDOOR NOISE LEVELS**  
 WHERE POSSIBLE, LOCALISED AMELIORATION METHODS SHOULD BE INCORPORATED INTO THE HOUSE DESIGN WITH THE AIM OF ACHIEVING OF 50dB(A) TO THE ONE OUTDOOR LIVING AREA.
3. **DESIGN ELEMENTS**
  - 3.1 DESIGN SHALL INCORPORATE OPENING REDUCTIONS TO LIMIT THE SIZE OF OPENINGS/WINDOWS FACADES FACING THE RAIL RESERVE
  - 3.2 BEDROOMS SHALL BE PLACE IN THE PARTS OF THE HOUSE FURTHEMOST AWAY FROM THE RAIL RESERVE
  - 3.3 ALL EXTERNAL WALLS SHALL BE CONSTRUCTED OF DOUBLE BRICK.
  - 3.4 ALL EAVES SHALL BE ENCLOSED.
  - 3.5 ALL ROOF MATERIALS SHALL BE EITHER CLAY OR CONCRETE TILES IF COLORBOND (OR EQUIVALENT) INSTAL WITH 50mm ANTICON.
  - 3.6 GROUND FLOOR GLAZING TO BEDROOMS WITH EXPOSURE TO THE RAILWAY TO BE 6.38mm THICK LAMINATED GLASS. OTHER LIVING SPACES ON SIDE(S) OR REAR OF RESIDENCE VISIBLE FROM MAJOR ROADS TO BE A MINIMUM OF 6mm GLASS.
  - 3.7 FRONT DOOR SHALL BE OF SOUND CORE CONSTRUCTION WITH SEALS.
  - 3.8 ALL PLASTERBOARD IN THE CEILINGS SHALL BE 13mm THICK WITH 50mm THICK 32kg/m<sup>2</sup> GLASS FIBRE BLANKET BETWEEN CEILING JOISTS.
4. **NOTIFICATION OF THE PROSPECTIVE PURCHASES**
  - 4.1 THE DEVELOPER IS REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS WITH A COMPLETE COPY OF ALL THE REQUIREMENTS OF THIS DETAILED AREA PLAN.
  - 4.2 A SECTION 185 NOTIFICATION IS TO BE PLACED ON THE TITLE OF EACH LOT COVERED BY THIS DETAIL AREA PLAN ADVISING THAT FUTURE DWELLINGS AND LOTS MAY BE SUBJECT TO NOISE FROM THE RAILWAY AS PER CONDITION 15 OF THE WAPC APPROVAL (WAPC Ref: 147772).
5. **ADVICE NOTE**
  - 5.1 VARIATIONS TO ANY PROVISION CONTAINED IN THIS DETAILED AREA PLAN WILL ONLY BE CONSIDERED BY THE SHIRE WHERE THE APPLICANT CAN DEMONSTRATE AT THE BUILDING LICENCE APPLICATION STAGE THAT THE OBJECTIVES AND INTENT OF THE RELEVANT PROVISIONS CAN STILL BE ACHIEVED.
  - 5.2 THE NOISE ATTENUATION MEASURES REQUIRED TO BE INCORPORATED IN THE DESIGN OF DWELLINGS SHALL BE SHOWN ON THE PLANS SUBMITTED FOR A BUILDING LICENCE.

THIS DETAILED AREA PLAN HAS BEEN ENDORSED BY COUNCIL UNDER CLAUSE 6.2.6 OF LOCAL PLANNING SCHEME No. 3



SCALE 1:1250 @ A4

LEGEND:

- 1 LOTS SUBJECT TO DAP
- COLOURBOND FENCE

MANAGER DEVELOPMENT SERVICES-  
 SHIRE OF KALAMUNDA

DATE

DETAILED AREA PLAN  
 LOT 26 SHEFFIELD ROAD, WATTLE GROVE  
 SHIRE OF KALAMUNDA

Prepared by:  
**Gareth Webber**  
 Planning Consultant

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

**02. Proposed Detailed Area Plan – Lot 1 (31) Sanderson Road, Lesmurdie**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	SN-02/031
Applicant	Tip Top Fruit and Vegetable Market Pty Ltd and Evangelos Litis Nominees Pty Ltd
Owner	As above
Attachment 1	Proposed Detailed Area Plan

**PURPOSE**

1. To consider whether to adopt a detailed area plan (DAP) relating to Lot 1 (31) Sanderson Road, Lesmurdie. Refer to Attachment 1.

**BACKGROUND**

2. **Land Details:**

Land Area:	4,053m <sup>2</sup>
Local Planning Scheme Zone:	Special Use
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

- 3.



4. The property is currently vacant having previously being occupied by a Service Station. Following demolition of the Service Station the site was rezoned to Special Use (Aged Persons Dwellings).
5. Under Schedule 4 (Special Uses) of Local Planning Scheme No. 3 (Scheme) aged persons' dwellings are the only use able to be considered on the property subject to complying with the R12.5 density coding requirements of the Residential Design Codes (R Codes).
6. In August 2014, the Western Australian Planning Commission (WAPC) approved an application to subdivide the property into five freehold lots.
7. The proposed lots are based on the R12.5 density coding, and a condition of the approval requires a restrictive covenant to be placed on the Title of the proposed lots stating that the lots are not to be developed for any purposes other than for residential use by aged and dependent persons.
8. Under the R Codes, Aged Persons' Dwellings have specific design restrictions not applicable to "standard" dwellings. One of these restrictions is that the dwelling be limited to 100m<sup>2</sup> plot ratio area. The applicants have asked that consideration be given to allowing dwellings of a greater plot ratio of 100m<sup>2</sup>. It is considered that a DAP would be the most appropriate planning instrument to deal with the matter.

#### **DETAILS**

9. A DAP is a document that provides design and development requirements in addition to or in replacement of those already required under the R Codes. These requirements may be more or less restrictive than the prevailing standards. In this instance the only variation being proposed to the R Codes requirements relates to the maximum plot ratio area permitted.
10. The DAP proposes that the maximum plot ratio area for aged persons' dwellings of 100m<sup>2</sup> as required by the R Codes be varied.
11. Future development will still be required to comply with the other applicable provisions of the R Codes, including the minimum amount of open space being 55% of the total lot area.

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

12. Clause 6.2.6 (Detailed Area Plans) of the Scheme makes provision for a DAP to be prepared where it is considered to be desirable to enhance, elaborate or expand the details or provisions contained in the Scheme or a Structure Plan.
13. Council is to either approve the DAP with or without conditions, or refuse to approve the DAP.
14. If adopted by Council, the DAP will be forwarded to the WA Planning Commission for its information. In the event that Council refuses the DAP, there is a right of review (appeal) to the State Administrative Tribunal.

---

## POLICY CONSIDERATIONS

### State Planning Policy 3.1 – Residential Design Codes

15. The Deemed to Comply provisions stipulated under Clause 5.5.2 (Aged or Dependent Persons' Dwellings) of State Planning Policy 3.1 – Residential Design Codes (R Codes) stipulates that the following maximum plot ratio areas apply:
- In the case of single houses or grouped dwellings – 100sqm; or
  - In the case of multiple dwellings – 80sqm.
16. Under Appendix 1 (Definitions) of the R Codes the term 'plot ratio area' is defined as being:
- "The gross total area of all floors of buildings on a development site, including the area of any internal and external walls but not including the areas of any lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, storerooms, lobbies, bin storage areas and passageways to bin storage areas or amenities areas common to more than one dwelling, or balconies, eaves, verandahs, courtyards and roof terraces."*
17. Under Table 1 (General Site Requirements) of the R Codes the following provisions apply to residential development on properties with a density coding of R12.5:
- Minimum open space – 55%
  - Minimum primary street setback – 7.5m
  - Minimum secondary street setback – 2m
  - Minimum rear boundary setback – 6m
  - Minimum side boundary setback – 1m to 1.5m

## COMMUNITY ENGAGEMENT REQUIREMENTS

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

## FINANCIAL CONSIDERATIONS

19. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

## SUSTAINABILITY

### Social Implications

21. Adoption of the DAP will create more flexibility in the dwelling design.

### Economic Implications

22. Nil.

### Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Unlikely	Major	Medium	Ensure Council is aware that not limiting the dwellings to 100sqm will not detract from the overall amenity of the area.

## OFFICER COMMENT

25. The only function of the DAP is to allow for the maximum plot ratio area for such development to be varied. The extent of the variation will be dependent on the design of the dwelling complying with the development criteria applicable to the R12.5 density code, ie open space and building setbacks.
26. If the DAP was adopted a development application would still be required as the use is not exempt from the need to gain planning consent.
27. The R Code restriction on floor area would likely be relative to the fact that aged persons' development would mostly occur on smaller lots at a higher density as part of multiple unit developments. The subject subdivision is more akin to a low density single lot development reflective of surrounding land holdings. Given the size of the subject lots, limiting the dwellings to 100m<sup>2</sup> would likely detract from the overall amenity of the area by having dwellings significantly different to those prevailing in the locality.
28. Notwithstanding the design of the dwellings complying with the design criteria applicable to the R12.5 density code, due to the size and location of the subject lots, there is no benefit in limiting the floor area below that permissible in the R12.5 density based on occupancy alone and as such, it is recommended that the Detailed Area Plan be adopted.

---

*A Councillor noted that one of the applicants is Tip Top Fruit and Vegetables Market Pty Ltd, and asked for confirmation that this was a residential development, the Director Development Services confirmed this was an over 55s residential development.*

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 02/2015)**

That Council:

1. Adopt the proposed Detailed Area Plan relating to Lot 1 (31) Sanderson Road, Lesmurdie, in accordance with clause 6.2.6(c) of Local Planning Scheme No. 3.
2. Forward the proposed Detailed Area Plan, once adopted, to the Western Australian Planning Commission for its information.

Moved: **Cr John Giardina**

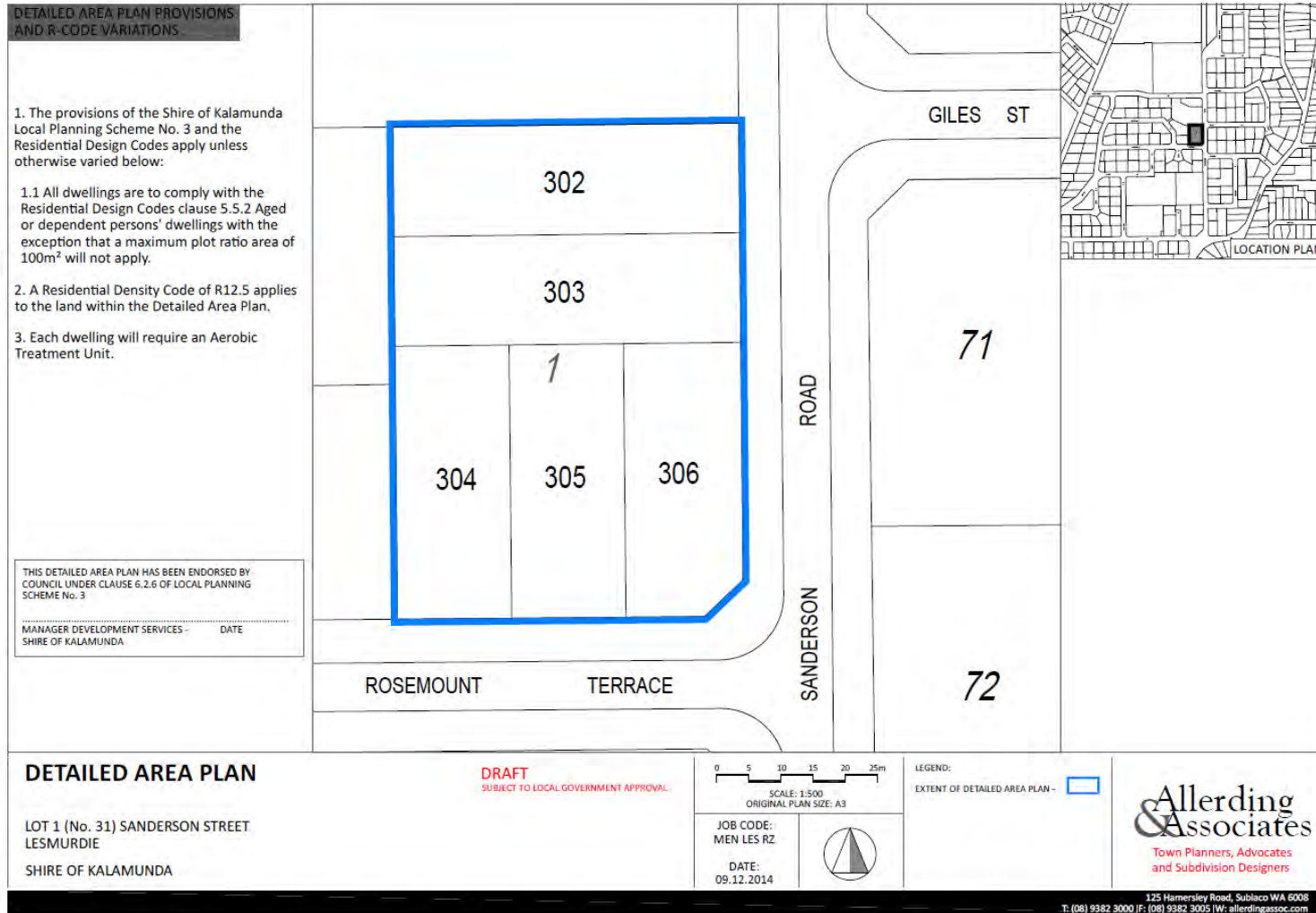
Seconded: **Cr Geoff Stallard**

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

**Attachment 1**

Proposed Detailed Area Plan – Lot 1 (31) Sanderson Road, Lesmurdie

**Proposed Detailed Area Plan**





**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**  
*Cr Geoff Stallard declared an Indirect Financial Interest*

**03. Amendment No. 73 to Local Planning Scheme No. 3 – Rezone from Local Reserve - Public Purpose (Church) to Residential R5 – Lot 9000 (171) Glyde Road, Lesmurdie**

Previous Items	OCM 136/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/073
Applicant	Urbis Planning Consultants
Owner	The Oblates of Mary Immaculate

Attachment 1	Existing and Proposed Scheme Zoning Map
Attachment 2	Concept Subdivision Plan
Attachment 3	Bushfire Risk Levels for the Property
Attachment 4	Submission Table

**PURPOSE**

- To consider whether to finally adopt Amendment No. 73 to Local Planning Scheme No. 3 (the Scheme) to rezone Lot 9000 (171) Glyde Road, Lesmurdie, from Local Reserve - Public Purpose (Church) to Residential R5. Refer to Attachment 1.

**BACKGROUND**

- Land Details:**

Land Area:	2.27ha
Local Planning Scheme Zone:	Local Reserve - Public Purpose (Church)
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

- 



4. The property is currently vacant and contains mature vegetation throughout. The land slopes slightly from east to west.
5. Surrounding properties are reserved for Public Purpose (church) and zoned low density residential and Private Clubs and Institutions (Villa Maria retirement village).
6. In September 2014, Council resolved (Resolution OCM 136/2014) to initiate Amendment No. 73 to the Scheme.

## **DETAILS**

7. It is proposed to rezone the property for low density residential purposes (Residential R5). It is intended to subdivide the property in future into 10 freehold lots. Refer to the Concept Subdivision Plan (Attachment 2).
8. A Flora and Vegetation Assessment submitted by the applicant concludes that no declared rare flora, threatened ecological community or vegetation complex of regional significance were identified on the property.
9. A Bushfire Management Plan submitted by the applicant identifies the property and two lots adjoining the eastern boundary, as mostly being at extreme risk of a bushfire. Refer to the Bushfire Risk Levels for the Property (Attachment 3).
10. Future development of the site will be required to comply with all relevant bushfire policy provisions.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.

## **POLICY CONSIDERATIONS**

### **Local Planning Strategy**

12. The Local Planning Strategy (LPS) recommends a population growth scenario of 25,000 by 2031.
13. An objective of the LPS includes providing appropriate density housing and a range of housing options.

### **Planning for Bushfire Protection Guidelines (Western Australian Planning Commission)**

14. The Planning for Bushfire Protection Guidelines (Guidelines) address a number of important fire risk management and planning matters, including:
  - the statutory planning process as it relates to fire protection;

- bush fire hazard assessment;
  - the definition of bush fire prone areas;
  - fire protection requirements for subdivision and development; and
  - strategies available to limit the vulnerability to fire or mitigate the risk of bush fire.
15. Should a site be deemed suitable for intensification of land use based on an initial bushfire hazard assessment, a more detailed bush fire hazard assessment is required at the subdivision and development stage to determine the potential level of construction standard to meet safety requirements as specified in *Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas* (AS 3959).

### **Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management**

16. The objective of Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management (“Draft SPP 3.7”) is to ensure that development and land use proposals take into account bushfire protection requirements and include specified fire protection measures, especially over land that has or will have a moderate or extreme bushfire hazard level.

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

17. The Regulations complement SPP3.7 and the guidelines. These instruments apply to different stages of the planning process, but work together to achieve the principal objective of reducing the impact of bushfire damage on lives and properties.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

18. The proposal was advertised in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District, a sign being erected at the front of the property, and letters being sent to service providers and nearby landowners.
19. During the advertising period eight objections, two non-objection and four submissions which provided comment on the proposal were received. Refer to the submission table (Attachment 4). The main issues raised during the consultation period were:
- Removal of mature vegetation if subdivision and development occur;
  - The site should remain as “public purpose” and be used for a community benefit;
  - That the site should be considered for aged persons’ accommodation rather than low density residential;
  - Patrons of the adjacent church park on the site and this could cause parking and traffic issues; and
  - The level of road treatments and access required for subdivision.

## FINANCIAL CONSIDERATIONS

20. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

21. *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

22. Nil.

### Economic Implications

23. Nil.

### Environmental Implications

24. SPP 3.7 aims to achieve a balanced approach between bushfire risk management measures, landscape amenity and biodiversity objectives. The application of AS3959 which will come into effect when the Shire is declared "Bushfire Prone," will allow for the retention, where appropriate, of some vegetation.

## RISK MANAGEMENT CONSIDERATIONS

25.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not adopt the amendment.	Possible	Insignificant	Low	Ensure that Council is aware that matters relating to potential impacts the use may have on the amenity of the area, bushfire management and effluent disposal matters, will be dealt with at the development application stage if the amendment is approved.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Action/Strategy</b>
Loss of vegetation associated with bushfire management risk.	Likely	Minor	High	Removal of vegetation will have to satisfy policy requirements to achieve biodiversity objectives.

### **OFFICER COMMENT**

26. The proposed zoning would result in similar development to that on surrounding properties, that is, low density residential uses.
27. A Flora and Vegetation Assessment submitted by the applicant concludes that no declared rare flora, threatened ecological community or vegetation complex of regional significance were identified on the property.
28. The existing Bushfire Management Plan provided by the applicant to support the proposed amendment will require a more detailed Bushfire Hazard Assessment and Bushfire Attack Levels Assessment to be undertaken at the subdivision / development stage of the planning process.
29. The more detailed assessment will require an elevated building construction standard in accordance with AS3959. Consideration to the retention of vegetation will be given as part of the development process. It should be noted that SPP 3.7 requires a balanced approach between managing bushfire risk and satisfying biodiversity objectives.
30. Matters relating to potential impacts the use may have on the amenity of the area, traffic volumes and effluent disposal matters will be dealt with at the development and subdivision application stages if the amendment is approved.
31. In respect to the site being used for a community benefit, such as aged persons' accommodation, this is the prerogative of the applicant to apply for such a use, however from a planning perspective the site would not be ideal given its relatively small area.

*Cr Geoff Stallard declared an Indirect Financial Interest, he left the gallery at 6.45pm and returned at 6.47pm; he was not present for the vote.*

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

### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 03/2015)**

That Council:

1. Notes the submission received in response to Amendment No. 67 to Local Planning Scheme No. 3.

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

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 73

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

1. Rezoning Lot 9000 (171) Glyde Road, Lesmurdie, from Local Reserve Public Purpose (Church) to Residential R5.

3. Amends the Scheme Zoning Map accordingly.
4. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting final approval be granted.
5. Advises the applicant that the concept subdivision plan for the subject property does not form part of this amendment and will be considered on its merit if the amendment is approved and when a subdivision application is received.

Moved: **Cr John Giardina**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Attachment 1**

**Amendment to Local Planning Scheme No. 3 – Rezone from Public Purpose - Church to Residential R5 – Lot 9000 (171) Glyde Road, Lesmurdie**  
**Existing and Proposed Scheme Zoning Map**



**Existing Zoning: Public Purposes - Church**



**New Zoning: Residential R5**

Land bounded by: Glyde Road



**LEGEND**

**METROPOLITAN REGION SCHEME RESERVES**

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

**LOCAL SCHEME RESERVES**

LOCAL OPEN SPACE	
PUBLIC PURPOSES	
PUBLIC PURPOSES DENOTED AS FOLLOWS:	
AC ASSED CARE	
AD AGRICULTURE PROTECTION BOARD & CONSERVATION	
AM ST JOHN AMBULANCE	
AG AG-FOOT COURSE	
BS BUS STATION	
CH CHURCH	
CO COUNCIL OFFICE	
CP COMMUNITY PURPOSE	
EL ELECTRICAL SUBSTATION	
EX EXHIBITION EXCHANGE	
H HALL / COMMUNITY CENTRE	
HOS HOSPITAL	
K KINDERGARTEN	
LIB LIBRARY	
MMS RAILWAY MASONRY	
PR PUBLIC BUILDING	
POL POLICE STATION	
PS PRIMARY SCHOOL	
TA WATER TANK	

**ZONES**

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

**OTHER**

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

VERSION No 1

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

**Attachment 2**

Amendment to Local Planning Scheme No. 3 – Rezone from Public Purpose - Church to Residential R5 –  
Lot 9000 (171) Glyde Road, Lesmurdie

**Concept Subdivision Plan**





### Attachment 3

Amendment to Local Planning Scheme No. 3 – Rezone from Public Purpose - Church to Residential R5 –  
Lot 9000 (171) Glyde Road, Lesmurdie

### Bushfire Risk Levels for the Property



#### Attachment 4

Amendment No. 73 to Local Planning Scheme No. 3 – Rezone from Public Purpose - Church to Residential R5 – Lot 9000 (171) Glyde Road, Lesmurdie

#### Submission Table

	Details	Comment	Staff Comment
1.	T Colegate 39 Lesmurdie Road East WALLISTON WA 6076	<p>Objection.</p> <p>a) I urge the Shire to defer this rezoning decision and first consider other options for this site, in particular, its suitability for aged care.</p> <p>b) It is short sighted to simply use this land for more residential housing, and contrary to other statements by the Shire on the need for land for aged care.</p> <p>c) Should seek to retain the 'Public Purpose' spirit of the zoning. The Shire should pursue a rezoning to special use (aged care).</p>	<p>a) During the preparation of the Shire's Local Planning Strategy the site was not identified as being suitable for aged care development due to its size. It is the landowner's prerogative to request an amendment for this purpose.</p> <p>b) Refer comments 1 a.)</p> <p>c) Refer comments 1 a.)</p>

		<p>d) The Government Sewerage Policy does allow for an appropriate wastewater treatment system to be used in areas where there is not reticulated sewerage. Therefore the lack of availability to a sewer system should not stop the Shire from investigating aged care options for the site.</p> <p>e) The Shire appears to have made no assessment of the value of the trees and other vegetation on the site. It does not recognised the value of having this large pocket of bushland and trees in Lesmurdie, nor does it investigate how some of this could be preserved in exchange for this land being rezoned to Residential R5.</p>	<p>d) Noted.</p> <p>e) The retention of vegetation on site will be considered in the context of bushfire risk management for the site. SPP3.7 requires biodiversity values to be considered as part of this process.</p>
2.	M Colegate 19 Cagney Way LESMURDIE WA 6076	<p>Objection.</p> <p>a) The Shire logo is home in the forest so where are these gumtrees going?</p> <p>b) This block of bushland should be recognised as a valuable area of natural bush to be preserved in our community.</p>	<p>a) Refer comments 1 e.)</p> <p>b) Noted, however the subject lot is privately owned and the owners cannot be compelled to retain the land for such a purpose.</p>
3.	Name and address withheld	<p>Objection.</p> <p>I object to the rezoning of the property.</p>	Noted.

<p>4.</p>	<p>Name and address withheld</p>	<p>Objection.</p> <p>a) There is no public benefit in the proposal. The site's location make is perfect for an aged care facility.</p> <p>b) The proposal as it stands means that there will be an inadequate amount of parking for the church.</p>	<p>a) There is no requirement for private property such as this to be for public benefit, it will however assist in some way with addressing the projected increase in local population in future.</p> <p>b) Approval has never been granted for the property to act as an overflow car park for the adjacent church at 201 Lesmurdie Road.</p> <p>The car parking issues experienced by residents in the locality is an issue which needs to be addressed by the owner of 201 Lesmurdie Road.</p>
<p>5.</p>	<p>P Forrest                  36 Panoramic Terrace                  KALAMUNDA WA 6076</p>	<p>Objection.</p> <p>a) Council should resist this rezoning and instead negotiate exhaustively with the landowners and local church groups to preserve this area to assist provision for aged persons.</p> <p>b) The amendment is in a special locality where churches, schools bring lots of people into frequent contact and where many age groups regularly interact with quite high intensity. Exactly the type of environment that could meet changing needs for older citizens to whom social isolation is one of their worst fears.</p>	<p>a) During the preparation of the Shire's Local Planning Strategy the site was not identified as being suitable for aged care development due to its size.</p> <p>b) Noted.</p>

		<p>c) It would clearly be counter-productive from a community need perspective to abandon the Public Purpose zoning when that would allow for better uses reflecting community need than simply low density private housing.</p>	<p>c) Noted. Whilst the site is titled “public purpose” effectively it is not land held in the public trust exclusively for that purpose as for example, land reserved for public open space. As such the owner is not compelled to ensure that the land is used explicitly for a broader public benefit.</p>
6.	<p>M, N, D and M MacLaren-Hall                  105 Glyde Road                  LESMURDIE WA 6076</p>	<p>Objection.</p> <p>a) The church has insufficient parking already. Imagine when the parking area is taken away. The church needs more parking not less.</p> <p>b) We object to any roundabout or street opening to the subdivision opposite our place.</p>	<p>a) Approval has never been granted for the property to act as an overflow car park for the nearby church at 201 Lesmurdie Road.</p> <p>The car parking issues experienced by residents in the locality is an issue which needs to be addressed by the owner of 201 Lesmurdie Road.</p> <p>b) Noted. Access to the site and any road treatments would be addressed at the subdivision stage.</p>
7.	<p>M Sims                  PO Box 559                  KALAMUNDA WA 6926</p>	<p>Objection.</p> <p>a) The church does not provide enough parking for people attending services.</p> <p>b) Where will the entry and exit road be place in this proposed development?</p>	<p>a) The property concerned is a vacant lot which has never received approval to be used as a car park.</p> <p>b) Refer to comment 6 b).</p>

		c) There will be an increase in traffic created by this development, approximately 20 to 40 cars added to the traffic problems which already exist.	c) Noted. Issues relating to traffic will be addressed at the development and subdivision stages if the amendment is approved.
8.	H Pryde 95 Glyde Road LESMURDIE WA 6076	Objection.	Noted.
9.	G Young 12 Lyndhurst Road KALAMUNDA WA 6076	<p>Comment on the proposal.</p> <p>a) During the past 10 years Council has constantly delivered a response to concerned local residents that it would administer a beneficial outcome towards a process to increase the availability, or supply scarcity of residential dwelling options within the municipality for both frail and mature aged persons who live in the area.</p> <p>b) The subject land is seen to provide suitable land which could accommodate a boutique residential complex for elderly persons.</p> <p>c) Council should explore the opportunity to acquire the land as Purchaser to create a community asset.</p>	<p>a) During the preparation of the Shire's Local Planning Strategy the site was not identified as being suitable for aged care development due to its size.</p> <p>b) Refer comments (9 a.)</p> <p>c) Noted, however a process such as this would not be dealt with in the context of a planning scheme amendment.</p>

		<p>d) Complete all structure planning and design criteria under the Shire's Aged Accommodation Strategy to create accommodation such as high care aged facility and clusters of independent living units.</p> <p>e) The property adjoins the facility developed by the Sisters of Mercy (Villa Maria) complex comprising a 37 bed hostel complex.</p> <p>f) It is acknowledged that the land is not provided with reticulated deep sewerage for waste water disposal. I firmly believe the Shire could garner political support from prominent local politicians from both Federal and State levels for the use of a 21<sup>st</sup> century onsite black water/grey water wastewater disposal systems to service the suggested development.</p>	<p>d) Noted.</p> <p>e) Noted.</p> <p>f) Noted. The type of onsite effluent disposal systems required will be addressed at subdivision and development stage.</p>
<p>10.</p>	<p>T Fowler                  NRP                  PO Box 656                  KALAMUNDA WA 6076</p>	<p>Comment on the proposal.</p> <p>Given the acknowledged need for aged care and the Shire's intention to protect its local natural areas, it may be time for a change in thinking. Surely every avenue should be explored before such areas are allowed to come under threat of destruction through clearing.</p>	<p>Noted. Refer to comment 1 e).</p>

<p>11.</p>	<p>J Williams                  91 Glyde Road                  LESMURDIE WA 6076</p>	<p>Comment on the proposal.</p> <p>a) Object to the area which supports the overflow for the church parking. Some land needs to be retained for car parking.</p> <p>b) When the church has large turn outs (weddings, funerals etc.), our street is littered with cars parked on footpaths and verges, blocking driveways and stopping children and the elderly from the nursing home to use the footpaths. There is a water connection for the fire trucks at the front of our property and is often blocked by parked cars.</p>	<p>a) Approval has never been granted for the property to act as an overflow car park for the nearby church at 201 Lesmurdie Road.</p> <p>b) The car parking issues experienced by residents in the locality is an issue which needs to be addressed by the owner of 201 Lesmurdie Road.</p>
<p>12.</p>	<p>Water Corporation                  PO Box 100                  LEEDERVILLE WA 6902</p>	<p>Comment on the proposal.</p> <p>The lot has existing water reticulation mains adjacent, and the proposed development is able to be served. There is no wastewater service in the vicinity.</p>	<p>Noted. Future development will be required to be connected to a suitable on site effluent disposal system to the Shire's satisfaction, if the amendment is approved.</p>
<p>13.</p>	<p>Telstra                  Forecasting and Area Planning                  Locked Bag 2525                  PERTH WA 6001</p>	<p>Non-objection.</p> <p>A network extension will be required for any development within the area concerned.</p>	<p>Noted.</p>
<p>14.</p>	<p>Department of Health                  PO Box 8172                  PERTH BC WA 6849</p>	<p>Non-objection.</p> <p>a) No objection subject to the site suitability for effluent disposal being demonstrated at the subdivision or development application stage.</p>	<p>a) Noted.</p>



		b) The Shire should use this opportunity to minimise potential negative impacts on the mixed density development such as noise, odour, light and other lifestyle activities.	b) Such matters will be taken into consideration at the development application stage if the amendment is approved.
--	--	--	---

---

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

**04. Amendment No. 68 to Local Planning Scheme No. 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions)**

Previous Items	OCM 105/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/068
Applicant	Nil
Owner	N/A
Attachment 1	Proposed Modified Zoning Table
Attachment 2	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 3	Submission Table
Attachment 4	Petition

**PURPOSE**

1. To consider whether to finally adopt Amendment No. 68 to Local Planning Scheme No. 3 (the Scheme) to insert provisions into Table 1 (Zoning Table) and Schedule 1 (Land Use Definitions) of the Scheme for the use Recycling Industry. Refer to Attachment 1.

**BACKGROUND**

2. Currently there are no specific provisions relating to recycling activities in the Scheme. Such a land use would be interpreted as General Industry.
3. In July 2014, Council resolved (En Bloc Resolution OCM 105/2014) to initiate Amendment No. 68 to the Scheme.

**DETAILS**

4. It is proposed that Schedule 1 of the Scheme be modified so as to include the land use Recycling Industry which is to be defined as being the following:  
  
*“Recycling Industry - Premises on which waste is stored, dismantled, melted and/or stored pending final disposal or re-use.”*
5. It is also proposed that Table 1 of the Scheme be modified to include the use Recycling Industry as an ‘X’ prohibited use in all zonings, with the exception of General Industry, being a ‘D’ use and therefore not permitted unless approved by Council. Refer to Attachment 1.

**STATUTORY AND LEGAL CONSIDERATIONS**

**Local Planning Scheme No. 3**

6. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the

proposed amendment, then ultimately it will be determined by the Minister for Planning.

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

8. The proposal was advertised in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a public notice in a paper circulating in the District and letters being sent to landowners within Stage 1 of the Forrestfield/High Wycombe Industrial Area and owners of land zoned Light Industry on the south-west side of Berkshire Road.
9. The advertising period was extended beyond the standard 42 days, from 19 August until 4 November, to allow landowners opportunity to provide submissions. During the advertising period 40 objections, 3 non-objections and 1 submission which provided comment on the proposal were received. Refer to the Submission Table (Attachment 3).
10. It is evident in some of the submissions objecting to the proposal that there may have been a misunderstanding of the intent of the amendment, as these are objecting to the amendment allowing for recycling industries in the Light and Industrial Development zone.
11. A petition was also received which contains 42 signatures. It should be noted that some residents have signed the petition more than once. Also the title of the petition is misleading in that it refers to the amendment prohibiting recycling industries. This gives the impression that such a use will be prohibited in all zonings, and this is reflected in some of the submissions received. Refer to the petition (Attachment 4).
12. Issues raised in the public submissions include:
  - The amendment will restrict land use (limiting it to Industry - General land only);
  - Council should be encouraging, not limiting, recycling activities;
  - Limiting development may mean further infrastructure will not be developed, such as roads;
  - The activity of recycling could be considered under the Industry – Light definition, subject to ensuring it would not impact on the amenity of the area by way of emissions; and
  - Stage 1 of the Forrestfield Industrial Area should be rezoned to General Industry.

## **POLICY CONSIDERATIONS**

### **Development Control Policy 1.6 (Planning to Support Transit Use and Transit Orientated Development)**

13. This Policy provides broad guidelines for the integration of land use and transit facilities. The Policy informs local government of the approach the WA Planning Commission will apply when considering the need for transit

services and the provision proposed to be made for those services in new development areas..

14. One of the objectives of the Policy is to ensure optimal use of land within a transit orientated precinct, by encouraging the development of land uses that would benefit from their proximity and accessibility to public transport.
15. It is considered that a recycling industry located in Stage 1 of the Forrestfield Industrial Area would be inconsistent with the intent of the Policy given the development of the Forrestfield Train Station.

## **FINANCIAL CONSIDERATIONS**

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

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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

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

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

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

## **SUSTAINABILITY**

### **Social Implications**

18. The inclusion of a recycling activity in table 1 of the Scheme as a prohibited use in all zones with the exception of general industry, will ensure that emission sensitive premises, such as those located in the Light Industry and Industrial Development zones, will not be compromised by inappropriate development.

### **Economic Implications**

19. Nil.

---

## Environmental Implications

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

## RISK MANAGEMENT CONSIDERATIONS

21.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to adopt the amendment.	Possible	Major	High	Ensure Council is aware that currently there are no specific provisions in the Scheme with regard to recycling industries in the Scheme.

## OFFICER COMMENT

22. The proposed amendment aims to provide clarity regarding the permissibility of a recycling industry in all zones. Currently there are no specific provisions in the Scheme with regard to a recycling industry. Such uses fall within the definition of general industry by virtue of their amenity impacts and are assessed accordingly. This amendment would remove any doubt by giving future clarification over how such a land use would be considered.
23. An objector to the proposed amendment contends that an inert recycling facility can be managed in such a way that any emissions do not adversely affect the amenity of the locality, and therefore will fit into the light industry use class. Legal advice received indicates that on its proper interpretation, the light industry definition does not permit ameliorative measures to be taken into account in determining whether a proposed use falls within the definition. Fundamentally, if an activity creates emissions that would impact on the amenity of an area, putting in measures to mitigate these emissions cannot be a form of light industry.
24. Comments received concerning the broader planning of the Forrestfield Industrial area are noted, however are not considered as part of the subject of this report. The request however to change the zoning of Stage 1 to General Industry suggests an understanding of the land use permissibility for a recycling activity under this zone.
25. In summary, the proposed amendment seeks to retain the status quo in allowing for a recycling industry on land zoned General Industry, whilst clarifying the permissibility of such a use in the Industrial Development Zone which provides for Light Industrial uses only.

*The Officer Recommendation had been amended since the distribution of the Agenda and the Zoning Table shown as (Attachment 1) in the Report was included.*

*As a consequence of the Deputation presented at this meeting a Councillor foreshadowed a motion that the item be deferred to the Ordinary Council Meeting on 23 February 2015 to enable further discussion with staff.*

*A Councillor asked if there would be a retrospective effect to existing recycling businesses in that area. The Director Development Services responded that the Shire can approve non-conforming use, so if there were any approved use businesses prior to this amendment they could continue to operate, they could also sell the business and the land use could be passed on to the subsequent purchaser, so long as the business did not cease for more than six months.*

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 04/2015)**

That Council:

1. Notes the submissions received in response to Amendment No. 68 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005  
 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
 SHIRE OF KALAMUNDA  
 LOCAL PLANNING SCHEME NO. 3  
 AMENDMENT NO. 68

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

- (a) Modify Table 1 (Zoning Table) of Local Planning Scheme No. 3 to include the land use 'Recycling Industry' **as follows:**

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

(b) Insert the following land use definition into Schedule 1 (Land Use Definitions) of the Scheme:

*“Recycling Industry - Premises on which waste is stored, dismantled, melted and/or stored pending final disposal or re-use.”*

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

Moved: **Cr Frank Lindsey**

Seconded: **Cr Andrew Waddell**

Vote:	<b><u>For</u></b>	<b><u>Against</u></b>
	<b>Cr Frank Lindsey</b>	<b>Cr John Giardina</b>
	<b>Cr Geoff Stallard</b>	<b>Cr Margaret Thomas</b>
	<b>Cr Allan Morton</b>	<b>Cr Simon Di Rosso</b>
	<b>Cr Noreen Townsend</b>	
	<b>Cr Justin Whitten</b>	
	<b>Cr Andrew Waddell</b>	
	<b>Cr Sue Bilich</b>	

**CARRIED (7/3)**

**Attachment 1**

Amendment No. 68 to Local Planning Scheme No. 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions)

**Proposed Modified Zoning Table**

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



## Attachment 2

### Amendment No. 68 to Local Planning Scheme No. 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions) Forrestfield/High Wycombe Industrial Area Locality Plan



**Attachment 3**

Amendment No. 68 to Local Planning Scheme No. 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions)

**Submission Table**

Details	Comment	Staff Comment
<p>1.                      A Andreou                      PO Box 2380                      MIDLAND WA 6056</p>	<p>Objection.                       I object to any recycling facilities in our area. As owner of two titled business lots on Berkshire Road and invested considerable finances towards state of the art offices and warehousing, while beautifying our landscaping, placing any recycling facilities will devalue our investment, and create additional noise, dust and pollution in an industrial area we work in.</p>	<p>Whilst the submission states that the landowner objects to the amendment, the nature of the comments made indicate that they object to having recycling facilities in the Light Industry zone.</p>
<p>2.                      Name and address withheld</p>	<p>Objection.                       a) Nobody would want this recycling industry in their area.                       b) Is this in relation to the property on Milner Road and Nardine Close?</p>	<p>a) Whilst the submission states that the landowner objects to the amendment, the nature of the comments made indicate that they object to having recycling facilities in the Light Industry zone.                       b) The amendment is not related to a specific property.</p>

<p>3.</p>	<p>N Taddei                  21 Nardine Close                  HIGH WYCOMBE WA 6057</p>	<p>Objection.</p> <p>a) I am extremely concerned that the amendment will definitely have a negative impact on the value of land and future development. Just look at the chaos by the recycling on Dundas Road – dust smell and noise. The area was earmarked for transport, logistics, services, distribution and warehousing which complies with light industrial.</p> <p>b) I hope common sense prevails. Leave general industrial uses for general industry. Too much time and effort has been put into the development of this area, lets not destroy it. With the rail link development so close, another reason for not changing.</p>	<p>a) Whilst the submission states that the landowner objects to the amendment, the nature of the comments made indicate that they object to having recycling facilities in the Light Industry zone.</p> <p>b) Noted.</p>
<p>4.</p>	<p>G S Paterniti                  115 Queens Road                  GUILDFORD WA 6055</p>	<p>Objection.</p> <p>Existing businesses should be exempt, but new ventures should not be allowed.</p>	<p>Noted. Any approved businesses used for recycling industry outside of the Industry- General zone could continue to operate under Non-Conforming Use provisions.</p>
<p>5.</p>	<p>J Griffiths                  9 Woronora Close                  MAIDA VALE WA 6057</p>	<p>Objection.</p> <p>I believe that it limits development in the Shire and I believe that we should be encouraging local business that is providing recycling options. Provided management measures are put in place.</p>	<p>The amendment will not prohibit recycling industries throughout the Shire. The amendment proposes provisions so that they are appropriately located so as not to have a detrimental impact on surrounding uses which are sensitive to noise and dust emissions, amongst other issues.</p>

6.	I and R Lukis 72 Sultana Road West HIGH WYCOMBE WA 6057	Objection.	Noted.
7.	G Raynor 38 Sultana Road West HIGH WYCOMBE WA 6057	Objection.	Noted.
8.	K Clarkson 6 Walters Way FORRESTFIELD WA 6058	Objection.	Noted.
9.	M I Verhooet 88 Brazier Road YANCHEP WA 6035	Objection.	Noted.
10.	N and R Butler 19 Ashby Close FORRESTFIELD WA 6058	Objection.	Noted.
11.	Talis PO Box 454 LEEDERVILLE WA 6903	Objection  a) Dowsing are of the view that the proposal should not be supported for final approval and that any future recycling or similar proposal should be considered on its individual merits within the existing land use definitions of the local planning scheme and the State's environmental approvals system.	a) A recycling industry is considered a prohibited use under a light industrial definition.

		<p>b) We believe that the planning of the entire industrial area should be reconsidered by the Shire allowing a greater range of land uses, particularly in light of the proposed new land uses to the north in Stages 2 and 3.</p> <p>c) Dowsing acquired the land at Lots 1, 20, 21 Berkshire Road, Forrestfield in mid-2013. Dowsing has recently (May 2014) received planning and environmental approvals (Works Approval) for the construction of a new office headquarters, works depot and modern inert waste storage facility.</p> <p>As part of the due diligence conducted in relation to proposed land-uses, Dowsing sought environmental, planning and legal advice in relation to the permissibility</p>	<p>b) Following the announcement of the Forrestfield Rail Station, the Western Australian Planning Commission has recently requested that the Shire consider the planning land use implications of the Forrestfield Rail Link on the surrounding areas in Forrestfield and High Wycombe. The strategic context for this area has fundamentally changed which will allow for consideration of a greater range of land uses around future train station.</p> <p>The Shire had applied to the Minister for Planning to change the Metropolitan Region Zone for this area from Rural to Urban, with the intention to zone it Urban Development.</p> <p>c) The Shire has received legal advice that if an activity requires ameliorative measure to be taken to protect the amenity of the locality, then it cannot be considered a light industry. There is legal precedent through the State Administrative Tribunal to support this view.</p>
--	--	---	---

		<p>of these uses under the Shire's LPS3. All advice received by Dowsing in this regard suggested that Planning Approval for an inert recycling facility may be possible under the current LPS3 if it can be demonstrated that the proposed operations satisfies the definition of 'Industry – Light'. This use is discretionary under the LPS3 in the Industrial Development zone of Stage 1 and therefore may be approved by Council.</p> <p>d) There are two key aspects to the definition of 'Industry – Light' in the LPS3 which require consideration and attention in progressing any approvals, that it is an industry:</p> <ul style="list-style-type: none"><li>• <i>" in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; and</i></li><li>• <i>the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services."</i></li></ul> <p>i) Talis is of the view that, if it can be demonstrated that the proposed operations will not cause an injury to, or adversely affect the amenity of the locality, then an inert recycling facility is by definition 'Industry – Light' and is subject to discretionary approval by the Shire. In order to demonstrate this, it would be necessary for Dowsing to quantify at a minimum the following:</p>	<p>d) Refer comments 11 c).</p> <p>i) The Shire has received legal advice that if an activity requires ameliorative measures to be taken to protect the amenity of the locality, then it cannot be considered a light industry.</p>
--	--	--	---

		<ul style="list-style-type: none"><li>• the nature of the existing amenity, which will include not only the Stage 1 of the Forrestfield/High Wycombe Industrial Development Area, but surrounding localities – the immediately relevant area is zoned Industrial Development and hence is industrial in nature. There are also areas of land in the vicinity which are zoned General Industry;</li><li>• the manner in which the proposed use will affect the existing amenity, for example, if recycling activities will affect the existing amenity by reason of the emission of noise, vibration, smell, fumes, dust or other industrial by-products; and</li><li>• the degree of impact on the locality, that is, if the impact of any of the emissions outlined above is great enough to adversely affect the existing amenity of the area.</li></ul> <p>ii) In this regard, we wish to note that the surrounding area is zoned 'Industry – Development' and therefore has a different standard of amenity than somewhere zoned 'Residential' for example. Further to this, the environmental approvals processes, through Part IV (Environmental Impact Assessment) and Part V (Works Approval and Licence) of the <i>Environmental Protection Act 1986</i> are designed to ensure that there are no unacceptable impacts to the environment (which include amenity concerns). Any inert recycling facility would be subjected to those environmental approvals processes. Finally, as demonstrated by the previous experience across WA, the nature of recycling operations, inert specifically, can be such that it is unlikely to pose significant environmental and/or health risks (assuming appropriate management).</p>	<p>ii) Noted.</p>
--	--	--	-------------------

		<p>If Dowsing was to proceed with expanding their operations to include inert recycling, these requirements would be observed, and hence such operations would not cause an injury to, or adversely affect the amenity of the locality. In this regard, Talis is confident that the requirements for 'Industry – Light' can be satisfied and any future proposal should be considered through a Development Application and Environmental Approvals process. If supported for final approval the proposed Scheme Amendment would remove this path in the planning process.</p> <p>e) It is not clear from the Scheme Amendment documentation how the Shire has reached the general conclusion that impacts from all recycling facilities would not meet the amenity requirements for Light Industry. As the Shire is aware, there are a variety of recycling activities with different emission profiles, some of which may have a greater potential for amenity impacts than others. Amenity is by virtue of its definition, dependent on a range of factors including the nature of the operation, the controls it operates under and the background level of amenity within the surrounding land. A noxious industry could be considered to have a low impact on amenity if it was subject to significant environmental controls and was housed within an appropriate structure, whereas a smaller industry could have the opposite effect if no such management existed.</p> <p>f) In situations where a 'D' use (discretionary) is evident, consideration will also need to be given to the extent that the proposal supports the intent of the Local Structure Plan (LSP), which is to use the locality for logistics and</p>	<p>e) The Shire has received legal advice that if an activity requires ameliorative measures to be taken to protect the amenity of the locality, then it cannot be considered a light industry.</p> <p>f) Noted.</p>
--	--	---	--



		<p>transport. Whilst the recent Stakeholder meeting convened by Dowsing suggest that the Shire may be willing to reconsider this view, Talis would also argue that there are synergies between recycling facilities (which are in themselves a transport based industry) and other transport-based industries that are the focus of the LSP.</p> <p>g) Following from the recent Stakeholder Information Session on 14 October 2014 organised by Dowsing Concrete (Dowsing), Talis Consultants (Talis) and Lorraine Elliott Planning Services are submitting a preliminary Land Use Concept Plan in response to a number issues that were raised by the land owners, residents and other interested parties.</p> <p>i). The Information Session was organised to allow discussion around the proposed Scheme Amendment and the development, or lack thereof, within Stage 1 of the Forrestfield/High Wycombe Industrial Development Area. During the meeting a preliminary Land Use Concept Plan was put forward which received a lot of support from the participants. A petition to review the planning for Stage 1 is provided.</p> <p>ii) The key issues that were repeatedly raised at the Information Session by the stakeholders are summarised below:</p> <ul style="list-style-type: none"> <li>• The road network has been designed to only accommodate 27m trucks as opposed to the larger road-trains utilised for logistics which are 36.5m in length. This is a significant flaw for intention for Stage 1 to be a logistics and transport area and is presenting significant constraints to current landholders and potential future investors;</li> </ul>	<p>g) Noted.</p> <p>i) Noted.</p> <p>ii) The key issues referred to are noted, however they relate to the local structure plan and developer contribution scheme for Stage 1 of the Forrestfield Industrial Area.</p>
--	--	---	---

		<ul style="list-style-type: none"><li>• Stage 1 is zoned 'Industrial Development' which significantly constrains opportunities for its industrial use as only selected land uses are permissible within the area;</li><li>• Limited progress in terms of addressing road development which is what the Development Contribution is ostensibly for. Lack of access means lack of sales and lack of development;</li><li>• Changing and increasing restrictions such as the proposed Scheme Amendment being contemplated by the Shire in terms of the use of the land in question is not supporting the development of the area;</li><li>• Each landowner is required to provide services to their own lots. This is again a significant financial outlay which could be better managed through a cooperative or strategic approach that the Shire could take, potentially utilising the Development Contribution as one mechanism to look at providing water, power and sewerage to each Stage, rather than individual lot owners implementing individual solutions; and</li><li>• The cost associated with land purchase as well as the Shire's requirement to pay upfront a significant Development Contribution present very real constraints to potential purchasers of land.</li></ul> <p>iii) In order to address these issues, it is our view that the Shire should be looking to limit restrictions on the area rather than imposing greater constraints.</p>	<ul style="list-style-type: none"><li>• The land use permissibility for the industrial development zone allows for the consideration of light industrial activities.</li></ul> <p>iii) Noted, with the advent of the Forrestfield Train Station, the Shire is considering alternative land use opportunities associated with Transport Orientated Development.</p>
--	--	--	--

12.	DC Dowsing Concrete PO Box 212 WELSHPOOL WA 6986	<p>Objection.</p> <p>a) The proposed amendment should not be supported and the planning of the entire industrial area should be reconsidered by the Shire allowing a greater range of land uses, particularly in light of the proposed new land uses to the north in stages 2 and 3.</p> <p>b) A recycling industry is an appropriate and viable land use so long as it can be demonstrated that there are no acceptable impacts on amenity or the surrounding environment.</p> <p>c) The amendment may have a range of unintended consequences for other recycling industries which already exist or are considering operations within the Shire.</p>	<p>a) Following the announcement of the Forrestfield rail station, the Western Australian Planning Commission has recently requested that the Shire consider the planning land use implications of the Forrestfield Rail Link on the surrounding areas in Forrestfield and High Wycombe.</p> <p>b) Noted.</p> <p>c) Any similar uses which have obtained the necessary approvals from the Shire may continue operating as non-conforming uses if the amendment is approved subject to complying with the conditions of the approvals. Any future land uses will need to comply with the requirements of the Local Planning Scheme.</p>
-----	--	--	--

13.	N Hardie 103 Milner Road HIGH WYCOMBE WA 6057	Objection.  Restrictions. Limits development. Slowing down the economy with so many restrictions.	Noted.
14.	Name withheld	Objection.	Noted.
15.	D North 17 Cassowary Road HIGH WYCOMBE WA 6057	Objection.  Limits development.	The amendment will not prohibit recycling industries being proposed throughout the Shire. The amendment proposes provisions so that they are appropriately located so as not to have a detrimental impact on surrounding uses which are sensitive to noise and dust emissions. Many land uses can be considered in the Industrial Development zone.
16.	I North 17 Cassowary Road HIGH WYCOMBE WA 6057	Objection.  Limits development.	See comment 15.
17.	L Alford 4 Maya Crescent FORRESTFIELD WA 6058	Objection.  Limits development.	See comment 15

---

18.	J Trimmer 1 Kershaw Avenue LESMURDIE WA 6076	Objection.  Limits development. Recycling is the way of the future and should be encouraged. We need industry within the Shire to create employment.	See comment 15.
19.	W Van Der Roest 9 Woronora Close MAIDA VALE WA 6057	Objection.	Noted.
20.	J Trimmer 1 Kershaw Avenue LESMURDIE WA 6076	Objection.	Noted.
21.	W Barker 3 Dove Place HIGH WYCOMBE WA 6057	Objection.  Limits development.	See comment 15.
22.	K North 17 Cassowary Road HIGH WYCOMBE WA 6057	Objection.  Limits development.	See comment 15.
23.	J Alford 4 Maya Crescent FORRESTFIELD WA 6058	Objection.  Good job opportunity. Limits development.	See comment 15.
24.	J Dowsing PO Box 212 WELSHPOOL WA 6986	Objection.	Noted.

25.	D and J Kelly 17 Ashby Close FORRESTFIELD WA 6058	Objection.	Noted.
26.	I and R Lukis 72 Sultana Road West HIGH WYCOMBE WA 6057	Objection.  It is a restriction and limits all business.	See comment 15.
27.	J Walsh 78 Sultana Road West HIGH WYCOMBE WA 6057	Objection.	Noted.
28.	C Dowsing PO Box 1419 EAST VICTORIA PARK WA 6101	Objection.  Stop putting restrictions on this stage. As long as managed to the requirements there is not a problem.	See comment 15.
29.	M Pickett 71 Sultana Road West HIGH WYCOMBE WA 6057	Objection.  Stop the restrictions.	Noted.
30.	D Walsh 78 Sultana Road West HIGH WYCOMBE WA 6057	Objection.  Recycling use is acceptable in the area if management measures are put in place.	The amendment will not prohibit recycling industries being proposed throughout the Shire. The amendment proposes provisions so that they are appropriately located so as not to have a detrimental impact on surrounding uses which are sensitive to noise and dust emissions, amongst other issues.

31.	B Robins 3615 Helena Valley Road HELENA VALLEY WA 6056	Objection.  Can't see any problems with recycling in the area so long as the appropriate measures are put in place for dust and noise.	Noted.
32.	C Woolhouse 110 Sultana Road West HIGH WYCOMBE WA 6057	Objection.	Noted.
33.	B Harvey 303 Berkshire Road FORRESTFIELD WA 6058	Objection.	Noted.
34.	D Hawley 14 Connaught Street FORRESTFIELD WA 6058	Objection.  It is another restriction and is very limiting for the development of the area.	See comment 15.
35.	H Leybourne 93 Stanhope Road KALAMUNDA WA 6076	Objection.  a) Recycling in this day and age of climate concerns is an important and growing industry. Managed properly, a business conducting recycling should have no greater impact on surrounding properties than any other industry.  b) There are a number of recycling businesses within this vicinity (Dundas Road).  c) The Shire should reconsider this proposal and consider whether it should be seen to be environmentally sensible and allow recycling subject to appropriate dust and noise considerations.	a) Noted  b) Approved established recycling industries will not be affected.  c) Noted.

		d) These properties are bounded by wheat silos, train yards and the airport. All of these are noise and dust producing industries.	d) With the exception of the airport, the other uses referred to are on properties zoned General Industry.
36.	D Tolson 2/19 Boonooloo Road KALAMUNDA WA 6076	Objection.  Recycling is an important industry in today's economic climate. The report of the IPCC to the United Nations says we need to look to long term recycling. The proposal should not proceed.	Noted. Recycling activities will be able to be considered on land zoned Industry – General.
37.	C Tolson 5 Justin Street LESMURDIE WA 6076	Objection.  Recycling is an important industry in these modern times. This restriction is not in keeping with the Shire's "green" image.	Noted.
38.	S Tolson 5 Justin Street LESMURDIE WA 6076	Objection.	Noted.
39.	C Leybourne 93 Stanhope Road KALAMUNDA WA 6076	Objection.	Noted.
40.	Name and address withheld	Objection.  Only object if they start recycling concrete and the abrasive dust it will produce.	Noted.



41.	Lorraine Elliott Planning Services 73 Sydney Street NORTH PERTH WA 6006	<p>Comment on the proposal.</p> <p>a) Stage 1 Forrestfield is a strategically located industrial area, situated in close proximity to the Perth Airport and major road infrastructure. However, the area's locational opportunities are not resulting in the development of the area as envisaged in many planning strategies, despite the demand for large industrial zoned lots in Perth.</p> <p>b) In response to the advertising of Amendment No. 68, a Stakeholder Information Session for Stage 1 landowners was held on the 14th October, 2014. The meeting was also attended by three councillors and the Shire's Chief Executive Officer. The meeting was attended by a cross-section of landowners with different interests; some were residents who wanted to sell, some were potential industrial developers and some were existing industrial operators. It was clear from the meeting that Stage 1 is constrained by a number of factors, limiting industrial development in the area.</p> <p>i) The following key issues were raised at the landowner's meeting:</p> <ul style="list-style-type: none"><li>• There has been little or no development activity in Stage 1.</li><li>• At least 41 lots would need to be developed before there is sufficient money for the development of infrastructure included in the Development Contribution Plan (DCP).</li></ul>	<p>a) To date, development approvals comprise 25% of the developable area of stage 1 of the Forrestfield Industrial Area. The industrial land market has softened over the past 12 months with the decline in the mining industry.</p> <p>b) Noted.</p> <p>i) The key issues referred to are noted, however they relate to the local structure plan and developer contribution scheme for Stage 1 of the Forrestfield Industrial Area.</p>
-----	---	--	--

		<ul style="list-style-type: none"><li>• The problem is due to inadequate roads and access for logistic type uses.</li><li>• A \$45 million intersection is being constructed nearby, however the roads within Stage 1 only allow for 27m long trucks and not road trains (ie. 36.5m long trucks). Road trains require 30m wide roads.</li><li>• A number of sales in Stage 1 have fallen through because the roads do not permit road trains and the restricted access to lots, particularly battleaxe lots.</li><li>• When are the roads going to be built?</li><li>• Main Roads estimated cost for the roads is \$1.5m more than the Shire's estimated cost.</li><li>• Shire's estimated cost is \$275/m<sup>2</sup> and the State Administrative Tribunal's (SAT) is</li><li>• \$310/m<sup>2</sup>.</li><li>• Sewerage is to be provided on an individual basis (not part of the Development</li><li>• Contribution Plan (DCP)). This has resulted in disjointed connections.</li><li>• Lots within Stage 1 are considered too big for technology development. Lots within Stage 1 are considered too small for logistics/freight development. The only way land can be developed for logistics is for multiple lots to be sold as part of one sale.</li></ul>	
--	--	---	--

		<ul style="list-style-type: none"><li>• In the transport industry, it is considered that the “big” players have gone to other areas.</li><li>• A meeting was held in April 2010 where a lot of promises were made by the Shire but they have not been delivered.</li><li>• The cost of recycling is the main reason rates are going up. Why not allow it in Stage 1?</li><li>• The Shire wants high end businesses, logistic type uses and high quality development.</li><li>• Nadine Close does not allow for road trains.</li><li>• One landowner in Stage 1 wants to carry out technology type development.</li><li>• Airport expansion will lead to more noise in the area.</li><li>• Crushing may be undertaken inside a building to reduce impacts.</li><li>• Majority of Berkshire Road is a Network 1 road.</li><li>• A lot of “for sale” signs have been up for a long time.</li><li>• A landowner and Council have tried to obtain funding/grants from the State Government but so far they have been unsuccessful.</li></ul>	
--	--	---	--

		<ul style="list-style-type: none"><li>• The Shire has approached the State Treasury to borrow funds but they have been unsuccessful as there is no guarantee that land will be developed.</li><li>• Due to undeveloped industrial land, the Shire is losing out on significant rates (ie. \$15,000/\$20,000 per industrial developed lot compared to only about \$1500 per residential developed lot).</li><li>• Often large developers prefund works but this hasn't happened within Stage 1.</li><li>• A change to the General Industry zone will result in more development.</li><li>• The Shire representatives said the plan should be lodged with the Shire together with a letter outlining the required actions.</li><li>• There was a show of hands for support for the preliminary land use concept plan. A strong majority of landowners indicated their support for the plan.</li><li>• There was a strong request for the Shire to initiate some form of action, although it was understood that State Government determined changes to the MRS.</li><li>• Support from DOP/WAPC would also be required. A meeting was suggested.</li><li>• Concerned that some of the existing developments have not paid their development contribution. Some</li></ul>	
--	--	--	--

		<p>developers have been given more time to pay. This issue has been dealt with by SAT.</p> <ul style="list-style-type: none"><li>• Funding is critical for the battleaxe lots that have no access for industrial development.</li><li>• A landowner has made a contribution but no works have been undertaken and it is expected to be a long time before any progress is made.</li><li>• It doesn't make sense to allow storage of material and then not allow the next stage in the process (ie. crushing concrete). Trucks delivering material potentially create dust, which is the main environmental impact. There are already trucks for delivery and storage and that would not significantly change if crushing was allowed.</li><li>• Why is there a need for an amendment to the Local Planning Scheme? Where is recycling defined as general industry?</li></ul> <p>c) There are a number of statutory and policy (strategic) planning documents relevant to the planning of Stage 1. Many of the planning documents identify light industrial and logistics type uses for the area. However, a key original planning document, which formed the basis for subsequent planning decisions (ie. MRS Amendment and structure plan), identified general industrial development for the area.</p>	<p>c) Noted, however following the announcement of the Forrestfield Rail Station, the Western Australian Planning Commission has recently requested that the Shire consider the planning land use implications of the Forrestfield Rail Link on the surrounding areas in Forrestfield and High Wycombe. The strategic context for this area has fundamentally changed with consideration given to land uses suited to transport oriented development.</p>
--	--	--	---

		<p>d) The Kewdale-Hazelmere Integrated Masterplan (KHIM), prepared by the WAPC and endorsed by the Minister for Planning, identified the Kewdale-Hazelmere area as a major strategic area for the freight industry, which included Stage 1 (referred to as the Forrestfield Precinct). The Forrestfield Precinct is identified as being <i>“a significant freight related industrial precinct adjacent to the main interstate freight rail line, the airport, and the residential suburb of High Wycombe”</i>.</p> <p>One of the key recommendations relating to Stages, 1, 2 and 3 is Recommendation 34, which states: <i>“identify the land in the Shire of Kalamunda (Forrestfield Precinct – generally bounded by Berkshire Road, Dundas Road, Poison Gully and Roe Highway) as being of strategic importance to the State in terms of its location within this freight transport hub and potential to facilitate additional general industrial land uses and more intensive urban development where appropriate”</i>.</p> <p>KHIM also included recommendation 35 relevant to Stages 1, 2 and 3. It states: <i>“Prepare a structure plan for land in the Shire of Kalamunda (Forrestfield Precinct generally bounded by Berkshire Road, Dundas Road, Poison Gully and Roe Highway) to identify any suitable areas of additional industrial and residential land uses. This work is to include urban design investigations and involve consultation with the local landowners and community to identify areas suitable for rezoning and appropriate land use treatments to create a transition buffer between existing and planned residential and general industrial land uses”</i>.</p>	<p>d) Noted. Refer comments 41. c).</p>
--	--	---	---

		<p>The preliminary land use concept plan addresses both recommendations by allowing for both general industrial and residential uses and the creation of a transition buffer area (ie. Light Industry (and more intensive Light Industry/Service Commercial/Office Park)).</p> <p>e) Stage 1 is also included in a development contribution area (DCA 1) and it is subject to a DCP, which is intended to operate for a period of 10 years. This requires infrastructure to be generally provided within a 10 year period. Given 3 years has already lapsed since the gazettal of the relevant local scheme amendment (ie. Amendment No. 34) and development of land in Stage 1 has stagnated, there is some doubt as to whether the Shire will achieve the development of infrastructure within the 10 year period.</p> <p>In addition to the annual review of estimated infrastructure costs, the Scheme requires the review of the DCP within a 5 year period having regard to the rate of development and the extent of future development. Given 3 years has almost lapsed since gazettal of Amendment No. 34, it would be appropriate for such a review to commence.</p> <p>f) Under the Scheme's zoning table, it is considered that the General Industry and the Light Industry zone are far more flexible zones in relation to permissible industrial type land uses than the Industrial Development Zone as detailed below:</p> <ul style="list-style-type: none"><li>• General Industry zone permits a wide range of uses including cottage, general, light, rural and service</li></ul>	<p>e) Noted.</p> <p>f) Noted.</p>
--	--	---	-----------------------------------

		<p>industries, motor vehicle repairs, transport depot and warehouse and potentially allows many discretionary uses including logistics centre and research and technology premises.</p> <ul style="list-style-type: none"><li>• Light Industry zone permits a wide range of uses including cottage, light, rural and service industries, motor vehicle repairs, transport depot and warehouse and potentially allows many discretionary uses including logistics centre and research and technology premises.</li><li>• Despite the name of the zone, the only industry use permissible without further Council approval in the Industrial Development zone is light industry. A logistics centre and research and technology uses are discretionary uses in the Industrial Development zone even though the intent of the zone is to allow these uses as outlined in previous planning documents. A transport depot and warehouse are also discretionary uses. Motor vehicle repairs is a prohibited use even though it is a permitted use in the Light Industry zone and Stage 1 is intended for light industrial purposes. Also a showroom is a discretionary use but this is a retail use rather than an industrial use.</li></ul> <p>The above points highlight the restrictive nature of the Industrial Development zone and the discrepancies between the land use rights for the Industrial Development Zone and the current land use intent for Stage 1, outlined in various strategic planning documents.</p>	
--	--	---	--



		<p>g) The Forrestfield/High Wycombe Industrial Area Structure Plan for Stage 1 is intended to primarily facilitate the development of logistics and transport based industries that can take advantage of the location of the land and its proximal relationship with key transport infrastructure. The Structure Plan was based on the outcomes of KHIM. A plan was prepared that did not outline land uses but rather a range of design requirements and restrictions, mainly relating to roads and access.</p> <p>h) The Shire is in the process of preparing a District Structure Plan (DSP) for Stages 2 and 3 to identify any new land use opportunities considered to take advantage of the proposed Forrestfield train station. A range of land use options are being considered, including (but not limited to) light industry, commercial, residential and office park. However, no land uses have yet been determined given the DSP is currently at the initial design stage</p> <p>i) The Economic and Employment Lands Strategy identifies future industrial sites throughout Perth and the Peel Regions. Stage 1 is identified for light industrial development, whilst Stages 2 and 3 are identified as potential medium term non heavy industrial sites. The Strategy also addresses the provision and demand for industrial land. The Strategy recognises the urgent need to review the current planning regulations to ensure a better overall planning outcome for industrial estates. According to the Strategy it will be approximately 10 years before the market can achieve a balance between industrial land supply and demand. It also identifies that due to the increase in transport and logistic oriented</p>	<p>g) Noted. The permissibility of land uses within the various zonings reflects the zoning's objectives stipulated under the Scheme.</p> <p>h) Noted.</p> <p>i) The Forrestfield Industrial Area has been in operation since December 2013, to date approvals for the site comprise 25% of the total developable land area for stage 1. The industrial land market has softened over the past 12 months with the decline in the mining industry.</p>
--	--	---	---

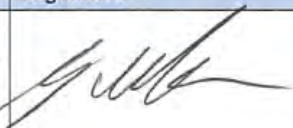


		<p>industry activities, lot sizes of 4000m<sup>2</sup> and more will continue to be in greatest demand. This data is at odds with issues discussed at the landowner's meeting, which indicates there are other non-economic factors contributing to the stagnation of development within Stage 1.</p> <p>j) It is critical for the Shire to review the planning intent for Stage 1 with serious consideration being given to part of the area being rezoned to General Industry. There is a clear need to remove the restrictions under the Industrial Development zone and create flexibility to encourage development. This review should occur at the same time as the new DSP for stages 2 and 3.</p>	<p>j) Noted. The amendment seeks to clearly identify the definition and permissibility of recycling land uses, rather than rely on broader land use definitions.</p>
<p>42.</p>	<p>D Downing                  107 Milner Road                  HIGH WYCOMBE WA 6057</p>	<p>No objection.</p> <p>a) Structure Plan quotes"</p> <p><i>"The objections of the structure plan are to ensure that industrial development does not adversely impact on the amenity and safety of adjoining land uses."</i></p> <p><i>"The land uses which are proposed to be permissible under Table 1 of the Scheme for the proposed industrial development zoning will not have a detrimental impact on the environment and the amenity of nearby residents."</i></p> <p><i>"Research and Technology premises be permitted .... Which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour of any other form of air pollution..."</i></p>	<p>a) Noted.</p>

		<p>b) EPA Guidelines for Construction and Demolition Waste Recycling Facilities 2009 state:</p> <p><i>“Generally sites would be in industrial or special industrial zoning area, or in existing or future land infill sites or quarry. Many industrial areas would not be acceptable due to the predominance of light service industries and their likely objections about the reduction of visual amenity and dust emanating from the facility. The most likely location for this facility is at an existing landfill site. Generally sufficient buffer distances can be provided with the land fill site and the existing land use compliments the requirements of a processing facility.”</i></p> <p>c) Construction and demolition waste recycling facilities with open storage stockpiles cannot possibly be dust free with the extreme dry, gusty, easterly winds that prevail in the area over the summer months.</p> <p>d) In view of the State Government’s new proposal for residential development adjacent to the Forrestfield/High Wycombe Industrial Area, recycling industries cannot possibly be a compatible land use.</p>	<p>b) Noted.</p> <p>c) Noted.</p> <p>d) Noted</p>
43.	C Gullotto 7 Eureka Street HIGH WYCOMBE WA 6057	No objection.	Noted.
44.	M Andreou PO Box 2380 MIDLAND WA 6236	No objection.	Noted.

**Attachment 4**

**Amendment No. 68 to Local Planning Scheme No. 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions)  
 Petition**




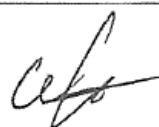
**Petition to Object to the Shire of Kalamunda's proposed Scheme Amendment  
 (#68) to prohibit Recycling Industries**

Action petitioned for		Objection to the Shire of Kalamunda's proposed Scheme Amendment (#68) prohibiting Recycling Industries			
#	Printed Name	Signature	Address	Comment	Date
1	Sack Walt		78 Sultana rd west High Wycombe.	I Agree	30/10/14
2	IAN LUKIS		72 Sultana Rd West High Wycombe	AGREE	30/10/14
3	Robin Lukis	R. I. Lukis.	72 SULTANA RD W HIGH WYCOMBE.	TOTALLY AGREE	30/10/14
4	JOANNE GRIFFITHS		9 WORONORA CL. MAIOA VALE	AGREE	30/10/14

#	Printed Name	Signature	Address	Comment	Date
5	Carl Dousing		Lots 20, 21, + 1 Berkshire Rd	get of your back-sides + do something	14/10/2014
6	CARMEN Woolhouse		110 SULTANA RD WEST HIGH WYCOMBE		29/10/14
7	NEIL HODGIE		MILNIST ZONE FORRESTFIELD		29/10/14
8	Beau Robins		103 Milner Road High Wycombe.		29/10/14
9	SIM CURRIE		15 ASHBY CLOSE. FORRESTFIELD.	BUT HAVE NO PROBLEM WITH. DOUSING DOING THE DEVELOPMENT.	30/10/14.
10	DEBBIE WALSH		78 SULTANA RD WEST HIGH WYCOMBE	NO PROBLEM WITH DEVELOPMENT.	30/10/14

## Petition to Object to the Shire of Kalamunda's proposed Scheme Amendment (#68) to prohibit Recycling Industries

<b>Action petitioned for</b>	Objection to the Shire of Kalamunda's proposed Scheme Amendment (#68) prohibiting Recycling Industries
------------------------------	--

#	Printed Name	Signature	Address	Comment	Date
1	BRENTON VERHOOGH		247 BERKSHIRE		14/10/14.
2	D. F. Kelly		17 ASHBY CLOSE PENNESFIELD		
3	BILL McWHIRTER		16 ASHBY CL FOURSFIELD		
4	NORM BALZER		19 ASHBY CLOSE FOURSFIELD	Put ROAD IN FIRST	14-10-14

#	Printed Name	Signature	Address	Comment	Date
5	Stan		277 Brookside	having as there is no dust from this plant	30/10/14
6	BRIGITTE PICKETT		71 SULTANA RD WEST HIGH WYCOMBE	AGREE	30/10/14
7	Malh Pickett		71 SULTANA RD WEST High Wycombe	AGREE	30/10/14
8	Kyle North		17 CARROWAY RD High Wycombe	AGREE	2/6/14
9	David + 104 Kelly		17 Ashby Close Forrestfield	Agree	4/11/14
10	Ebony Pilkington		49 Nardine Close High Wycombe	Agree	4/11/14

#	Printed Name	Signature	Address	Comment	Date
30	BRUCE HARVEY	Bruce Harvey	303 BERKSHIRE RD		2/11/2014
31					
32					
33					
34					
35					




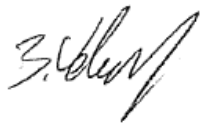

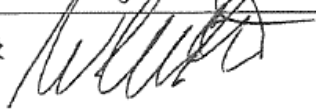
## Petition to review the Planning for Stage 1 Forrestfield / High Wycombe Industrial Area as part of the review of Stages 2 and 3

<b>Action petitioned for</b>	Shire of Kalamunda to reconsider the current planning and associated development of the Forrestfield / High Wycombe Industrial Area across all Stages 1 to 3
------------------------------	--

#	Printed Name	Signature	Address	Comment	Date
1	BRUCE HARVEY	Bruce Harvey	303 BERKSHIRE RD	<del>KLAND</del>	2/11/2014
2					
3					
4					


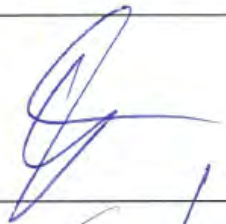
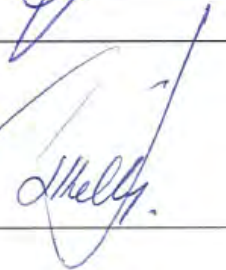

## Petition to review the Planning for Stage 1 Forrestfield / High Wycombe Industrial Area as part of the review of Stages 2 and 3

<b>Action petitioned for</b>	Shire of Kalamunda to reconsider the current planning and associated development of the Forrestfield / High Wycombe Industrial Area across all Stages 1 to 3
------------------------------	--

#	Printed Name	Signature	Address	Comment	Date
1	Monica Crustall		249 Berkshire Rd F/Field		14/10/14
2	BRENTEN VERHOOGT		247 BERKSHIRE	Strongly approve this proposal	14/10/14
3	D. F. Kelly B. J. Kelly		17 Ashby Close Forrestfield - WA	ACTION REQUIRED	
4	Bill McWhirter		16 ASHBY CLOSE	ACTION	14/10/14

#	Printed Name	Signature	Address	Comment	Date
5	NORM BUTLER		19 Ashby Close Forrest Field		14-10-14
6	JIM CURRIE		15 ASHBY CLOSE FORREST FIELD		14/10/14
7	Carl Downing		Lots 20, 21 + 1 Berkeshire Rd	Do something shire	14/10/2014
8	CARMEN WOOLHOUSE.		110 SULTANA RD WEST HIGH WYCOMBE		29/10/14
9	NEIL HADJIE		105 MILNER ROAD HIGH WYCOMBE PC14 6057	PLANNING DOES NOT WORK (ROADS) LIGHTS AND - NO ROAD TRAINS!!!	29/10/14
10	BEAN ROBINSON		103 Milner Road High Wycombe		11/10/14

#	Printed Name	Signature	Address	Comment	Date
17	DEBBIE NASH		78 SULTANA RD WEST HIGH WYCOMBE	AGREE	30/10/14
18	MAREN PICKETT		71 SULTANA RD WEST HIGH WYCOMBE	AGREE	30/10/14
19	BRIGITTE PICKETT		71 SULTANA RD WEST HIGH WYCOMBE	AGREE	30/10/14
20	Suek Walsh		78 Sultana rd west High Wycombe	AGREE	30/10/14
21	Robin Lukis		72 SULTANA RD. W. HIGH WYCOMBE	TOTALLY AGREE	30/10/14
22	IAN LUKIS		72 Sultana Rdw HIGH WYCOMBE	AGREE	30/10/14

#	Printed Name	Signature	Address	Comment	Date
23	JDANNE GRIFFITHS		9 WORONORA CLOSE MUAIDA VALE	AGREE	30/10/14
24	KYLE NORTH		17 CASSOWARY RD LICAMUNDA	AGREE	2/11/14
25	David + JOY Kelly.		17 Ashby Close Forrestfield	Agree .	4.11.14
26	Ebony Pilkington		49 Nardine	Agree	4/11/14
27					
28					

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**  
*Cr Simon Di Rosso declared an interest affecting impartiality*

**05. Proposed modification to hours of operation - Lot 4 (81) Canning Road, Kalamunda**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	CN-01/081
Applicant	Bernard Hoffman
Owner	Bernard Hoffman

Attachment 1                      Submission Table

**PURPOSE**

- To consider proposed extended hours of operation for the Health/Fitness Centre on Lot 4 (81) Canning Road, Kalamunda.

**BACKGROUND**

**2. Land Details:**

Land Area:	3,214m <sup>2</sup>
Local Planning Scheme Zone:	Special Use (Gymnasium/ Health Studio)
Metropolitan Regional Scheme Zone:	Urban

**Locality Plan**

**3.**



## DETAILS

4. The subject site operates as a health/fitness studio ("Gymtonic"). The building was originally developed as a squash centre and was subsequently converted to a gym. When Council approved the gym at its Ordinary meeting of April 2002 a specific condition was included:  
  
*e) Hours of operation and service deliveries to not operate outside 6.00am and 9.00pm Monday to Friday. Saturday 7.00am to 4.00pm, and Sunday and Public Holidays 9.00am to 4.00pm.*
5. The application is effectively a modification to the existing approval in that the gym is proposed to operate 24 hours a day, 7 days a week. There are no proposed physical changes to the site or building.
6. In support of the proposal, the applicant has provided the following information:
  - *The gym has operated from its current location for over twelve years. During this time there has been a substantial shift in the hours and times that people work and have their leisure time. FIFO, shift and weekend workers have become the norm.*
  - *This change is also evident in the health and fitness industry where an ever increasing number of businesses are turning to 24/7 servicing in response to community demand.*
7. In respect to the operation the applicant has advised:
  - *The building is currently lit with external lighting from dusk to dawn and has been since it opened over twelve years ago. In addition many of the interior lights are also on during the night. Thus there would be virtually no change in current lighting.*
  - *There is no loud music. Our last class is at 7.00pm. The only music in the gym is that provided by the speakers of three televisions. The speakers in the TV's are 8 watts. The volume is set remotely and cannot be changed by the members. The sound from the televisions cannot be heard from outside the building. The sound of people exercising also does not carry outside the building. Further, the windows are shuttered at night.*
  - *Our members don't loiter around the building now so there is no evidence to suggest they would do so in the future. Our members are from the Kalamunda community and are responsible adults. As you would be aware unsocial behaviour often occurs when buildings and places are unoccupied and not when they are being used. We have in place a capable security system backed up with surveillance and guard response.*
  - *Our entry is off Collins Road directly opposite the Aquatic Centre. Vehicular noise is thus directed away from the only residential building that is within 40m radius of the building.*
  - *The 24/7 access will be limited to those members who request it so not all members will be using the club out of current hours.*

8. The applicant has further advised that they do not expect dozens of members to be using the facility at 2.00 or 3.00am. Most will want access early in the morning before they are due at work, in the evening after closure and on weekends and public holidays when the club closes.

### **STATUTORY AND LEGAL CONSIDERATIONS**

9. If the application is refused or approved with conditions the applicant considers unacceptable, there is a right of review (appeal) to the State Administrative Tribunal.

### **POLICY CONSIDERATIONS**

10. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

11. The proposal was advertised to nearby and affected land owners for 14 days. At the end of the submission period five submissions had been received, consisting of three objections and two non-objections. The main issues raised in the submissions included:
- Operating the gym 24/7 will impact on neighbouring properties;
  - Patrons leaving the gym may drive aggressively when leaving and create noise issues; and
  - The gym is an important service to the community and the operations have never caused any disturbance.
12. It should be noted that Gym Tonic advertised that it intended to commence operations 24/7 and the Shire received objections when this occurred. These comments have not been included as they were received before an application was lodged and the proposal was formally advertised.

### **FINANCIAL CONSIDERATIONS**

13. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

14. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 2.3 - To encourage and facilitate healthy lifestyles through regular participation in recreational and leisure oriented activities
- Strategy 2.3.1 Provide a range of recreational and healthy lifestyle program opportunities to maximise utilisation of community and recreational facilities in a cost effective manner.



---

## SUSTAINABILITY

### Social Implications

15. Submissions received on the proposal centre on the perceived impacts on the amenity of the immediate locality in terms of noise, traffic and lighting. Operation after hours will bring activity to the area which in turn increases surveillance.
16. It is considered that if any potential impacts were to occur, they would be related to noise. Any activities conducted on the site would be required to comply with the *Environmental Protection (Noise) Regulations 1997*. It is noted that currently there are no complaints before the Shire in respect to noise from the site.
17. The adjoining residential properties are screened by solid fencing and thick vegetation and as such car headlights are unlikely to impact on adjoining residents.

### Economic Implications

18. Nil.

### Environmental Implications

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

20.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not support the proposal.	Possible	Insignificant	Low	Make sure Council is aware of the minimal impact the proposal is likely to have on the amenity of the locality.
Potential noise impacts from the centre operating 24/7.	Unlikely	Minor	Low	The Shire to monitor compliance with noise regulations.

---

## OFFICER COMMENT

21. The request for operation 24/7 is consistent with community expectations to access goods and services outside of standard business hours. This is evident in the advent of 24/7 service stations and extended operating hours of shopping centres.
22. The site is located on a prominent corner on a busy road and abuts two residential properties. It is considered that the internal use of the building would not have any adverse impact on surrounding properties as sound from electronic devices would be no greater than expected in a dwelling.
23. Vehicles attending the site would almost exclusively access from Canning Road, which is a district distributor and carries a high level of traffic. It would not be possible to perceive when a vehicle travelling on Canning Road would be attributable to the gym.
24. If approved, the applicant will be requested to ensure that patrons are considerate of occupants of the adjoining properties, for example that they park as close to the entrance as possible, refrain from loitering at the entrance and arrive and leave the site as quietly as possible.

*Cr Simon Di Rosso declared an interest affecting impartiality as he is a member of Gym Tonic.*

*A Mover and Seconder were found prior to the speakers.*

*Michelle Murphy of Kalamunda spoke against the Officer Recommendation.*

*A Councillor asked what the primary concerns were relating to noise – was it the sounds from the classes or the noise from cars; the response was both, that the acoustics were such that the slamming of car doors, radios in cars and conversations all make an impact in that area.*

*Floyd Pickles of Kalamunda spoke, he had no objection providing the noise is controlled and asked that wording be added to the Recommendation to cover this. The Director Development Services responded that Gym Tonic would have to comply with the Environmental Noise Regulations (which apply under the Health Act), whether or not a planning consent is issued and added that it is not necessary to place this as a condition, if fact it would be incorrect to do so. However, should the Recommendation be passed by Council the Director made an undertaking to ensure Gym Tonic are aware that they need to continue to adhere to environmental noise regulations.*

*After listening to the speakers Cr Sue Bilich withdrew her seconding of the motion. Cr Frank Lindsey indicated he would be happy to second the motion.*

*A Councillor requested an amendment to the Officer Recommendation with regard to timing of instructor led classes. Both the mover and seconder accepted the amendment and it was added to the substantive motion.*

*Councillors went into debate.*

*The Chief Executive Officer indicated the times stipulated may be too short given that Hartfield Park Recreation Centre runs classes that commence at 7.30pm and suggested this be investigated prior to the Ordinary Council Meeting on 23 February 2015 to ensure this restriction will not impact on the existing business.*

*A Councillor noted that the report states that the last class is 7pm, but it is unclear if this is the start or finish time. This query was taken on notice.*

*A Councillor put a procedural motion that the item be tabled at the next Council Meeting to be held on 23 February 2014.*

*A Councillor asked if a further condition be that the business erect signs in the car park to ask patrons to arrive and leave quietly. The Director Development Services took this question on notice.*

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION (D&I 05/2015)**

That Council:

1. Approve the application dated 20 November 2014 to operate the Health/Fitness Centre (gym) at Lot 4 (81) Canning Road, Kalamunda to operate 24 hours a day seven days a week. **Subject to no instructor led classes be held prior to 6am and after 7pm.**

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: **NOT PROCEEDED WITH DUE TO PROCEDURAL MOTION**

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 05/2015)**

That Council:

1. Defer this item to the Ordinary Council Meeting to be held on 23 February 2015.

Moved: **Cr Andrew Waddell**

Seconded: **Cr John Giardina**

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

**Attachment 1**

Modification to hours of operation – Lot 4 (81) Canning Road, Kalamunda

**Submission Table**

	Details	Comment	Staff Comment
15.	J and B Byrne 3/98 Canning Road KALAMUNDA WA 6076	<p>No Objection.</p> <p>We support the proposal. Gym Tonic provides an important service and have never caused us any disturbance.</p> <p>The business is appropriate as it is in an area which includes other facilities related to sport, recreation and fitness.</p> <p>The Shire should review the signage it allows as the current sign is inappropriate.</p>	<p>Noted.</p> <p>The types of signage permissible within the Shire will be addressed when the Shire’s Signage Local Law is reviewed.</p>
16.	F Pickles 5/98 Canning Road KALAMUNDA WA 6076	<p>I would have no objection if the following conditions were included on the development approval:</p> <p><i>Should the management, staff or patrons at Gym Tonic create excessive noise between the hours of 10.00pm to 6.00am any day of the week which causes disturbance to surrounding residences, then the approval for the extended hours of business will be immediately prohibited.</i></p>	<p>The Local Planning Scheme does not have the contingency for revoking planning consents, rather it states that a person contravenes the Scheme if they act otherwise than in accordance with all conditions imposed on a planning consent. If a person fails to do this, the Shire may pursue legal action.</p> <p>Any noise emissions will need to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>

---

17.	H Lyons 9/98 Canning Road KALAMUNDA WA 6076	Do not object to any person trying to make a living but do object if patrons interfere with residents' peace and quiet.  Some patrons leave the gym in a "hooning" manner.	Noted. The planning consent cannot control the way patrons drive their vehicles. Any anti-social behaviour should be reported to the Police.
18.	Name and Address withheld.	Objection	Noted.
19.	M Murphy 35 Collins Road KALAMUNDA WA 6076	Objection  There are already too many negative impacts of business operations on the lifestyle of other residents. To extend this to 24/7 is unfair.	Noted.

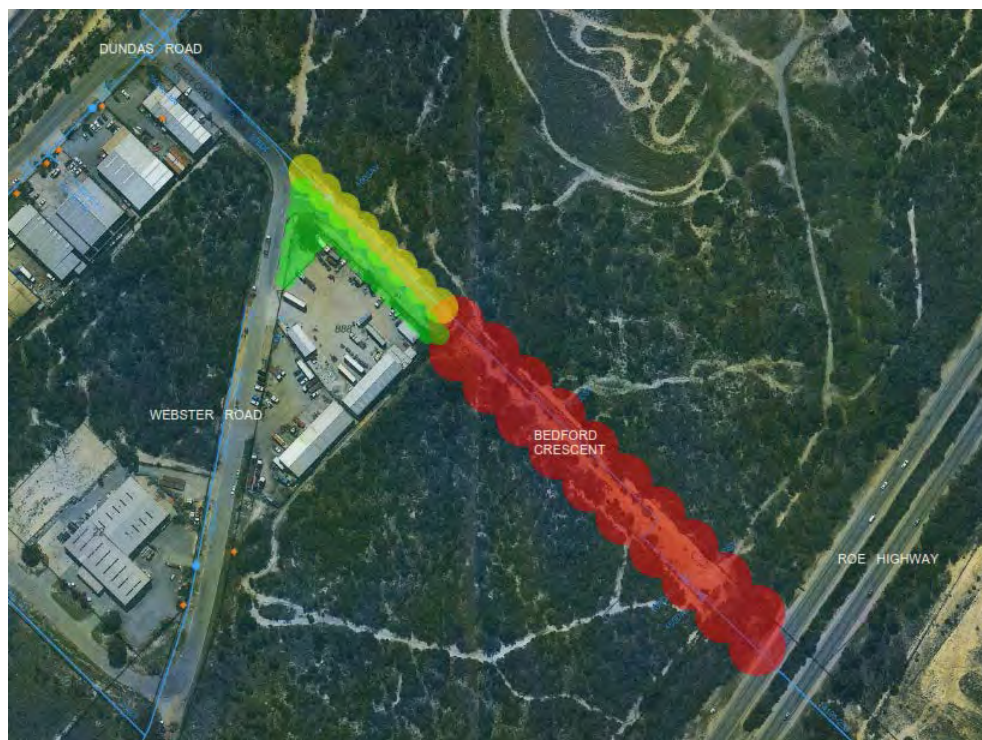
**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**06. 20 Bedford Crescent, Forrestfield – Road Closure**

Previous Items	OCM 102/07 – 17 September 2007
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	HE-RLW-021, BD-02/020
Applicant	Minorco Pty Ltd
Owner	Brian Stinson
Attachment 1	OCM 102/07 – Ordinary Council Meeting Minutes – 17 September 2007
Attachment 2	Attachment 1 to OCM 102/07 - Ordinary Council Meeting Minutes – 17 September 2007
Attachment 3	Aerial Photo
Attachment 4	Minorco Pty Ltd – Correspondence 28 May 2014
Attachment 5	Minorco Pty Ltd – Correspondence 3 October 2014

**PURPOSE**

1. To consider a request to initiate the process to close the portion of Bedford Crescent road reserve between Webster Road and Roe Highway, Forrestfield. Refer to the Location Plan below (Note: area highlighted in yellow and red to be vested to the Water Corporation and the area highlighted in green to be acquired by the owner of 20 Bedford Crescent).



---

## BACKGROUND

2. At its meeting of 17 September 2007, Council considered a request to close a portion of Bedford Crescent road reserve abutting 20 Bedford Crescent where it was resolved:
  - *That Council recommends to the Minister for Planning and Infrastructure, the closure of the portion of road reserve abutting 20 Bedford Crescent, Forrestfield, (shown at Attachment 1) subject to Minorco Pty Ltd arranging for the relocation of the water main at their expense.*
  - *That the Minister for Planning and Infrastructure be indemnified against any claims arising as a result of the road closure.*
3. On 21 October 2013 the owner of 20 Bedford Crescent approached the Shire advising that they had received advice from the Water Corporation confirming their preference not to re-align the water main and the proposed boundary to be setback 3m from the pipe and 8m from the road reserve boundary. As a consequence of the Water Corporation's objection, the then Minister for Planning and Infrastructure did not proceed with the initial closure request.
4. On 13 November 2013 and again on 5 May 2014 the Shire confirmed to the owner of 20 Bedford Crescent that it would not support an option to only acquire a reduced width portion of the road reserve and that the original Council Resolution OCM 102/07 stands.
5. On 28 May 2014 the owner of 20 Bedford Crescent submitted an alternative option to close the portion of Bedford Crescent road reserve between Webster Road and Roe Highway, Forrestfield (Attachment 4).
6. On 3 October 2014 the owner of 20 Bedford Crescent confirmed in writing that he wished to proceed with the proposed road closure process (Attachment 5).

## DETAILS

7. The Shire has also received a request from Gateway WA on 19 November 2014 requesting advice from the Shire on a proposal to install a Western Power connection from Webster Road through the portion of Bedford Crescent road reserve to Roe Highway. Interim advice from the Shire on 28 November 2014 to Gateway WA was that the Shire's preference was for Gateway WA to investigate other alignment options and if there were no other possible options available the Shire would consider a proposal along the northern side of the Bedford Crescent road reserve.
8. Shire officers have liaised with Water Corporation and in-principle agreement has been achieved for Water Corporation to take responsibility for the remaining road reserve (shown in yellow and red) as long as the land is vested to the Water Corporation at no-cost.

---

## **STATUTORY AND LEGAL CONSIDERATIONS**

9. If this proposal is accepted, the process will need to be undertaken in accordance with Section 58 of the *Land Administration Act 1997*.

## **POLICY CONSIDERATIONS**

10. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

11. If Council is supportive of the proposed road closure it will be advertised to seek community comment and feedback. A further report would be provided to allow Council to make a final decision on the proposed closure.

## **FINANCIAL CONSIDERATIONS**

12. Cost for any advertising to be met by the applicant, along with the cost of land acquisition.
13. Closure of this portion of Bedford Crescent would eliminate the Shire's future requirement to maintain the existing 120m long x 9m wide section of asphalt / kerbed road adjacent to 20 Bedford Crescent and maintenance of the road reserve including removal of ongoing illegally dumped waste.
14. There are not expected to be any financial implications of vesting the remaining road reserve to Water Corporation as this is a nil-cost transaction.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

15. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.1 – To ensure land use plans provide long term sustainable population growth.
- Strategy 4.1.4 Facilitate the development of industrial land within the Shire.

## **SUSTAINABILITY**

### **Social Implications**

16. This section of road reserve currently provides constructed road access to one lot only being 20 Bedford Crescent.

### **Economic Implications**

17. Nil.



## Environmental Implications

18. No environmental impacts envisaged on the proposed portion of road reserve to be closed as the portion to be purchased by the owner of 20 Bedford Crescent is already fully cleared and the remaining portion of road reserve proposed to be vested to the Water Corporation has minimal vegetation.

## RISK MANAGEMENT CONSIDERATIONS

19.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Environmental impact on existing vegetation within the Bedford Crescent Road Reserve	Unlikely	Insignificant	Low	Not required

## OFFICER COMMENT

20. The portion of road reserve proposed to be closed is surplus to current and future requirements of the road network.
21. The closure as proposed if approved, will also result in the relinquishing by the Shire of all future maintenance responsibilities.

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

## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 06/2015)

That Council:

1. Approve the initiation of the process for the proposed closure of Bedford Crescent road reserve between Webster Road and Roe Highway, Forrestfield in accordance with Section 58 of the *Land Administration Act 1997*.
2. Notes that a final recommendation will be presented for consideration following completion of the required community consultation.

Moved: **Cr Justin Whitten**

Seconded: **Cr Noreen Townsend**

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

## Attachment 1

Ordinary Council Meeting Minutes – 17 September 2007

**9.1.1 20 Bedford Crescent, Forrestfield – Road  
(Item No. 94)**

EN BLOC RESOLUTION OCM 102/07

1. That Council recommends to the Minister for Planning and Infrastructure, the closure of the portion of road reserve abutting 20 Bedford Crescent, Forrestfield, shown at **(Attachment 1.)** subject to Minorco Pty Ltd arranging for the relocation of the water main at their expense.
2. That the Minister for Planning and Infrastructure be indemnified against any claims arising as a result of the road closure.

Moved: (Cr Tonkin)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**



.....

**A/Executive Manager Engineering Services**



**Attachment 3**  
Aerial Photo



---

## Attachment 4

**From:** Amanda [mailto:amanda@pulseps.com.au]  
**Sent:** Wednesday, 28 May 2014 4:18 PM  
**To:** Craig Fitzgerald  
**Cc:** Sam Assaad; Uma Devi Rajaram; brianstinson@bigpond.com; 'Russell Nelson'  
**Subject:** RE: 20 Bedford Cres Forrestfield

Hi Craig

During our meeting today with Russell Nelson from Water Corporation he proposed a logical solution to this matter.

Russell discussed the situation with their real estate manager, Phil Bland, and they've suggested the land be vested to the Water Corporation at no cost to the Water Corporation. Either the entire road reserve (to Row Hwy) which is the area highlighted in yellow and red on the attached map. Or vest only the area highlighted in yellow.

Their preference would be both sections but this is open for discussion. And Minorco (the owner of 20 Bedford Cres) can acquire the section of land highlighted in green.

This solution allows the Water Corp's asset to be maintained under their control and council would no longer need to manage this small portion of road which serves very little purpose.

Could you please advise if you are satisfied with this solution so that we can discuss this option with Dept of Lands.

Please call should you wish to discuss further.

Regards

**Amanda Gauci**

Managing Director  
Pulse Property Solutions

**M** 0417 991 654

**W** [www.pulseps.com.au](http://www.pulseps.com.au)

PO Box 1685, Osborne Park DC WA 6916

**Your Property Development Partner**

---

## Attachment 5

Minorco Pty Ltd  
PO Box 232  
KARRINYUP WA 6921

3<sup>rd</sup> October 2014

Craig Fitzgerald  
Coordinator Asset Management  
Shire of Kalamunda  
PO Box 42  
KALAMUNDA WA 6926

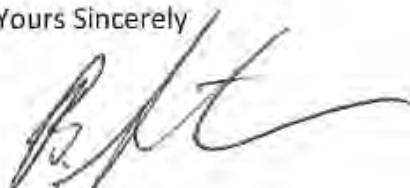
Dear Craig

**RE: CONFIRMATION TO PROCEED WITH THE LAND AQUISITION PROCESS**

Following your email to Amanda Gauci dated 23<sup>rd</sup> September 2014 please confirm that as the owner of the property at 20 Bedford Cres Forrestfield we wish to proceed with your proposed process. Amanda Gauci from Pulse Property Solutions will be the main contact during this process.

We look forward to progressing this matter further. Please contact the writer should you have any further queries.

Yours Sincerely



Brian Stinson  
Director  
Minorco Pty Ltd  
M: 0418 910 696

---

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

**07. Application for Funding under the Better Bins Program**

Previous Items	C&C 11/2014, OCM 49/2014
Responsible Officer	Director Infrastructure Services
Service Area	Operations
File Reference	OR-IGR-005
Applicant	N/A
Owner	N/A
Attachment 1	Correspondence received from the Waste Authority WA dated 24 December 2014

**PURPOSE**

1. To consider the Better Bins funding offer by the Waste Authority WA.

**BACKGROUND**

2. In February 2014, the Waste Authority WA promoted the funding scheme for the introduction of a third bin for household green waste to local government in WA and local authorities were invited to submit funding applications. The closing date was 30 June 2014.
3. At the Ordinary Council Meeting of 24 March 2014, Council resolved the following:  
*That Council:*
  1. *Confirm its commitment to its strategic objectives as outlined in the corporate plan and waste strategy to:*
    - c) *Waste minimisation*
    - d) *Resource recovery*
  2. *Endorse the submission of an expression of interest to the Waste Authority to participate in the funding for the Better Bins Program.*
  3. *Once the expression of interest submission is assessed by the Waste Authority a further report to Council will be provided in relation to the impact on the fees and charges.*
4. The submission was made and the Waste Authority WA has now completed the assessment of all submissions and made an offer to the Shire, which is detailed in (Attachment 1).

---

## DETAILS

5. Shire staff made a presentation to Council at a briefing session in April 2014 in which an estimate of the impact on fees and charges was presented based on 100%, 50% and 0% funding from the scheme for the introduction of the third bin.
6. The Expression of Interest submitted to the Waste Authority WA estimated a total of \$4,908,000 as the total implementation cost of the third bin for the period 2013/14 to 2015/16. The Shire contribution from municipal funds was estimated as \$574,000 for the period 2014/15 and 2015/16. The Better Bins funding component requested was thus \$4,334,000.
7. The offer by the Waste Authority WA is for the amount of \$516,760 based on 20,268 properties which is approximately 10.5% of the total cost of the introduction of the third bin in the Shire, based on 2014/15 cost estimates.
8. The offer by the Waste Authority WA allows for a maximum total funding of \$608,040 over the life of the Better Bins program, which is approximately 12% of the total cost of the introduction of the third bin in the Shire.

## STATUTORY AND LEGAL CONSIDERATIONS

9. Waste services are a general function of local government as defined in the *Local Government Act (1995)*.
10. The delivery of waste services, the role of the Waste Authority and the determination of fees and charges are subject to the *Waste Avoidance and Resource Recovery Act (2007)* and the *Waste Avoidance and Resource Recovery Levy Act (2007)*.

## POLICY CONSIDERATIONS

11. The Waste Strategy 2013-2023 approved by Council has guided the development of waste minimisation, recovery and reuse in the Shire operations.

## COMMUNITY ENGAGEMENT REQUIREMENTS

12. Not applicable but the City of Belmont would need to agree to acceptance of any offer made by any State government agency that would impact on the future operations and hence the existing Belmont community post 1 July 2015.
13. Consultation with the City of Belmont has noted that the City does not have a third bin system in place and no plans for such in their current waste strategy and hence they do not support acceptance of the offer.



---

## FINANCIAL CONSIDERATIONS

14. Either of the funding amounts offered by the Waste Authority WA represents a fraction of the funding amount requested in the Expression of Interest.
15. The current (2014/15) Shire of Kalamunda budget does not have sufficient funds to enable the implementation of a third bin under the funding offer currently on the table.
16. The City of Belmont budget and Long Term Financial Plan has no provision for the introduction of a third bin system from 2015/16.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *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.

Strategy 3.5.2 Identify initiatives and encourage residents to minimise waste generation and support resource recovery rather than traditional waste disposal.

## SUSTAINABILITY

### Social Implications

18. The provision of a three bin system for the collection of household waste, is a major change to the way the community deal with their waste stream. There would need to be a sustained level of community engagement and communication regarding the changes and the ways the community can determine the best options for their needs.

### Economic Implications

19. The waste service is an internally funded service with waste fees covering all the costs associated with the service. If the offer was to be accepted, there would be a substantial cost increase in the waste fees.

### Environmental Implications

20. Currently, less than 30% of waste generated within the Shire is diverted from landfill. The state government targets are for 50% diversion in 2015 and 65% by 2020. All local governments with three bin systems have achieved over 70% diversion rates since the implementation of these systems.

21. The collection of green organics provides an increased opportunity for the reuse of these materials as mulch or compost. This will reduce the Shire's reliance on sourcing materials from outside the region.

### RISK MANAGEMENT CONSIDERATIONS

22.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The funding offer from Waste Authority WA is accepted.	Unlikely	Extreme	Extreme	Waste fees are increased to fund the total cost of implementation
The funding offer from Waste Authority WA is rejected.	Likely	Insignificant	Medium	No change to the existing waste fees.

### OFFICER COMMENT

23. The funding offer is not adequate for the introduction of a third bin system in the Shire and would impose a significant increase in the waste fees should the offer be accepted. On this basis, it is recommended that the Shire does not accept the offer from the Waste Authority WA.

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

### COMMITTEE RECOMMENDATION TO COUNCIL (D&I 07/2015)

That Council:

1. Rejects the Better Bins funding offer and authorises the Chief Executive Officer to advise the Waste Authority WA of the decision.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Margaret Thomas**

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

## Attachment 1



OUR FILE REF: DER2014/751-4  
OUR REF: WASU-00692

Ms Rhonda Hardy  
Chief Executive Officer  
Shire of Kalamunda  
PO Box 42  
KALAMUNDA WA 6926

Locked Bag 33  
Cloisters Square, Perth WA 6850  
Tel: 08 6467 5325  
info@wasteauthority.wa.gov.au  
www.wasteauthority.wa.gov.au

Dear Ms Hardy

### **SHIRE OF KALAMUNDA BETTER BINS FUNDING OFFER**

Thank you for your expression of interest (EOI) for the Better Bins Kerbside Collection Program. I am pleased to inform you that your council is eligible to receive up to \$516,760 based on the kerbside services we understand you have committed to in your EOI.

This letter explains the funding offer and the conditions on which it is made.

Round one of the program was deliberately structured as a pilot. This approach has helped the Waste Authority to better understand local governments' preparedness to move towards better practice kerbside collection systems, and has informed a more detailed design of the program to maximise its benefits over the longer term.

The Waste Authority has developed an approach which aims to provide a strong incentive for local governments to provide better practice kerbside services to their communities to maximise resource recovery. The approach consists of two components, being:

- a funding method – to determine the allocation of funding to councils, and
- investment priorities – to guide investments towards program priorities.

#### **Funding method**

The Waste Authority encourages the use of a three-bin system to provide increased source separation and higher recovery. It should be noted that a number of local governments have already implemented weekly co-mingled recycling collections to address issues of insufficient volume being available in 240L bins that are collected fortnightly. The use of 360L co-mingled recycling bins should be carefully considered where future collection services are not envisaged to be provided more than fortnightly.

Collection services have been categorised into four 'preference' types that reflect the level of source separation and the amount of recycling capacity (as a proportion of total capacity) provided. The funding method allocates a dollar amount per household based on the service your council provides to households.

	<b>Services</b>	<b>Funding allocation per household</b>
<b>Preference 1</b>	1. general waste (small) - 80L, 120L or 140L weekly 2. co-mingled recycling - 240L or more fortnightly 3. green waste/organics - 240L or more fortnightly	\$30
<b>Preference 2</b>	1. general waste - 240L weekly 2. co-mingled recycling - 240L or more fortnightly 3. green waste/organics - 240L or more fortnightly	\$24
<b>Preference 3</b>	1. general waste (small) - 80L, 120L or 140L weekly 2. co-mingled recycling - 240L or more fortnightly	\$10
<b>Preference 4</b>	1. general waste - 240L weekly 2. co-mingled recycling - 240L or more fortnightly	\$4

A more detailed breakdown of the funding method, including details of the Better Bins incentive payment for a three-bin system, is provided at Attachment 1.

The funding amount offered to the Shire of Kalamunda has been determined based on our understanding of your commitment to providing the following services to the 20,268 households in the municipality.

<b>Service</b>	<b>Number of households</b>	<b>Funding per household</b>	<b>Total</b>
General waste (small) - 80L, 120L or 140L weekly	19,218	\$6	\$115,308
General waste - 240L weekly	1,050	\$0	\$0
Co-mingled recycling - 240L or more fortnightly	16,948	\$4	\$67,792
Green waste/organics - 240L or more fortnightly	19,038	\$5	\$95,190
Better Bins incentive	15,898	\$15	\$238,470
<b>Total</b>		<b>\$30</b>	<b>\$516,760</b>

#### **Investment priorities**

A key objective of the Better Bins program is to provide funding to support investment in better practice kerbside systems consistent with the *Better Bins: Kerbside Collection Guidelines*. The guidelines also recognise the importance of complementary measures to ensure the community understands the benefits of the system and how to use it effectively.

Investment priorities have been developed to guide investment decisions to ensure that funds provided under the program are applied consistent with the objectives of the program. Please see Attachment 2 for details.

Importantly, funds must be applied to new activities and cannot be applied retrospectively.

#### **The offer**

The Shire of Kalamunda is eligible for a maximum of \$608,040 over the life of the Better Bins program. This amount is based on all 20,268 households receiving a preference 1 service (thereby receiving the maximum of \$30 per household). Your council has two options available to you:

### Option 1

You can reconsider the kerbside services provided to households in your municipality so as to maximise the funding amount available to your council.

### Option 2

You can accept the offer of up to \$516,760 which is based on the services your council has committed to in the EOI.

If you choose Option 2, your council will be eligible to apply at a later date for the difference between the maximum possible amount (\$608,040) and the amount allocated in this round (up to \$516,760).

### **Additional guidance**

The pilot phase of this program has identified the need for additional guidance and benchmarking information to be produced relating to some elements of the *Better Bins: Kerbside Collection Guidelines*.

Guidance is provided at Attachment 3 for:

- the roll-out of better practice services
- Australian Standard bin colours
- complementary measures.

It will be important for the Waste Authority to understand how your council will implement services with regard to the guidance material.

### **Announcements**

The Minister for Environment reserves the right to announce Better Bins projects. It is critical that your council does not publicly release any information relating to this offer before Better Bins projects have been publicly announced by the Minister, or you receive approval from the Waste Authority.

### **Next steps**

Please consider this offer and advise the Waste Authority of your decision.

If you choose to proceed with the current offer of \$516,760 based on the information provided in your EOI, a funding agreement will be drafted for your consideration and signing. Please also check that our understanding of your commitment to delivering kerbside collection services is correct. The funding offer is based on this understanding.

If you choose to reconsider the kerbside services provided to households to maximise funding available to your council in this funding round, please provide the details of the services you will commit to providing.

If you have any questions, please contact Anna van Oosten on (08) 6467 5471.

Yours sincerely



Marcus Geisler  
**CHAIRMAN**

24 December 2014

## Attachment 1 - Funding method

The aim of the Better Bins program is to support the transition of a maximum number of local governments/households to better practice kerbside collection services. A funding method has been developed that allocates a dollar amount per household based on the service provided by local governments.

The funding method includes four categories of collection service in order of preference (Table 1). The method provides incentive and rewards commitment to a three-bin system by offering significantly higher funding than is available for a two-bin system.

The method offers:

- more funding for local governments that offer a comprehensive three-bin service; and
- more funding to local governments that use a smaller (80L, 120L or 140L weekly) general waste red-lidded bin or collect general waste fortnightly.

The funding offer is calculated as a maximum, and funds will be allocated according to the actual services provided to households. The funding method is based on providing a maximum subsidy of \$30 per household over the life of the program.

The funding allocation must be tied to new infrastructure to ensure that local governments invest in the best possible service. Funding is for new activities to either improve an existing service (within a preferred system) or shift towards a higher preference (e.g. by introducing a green waste/organics bin).

**Table 1: Better Bins funding method**

Standard Service type	Funding allocation <i>per household receiving the service</i>
<b>Preference 1: Three collection services</b>	
• general waste (small) - 80L, 120L or 140L weekly	\$6
• co-mingled recycling - 240L or more fortnightly	\$4
• green waste/organics - 240L or more fortnightly	\$5
• better bins incentive*	\$15
<b>Preference 2: Three collection services</b>	
• general waste - 240L weekly	\$0
• co-mingled recycling - 240L or more fortnightly	\$4
• green waste/organics - 240L or more fortnightly	\$5
• better bins incentive*	\$15
<b>Preference 3: Two collection services</b>	
• general waste (small) - 80L, 120L or 140L weekly	\$6
• co-mingled recycling - 240L or more fortnightly	\$4
<b>Preference 4: Two collection services</b>	
• general waste - 240L weekly	\$0
• co-mingled recycling - 240L or more fortnightly	\$4

\* The Better Bins incentive applies on a per household basis if all three kerbside services are provided consistent with the benchmarks at Attachment 3.

## Attachment 2 - Expenditure of funds

Expenditure of funds should be determined by 'investment priorities' (Table 2).

Funds should be allocated, in the first instance, to the provision of optimum infrastructure and collection consistent with the Better Bins guidelines. Local governments should maximise recycling capacity and reduce general waste capacity, with a preference to providing greater source separation. Optimal provision of infrastructure is defined by the benchmarks within the funding conditions (Attachment 3).

Once optimal provision of infrastructure has been achieved, remaining funds may be allocated to supporting engagement and participation which targets the collection service.

**Table 2: Better Bins investment priorities**

<b>Investment priority</b>	<b>Expenditure of funds</b>
<b>Investment Type A</b> Optimise infrastructure and collection service	<ul style="list-style-type: none"><li>• New bins (e.g. green/organic waste, small general waste, large co-mingled)</li><li>• Retrofitting bins</li><li>• Australian Standard coloured bin lids</li><li>• Service modifications (to increase recycling volume and/or reduce general waste volume)</li></ul>
<b>Investment Type B</b> Engagement and participation	'Complementary measures' such as education and engagement which target the service and encourage participation.



## **Attachment 3 - Funding conditions**

### **Roll-out of better practice kerbside services**

#### ***Principle***

In order to receive funding from the Better Bins program, local governments must demonstrate how they will provide better practice kerbside services so as to maximise the benefit and effectiveness of the system. This includes:

- providing better practice services to an optimum number of households
- providing greater recycling volume and less volume for general waste. Volumes can be managed by changing bin sizes (e.g. from 240L recycling bin to 360L) or by changing collection frequencies (e.g. from fortnightly recycling collection to weekly).

The Waste Authority recognises the need for some level of flexibility which takes into account particular characteristics of a local government area.

#### ***Considerations***

In demonstrating how an optimum roll-out of services will be achieved, local governments should consider the following:

- Standard service offered to all households within the local government area.
- Service offerings for particular housing types such as multi-unit or higher density dwellings.
- Flexibility for households to 'opt out' of service changes that increase volume for recycling or reduce volume for general waste. An 'opt-out' model generally results in higher uptake of the preferred system than an 'opt-in' model.
- The use of pricing mechanisms to encourage the uptake of better practice services.

**Benchmarks**

<b>Benchmark for standard service</b>	
Preference 1*	<p><b>Green waste service</b> – the local government will provide at least 240L fortnightly volume for green waste/organics to all single-residential properties within the collection service area with a block size of over 320-400m<sup>2</sup>.</p> <p><b>Co-mingled recycling service</b> – the local government will provide at least 240L fortnightly volume for co-mingled recycling to all single-residential properties within the collection service area.</p> <p><b>General waste service</b> – the local government will provide at most 140L* weekly volume for general waste to all residential properties within the collection service area.</p>
Preference 2	<p><b>Green waste service</b> – the local government will provide at least 240L fortnightly volume for green waste/organics to all single-residential properties within the collection service area with a block size of over 320-400m<sup>2</sup>.</p> <p><b>Co-mingled recycling service</b> – the local government will provide at least 240L fortnightly volume for co-mingled recycling to all single-residential properties within the collection service area.</p> <p><b>General waste service</b> – the local government will provide at most 240L weekly volume for general waste to all residential properties within the collection service area.</p>
Preference 3	<p><b>Co-mingled recycling service</b> – the local government will provide at least 240L fortnightly volume for co-mingled recycling to all single-residential properties within the collection service area.</p> <p><b>General waste service</b> – the local government will provide at most 140L weekly volume for general waste to all residential properties within the collection service area.</p>
Preference 4	<p><b>Co-mingled recycling service</b> – the local government will provide at least 240L fortnightly volume for co-mingled recycling to all single-residential properties within the collection service area.</p> <p><b>General waste service</b> – the local government will provide at most 240L weekly volume for general waste to all residential properties within the collection service area.</p>

**\* Preference 1:**

Local governments are eligible for the maximum funding of \$30 per household awarded for adopting preference 1 conditional upon:

- offering small (140L or less) general waste bin as standard, allowing households that wish to retain a large 240L bin to 'opt-out'; and
- offering differential pricing (between small and large general waste bin) to encourage uptake of the smaller general waste bin.

## **Australian Standard bin colours**

### ***Principle***

In order to receive funding from the Better Bins program, local governments must demonstrate a commitment to implementing Australian Standard bin colours.

The 2006 *Australian Standard 4123.7-2006 Mobile Waste Containers – Colours, markings and designation requirements* (Australian Standard) specifies requirements for mobile waste containers, including bin lid colours. Consistent use of bin lid colours for different waste streams allows for more consistent communications and can increase resource recovery by improving source separation and reducing contamination. Consistent bin lid colours help residents to use kerbside bins more effectively, irrespective of which local government area they are in.

### ***Considerations***

The Waste Authority recognises that a transition to Australian Standard bin colours needs to consider a range of factors. Local governments should plan their transition to Australian Standard bin lid colours with consideration to:

- Contracts – the timing of a local government's transition to Australian Standard bin colours may be constrained by existing contractual arrangements. Any new or amended contract should include a commitment to transition to Australian Standard colours by 30 June 2020.
- Attrition rates – the attrition rates of bin stock may inform the timing of a local government's transition to Australian Standard bin colours. Any new or replacement bins must conform to the Australian Standard.

### ***Benchmark***

All household kerbside bins within the local government area are to be consistent with the Australian Standard by 30 June 2020.

### ***Minimal requirements***

- Only bins that are compliant with the Australian Standard are to be purchased with Better Bins funding.
- Properties are to receive an Australian Standard compliant bin or bin lid if they:
  - have requested a new service or additional bins
  - require a new bin or bin lid due to damage to their existing bin
  - are receiving a bin as part of an expansion to the waste collection service.

## **Complementary measures**

### ***Principle:***

In order to receive funding for the Better Bins program, local governments must demonstrate a commitment to providing effective communication, education and engagement (complementary measures).

Effective complementary measures are essential for the successful implementation of changes to an existing service or introduction of a new service.

### ***Considerations:***

The Waste Authority recognises there are many approaches to communicating services to residents and a variety of activities may be undertaken. In managing their communication activities, local governments should:

- ensure they are appropriate to the local government's situation
- refer to *Recycle Right: Improving waste recovery and recycling through effective communications, a guide to communications*, which is currently being developed by the Waste Authority.

### ***Benchmark***

All households with the new services in the local government area will receive information on the new services (as per the minimum requirements below) to ensure they understand the benefits of the new system and how to use it effectively to maximise resource recovery.

### ***Minimum requirements:***

All communications must be consistent with the key messages contained within *Better Bins: Kerbside Collection Guidelines*. Local governments should adopt a combination of written materials, promotional activities and direct (face-to-face) engagement. Minimum requirements include:

- **Information to households** – All households in the local government area should receive:
  - a 'first letter' letter and pamphlet ahead of the roll-out, which explains the new system in words and pictures
  - a 'second letter' and information pack at the time of the roll-out, which includes comprehensive information such as a booklet or calendar.
- **Website** – The local government website should contain information on the kerbside collection service which is clear, easily accessible and up to date.
- **Staff training** – Local government staff, including front-line staff and staff likely to receive queries about the service, should receive training to understand the kerbside collection system and how to use it correctly.
- **Monitoring and evaluation** – Local governments should collect data to enable evaluation of the effectiveness of complementary measures, and inform any modifications for continuous improvement.
- **Direct engagement** – Local governments should consider opportunities to engage face-to-face with their communities, such as at shopping centres or at events.

The Waste Authority is available to provide further guidance on complementary measures.

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

**08. CONFIDENTIAL REPORT – Consideration of Tenders – Electrical Maintenance Services (RFT1406)**

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

Previous Items	Nil
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	RFT1406
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Confidential Attachment – Tender Evaluation Report <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>

*A full Report was circulated to Councillors under separate cover. This matter was considered under Point 14. of this Agenda.*

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 08/2015)**

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint the following contractors, in strict priority order, for the provision of Electrical Maintenance Services:
  1. Kalamunda Electrical (\$67.80 per hour)
  2. A&S Hill Electrical (\$70.00 per hour)
  3. Marsh Electrics (\$75.00 per hour) and,
  4. Multi Trades (\$90.00 per hour)
2. The contract period is for two years with 2 x 12 month extensions at the Principal's discretion.
3. The contract price is fixed for a period of 12 months with CPI (Australia) adjusted annually.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

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

---

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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Allan Morton – Land-swap Men’s Shed land and Department of Lands

Q. Could I please have an up-date regarding the land-swap between the Department of Lands and the block the Forrestfield Men’s Shed is on?

A. The Director Development Services indicated that the Shire is still waiting for a response from the Department of Lands; this was followed up by the Shire last week.

11.2 Cr Allan Morton - ACROD Bays Review

Q. I attended the Disability Access & Inclusion Advisory Committee meeting this afternoon; the Committee enquire could the ACROD bays in the Kalamunda Town Site be reviewed and additional bays be considered in streets that do not have them.

A. Director Infrastructure took this question on notice.

11.3 Cr Noreen Townsend – Works Proposed for the Zig Zag

Q. Please could you give me an up-date on the works previously detailed for the Zig Zag Scenic Drive as I understand there were major problems experienced by residents again at that site last weekend?

A. Director of Infrastructure Services responded that since the Zig Zag Action Group’s meeting last November the installation of the three traffic calming devices will proceed this financial year as planned. Vegetation clearance and lighting approval is in hand. In terms of the behavioural issues there has been a new police officer employed in Forrestfield in charge of traffic operations, her contact details were provided to the Action Group two weeks ago as she is offering to meet with them.

11.4 Cr John Giardina – Pickering Brook Townsite

Q. Within the new Pickering Brook town site plans does the Shire have provision for aged care facilities in this area?

A. Director Development Services indicated a report would come before Council in March or April regarding the Pickering Brook Town Centre which included giving consideration to aged care in that area.

11.5 Cr Frank Lindsey – Aged Care in Pickering Brook Town Centre

Q, Since aged care is a prescribed use in a water catchment area would this prevent such a development?

A. Director Development Services indicated such things can be negotiated, this is being investigated with the Department of Water to see if this can be included in the original concept. Investigation is taking place to see if the type of soil in this location would make it viable.

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

12.1 Cr Andrew Waddell – Footpath Wandoo Road, Forrestfield

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

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

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

A2. Construction of this particular footpath has been listed in the Capital Works Projects of the Long Term Financial Plan for consideration in the 2015/2016 budget. The project consists of a 570m length of footpath with an estimated construction cost of \$100,000.

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

13.1 Nil.

**14.0 MEETING CLOSED TO THE PUBLIC**

**14.1 Meeting Closed to the Public**

That the meeting go behind closed doors to consider 08. CONFIDENTIAL REPORT – Consideration of Tenders – Electrical Maintenance Services (RFT1406)

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

Moved: **Cr Sue Bilich**

Seconded: **Cr Margaret Thomas**

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

The meeting closed to the public at 7.17pm.

14.2 **Meeting Reopen to the Public**

That the meeting reopen to the public.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sue Bilich**

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

The meeting reopened to the public at 7.21pm.

14.3 The Presiding Member read the Recommendation regarding Item 08  
**Confidential Report – Consideration of Tenders – Electrical  
Maintenance Services (RFT1406)**

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 08/2015)**

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint the following contractors, in strict priority order, for the provision of Electrical Maintenance Services:
  1. Kalamunda Electrical (\$67.80 per hour)
  2. A&S Hill Electrical (\$70.00 per hour)
  3. Marsh Electrics (\$75.00 per hour) and,
  4. Multi Trades (\$90.00 per hour)
2. The contract period is for two years with 2 x 12 month extensions at the Principal's discretion.
3. The contract price is fixed for a period of 12 months with CPI (Australia) adjusted annually.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

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



---

**15.0 CLOSURE**

15.1 There being no further business the Presiding Member declared the meeting closed at 7.22pm.

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