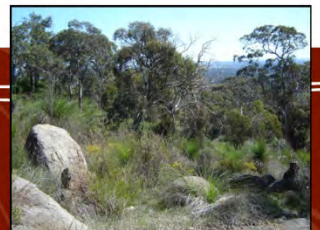


# Development & Asset Services Committee Meeting

Minutes for Tuesday 6 June 2017

**UNCONFIRMED**



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kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.40pm, and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

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

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Natalie Martin Goode	Director Development Services
Dennis Blair	Director Asset Services
Gary Ticehurst	Director Corporate & Community Services
Darrell Forrest	Manager Governance, Strategy & Legal Services
Simon Di Rosso	General Counsel & Executive Advisor, Governance & Legal
Jordan Korovesi	Senior Strategic Planning Officer
Andrew Fowler-Tutt	Manager Approval Services
Donna McPherson	Executive Research Officer to Chief Executive Officer
Nicole O'Neill	Public Relations Coordinator
Sara Slavin	Council Support Officer

**Members of the Public** 10

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Tracy Destree	North Ward
Noreen Townsend	South West Ward

##### Members of Staff

Nil.

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 Mr Tom Wier, 12 Pindara Place, Lesmurdie**

Q. What is proposed for the Reserve on the corner of Kershaw Avenue and Pindara Place adjacent to Mazenod College?

A. The Director Development Services took this question on notice and advised she would seek advice from Mazenod College as the Reserve does not form part of the Planning Application included in tonight's Agenda.

### **4.0 PETITIONS/DEPUTATIONS**

#### **4.1 Nil.**

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

#### **5.1 That the Minutes of the Development & Asset Services Committee Meeting held on 1 May 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.**

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

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

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

#### **6.1 The Presiding Member Congratulated Simon Di Rosso on his appointment as the Shire's General Counsel and Executive Advisor, Governance & Legal.**

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

#### **7.1 40. CONFIDENTIAL ITEM – Consideration of Tenders – Provision of Verge Vegetation Management Services (RFT1707) - Reason for Confidentiality Local Government Act 1995 S5.23 (2) (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 disclosed a direct financial interest regarding item 35. Additions to Education Establishment, Design and Technology Centre and associated car parking - Lot 126, (55) Gladys Road, Lesmurdie as he is employed as a Teacher at Mazenod College.

8.1.2 Simon Di Rosso disclosed a direct financial interest regarding item 39. Consent to advertise new Local Planning Policy P-Dev 54 – Dual Density Design Guidelines as he owns a property in the Dual Density Area.

8.1.3 Cr Andrew Waddell disclosed a direct financial interest regarding item 39. Consent to advertise new Local Planning Policy P-Dev 54 – Dual Density Design Guidelines as he owns a property within the Dual Density Area.

8.1.4 Cr Dylan O'Connor disclosed a direct financial interest regarding item 39. Consent to advertise new Local Planning Policy P-Dev 54 – Dual Density Design Guidelines as he owns a property within the Dual Density Area.

8.1.5 Cr Allan Morton disclosed a direct financial interest regarding item 39. Consent to advertise new Local Planning Policy P-Dev 54 – Dual Density Design Guidelines as he owns a property within the Dual Density Area.

### **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 Simon Di Rosso disclosed a direct impartiality interest regarding item 39. Consent to advertise new Local Planning Policy P-Dev 54 – Dual Density Design Guidelines as he owns a property in the Dual Density Area.

## **9.0 REPORTS TO COUNCIL**

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

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

**29. Guidelines for Subdivisional Development**

Previous Items	Nil
Responsible Officer	Director Asset Services
Service Area	Asset Planning and Management
File Reference	PG-SCC-001
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Local Government Guidelines for Subdivisional Development
<u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (e) – “a matter that if disclosed, would reveal – (i) a trade secret; or (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”</i>	

**EXECUTIVE SUMMARY**

1. To consider endorsement of the use of the Local Government Guidelines for Subdivisional Development (The Guidelines) for the management of engineering and landscaping aspects of subdivision, and support the further work to review current practices for the development of additional guidelines that are specific to the Shire of Kalamunda.
2. The Guidelines which were first prepared in 1998, amended in 2009 and 2011, with a third major update in progress. They are widely used across Western Australia and provide an essential set of instructions for both the local government and the developer, for the management of subdivision works that occur after conditions for a subdivision are set by the Western Australian Planning Commission (WAPC). The objectives of the Guidelines are in summary to standardise engineering requirements and streamline approvals processes.
3. Providing both detailed specifications and flexible approaches to the management of engineering and landscaping aspects of developments, the Guidelines will support improvements in internal practices and thereby improve relationships with developers.

4. It is recommended that the Guidelines be endorsed.

## **BACKGROUND**

5. The Institute of Public Works Engineers Australasia (IPWEA), in partnership with the Department of Planning has prepared a set of standard guidelines for developments (refer Confidential Attachment 1). This document is very progressive in the nature of the partnership, as it brings together the interests of planners, and engineers to reach common objectives and methods of managing developments after subdivisional conditions have been set. The guidelines which were first issued in 1998 are currently on their third major update and are widely used across Western Australia.
6. The Guidelines have been included as a Confidential Attachment since they are subject to copyright and IPWEA has requested that they are not attached publicly to the minutes. A pdf copy of the Guidelines can be purchased from IPWEA at a cost of \$168 (inc GST).
7. The Shire of Kalamunda has for many years used its own guidelines to manage the engineering and landscaping requirements of developments. These former Shire guidelines are based on various specifications and practices used across local government, resulting in a useful but incomplete set of requirements. This has created increasing risk that the Shire is applying non-standard requirements, and may be exposing itself to poorly constructed and shorter life of assets. This has prompted the proposal for the Shire to use the Local Government Guidelines for Subdivisional Development.

## **DETAILS**

8. Subdivision and Development Applications are processed through the Approvals Services of the Shire of Kalamunda. The process includes referring developments to Asset Services for consideration when there are factors relating to engineering and landscaping. While the WAPC ultimately sets the conditions that must be complied with for any development, the local government has some flexibility to interpret how the conditions are applied. It is this flexibility of interpretation that requires effective management by using appropriate guidelines.
9. As part of this delegation, the local government is required to consider many factors in determining an application for subdivision approval. The types of factors that are administered in terms of engineering and landscaping (as opposed to planning and building) include:
  - The effect of the development on the natural environment,
  - Suitability of the land when considering flooding, subsidence, or land slips, soil erosion, and land degradation,
  - Preservation of the amenity of the locality (through streetscaping treatments for example),
  - Capacity of the road system, effect of traffic flow and road safety,
  - Public transport requirements,
  - Access for pedestrians and cyclists,
  - Access by disabled persons, and
  - Provision for landscaping, and preservation of trees and vegetation.

- Ensuring environmental conditions are addressed in the final detailed engineering and landscape treatments.

(adapted from the Department of Planning's *Introduction to the Western Australian Planning System*, 2014).

10. The Guidelines apply after the subdivision approval conditions have been set by the WAPC. They are stated to "underlie and support subdivision conditions". The Guidelines were developed in partnership with the Department of Planning, and provide a direct link to the planning framework for Western Australia.
11. The objectives of the Guidelines are to ensure that subdivisional development:
  - Meets relevant design and construction standards to ensure safety and longevity,
  - Produces a beneficial asset for the community,
  - Being effective (achieves its intention),
  - Occurs in an efficient manner,
  - Minimises adverse effects on the local environment,
  - Produces suitable lots and facilities at a reasonable cost to the community,
  - Minimises future maintenance liability, and
  - Considers and allows for future development and maintenance.(quoted from the Local Government Guidelines for Subdivisional Development, 2012).

## STATUTORY AND LEGAL CONSIDERATIONS

12. The Planning and Development Act 2005 sets the core requirements that inform the management of engineering and landscaping in subdivisions. Some of the core requirements that flow through to the Guidelines include:
  - The provision of minimum area of Public Open Space (POS),
  - The requirements for the developer to pay supervision fees to the local government for certain aspects of the work,
  - The setting of conditions for subdivision approvals, and
  - The types of conditions that are "to the satisfaction of" the local government.
13. The Guidelines only become applicable after the planning conditions for subdivision have been set by the WAPC. However, the requirements also serve to inform the Shire of items to consider when requesting conditions.
14. The use of the Guidelines will support and comply with the following legislation (specifically mentioned in the Guidelines):
  - *Planning and Development Act 2005*
  - *Environmental Protection Act 1986 and Environmental Protection Regulations 1987*
  - *Contaminates Sites Act 2003*
  - *Disability Services Act 1993*
  - *Health (Miscellaneous Provisions) Act 1911*



- *Public Health Act 2016*
- *Bush Fires Act 1954*
- *Conservation and Land Management Act 1945*
- *Native Title Act 1993 and Amendments 1998 (Federal)*
- *Aboriginal Heritage Act 1972*
- *Local Government Act 1995*
- *Fire and Emergency Services Authority WA Act 1998*
- *Swan and Canning Rivers Management Act 2005*
- *Occupational Safety and Health Act 1984*, and
- *Environment Protection and Biodiversity Conservation Act 1999* as amended (Federal).

## **POLICY CONSIDERATIONS**

15. The endorsement of the Guidelines supports the state planning policies.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. Development Services has advised that the Guidelines are an excellent document for local governments and developers to ensure a consistent high standard of process and built form outcome in relation to subdivision. The guidelines are also an important explanatory document that support the model list of subdivision conditions.

### **External Referrals**

17. The original 1998 Guidelines and subsequent revisions have been subject to detailed engagement with local government, State Government organisations, developers, consultants, contractors and professional institutions.

## **FINANCIAL CONSIDERATIONS**

18. There are no direct financial considerations arising from the use of the Local Government Guidelines for Subdivisional Development. The financial considerations that arise from subdivision developments include:
- Gifting of assets such as public roads, drainage and public open space,
  - Supervision and administration costs incurred by the Shire,
  - Supervision fees charged to the developer,
  - Cash in lieu where this option is requested by the WAPC or developer, and
  - Bonding of works, where this option is requested by the developer.
19. Financial considerations are specified in the relevant legislation. The Guidelines provide advice on how these financial considerations can be best applied. For example, the *Planning and Development Act 2005* states the ability for local government to receive a supervision fee for certain aspects of the works.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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

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

OBJECTIVE 6.7 – To provide a business environment that strives for continuous improvement through the use of highly effective business systems and processes.

Strategy 6.7.2. Regularly review services, business processes and standards offered by the Shire to ensure they meet community needs.

## **SUSTAINABILITY**

### **Social Implications**

21. There are no direct social implications from the use (or not) of the Guidelines.

### **Economic Implications**

22. There are no direct economic implications from the use of the Guidelines. Indirectly, by ensuring the construction of assets in subdivisions meet an accepted and published standard, there will be stable economic implications for developers.

### **Environmental Implications**

23. The Guidelines include several requirements that will directly improve the management of the environment, such as:

- Requirements for clearing permits from the Department of Environment and Conservation,
- Requirements for management plans to protect flora and fauna, where required by the local government, and
- Stated objectives like "encourage the retention and enhancement of endemic vegetation and other natural features" (IPWEA, 2012, p121).

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action / Strategy
That the guidelines are not suitable for a given situation in the Shire (due to geology, environment or other local aspect), resulting in a poor outcome.	Possible	Moderate	Medium	A review of current local engineering and landscaping requirements will be undertaken and compared to the Guidelines to determine if further specific requirements are needed.
That the Guidelines are implemented incorrectly, or requirements not enforced, resulting in poor quality assets and urban environment.	Possible	Moderate	Medium	A structured review of all current practices, processes, templates and checklists will be undertaken to align to the Guidelines. This will include training of staff.

## OFFICER COMMENT

25.

The Guidelines provide detailed, and in some cases specific instructions and specifications for the management of the engineering and landscaping works in developments. This is written for both the local government and the developer, to explain their respective responsibilities and standards in managing the development. The content is provided as a guide, and as a minimum standard. Examples of the types of works covered include:

- Guide to requesting road safety audits, and traffic impact studies,
- Explanation of what supervision fees are for and when and how to apply them,
- Links to the many types of legislation that need to be considered (refer to the list under "Statutory and Legal Considerations"),
- Managing the work, such as approval periods, engaging consultants, notifications of work, hours of work, and meetings,
- Supervision including inspection controls and checklists,
- Formal steps in the works such as practical completion, clearances, bonds, defects liability periods, and asset register data.
- Materials specifications, design drawing standards, and construction methods, and
- Earthworks, roads, drainage, streetscapes, and public open space.

26. In addition to the details and specifications, the Guidelines acknowledge other informing strategies and planning documents such as Water Sensitive Urban Design, and Liveable Neighbourhoods. This ensures that the focus is flexible and adaptable, enabling creative design solutions within the planning framework.
27. There are some aspects of developments that are not sufficiently covered by the Guidelines. The Shire will be developing local guidelines to ensure the industry practice to suit the local environment conditions:
- Protection of natural features and resources,
  - Drainage easements, drainage outflows to creeks, erosion control and the management of water quality,
  - High quality landscape development to meet the needs of the community for sport, recreation and nature spaces,
  - Street design for all forms of transport, optimum amenity and safe travel environments, and
  - Landscape design and fit for use water resource and water use efficiencies to service the diverse needs of the community for public open space development.
28. The use of the Guidelines (or not) is at the discretion of each local government authority. The Guidelines do not require that Council approve their use, consequently this report seeks endorsement only. The endorsement of the Guidelines will support improvements in internal practices and thereby improve relationships with developers.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 29/2017)**

That Council:

1. Endorses the Local Government Guidelines for Subdivisional Development for the management of engineering and landscaping in developments.
2. Supports the further work to review current practices for the management of engineering and landscaping aspects of developments with the aim of developing additional guidelines that are specific to the Shire of Kalamunda.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

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

### **Confidential Attachment 1**

Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (e) – “a matter that if disclosed, would reveal – (i) a trade secret; or (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”*

**This attachment has been circulated to all Councillors under separate cover.**

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

**30. Restoration of Alan Anderson Park, Walliston**

Previous Items	OCM 165/2015; OCM 23/2016; OCM 84/2016
Responsible Officer	Director Asset Services
Service Area	Asset Maintenance
File Reference	LW-03/180(RESERVE)
Applicant	N/A
Owner	N/A
Attachment 1	Letters of response from Department of Environment Regulation and Department of Health
Attachment 2	Management Option 1

**EXECUTIVE SUMMARY**

1. To consider the endorsement of the proposal to restore Alan Anderson Park to its pre-closure standard for a total estimated project cost of \$498,000.
2. The Department of Environment Regulation (DER) and Department of Health (DoH), as the regulators for asbestos contamination matters, have provided their requirements for the restoration of Alan Anderson Park to allow it to be maintained for public recreation purposes.
3. Estimates are provided for the:
  - Restoration of Alan Anderson Park to its pre-closure standard to meet the requirements of the regulators.
  - The conversion of this space into a bushland reserve for the use as a future offset site.
4. It is recommended that an amount of \$498,000 for the restoration of Alan Anderson Park be listed for consideration in the draft 2017/2018 Capital Works Program.

**BACKGROUND**

5. Alan Anderson Park, is located on an old tip site at the corner of Lawnbrook Road East and Pomeroy Street. The Park is located opposite the Walliston Transfer Station.



6. There are a number of local reserves within 1500m of this reserve, including:
  - Bill Shaw Reserve (Neighbourhood Park) 1,500 metres
  - Sing Gardens POS 1,150m
  - Bickley Recreation Ground 620m
  - Marko Travicich Reserve 1,300m
  - Railway Heritage Trail 350m
  - Conti Gardens Estate proposed POS – 300m
7. Alan Anderson Park was used as a landfill site, including the deposit of building rubble, car parts and other inert materials. It is confirmed that asbestos was also deposited in this site.
8. A geotechnical report was completed in October 2015 with the analysis and bores highlighting that there was insufficient compaction of waste materials as the site was filled and as a result, there is ongoing settlement of the waste materials. Further to this, there are indications that as the materials in the tip site degrade, additional air pockets are forming, causing the capping layer to settle. As a result, the site has formed significant undulations and sink holes.
9. Council considered a report at its meeting on 7 December 2015 regarding the issues with the sinkholes, details of a geotechnical report and four options to address the issue. It was resolved as follows:
  - i. Note this report regarding the future of Alan Anderson Park in Walliston.
  - ii. Endorse the proposal to return Alan Anderson Park to a bushland reserve, using the site for future offsets as a means to provide the required plantings. The site will be fully fenced to minimise future public access.
  - iii. Undertake a community engagement program with residents using onsite advertising, direct mail-out and media releases. Following consultation a report will be presented in March 2016."
10. In accordance with recommendation three, a community engagement process on the future of Alan Anderson Park was implemented with residents and at its meeting on 23 May 2016, Council considered a report on the outcomes of this process and resolved as follows:
  - i. Notes that the key outcome from the community engagement process is the support from the local community for the restoration of Alan Anderson Park as a local level park at the least cost to comply with any conditions imposed by the Department of Environment Regulation.
  - ii. Notes that under the provisions of Section 15 of the *Contaminated Sites Act* 2003 (the Act), the Department of Environment Regulation (DER) has classified this site (being Bickley Townsite Lot 100 known as Crown Reserve 37174, 180 Lawnbrook Road, Walliston WA 6076) as "Possibly Contaminated – Investigation Required".
  - iii. Notes that a memorial has been registered against the Certificate(s) of Title under Section 58(b) of the Act which restricts development of the land without seeking, and taking into account, advice from DER as to the suitability of the proposed development.
  - iv. Notes that Administration has commenced the process to appoint a consultant to undertake a Preliminary Site Investigation of the site in accordance with the Contaminated Site legislation, with the costs of

- this consultancy to be charged to the contaminated sites project account.
- v. Requests a further report to Council on the outcomes of the Preliminary Site Investigation and advice from the DER.
  - vi. Lists an amount of \$120,000 in the draft 2016/2017 Capital Works Budget to address the outcomes of the Preliminary Site Investigation and advice from the Department of Environment Regulation and a further \$400,000 in the draft 2017/2018 year of the Long Term Financial Plan towards the restoration of the park in accordance with any conditions imposed by DER.
  - vii. Retains the fencing around Alan Anderson Park until such time as all investigations, reports and monitoring are complete and a final decision is made by Council on the funding of the restoration of the park.
  - viii. Advises the community of the status of this project through a media release, installation of signs on site, update to the Shire's webpage, direct mail out to residents living within 600 metres of the park and letter to the community members and organisations who made submissions and signed the petition.
11. Following the requirement to undertake a Preliminary Site Investigation (PSI) a copy of the Local Geotechnical Report titled "Alan Anderson Park, Walliston WA Geotechnical & Environmental Site Investigation Report 23 October 2015" was forwarded to the Contaminated Sites Branch of DER, to address this requirement.
12. Subsequent advice from DER and an onsite meeting with representatives from this department and the DoH, confirmed the following actions to be undertaken by the Shire:
- Remedial works to backfill sink holes with clean fill to compress the asbestos samples found at depths of 1.0 – 1.2 metres, compact and provide grassing. This process is likely to involve mowing of the site to facilitate access to the sinkholes.
  - Further testing in accordance with DoH guidelines over the site to include shallow excavations to a depth no greater than 500mm, to determine if there is any contamination in the existing surface (capping layer).
  - Results of the testing be provided to DER and DoH for further consideration and advice.
13. On the basis of these requirements the remedial and site testing works were undertaken by a ERC Engtech Risk Consultants (ERC) between 22 August 2016 and 15 September 2016 and confirmed the presence of contamination in the fill, the capping layer and asbestos on the surface.
14. A copy of the ERC's report "Limited Detailed Site Investigation Alan Anderson Park, Walliston, WA" was provided to DER and DoH in October 2016 for the purposes of seeking their requirements in relation to the public health and contaminated land requirements.
15. The DoH and DER provided a formal response in February 2017 as outlined in Attachment 1. It is noted that DoH advised that Management Option 1 as outlined in the ERC report would be the most suitable and practical option. (Refer Attachment 2)



## **DETAILS**

16. The DoH provided a range of management requirements that included:
  - Preparation of a site management plan
  - Install and maintain an additional capping layer to encapsulate the surface contamination.
17. The DER concurred with the DOH requirements and included the following guidelines:
  - The placement of a suitable geotextile on the existing surface
  - Placement of sufficient fill to prevent damage to the geotextile barrier
18. It is the Shire's determination that a total capping thickness of 300mm would be suitable to protect the geotextile barrier and provide sufficient capping.
19. This capping is required to remain undisturbed into perpetuity and this should be explicitly managed through the site management plan. Any future development of the site must ensure the protection of both the geotextile fabric and overlying capping material.

## **STATUTORY AND LEGAL CONSIDERATIONS**

20. As the regulatory bodies for public health and contaminated sites, the advice provided by the DER and the DoH needs to be addressed in any proposal to restore Alan Anderson Park.
21. The Shire has a duty of care to protect the public and the knowledge of the surface contamination places a higher level of responsibility on the Shire to ensure that the materials are fully encapsulated.

## **POLICY CONSIDERATIONS**

22. The Shire does not have a policy position relating to the Management of Contaminated Sites as this is addressed through State Government Legislation.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

23. The Alan Anderson Park investigation has been undertaken in conjunction with the Environmental Health Business Unit.

### **External Referrals**

24. The Community has been kept informed of progress through a Community Forum on site on 9 April 2016, community newspaper articles, web page updates and letters to residents within 600 metres of the park during the period March 2016 to April 2017. The most recent letter and email dated 4 April 2017 confirmed that the DER and DoH have provided a final response in relation to the restoration of Alan Anderson Park and a report will be presented to Council in June 2017.

25. When a decision is made in relation to the future of Alan Anderson Park, a community engagement program will be undertaken including:
- Direct communication with the community within 600 metres of the site
  - Media and promotion
  - Signage on site
  - Web page update
  - Contact through social media with the Bickley Bunch facebook group.

## FINANCIAL CONSIDERATIONS

26. Estimates have been completed for the following two options:

- a) Restoration of Alan Anderson Park to the pre-closure standard and in accordance with the requirements of DER and DoH.

Item	Detail	Estimated Cost
Administration	Prepare a Site Management Plan	\$5,000
Site preparation	Spraying grass, brush cutting and removal of excess vegetation	\$8,000
	Importing and compacting suitable material to fill sink holes and depressions	\$60,000
Capping	Lay geotextile fabric across the landfill area	\$30,000
	Lay and compact 250mm of clean fill	\$240,000
Landscaping	Lay 50mm of topsoil and spread grass seed	\$75,000
Site Clean-up	Clean site and surrounds, restore playground, repair infrastructure and toilets	\$15,000
Contingency	To account for uncertainty in estimate at 15%	\$65,000
<b>TOTAL</b>		<b>\$498,000</b>

- b) The conversion of this space into a Bushland Reserve in accordance with the resolution of Council at its meeting on 21 December 2015.

Item	Detail	Estimated Cost
Install Fencing	Install security fencing around the site. Install signage and information boards.	\$90,000
Decommissioning	Remove playground, infrastructure and decommission toilet.	\$20,000
<b>TOTAL</b>		<b>\$110,000</b>

27. An amount of \$120,000 was approved in the 2016/2017 Capital Works Program for restoration of Alan Anderson Park, subject to detailed investigations and advice from DER and DoH. This amount remains unexpended and it is proposed to carry forward this amount to the 2017/2018 Capital Works Budget. This amount will accommodate the Bushland Reserve

option however, a further \$378,000 will be required to accommodate the Local Level Park option. An amount of \$400,000 was listed in year 2017/2018 of the current long term financial plan for the Restoration of Alan Anderson Park.

28. As part of the 2017/2018 Budget deliberations it is proposed for consideration by Council for the \$378,000 funding required to implement the restoration of Alan Anderson Park to its pre-closure standard to be raised through the *Waste Avoidance and Resource Recovery Levy Act 2007*.
29. The restoration of Alan Anderson Park to its pre-closure standard will also incur the following estimated annual recurrent operating costs:
- General Maintenance and Litter Collection \$40,000.00
  - Maintenance of toilet block \$2,808.00
  - Cleaning of toilet block \$654.00
  - Estimate of operating costs (water) \$500.00

These amounts can be accommodated within the annual Parks Maintenance and Building Maintenance Operating Budgets.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

## SUSTAINABILITY

### Social Implications

31. Alan Anderson Park has been closed to the public since August 2015.
32. The local community has been vocal in its desire for Alan Anderson Park to remain as a public recreation area with 88 signatories on a petition in 2016 and support at the Community Forum on 9 April 2016.
33. Any future development on the site must be undertaken without impacting on the capping layer.

### Economic Implications

34. Nil.

## Environmental Implications

35. The site is a decommissioned tip-site which was used for inert waste. This included some waste items which are now considered hazardous, including asbestos. There are indications that some illegal dumping has occurred from time-to-time.
36. The site has been converted into a local reserve for passive recreation.
37. If the site was returned to a Bushland Reserve, through offsets, this would provide additional habitat for wildlife.
38. The use of this site as an offset area would enable the further redevelopment of other active and passive open space in areas where the current level of provision is low or under pressure (e.g. Maida Vale Reserve).
39. Although the restoration proposed will resolve the known issues over the old landfill area, the investigations have indicated that there is surface contamination (asbestos) and it is possible that this contamination extends outside the landfill area.
40. The restoration of the site will also have negative environmental impacts through:
- The noise and dust created by the restoration process.
  - The additional fuel required to compact and rehabilitate the site.
  - The requirement for resources to provide clean backfill materials
41. The restoration of the site would limit the likelihood of further sinkholes, however as it is proposed for specific impact compaction of the original landfill material, this remains a possibility. If further sinkholes develop, the geotextile material would provide limited protection for the community.

## RISK MANAGEMENT CONSIDERATIONS

42.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The project cost estimate is insufficient to accommodate full restoration to local level park.	Possible	Moderate	High	Incorporate a contingency to the project budget of 15%. Undertake strict budget management of the project.
Asbestos contamination extends outside the known landfill area and area restored to local level park standard.	Possible	Significant	High	Ensure that the current restoration extends past the landfill area by a reasonable margin to account for the likely spread of surface asbestos.

				Develop a Site Management Plan for Alan Anderson Park including inspections and emu-picking of asbestos as it is found.
The restored area is disturbed resulting in damage to the capping layer	Unlikely	Major	High	Develop a Site Management Plan for Alan Anderson Park including information regarding permitted and non-permitted activities. Ensure staff are provided with information regarding the site restoration. Provide suitable signage and information on-site to advise of the restrictions.
Further sinkholes may develop post restoration and cause risks to the community.	Possible	Moderate	Medium	Undertake inspections as part of the Site Management Plan.
If developed as bushland site that access is gained by the public	Possible	Moderate	Medium	Ensure that the site is restricted by constructing suitable fencing and gates. Install signage on the perimeter of the site to provide information on why the site is closed to the public.

#### OFFICER COMMENT

43. The option to return the site to Bushland Reserve may require DER and DoH approval as any tree planting works would require access to the site and further disruption to the existing surface. It is possible that this approval would be subject to additional work as part of any offset planting to either provide additional fill material or undertake other actions to protect workers and the community during the works. This would add substantial costs to the proposal and is therefore not supported.

44. The key outcome from the community engagement program is the support from the local community for the restoration of Alan Anderson Park as a local level park at the least cost to the comply with any conditions imposed by the DER. The proposal to restore Alan Anderson Park to its pre-closure standard in accordance with the requirements of DER and DoH at an estimated cost of \$498,000 supports this community engagement outcome.
45. The future potential development or upgrade of Alan Anderson Park would be subject to the protection of the capping and geotextile installed as part of this works. This may require additional funds to import additional materials to ensure no excavation of the capping. This would apply to the following types of works:
- Installation of reticulation or bores
  - Planting other than grass
  - Construction of infrastructure that requires underground services (electricity, gas, water or septic)
  - Construction that requires footings or foundations

*Queries were clarified for Cr Andrew Waddell, Cr Dylan O'Connor, Cr Brooke O'Donnell, Cr John Giardina and Cr Sue Billich.*

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 30/2017)**

That Council:

1. Endorses the proposal to restore Alan Anderson Park to its pre-closure standard for an estimated total project cost of \$498,000.
2. Lists an amount of \$498,000 for consideration in the draft 2017/2018 Capital Works Budget for the restoration of Alan Anderson Park.
3. **Considers** ~~Agrees~~ to the source of funds for the restoration work being raised in the 2017/2018 Budget through the *Waste Avoidance and Resource Recovery Levy Act 2007*.
4. Undertake a community engagement program with residents using on-site advertising, direct mail-out, media releases and social media.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

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

## Attachment 1

Restoration of Alan Anderson Reserve

### Letters of Response from Department of Environment Regulation and Department of Health



Government of Western Australia  
Department of Environment Regulation

Your ref	[Recipient REF here]
Our ref	DEC3807
Enquiries	Kellie Field
Phone	9333 7560
Fax	9333 7575
Email	Kellie.field@der.wa.gov.au

The Chief Executive Officer  
Shire of Kalamunda  
PO Box 42  
KALAMUNDA WA 6926

Attn: Jonathan Smith

Dear Sir/Madam

#### ALAN ANDERSON PARK LAWNBROOK ROAD, WALLISTON

The Department of Environment Regulation (DER) received the report 'Limited Detailed Site Investigation Alan Anderson Park, Walliston, WA, (ERC, September 2016)' (the report) prepared by ERC Engtech risk Consultants (the consultant), on 16 September 2016. DER and Department of Health (DoH) have completed a review of the information submitted and provide the following advice.

DER understands that the investigation was undertaken to characterise the presence of asbestos within the surface landfill capping layer at the site. Investigations identified sub-surface asbestos fines and fibrous asbestos in soil at quantities in excess of those specified in 'Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia' (DoH, May 2009).

DER has consulted with DoH and received a letter response from DoH received on 14 February 2017 (attached). DER concur with DoH advice that management option 1, consisting of low disturbance in-situ management of asbestos impacts is the most suitable.

DER recommends that the site remain fenced until remediation is complete and a site management plan established. Once DER and DoH are satisfied with remediation and management of the site, the site may be reclassified with the most likely classification being *remediated for restricted use*, with the restriction on landuse and ground disturbance.

If you have any further queries, please contact Contaminated Sites Officer, Kellie Field, on 9333 7598.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Newell'.

Paul Newell  
A/SENIOR MANAGER  
CONTAMINATED SITES

21 February 2017



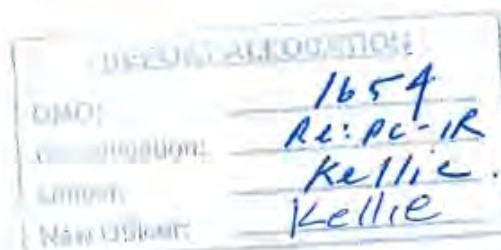


Government of Western Australia  
Department of Health

Our Ref: FAA-41802  
Your Ref: DEC3807  
Enquiries: Pierina Otness  
Phone: 9388 4977



Mr Andrew Miller  
Senior Manager Contaminated Sites  
Department of Environmental Regulation  
Locked Bag 33  
Cloisters Square WA 6850



Dear Andrew

**Alan Anderson Park, Walliston WA**

Thank you for your correspondence of 4 January 2017 requesting the Department of Health (DoH) to provide comment on the report *Limited Detailed Site Investigation – Alan Anderson Park, Walliston WA* (ERC, September 2016) and a recommendation as to the appropriate classification for the site under the *Contaminated Sites Act 2003*.

The following comments are made from a review of the report:

- The photos do not indicate a high concentration of ACM. The majority of test pits and the overall average (0.026 %w/w asbestos) were around the assessment of 0.02% w/w.
- Further discussion on the limitations and the variability of results would have been useful. Particularly as the derived soil density of 1.15 kg/L was used for all test pits, regardless of fraction of each material present (assumes equal fraction of each fill material rather than fractions observed in test pit logs), and results in a higher %w/w concentration. The use of 1.15kg/L does not appear to have been validated. On site weighing, depending on moisture content, would have been a more accurate means of considering site specific sample weight.
- Further discussion is needed on the qualitative risk assessment and the likelihood of exposure to airborne respirable asbestos fibres.

DOH notes that:

- From the results table, it can be determined that low numbers of asbestos fragments were found within the test pits.
- The calculated average result of 0.03% w/w asbestos concentration is based on a derived site specific soil density which has not been validated. Alternate calculations that consider the fraction of each material (based on test pit observations) would result in a lower calculated average concentration.
- The amount of contamination within the cover material used at the site is relatively consistent and somewhat evenly distributed. It would be appropriate to manage access to this material.
- No visible friable material source was observed. Some asbestos (AF and fibrous debris) was detected in soils at low levels, which may be from the weathering/breakdown of fragments.

Environmental Health  
All correspondence PO Box 8172 Perth Business Centre Western Australia 6849  
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008  
Telephone (08) 9388 4999 Fax (08) 9388 4955  
wa.gov.au  
28 684 750 332



As the site is likely to continue to be used as an open recreational area access to contaminated soils could be managed through a long term management plan that restricts excavation/maintenance works and requires testing of groundwater prior to any proposed use.

Therefore, DOH considers that Management Option 1 would be the most suitable and practical option and is consistent with DOH preference for low disturbance and management in situ. The minimum depth of clean fill selected should be adequate for maintenance of the surface grass cover. The long-term management plan will need to include regular inspection and maintenance of the lawn grass cover.

With regard to the report's recommendations on determining the lateral extent of contamination, consideration should be given to remediating beyond the existing Alan Anderson Park border and approximately 1m beyond where contaminated cover is visually present and then validate (through field test pit sampling to 0.5m depth or until natural soil is encountered) that contamination does not extend beyond the remediated area.

Please do not hesitate to contact me on 9388 4946 if you need further information.

Yours sincerely



Martin Matisons  
**PRINCIPAL TOXICOLOGIST**  
**ENVIRONMENTAL HEALTH HAZARDS UNIT**

14 February 2017

17213op Walliston Alan Anderson Park

G O V E R N M E N T O F W E S T E R N A U S T R A L I A

**Table 9**  
**Asbestos Management Options**

Option	Type	Procedure	MoT	SMP	General Outcomes
<b>1</b>	<b>Management in-situ</b>	<ul style="list-style-type: none"> <li>A site management plan (SMP) is prepared to facilitate the implementation of any future works at the site. The SMP is likely to include (but may not be limited to) information on the location of known ACM impacts, required PPE for site workers, protocol for unexpected finds of ACM and maintenance of the barrier/cover installation described below.</li> <li>A geo-textile barrier is applied to the surface of the whole site (<b>Figure 3</b>).</li> <li>At least 100mm<sup>3</sup> of imported clean sand is imported onto the site to cover the geotextile barrier.</li> <li>The ground surface of the majority of the site is re-vegetated (proposed grass).</li> <li>The ground surface in the immediate vicinity of the play-park is finished with durable rubber matting (or similar), to provide a more robust capping layer where the site surface may become excessively worn.</li> <li>The Shire pro-actively maintains the capping layer and underlying geotextile barrier as part of the ongoing SMP.</li> </ul>	✓	✓	<ul style="list-style-type: none"> <li>Mitigates current human health risk posed by asbestos impact in accordance with DoH (2009).</li> <li>Pro-active management of future risks to the general public (SMP), including erection of warning signage in relation to the presence of buried asbestos.</li> <li>The site is likely to be classified by the DER as "remediated-restricted use".</li> <li>Site is considered fit for purpose.</li> <li>Less risk of disturbing asbestos.</li> <li>Minimises removal of soil to landfill.</li> <li>Cost effective management option.</li> </ul>
<b>2</b>	<b>Remediation and Validation</b>	<ul style="list-style-type: none"> <li>Fill materials below the site (<b>Figure 3</b>) are removed from the site by a licensed asbestos removal contractor under the guidance of a qualified consultant.</li> <li>The fill material is disposed of at an appropriately licensed facility.</li> <li>Upon completion of earthworks, the site is sampled (using a similar methodology to the sampling undertaken as part of this report) to validate the expected success of the remedial works.</li> <li>The site is backfilled using clean fill to the current site level and re-vegetated (proposed grass).</li> <li>A validation report is prepared to document the results.</li> </ul>	✗	✗	<ul style="list-style-type: none"> <li>Mitigates current human health risk posed by asbestos impact.</li> <li>The site is likely to be classified by the DER as "decontaminated".</li> <li>Site is considered fit for purpose.</li> <li>Intensive earth works required and large volume of material removed and reinstated.</li> <li>High risk of disturbing asbestos.</li> <li>Expensive</li> </ul>



Limited Detailed Site Investigation  
Alan Anderson Park  
Walliston WA  
September 2016

Option	Type	Procedure	MoT	SMP	General Outcomes
3	Treatment In-situ	<ul style="list-style-type: none"> <li>Fill material is excavated and screened on-site to remove asbestos.</li> <li>Not likely to be a viable option for the site given that AF/FA (&lt;7mm) has been detected in the buried fill material which unlikely to be practical to screen.</li> </ul>	*	✓	<ul style="list-style-type: none"> <li>Mitigates current human health risk posed by asbestos impact.</li> <li>Site is considered fit for purpose.</li> <li>High risk of disturbing asbestos.</li> <li>Minimises removal of soil to landfill.</li> <li>Expensive management option.</li> </ul>

MoT = Memorial on Title

SMP = Site Management Plan

\*The DoH generally recommends a depth of at least 1m clean fill as a capping layer in public open space. However, and in consideration of the DoH (2009) guidelines, 100mm of clean fill is considered sufficient for this site, given that a geotextile barrier is proposed, the site is will be subject to an ongoing SMP and subsequent close management, and, the site is a bushland reserve

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

**31. Hartfield Park Redevelopment – Final Clubroom Design Concept for the Proposed Hockey Facility**

Previous Items	OCM 15/2017
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	HL-01/199N
Applicant	N/A
Owner	N/A
Attachment 1	Final Clubroom Facility Concept Design Plan Drawing No. 400-004/D

**EXECUTIVE SUMMARY**

1. To consider the final building concept design and associated budget costs for the proposed upgrade to the former Darling Range Pony Club Facility, Hartfield Park for the purpose of inviting public tenders.
2. The officer recommendation is to endorse the final clubroom facility design for the proposed Hockey Facility at Hartfield Park as detailed on Drawing Number 400-004/D, for the purpose of inviting public Tenders upon receiving Western Australian Planning Commission and Department of Aboriginal Affairs approvals.

**BACKGROUND**

3. On the 28 July 2014 the State of Western Australia and the Shire of Kalamunda entered into a Financial Assistance Agreement for the State to provide a grant amount of \$6.01m (exclusive of GST) for the provision of a number of deliverables as outlined in the Hartfield Park Masterplan 2010 (HPM) and detailed in the Agreement. The term of the Agreement is 24 June 2014 to 31 December 2017. The upgrading of the former Darling Range Pony Club Facility (the Project) was one of the deliverables detailed in the Agreement to accommodate a hockey facility.
4. At its meeting on 6 February 2017, Council considered a report on the Hartfield Park Redevelopment Project on Proposed Redevelopment to the Former Darling Range Pony Club Facility and resolved in part as follows:
  1. *Endorses the proposed redevelopment of the former Darling Range Pony Club facility at Hartfield Park in accordance with the Site Location and Hockey Field Layout Plan Drawing No. 14876-G01/A (Attachment 1).*
  2. *Endorses the demolition of the existing Darling Range Pony Club Facility and construction of a new shared use clubroom/change room facility generally in accordance with Option 2 Drawing No. 400-004/B (Attachment 5), for the purpose of further discussions with the Kalamunda Districts Hockey Club, noting that the final design will be undertaken to match the available funds for this facility, with a further report presented to Council for endorsement.*

5. *Note that a further report will be presented on the outcomes of discussions with other sporting clubs for:*

- a) *Joint use of the new facility during the summer months;*  
*and*
- b) *Use of the existing hockey club facilities on Morrison Oval when the Kalamunda United Hockey Club relocates to the new site.*

## **DETAILS**

- 6. The scope of works includes the construction of 3.2Ha of turfed area which can accommodate three (3) grassed hockey pitches and assorted training areas, clubroom facilities, sports lighting (training standard) and car park upgrades. The extent of the playing space will allow shared use of the facility with a key summer sporting club still to be determined.
- 7. The proposed development is located, partly on the former Darling Range Horse and Pony Club dressage and jumping arena, and partly on the adjacent Federation Gardens parkland.
- 8. Hartfield Park is a class A reserve, Bush Forever site and registered Aboriginal Heritage site with the Department of Aboriginal Affairs (DAA), site ID 3773.
- 9. The demolition of the existing Darling Range Pony Club Facility in accordance with Council endorsement is programmed for completion in June 2017.
- 10. Staff have continued to liaise with Kalamunda District Hockey Club (KDHC) on the development of the final design concept for the proposed clubroom facility within the allocated budget. This culminated in the KDHC approving the final design concept at its committee meeting held on 28 April 2017 (refer Attachment 1).

## **STATUTORY AND LEGAL CONSIDERATIONS**

- 11. The implementation of the Project is in accordance with the terms and conditions of the Financial Assistance Agreement with the State of Western Australia. The term of the Agreement is 24 June 2014 to 31 December 2017, however, due to the complications and lengthy process involving the Section 18 process, the Department of Sport and Recreation has agreed to an extension of the term until 30 June 2018. This is subject to the acquittal process for the funding be completed in the 2017/2018 financial year. It is confirmed that this condition is achievable.
- 12. Section 3.57 of the *Local Government Act 1995*, Part 4 of the *Local Government (Functions and General) Regulations 1996* when procurement of the various components of the upgrade are undertaken.
- 13. Permit to Clear Native Vegetation Under the *Environmental Protection Act 1986*. The Shire was successfully granted a clearing permit on 22 December 2015 for the proposed development with the following conditions:



1. The Permit Holder must implement and adhere to the document "Vegetation Management Plan – Hartfield Park Hockey Fields Development". Doc No. Ep15-054-001. Revision A. & December 2015.
14. Section 18 Notice under the *Aboriginal Heritage Act 1972*. Notice submitted to the DAA on 30 November 2016 and awaiting approval from the Minister of Aboriginal Affairs.

## **POLICY CONSIDERATIONS**

15. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. Community Development for sporting club liaison and Development Services for planning and development advice.

### **External Referrals**

17. Extensive consultation has been undertaken with Traditional Owners, Department of Environment, Department of Parks and Wildlife and the Western Australian Planning Commission.
18. Representatives from the KDHC have been consulted and involved in site meetings on a regular basis as the scope of works and concept designs have been developed on the basis of the Club's functional brief for the building and the field alignment layout requirements.

## **FINANCIAL CONSIDERATIONS**

19. This project is a key deliverable in the implementation of the Hartfield Park Masterplan and is funded through the Agreement as per page 13, Project Schedule Item 3 Stage 2 – Development of the hockey clubroom and playing fields.
20. An independent cost review for the building works was completed on 10 March 2017 with the total estimated cost being \$1,999,634 (ex GST).
21. The estimated cost of the playing field construction is summarised below:

Bulk Earthworks	\$400,000
Vegetation Clearing	\$30,000
Turfing and Irrigation	\$450,000
Fencing	\$30,000
Training Lighting	\$200,000
Gravel Sheet Carpark	\$40,000
Contingency	\$50,000
<b>Total</b>	<b>\$1,200,000 (ex GST)</b>

22. **Current Budget Status**

A budget allocation of \$1.2 million (excluding overheads) has been approved in the 2016/2017 budget under title: *Hartfield Park Project- Develop three new hockey fields, hockey clubrooms and parking- 100 % state govt funded (4415).*

A budget allocation of \$600,000 (excluding overheads) has been approved in the 2016/2017 with a further \$200,000 (excluding overheads) in the 2017/2018 budget under title: - *Hartfield Park - Develop and refurbish Hockey Clubrooms 100 % state govt funded (4849).*

**Proposed Budget Status**

The proposed budget for the 2017/2018 financial year is as follows:

*Hartfield Park Project- Develop three new hockey fields and parking-100 % State Govt funded \$1,200,000.00. (Budget Code 4415).*

*Hartfield Park - Develop and refurbish Hockey Clubrooms-100 % State Govt funded \$1,200,000.00. (Budget Code 4849).*

Total project budget allocation for this project for the 17/18 financial year (excluding overheads) is \$2.4 million in accordance with the construction estimates.

23. The outstanding funding available on the FAA of \$0.3 million to be expended on the development of new car parking areas and new pathway networks (\$0.3 million)

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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

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

Strategy 4.6.3 Seek funding opportunities wherever possible to increase asset stock within the Shire either through public private partnership or government and agencies funding.

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

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

## SUSTAINABILITY

### Social Implications

25. This redevelopment project will provide the Shire of Kalamunda, the community and user groups of Hartfield Park with a unique facility. The available playing space at Hartfield Park will be increased by this development enabling sustainable sporting club growth and reduction of the wear and tear on the current playing surfaces.

### Economic Implications

26. Nil.

### Environmental Implications

27. The conditions of the Permit to Clear Native Vegetation Under the *Environmental Protection Act 1986* must be implemented and adhered in accordance with the document "Vegetation Management Plan- Hartfield Park Hockey Fields Development". Doc No Ep15-054—001. Revision A. & December 2015.

## RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action/Strategy
That the final Clubroom concept design is not endorsed	Unlikely	Significant	Moderate	The Final Concept design has been independently costed, the estimate is within budget allocation and the KDHC has provided endorsement through the signing of the final concept design.
Approval is not given by the Minister for the Section 18 application	Unlikely	Critical	Extreme	Extensive consultation undertaken with the traditional owners culminating in the acceptance of the proposal, and agreement to an Aboriginal Cultural Heritage Management Plan (ACHMP).

## OFFICER COMMENT

29. Staff have finalised the design and documentation for the construction of the grassed hockey pitches, irrigation, earthworks, fencing and gravel carpark. Following council consideration of the final clubroom facility concept design, staff will finalise all the required design and documentation for the clubroom



facility. The advertisement of public tenders is scheduled for July 2017, pending receipt of Western Australian Planning Commission and Department of Aboriginal Affairs approvals.

30. Staff are currently analysing shared use opportunities for the proposed new facility and the existing hockey club, including the adjacent fields. This approach is in line with the Department of Sports and Recreation ethos which encourages shared use facilities for community sports. A shared use facility will maximise community benefit and sports ground usage at Hartfield Park. The results of this analysis and recommendations will be provided to Council for consideration in a future report.
31. Although a summer established Sporting club is yet to be determined for shared use of the proposed facility, the layout of the final clubroom facility concept design and sporting field area will accommodate a shared use arrangement.

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 31/2017)**

That Council:

1. Endorses the final clubroom facility concept design for the proposed Hockey Facility at Hartfield Park as detailed on Drawing Number 400-004/D, for the purpose of inviting public Tenders upon receiving Western Australian Planning Commission and Department of Aboriginal Affairs approvals.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Allan Morton**

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

# Attachment 1

Hartfield Park Redevelopment - Final Clubroom Design Concept for the Proposed Hockey Facility

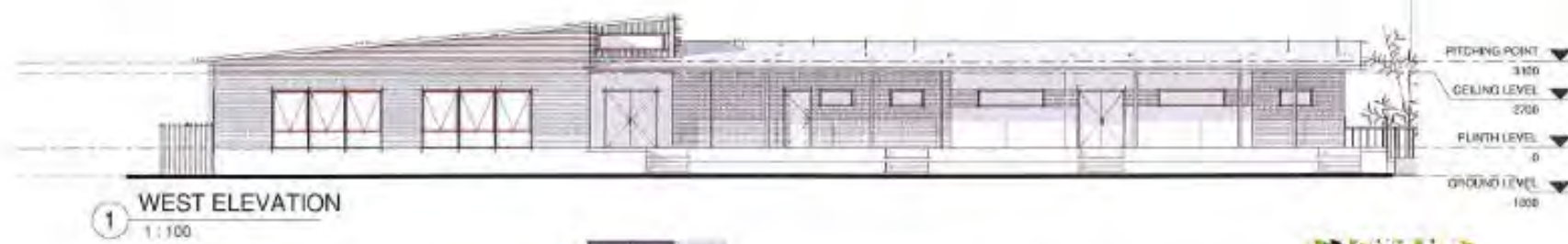
Final Clubroom Facility Concept Design Plan Drawing No. 400/004/D



FRONT PERSPECTIVE



REAR PERSPECTIVE



WEST ELEVATION  
1:100

PITCHING POINT  
3100  
CEILING LEVEL  
2700  
PLUMB LEVEL  
0  
GROUND LEVEL  
1000



GROUND FLOOR  
1:100

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THIS DRAWING IS TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERING PLANS.

ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE CURRENT SPECIFICATIONS AND THE STANDARDS ASSOCIATION OF AUSTRALIA.

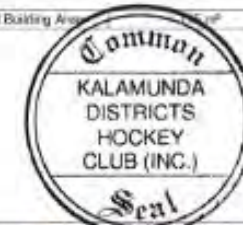
SPECIAL ATTENTION IS TO BE PAID TO THE RELEVANT BUILDING CLASSIFICATIONS WHICH THIS PROJECT AND FINAL BUILDING USE NOW RELATES TO, WITHIN THE NCC, FORMALLY NCAS.

THE ISSUANCE OF ELECTRONIC INFORMATION IN ANY FORM DOES NOT RELIEVE ANY RESPONSIBILITY FOR CONTRACTUAL OBLIGATIONS WHICH INCLUDE, BUT IS NOT LIMITED TO, ENSURING THE WORK IS COMPLETE, ACCURATE AND CORRECT.

## GENERAL NOTES

Room Schedule		
Number	Room Name	Area
1	Change Room Home Female	26 m <sup>2</sup>
2	Change Room Visitor Female	26 m <sup>2</sup>
3	Lobby	15 m <sup>2</sup>
4	Change Room Home Male	26 m <sup>2</sup>
5	Change Room Visitor Male	26 m <sup>2</sup>
6	First Aid Rm	12 m <sup>2</sup>
7	Urinals Room	14 m <sup>2</sup>
8	Ch. Rm	4 m <sup>2</sup>
9	Store Room	20 m <sup>2</sup>
10	Cool Room by others	12 m <sup>2</sup>
11	Office	10 m <sup>2</sup>
12	Kitchen	18 m <sup>2</sup>
13	Ch. Rm	3 m <sup>2</sup>
14	Bar	24 m <sup>2</sup>
15	Public Hall	134 m <sup>2</sup>
16	Verandah Viewing Area	121 m <sup>2</sup>
17	Entry Corridor	36 m <sup>2</sup>
18	Ch. Rm	4 m <sup>2</sup>

Total Building Area: 1000 m<sup>2</sup>



SIGNED: *Handwritten signature*  
CLUB REPRESENTATIVE: *President*  
DATE: 28/3/17

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ph: 08 9425 6200  
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1 800 525 5256  
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NO.	DATE	REVISION	BY	CHKD	APPD	DATE	SUPPLIER	NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED APPROVED	WORKS TO BE COMPLETED	DATE	ASSET SERVICES	SHIRE OF KALAMUNDA	HOCKEY CLUB UPGRADE KALAMUNDA DISTRICTS HOCKEY CLUB FLOOR PLAN + ELEVATIONS - OPT 2	SCALE: 1:100	A1	DRAWING NO: 0000 - 400 - 004 / D
1	17.03.17	PRELIMINARY	MC	AD					DESIGNED	14	03/11/2016					
2	26.03.17	PRELIMINARY	MC	AD					DRAWN	58	03/11/2016					
3	18.11.16	PRELIMINARY	MC	AD					CHECKED	40	03/11/2016					
4	02.11.16	PRELIMINARY	MC	AD					DESIGNED	14	03/11/2016					

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

**32. Support for Local Planning Scheme No. 3 Amendment 89 – Maddington Kenwick Strategic Employment Area**

Previous Items	SCM 03. 6 February 2017
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-LPS-003/089
Applicant	Taylor Burrell Barnett
Owner	Various
Attachment 1	MKSEA Master Plan
Attachment 2	City of Gosnells Structure Plan
Attachment 3	Advertised Scheme Amendment
Attachment 4	Justification Report
Attachment 5	Environmental Assessment Report
Attachment 6	Transport Assessment
Attachment 7	District Water Management Strategy
Attachment 8	Bushfire Management Plan
Attachment 9	Transport Assessment
Attachment 10	Schedule of Submissions
Attachment 11	Modified Scheme Amendment
Confidential Attachment 12	Submitter List and Map

Reason for Confidentiality:

*Local Government Act 1995*

*S5.23 (2) (b) – “the personal affairs of any person;”*

**EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council the opportunity to support Amendment 89 (the Amendment) to Local Planning Scheme No. 3 (the Scheme) to rezone a portion of Wattle Grove from Special Rural to General Industry and Light Industry and introduce a Special Control Area.
2. The proposed rezoning aligns with the Shire of Kalamunda's (the Shire) Local Planning Strategy and various State Government strategic planning documents.
3. The Shire has recommended some modifications to the advertised Amendment in response to submissions and further assessment.

**BACKGROUND**

**4. Land Details:**

Land Area:	Approximately 20.4 Ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Industrial



5. **Locality Plan**



6. The Maddington Kenwick Strategic Employment Area (MKSEA) (Attachment 1) is identified in the Economic and Employment Lands Strategy (2012) and the Shire's Local Planning Strategy as a future industrial precinct. The MKSEA precinct sits mostly within the City of Gosnells, and partly in the Shire's boundary at the southern end of Wattle Grove, south of Welshpool Road East.
7. In October 2016, the Minister for Planning approved three Metropolitan Region Scheme (MRS) amendments to rezone the entire MKSEA to 'Industrial'.
  - 1300/57: Kalamunda Precinct
  - 1301/57 and 1302/57: Gosnells Precinct
8. To progress further planning, Local Planning Scheme Amendments are required to both the City of Gosnells and the Shire's Local Planning Schemes.
9. The applicant has already progressed scheme amendments in the City of Gosnells to rezone the land to General Industry and Business Development. The Shire made a submission generally supporting the amendments.
10. The applicant has also prepared a Structure Plan for the City of Gosnells portion (Attachment 2), which will influence the development of the area in the Shire. The Structure Plan shows the realignment of Grove Road into Welshpool Road East and identifies other road widening and closures. No Structure Plan is proposed for the Kalamunda portion due to the relatively small size of the amendment area. The planning issues that would usually be addressed in a Structure Plan have been considered as part of the Amendment and detailed as Scheme provisions and requirements.
11. Council at the Special Meeting held 6 February 2017 resolved to adopt draft Amendment 89 for the purposes of public advertising. Subsequently, the draft Amendment was advertised for 62 days in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 ('the Regulations') from 28 February to 1 May 2017.

## DETAILS

12. The Amendment is required to ensure the Scheme aligns with the MRS and provides for a consistent land use planning framework.
13. The Amendment and Plan as advertised are included as (Attachment 3) detailing and illustrating the proposed zoning changes.
14. The Amendment is the first of two Scheme amendments for the Kalamunda portion of MKSEA. The second portion is located between Coldwell and Brook Road, which requires additional environmental investigations due to the interface with Yule Brook. The Western Australian Planning Commission (WAPC) has formally advised the Shire that a Structure Plan will be required over this portion due to the sensitive environmental values that will be required to be addressed in this part of MSKEA.
15. The advertised Amendment (Attachment 3) rezones the subject land from Special Rural to General Industry and Light Industry. The Amendment area is south of Welshpool Road East and west of Coldwell Road.



16. The General Industry zone is intended for properties to accommodate industrial type uses as an extension to the proposed industrial land uses within the City of Gosnells.
17. The Light Industry zone is intended for properties to accommodate service and light industrial uses as an interface to Welshpool Road East and a buffer to the residential land uses within Wattle Grove.
18. The Amendment includes a Special Control Area to apply specific Scheme provisions to the Amendment area.

19. The proposed provisions include a requirement for bushfire, drainage and environmental assessments for future development in the Amendment area. Design guidelines for lots fronting Welshpool Road East have also been required to be developed to ensure a sensitive and appropriate interface with existing residential development.
20. The advertised provisions also modify the permitted land uses in the Special Control Area as follows:

Land Use	General Industry		Light Industry	
	Current Permissibility	Proposed Permissibility	Current Permissibility	Proposed Permissibility
Restaurant	X	D	D	D
Industry-General	P	D	X	X
Logistics Centre	D	P	D	D
Motor Vehicle Wrecking	P	X	P	X
Salvage Yard	P	X	P	X
Resource Recovery Centre	D	X	X	X

P = Permitted

D = Discretionary

X = Not Permitted

21. The applicant proposes to realign Grove Road to intersect with Welshpool Road East, opposite Hale Road (plan at Attachment 2). This realignment is mainly in response to the Public Transport Authority's land acquisition of a large area adjacent to the railway for the purpose of maintenance of freight rail infrastructure and carriages. There are also proposed upgrades to the Coldwell Road/Welshpool Road East intersection and the Brook Road/Welshpool Road East intersection along with minor road widening and upgrades throughout the amendment area.
22. A Development Contribution Arrangement (DCA) will be prepared for the MKSEA precinct to fund the road upgrades and other district level infrastructure. The DCA will be required to collect funds from both the Local Government areas even though the majority of infrastructure is along Welshpool Road East, within the Shire. Both precincts are gaining a benefit from road and infrastructure upgrades and, therefore, both precincts will be required to contribute towards it. The DCA will be prepared as a separate Scheme amendment following Amendment 89. Development can commence prior to the DCA being in place, but may trigger the need to provide certain infrastructure items.
23. The Amendment also modifies a portion of Special Control Area 4 from within the precinct to be in line with Coldwell Road. Special Control Area 4 is a poultry farm buffer. Given that the amendment area is proposed to be rezoned for industrial purposes, it is proposed that the 300m buffer be amended to exclude the amendment area.

24. **Modifications to Advertised Amendment**

As a result of further assessment and submissions, the Shire recommends three modifications to the advertised Amendment.

25. Modification 1:

The first modification is to permit Salvage Yard in the General Industry zone through a Discretionary use permissibility. It was determined by staff that the use of Salvage Yard would be appropriate within the General Industry zone but not the Light Industry zone. The Light Industry zone is intended as a transition to the residential properties across Welshpool Road East. The use of Salvage Yard is not appropriate in the transition as it causes a visual amenity impact on the nearby residential properties notwithstanding risks associated with dust, hazardous materials, and noise.

The General Industry zone is not within close enough proximity to sensitive land uses to have an impact from a Salvage Yard or Storage land use. The two General Industry lots closest to the residential area are also significantly lower than the residential land and mostly obscured from view from behind the Welshpool Road bridge over the railway.

26. Modification 2:

The second proposed modification is to change the land use permissibility of Storage to be the same as Salvage Yard. The two uses are very similar, the only difference being that Salvage Yard enables the sale of goods whereas Storage does not.

27. The modifications to the land use permissibility table in the proposed Special Control Area is as follows:

Land Use	General Industry		Light Industry	
	Current Permissibility	Proposed Permissibility	Current Permissibility	Proposed Permissibility
Restaurant	X	D	D	D
Industry-General	P	D	X	X
Logistics Centre	D	P	D	D
Motor Vehicle Wrecking	P	X	P	X
Salvage Yard	P	<del>X</del> <u>D</u>	P	X
<u>Storage</u>	<u>P</u>	<u>D</u>	<u>P</u>	<u>X</u>
Resource Recovery Centre	D	X	X	X

P = Permitted

D = Discretionary

X = Not Permitted

28. Modification 3:

The final modification is administrative in nature to change reference to clause 2.4 of the Scheme to "Part 2 of the deemed provisions". Clause 2.4 has been superseded by Part 2 of the deemed provisions so it is appropriate to make this modification.

29. The proposed amendment has been modified as above and included as (Attachment 11).

## STATUTORY AND LEGAL CONSIDERATIONS

### *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*

30. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment' for the following reasons:
- a) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
  - b) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
  - g) any other amendment that is not a complex or basic amendment.

### Local Planning Scheme No. 3

31. Clause 4.2.4 (Industrial Zones) of the Scheme stipulates that the objectives of the 'Light Industry' and 'General Industry' zones are as follows:

#### *Light Industry*

- *To provide for predominately light industry located in proximity to residential areas.*
- *To ensure that industries are environmentally compatible with surrounding zones and activities.*
- *To ensure that the movement of goods and services in and out of the zone cause minimal impact on residential land in the vicinity.*

#### *General Industry*

- *To provide for a wide range of manufacturing or associated industrial uses and services whilst allowing for a limited range of non-industrial uses where ancillary to predominant industrial uses.*
- *To ensure that the movement of goods and services in and out of the zone causes minimal impact on the nearby area directly accessing the regional road system.*

32. Should Council resolve to support the Amendment, it will be processed in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning. If the proposal proceeds to the Minister's determination, there is no right of review (appeal) irrespective of the Minister's decision.
33. If the Amendment is approved by the Minister for Planning, the applicant will be required to obtain approval through the form of a Development Application prior to the commencement of development.

## POLICY CONSIDERATIONS

34. The Amendment was advertised in accordance with the Shire's Local Planning Policy – Public Advertising of Planning Proposals. The Amendment timeframes were extended over the Easter period.



35. The MKSEA precinct is identified in the Economic and Employment Lands Strategy and the Shire's Local Planning Strategy. The Amendment satisfies the vision and objectives of those strategic documents. Further discussion of these is included in the applicant's justification report (Attachment 4).

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

36. Health Services made comments on the Amendment that there needs to be an ability to assess each new use and its impact on the residential area to the north. Health Services suggested that an Environmental Impact Management Plan be prepared for each change of use and to impose it through a Scheme provision.
37. The applicant responded to this by stating land uses had already been restricted through the Special Control Area. Additionally, the applicant stated that the recommended separation distances are for a size and scale of land uses that are unlikely to be proposed in the subject area. The existing mechanisms within EPA policy and the Scheme ensure that separation distances will be considered and imposed. The Shire also already has the ability to require an Environmental Impact Management Plan at the Development Assessment stage.
38. The applicant's response was determined to be acceptable to the Health Services team to not warrant further provisions be inserted.
39. The Health Services team also recommended that Council consider a Geotechnical Report for the potentially unidentified contaminants or acid sulphate soils potential of the future development process. The applicant provided an Environmental Assessment Report together with a Geotechnical Report that confirm there is low to moderate risk of Acid Sulphate Soils. There are also no registered contaminated sites within the rezoning area and historic aerial photography indicates that the site has been predominantly used for rural activity.
40. This response was also determined to be acceptable to the Health Services team.
41. The Shire's Assets team reviewed the submitted transport assessment, environmental assessment and water management strategy and no objections were received.
42. The bush fire management plan was approved by the Department of Fire and Emergency Services over the larger City of Gosnells structure plans area and includes the land subject to this amendment.

### **External Referrals**

43. Following adoption and prior to public advertising, the Shire referred the Amendment to the Environmental Protection Authority for their comment and then advertised for public comment for at least 42 days as per the requirements of Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

44. The Amendment was advertised for 62 days from 28 February 2017 to 1 May 2017. The advertising involved:
- publishing the notice in a newspaper,
  - displaying a copy of the notice in the offices of the Shire,
  - sending a copy of the notice to each public authority that the Shire considered likely to be affected by the Amendment,
  - publishing a copy of the notice and the amendment on the Shire website, and
  - posting a letter to affected owners and occupiers within 200m of the site.

Previously, the Metropolitan Region Scheme amendment to rezone the land to Industrial had also been advertised.

45. During the advertising period a total of 20 submissions were received. This included 14 submissions of support or conditional support and 6 submissions of objection. Refer to (Attachment 10) for a summary of and response to all comments.
46. The principal concerns raised by submitters during the advertising period included the following:
- The proximity of the proposed Industrial zones to the existing residential zone to the north of Welshpool Road East;
  - Traffic impacts upon the surrounding road network including safety and increased demand; and
  - Decline in surrounding property values.

## **FINANCIAL CONSIDERATIONS**

47. Administrative expenses are covered by current operating expenditure.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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

Strategy 4.1.1 Develop, implement and review strategic land-use plans and policies which guide the location and sustainability of industrial, commercial and residential areas within the Shire.

## SUSTAINABILITY

### Social Implications

49. The rezoning of the Wattle Grove area will replace existing rural lifestyle properties. The State Government has indicated that these sorts of properties are not sustainable and should be rezoned to a more efficient and productive zone such as Industrial. The Shire still has a large amount of rural lifestyle properties through the foothills and the orchard areas. Amenity impacts to the existing residential community are proposed to be mitigated through modified land use permissibility and area specific design guidelines that will address the manner in which development interfaces with Welshpool Road East.

### Economic Implications

50. Industrial land in MKSEA provides employment opportunities for local residents, creates diversity and competition in local businesses, and takes advantage of the excellent connection to Roe, Tonkin and Leach Highways. The area will also be beneficial for the Shire in respect of its economic development, through the creation of jobs within the Shire.

### Environmental Implications

51. The Environmental Assessment Report (Attachment 5) shows minimal impacts to the environment in the amendment area. However, the second portion, to be progressed as a separate amendment, may have issues around the management of Yule Brook. Additionally, the introduction of an Industrial zone may result in an increase of noise, dust and light pollution. Impacts to the existing residential community are proposed to be mitigated through modified land use permissibility and area specific design guidelines that will address the manner in which development interfaces with Welshpool Road East. Council will also be provided the opportunity to consider the future development proposed in the area at the time development applications are submitted and impose conditions to protect amenity and mitigate other possible impacts.

## RISK MANAGEMENT CONSIDERATIONS

- 52.
- | Risk   | Likelihood | Consequence | Rating | Action/Strategy  |
|--|------------|-------------|--------|--|
| Residents are affected by a loss of amenity. | Possible   | Moderate    | Medium | Land use permissibility, separation distances and design guidelines will all help to mitigate any effect on the existing amenity of sensitive land uses. |

## OFFICER COMMENT

53. Proposed Amendment 89 is the first of two Scheme amendments for the Kalamunda portion of MKSEA. The second portion is between Coldwell and Brook Road, which requires additional considerations due to the interface between industrial land uses and Yule Brook. Shire staff discussed this issue with the applicant and determined that separating the amendments is the best way to proceed.
54. The General Industry zone is appropriate in its proposed location to link with the industrial precinct in the City of Gosnells. The primary concern with the General Industry zone is the range of land uses that Council could approve within it. However, the Environmental Protection Authority's Guidance for the Assessment of Environment Factors: Separation Distances between Industrial and Sensitive Land Uses protects sensitive land uses from hazardous or noxious land uses at the time of planning approval. Council will have the ability to assess and determine individual applications.
55. The Light Industry zone generally consists of warehouses, storage, transport and logistics-based businesses. With the close proximity of Roe and Tonkin Highway, these activities are favourable and viable in the MKSEA precinct. The Light Industry zone applies to lots abutting Welshpool Road East. The intention is for lower impact industries to use these properties and form an internalised transition to the residential area on the north side of Welshpool Road East. The proposed Special Control Area further protects nearby residential properties by restricting the land uses of Motor Vehicle Wrecking, Salvage Yard, Resource Recovery Centre, and now Storage. These uses are determined as being more difficult to mitigate the effect on residential areas on the grounds of visual amenity, dust, noise, and containing potentially hazardous materials.
56. A Special Control Area is the most appropriate method for applying specific planning provisions to a particular area. In this case, the specific provisions include the requirement for further studies and design guidelines, and land use permissibility changes. The studies and design guidelines could be done prior to rezoning; however, the technical studies will likely result in lot-specific mitigation and management measures, rather than changes to zoning. Given the timeframes associated with a scheme amendment, it is more reasonable to require the additional detail prior to development approval.
57. The intention for development in MKSEA is reflected by the proposed land use permissibility. The Special Control Area designates Restaurant as a Discretionary use as there is an intention to provide a service centre in this area for the industrial precinct as part of the buffer. The centre may include uses such as restaurant, service station, drive-through food outlet, and other ancillary uses, which are already accommodated within the Local Planning Scheme. Often, industrial areas have little to no local amenities, so it will be a positive point of difference if MKSEA provides them within the Kalamunda portion.

58. The proposed land use permissibility also reinforces the Shire's priority for MKSEA being a transport and logistics-based industrial area. Noisy and dust-producing land uses have been restricted. The amendment proposes General Industry to be a Discretionary use rather than Permitted. The modifications to restrict land use permissibility are part of the mitigation measures to protect the amenity of the existing residential area. The Shire will also use its discretion in considering development applications to deliver an outcome in line with the vision for the area.
59. The proposed realignment of Grove Road does not provide the potential for full movement at the intersection of Hale Road. This means no industrial traffic can travel north into Wattle Grove Cell 9. The transport assessment confirms the intended design of the intersection (Attachment 6); however, Main Roads WA will only support a left-in, left-out arrangement. Welshpool Road East is a Primary Regional Road reserved under the Metropolitan Region Scheme, which means the Shire has limited involvement in its management and upgrades. Main Roads WA prefers the primary access for MKSEA to be from Coldwell Road. This will require modifying the intersection, acquiring land for the intersection treatment, and deciding on the type and size of the intersection. This work will likely be funded by the proposed DCA. The final treatment to Coldwell Road will be required to be addressed with Main Roads WA as part of any major development or subdivision application for industrial development.
60. The DCA is required to deliver the identified infrastructure. The DCA will be complex in that it must operate over two local government areas. Collecting and spending funds fairly will be a main priority. Initial discussions with the City of Gosnells and Department of Planning indicate that the arrangement is possible but may require legal agreements and memorandums of understanding between the two Local Governments. Due to the complexity of the arrangement, the Shire agreed to progress the DCA as a separate amendment.
61. The proposed rezoning is in accordance with the Shire's Local Planning Strategy and various State Government strategic planning documents. Nonetheless, the Shire is committed to protecting surrounding residents from any potential impacts resulting from the proposed rezoning. Any issues relating to undue impacts upon surrounding landowners (i.e. air pollution, noise pollution and traffic impacts) will be dealt with at the development application stage if the Amendment is approved by the Minister for Planning.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 32/2017)**

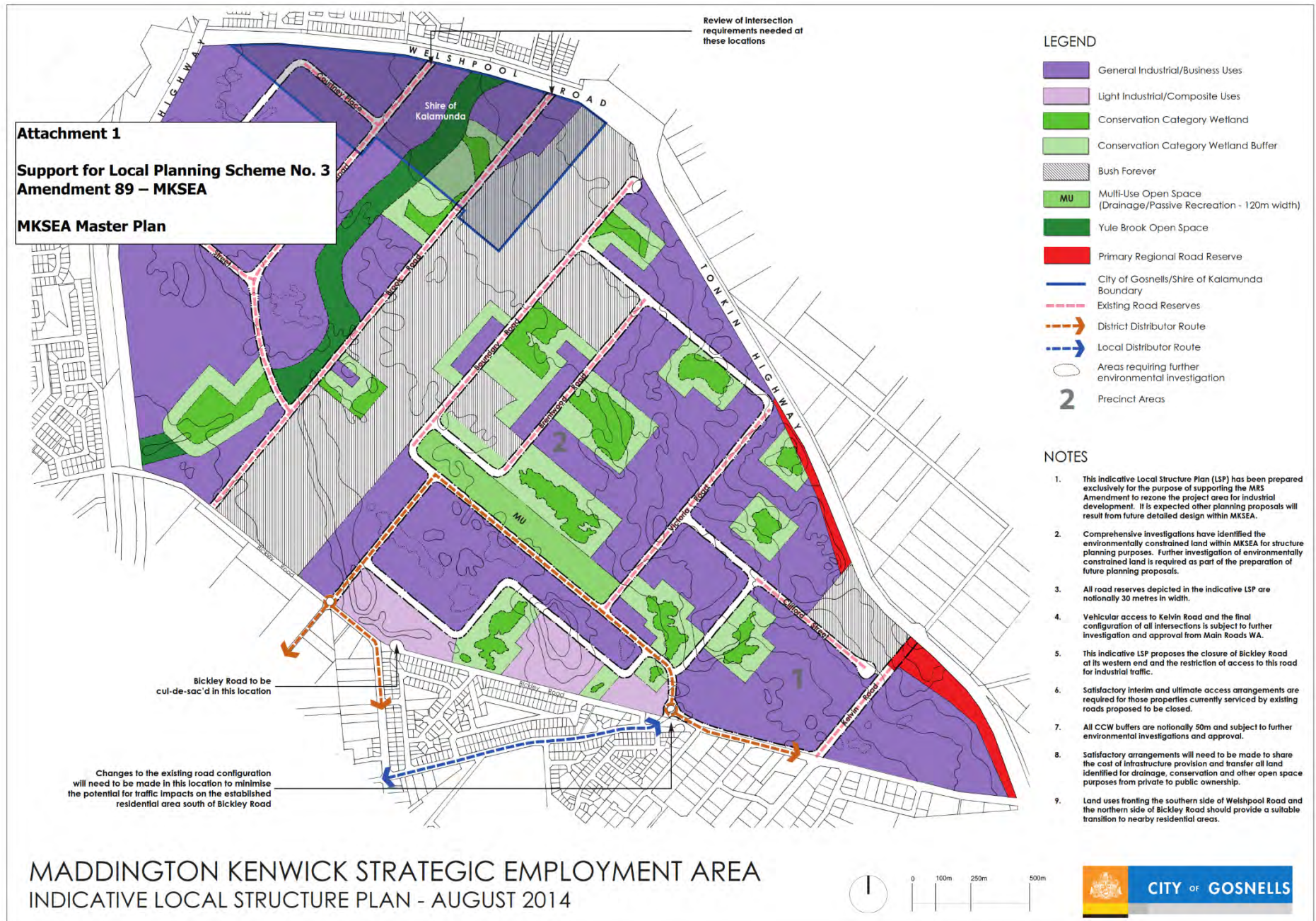
That Council:

1. Supports Amendment 89 to Local Planning Scheme No. 3 with modifications pursuant to Regulation 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as at (Attachment 11).
2. Forwards to the Western Australian Planning Commission:
  - Schedule of submissions made on the Amendment (Attachment 10); and
  - All required amendment documents.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Michael Fernie**

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

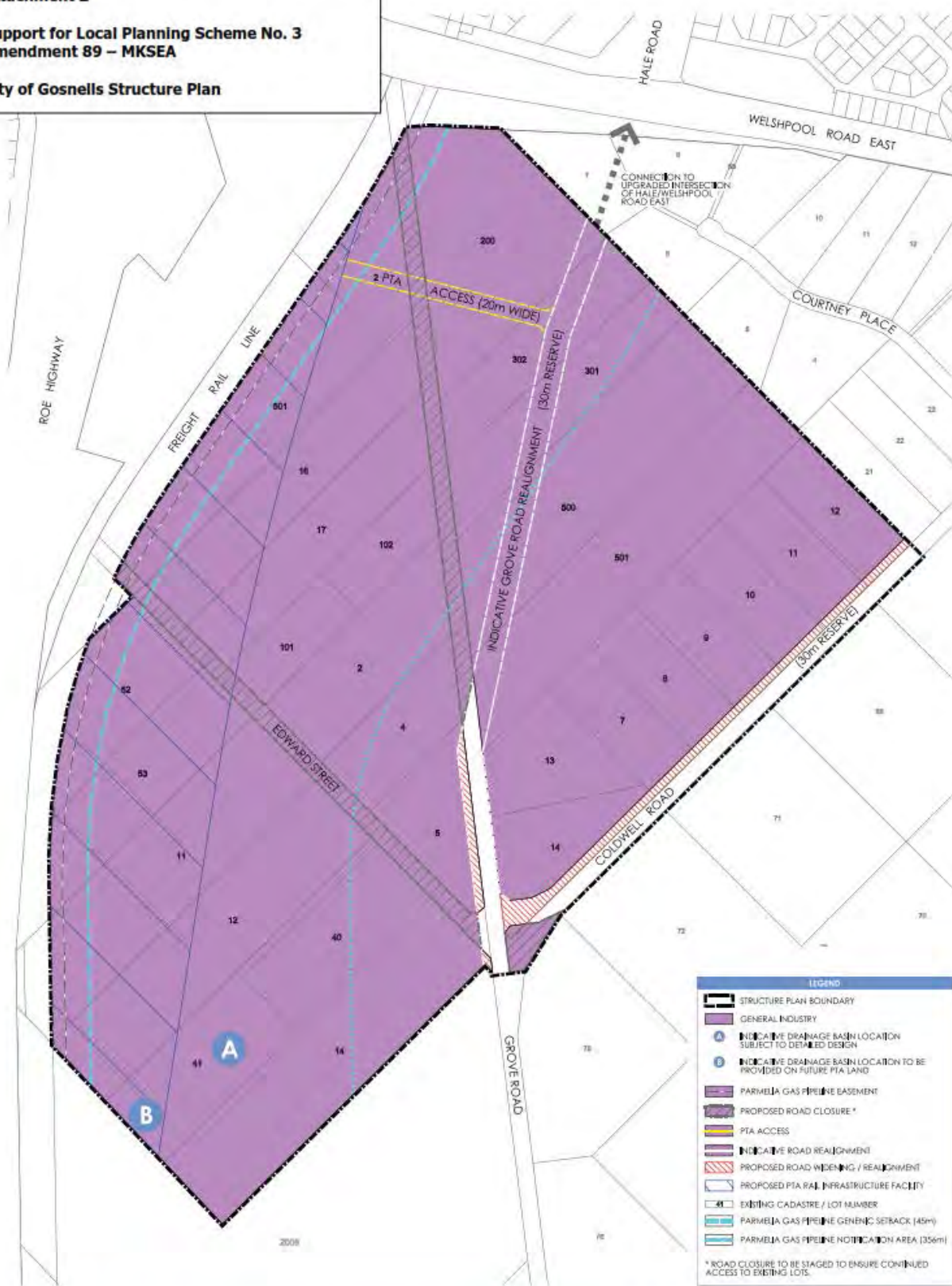




**Attachment 2**

**Support for Local Planning Scheme No. 3  
Amendment 89 – MKSEA**

**City of Gosnells Structure Plan**



**PLAN 1 | STRUCTURE PLAN**

Madlington - Kenwick Strategic Employment Area - Precinct 1A

City of Gosnells Structure Plan

1:1000000  
1:1000000  
1:1000000  
1:1000000

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OCM 27 SEPTEMBER 2016

APPENDIX 13.2.3D



OCM 27 SEPTEMBER 2016

APPENDIX 13.2.3D

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**Attachment 3**

Adoption of Local Planning Scheme No. 3 Amendment 89 – MKSEA  
**Advertised Scheme Amendment**

# **LOCAL PLANNING SCHEME NO. 3**

Amendment No. 89



**FORM 2A**

*Planning and Development Act 2005 (as amended)*

**RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME**

SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 89

RESOLVED that the local government, in pursuance of Part 5 of the *Planning and Development Act 2005* (as amended), amends the above Local Planning Scheme by:

1. Inserting the following new sub-clause 6.1.1 (j):
  - "(j) Kalamunda Wedge Precinct 3A, for which subdivision and development shall be in accordance with clause 6.8 shown on the Scheme map as SCA 6."
2. Inserting the following new Special Control Area as clause 6.8:
  - "6.8 Kalamunda Wedge Precinct 3A
  - 6.8.1 Subdivision and/or development proposals within the Special Control Area shall be supported by:
    - i. A BAL assessment or Contour Map, prepared in accordance with the Guidelines for Planning in Bushfire Prone Areas (as amended), demonstrating how any bushfire hazards identified can be appropriately managed within the context of the proposal to the satisfaction of the Shire of Kalamunda;
    - ii. A Local Water Management Strategy, prepared in accordance with Better Urban Water Management on the advice of the Shire of Kalamunda, to the satisfaction of the Department of Water;
    - iii. Investigations to determine if any significant vegetation, flora or fauna habitat occurs within the proposal area. Where relevant to a subdivision area or development application, detailed management plans shall be prepared and implemented to the satisfaction of the Shire of Kalamunda;
    - iv. Design guidelines adopted by the local government under clause 2.4 for development of land on Lots directly fronting Welshpool Road East.
  - 6.8.2 Notwithstanding Table 1, the permissibility of the following use classes within the 'General Industry' zone within the Special Control Area is to be in accordance with the designation listed below for the purpose of clause 4.3:
    - Restaurant – 'D' Use
    - Industry – General – 'D' Use
    - Logistics Centre – 'P' Use

6.8.3 Notwithstanding Table 1, the following use classes as defined in the Scheme shall be designated as an 'X' use within land zoned 'General Industry' and 'Light Industry' within the Special Control Area for the purpose of clause 4.3:

- Motor Vehicle Wrecking;
- Salvage Yard; and
- Resource Recovery Centre

3. Modifying the boundary of Special Control Area 4 to exclude land to the northwest of Coldwell Road in accordance with the attached map.
4. Rezoning the amendment area to General Industry and Light Industry by modifying the Local Planning Scheme No. 3 map in accordance with the attached map.

Dated this       day of       **2016**

---

CHIEF EXECUTIVE OFFICER

## Attachment 1

### Existing Local Planning Scheme No. 3 Zoning



LEGEND	
<b>REGION SCHEME RESERVES</b>	
<span style="color: red;">—</span>	PRIMARY REGIONAL ROADS
<span style="color: grey;">—</span>	RAILWAY
<b>LOCAL SCHEME RESERVES</b>	
<span style="color: green;">—</span>	PUBLIC PURPOSE DIVIDED AS FOLLOWS:
<span style="color: green;">—</span>	P3 PRIMARY SCHOOL
<b>LOCAL SCHEME ZONES</b>	
<span style="color: yellow;">—</span>	INDUSTRIAL DEVELOPMENT
<span style="color: green;">—</span>	PRIVATE CLUBS AND INSTITUTIONS
<span style="color: yellow;">—</span>	SPECIAL RURAL
<span style="color: yellow;">—</span>	URBAN DEVELOPMENT
<b>OTHER CATEGORIES</b>	
<span style="color: red;">—</span>	20 ANEF
<span style="color: red;">—</span>	BUSHFIRE PRONE AREAS
<span style="color: red;">—</span>	DEVELOPMENT AREA
<span style="color: green;">—</span>	SCA6 SPECIAL CONTROL AREA

### Proposed Local Planning Scheme No. 3 Zoning



LEGEND	
<b>LOCAL SCHEME ZONES</b>	
<span style="color: purple;">—</span>	GENERAL INDUSTRY
<span style="color: purple;">—</span>	LIGHT INDUSTRY
<b>OTHER CATEGORIES</b>	
<span style="color: red;">—</span>	SCA6 SPECIAL CONTROL AREA
<span style="color: green;">—</span>	SCA6 SPECIAL CONTROL AREA

---

**Attachment 4**

[Click HERE to go directly to attachment](#)

**Attachment 5**

[Click HERE to go directly to attachment](#)

**Attachment 6**

[Click HERE to go directly to attachment](#)

**Attachment 7**

[Click HERE to go directly to attachment](#)

**Attachment 8**

[Click HERE to go directly to attachment](#)

**Attachment 9**

[Click HERE to go directly to attachment](#)

**Attachment 10**

[Click HERE to go directly to attachment](#)

**Attachment 11**

Support for Local Planning Scheme No. 3 Amendment 89 – MKSEA  
**Modified Scheme Amendment**

# **LOCAL PLANNING SCHEME NO. 3**

Amendment No. 89





*Planning and Development Act 2005 (as amended)*

**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 89

RESOLVED that the local government, in pursuance of Part 5 of the *Planning and Development Act 2005 (as amended)*, amends the above Local Planning Scheme by:

1. Inserting the following new sub-clause 6.1.1 (j):
  - "(j) Kalamunda Wedge Precinct 3A, for which subdivision and development shall be in accordance with clause 6.8 shown on the Scheme map as SCA 6."
2. Inserting the following new Special Control Area as clause 6.8:
  - "6.8 Kalamunda Wedge Precinct 3A
    - 6.8.1 Subdivision and/or development proposals within the Special Control Area shall be supported by:
      - i. A BAL assessment or Contour Map, prepared in accordance with the Guidelines for Planning in Bushfire Prone Areas (as amended), demonstrating how any bushfire hazards identified can be appropriately managed within the context of the proposal to the satisfaction of the Shire of Kalamunda;
      - ii. A Local Water Management Strategy, prepared in accordance with Better Urban Water Management on the advice of the Shire of Kalamunda, to the satisfaction of the Department of Water;
      - iii. Investigations to determine if any significant vegetation, flora or fauna habitat occurs within the proposal area. Where relevant to a subdivision area or development application, detailed management plans shall be prepared and implemented to the satisfaction of the Shire of Kalamunda;
      - iv. Design guidelines adopted by the local government under Part 2 of the deemed provisions for development of land on Lots directly fronting Welshpool Road East.
    - 6.8.2 Notwithstanding Table 1, the permissibility of the following use classes within the 'General Industry' zone within the Special Control Area is to be in accordance with the designation listed below for the purpose of clause 4.3:
      - Industry – General – 'D' Use
      - Logistics Centre – 'P' Use
      - Motor Vehicle Wrecking – 'X' Use



- Resource Recovery Centre – 'X' Use
- Restaurant – 'D' Use
- Salvage Yard – 'D' Use
- Storage – 'D' Use

6.8.3 Notwithstanding Table 1, the permissibility of the following use classes within the 'Light Industry' zone within the Special Control Area is to be in accordance with the designation listed below for the purpose of clause 4.3:

- Motor Vehicle Wrecking – 'X' Use
- Resource Recovery Centre – 'X' Use
- Salvage Yard – 'X' Use
- Storage – 'X' Use

3. Modifying the boundary of Special Control Area 4 to exclude land to the northwest of Coldwell Road in accordance with the attached map.
4. Rezoning the amendment area to General Industry and Light Industry by modifying the Local Planning Scheme No. 3 map in accordance with the attached map.

Dated this       day of       **2016**

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CHIEF EXECUTIVE OFFICER

## Attachment 1

### Existing Local Planning Scheme No. 3 Zoning



LEGEND	
<b>REGION SCHEME RESERVES</b>	
<span style="display:inline-block; width:15px; height:10px; background-color:red; border:1px solid black;"></span>	PRIMARY REGIONAL ROADS
<span style="display:inline-block; width:15px; height:10px; background-color:gray; border:1px solid black;"></span>	RAILWAY
<b>LOCAL SCHEME RESERVES</b>	
<span style="display:inline-block; width:15px; height:10px; background-color:yellow; border:1px solid black;"></span>	PUBLIC PURPOSE SUPPORTED ACTIVITIES
<span style="display:inline-block; width:15px; height:10px; background-color:lightblue; border:1px solid black;"></span>	P5 PRIMARY SCHOOLS
<b>LOCAL SCHEME ZONES</b>	
<span style="display:inline-block; width:15px; height:10px; background-color:lightgreen; border:1px solid black;"></span>	INDUSTRIAL DEVELOPMENT
<span style="display:inline-block; width:15px; height:10px; background-color:lightblue; border:1px solid black;"></span>	PRIVATE CLUBS AND INSTITUTIONS
<span style="display:inline-block; width:15px; height:10px; background-color:yellow; border:1px solid black;"></span>	SPECIAL RURAL
<span style="display:inline-block; width:15px; height:10px; background-color:lightyellow; border:1px solid black;"></span>	URBAN DEVELOPMENT
<b>OTHER CATEGORIES</b>	
<span style="display:inline-block; width:15px; height:10px; border-top:1px dashed red;"></span>	20 ANEF
<span style="display:inline-block; width:15px; height:10px; border-top:1px dashed red;"></span>	BUSHFIRE PRONE AREAS
<span style="display:inline-block; width:15px; height:10px; border-top:1px dashed red;"></span>	DEVELOPMENT AREA
<span style="display:inline-block; width:15px; height:10px; border-top:1px dashed red;"></span>	SCA6 SPECIAL CONTROL AREA

### Proposed Local Planning Scheme No. 3 Zoning



LEGEND	
<b>LOCAL SCHEME ZONES</b>	
<span style="display:inline-block; width:15px; height:10px; background-color:purple; border:1px solid black;"></span>	GENERAL INDUSTRY
<span style="display:inline-block; width:15px; height:10px; background-color:lightpurple; border:1px solid black;"></span>	LIGHT INDUSTRY
<b>OTHER CATEGORIES</b>	
<span style="display:inline-block; width:15px; height:10px; border-top:1px dashed red;"></span>	SCA6 SPECIAL CONTROL AREA
<span style="display:inline-block; width:15px; height:10px; border-top:1px dashed red;"></span>	SCA6 SPECIAL CONTROL AREA

**Confidential Attachment 12**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”*

**This attachment has been circulated to all Councillors under separate cover**

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

**33. Approval for the Existing Use of Parking of a Commercial Vehicle - Lot 62 (9) Valiant Close, Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	VL-05/009
Applicant	Kieran Daly & Anies Clarenc
Owner	Joseph Clarenc & Marie Clarenc

Attachment 1	Site Plan
Attachment 2	Commercial vehicle parked on site -photos
Attachment 3	Submission Table
Attachment 4	Confidential Submitters Map

Reason for Confidentiality:  
*Local Government Act 1995*  
*S5.23 (2) (b) – “the personal affairs of any person;”*

**EXECUTIVE SUMMARY**

1. To consider an application for the existing use of parking of a commercial vehicle (Truck) at Lot 62 (9) Valiant Close, Lesmurdie (the Site) Refer Attachment 1.
2. The proposal is non-compliant in respect to Local Planning Policy P DEV 22- Parking Of Commercial Vehicles on Private Property (the policy), principally the location, movement times and operation of the fitted refrigeration unit while parked. Having regard to the proposal's noncompliance with the Policy, the officer recommendation is to refuse the application.

**BACKGROUND**

3. Land Details:

<b>Land Area</b>	961 m2
<b>Local Planning Scheme Zone</b>	Residential R10
<b>Metropolitan Regional Scheme Zone</b>	Urban

4. The applicant has applied for the parking of a commercial vehicle on the site following an investigation of the matter by the Shire. Subsequent to the Shire investigating the matter, the vehicle has been removed from the site.

## Locality Plan

5.



## DETAILS

6. The applicant is seeking planning approval to park a commercial vehicle (truck) on the site. The proposed commercial vehicle is not compliant with the local planning policy PDEV-22 in respect to:
- the location of parking on the site;
  - the operating hours of the vehicle;
  - screening the vehicle from the street view; and
  - operating the fitted refrigeration unit while the vehicle is parked

Details of the proposal are contained in the Policy Considerations of this report.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No.3

7. In accordance with Table 1 of Local Planning Scheme No.3 (the Scheme) the proposed land use of 'Commercial Vehicle Parking' is identified as an "A" use, which means that the use is not permitted unless Council has granted permission following public advertising.
8. In accordance with Schedule 1 of the Scheme, Commercial Vehicle Parking is defined as:

*"commercial vehicle parking" means the parking of a commercial vehicle(s) for any period which is longer than necessary to load and unload or to complete a service being rendered to the property.*

9. Clause 5.19 of the Scheme establishes a number of provisions relating to Commercial Vehicle Parking, these include:
- ‘5.19.6 Approval for parking a commercial vehicle may only be granted where an occupier of the lot on which the commercial vehicle is to be parked is also:*
- a) the owner of;*
  - b) the driver of; or*
  - c) the proprietor of a business which owns or operates the commercial vehicle in respect of which the approval is sought.*
- 5.19.7 An approval for the parking of a commercial vehicle is –*
- a) personal to the applicant for approval; and*
  - b) specific to the commercial vehicle which is the subject of the application for approval.*
- 5.19.8 Council may revoke any approval granted for parking of a commercial vehicle(s) if there is failure to comply with any condition of approval.’*

### **Planning and Development (Local Planning Schemes) Regulations 2015**

10. In considering an application for planning approval, Clause 67 of The Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings;
  - Amenity in the locality;
  - The amount of traffic to be generated by the Development, particularly in relation to the capacity of the road system and effect of traffic flow and safety; and
  - Any relevant submissions received on the application.
11. If Council refuses the application or imposes conditions that are unacceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

### **POLICY CONSIDERATIONS**

#### **Local Planning Policy – P-DEV22 – Parking of Commercial Vehicles on Private Property**

12. The objective of the P-DEV22 is to provide opportunities for the parking of commercial vehicles in a manner that does not detrimentally impact on the amenity of the surrounding area.

13. The parking of a Commercial Vehicle is assessed against Policy DEV 22 – Parking of Commercial Vehicles on Private Property. The following is an analysis of the proposal in relation to the assessment criteria:

Policy requirement	Proposal	Compliant with policy
Maximum 11 metres in length and 4.3 metres in height.	The truck is 4.5 metres in length and 3.1 metres in height	Yes
The vehicle shall only be started and manoeuvred on the lot in accordance with times and a manner approved by Council. Standard start and manoeuvring times are 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm Sundays, unless otherwise approved by Council.	The applicant advises that operating times are Friday 6.00am to 11am and 5am to 2pm Saturday and Sunday.	No
Vehicle is to be parked behind the front alignment of the dwelling and preferably behind the rear alignment of the dwelling. Where the vehicle is parked alongside the dwelling, then gates or fencing to a height of 1.8m should be erected to satisfactorily screen the vehicle.	The vehicle is proposed to be parked in front of the dwelling, and there is no natural screening from the public realm. The vehicle is parked on the front lawn.	No
The vehicle must be parked on the lot so that it does not interfere with access and egress of other vehicles. Where possible, vehicles should be parked such that they do not need to be reversed out.	The vehicle is proposed to be parked in the front of the dwelling along with other vehicles. The vehicle will not be able to leave and enter the site in forward gear.	No
A refrigeration unit fitted to a commercial vehicle parked on or abutting a residential lot may not be operated whilst the vehicle is parked on the lot.	The applicant advises that the refrigeration unit is operated for 1-2 hours every day between 8am to 9pm.	No
Maintenance and cleaning of the commercial vehicle on a residential lot to be permitted only between 8.00am and 7.00pm Monday to Saturday, and 9.00am and 6.00pm Sunday, unless otherwise approved.	If approved cleaning and maintenance times can be included as a condition.	Yes



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## COMMUNITY ENGAGEMENT REQUIREMENTS

14. In accordance with Local Planning Policy DEV 45 – Public Notification of a Planning Proposal, the application was advertised to nearby and affected land owners for a 14 day submission period. At the end of the submission period six submissions had been received, consisting of two objections, two comments and two non-objections on the proposal. Refer Attachment 3 and confidential attachment 4.
15. The main issues raised in the objections are:
- The noise from the operation of the refrigeration unit will impact on the residents.
  - The proposed times of vehicle movements will have a negative impact on the nearby residents.
  - The proposal to park the truck at the proposed location will have a negative impact on the amenity of the area.
16. The above concerns raised by the local community are addressed in the officer comment section of the report.

## FINANCIAL CONSIDERATIONS

17. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

18. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.3 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.
- |                |  |
|----------------|--|
| Strategy 4.3.2 | Undertake efficient monitoring and compliance of building developments within the Shire. |
|----------------|--|

## SUSTAINABILITY

### Social Implications

19. The location of the vehicle on site, proposed hours of operation of the commercial vehicle and the operation of the refrigeration unit while the vehicle is parked may impact the amenity of the residential area

### Economic Implications

20. The parking of the commercial vehicle on the property will assist the owner with their fruit and vegetable business.

## Environmental Implications

21. Nil.

## RISK MANAGEMENT CONSIDERATIONS

22.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The commercial vehicle parking in the front of the property will impact on the amenity of surrounding residents.	Likely	Significant	High	Recommend that the application not be supported due to its non-compliance with P-DEV 22

## OFFICER COMMENT

23. The proposal is not compliant with the Policy in respect to the following:
- the location of parking on the site;
  - the operating hours of the vehicle;
  - screening the vehicle from the street view; and
  - operating the fitted refrigeration unit while the vehicle is parked
24. Discussions with the applicant revealed that they are unable to comply with the policy requirements as the truck cannot be parked behind the dwelling due to the position of the house. The truck is used to store fresh fruit and vegetables, therefore the refrigeration unit has to be kept running to keep the fruit and vegetables under specific temperature. The hours of operations cannot be changed as the applicant uses the truck to transport fruit and vegetables to the farmers market which runs during weekends in the morning.
25. Noting the above, it is considered that the location of the vehicle with no screening to the road, the proposed hours of operation and the operation of refrigeration unit while parked on the site, has the potential to adversely impact the amenity of the local residents. It is therefore recommended that the proposal is not supported.

*Mr Kieran Daly from 9 Valient Close, Lesmurdie (applicant) spoke against the recommendation for his application to be refused and clarified queries raised by Cr Dylan O'Connor and Cr Andrew Waddell.*

*Queries were clarified by Shire Staff for Cr Dylan O'Connor and Cr Brooke O'Donnell.*

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<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&A 33/2017)**

That Council:

1. Refuse the application for the approval of the existing use parking of a commercial vehicle (truck) at Lot 62 (9) Valiant Close, Lesmurdie due to the following reasons:
  - a) The parking of commercial vehicle is not compliant with Local Planning Policy DEV-22 Parking of Commercial Vehicles on Private Property, in respect to the location of the vehicle and screening from the road, the operating hours of the vehicle and the operation of the vehicle while parked and overall impact on the amenity of the locality.
  - b) The proposal is not in accordance with the principles of Orderly and Proper Planning.

Moved:

Seconded:

Vote: **LAPSED**

*The Presiding Person sought a mover and seconder for the Officer Recommendation.*

*The Recommendation Lapsed for want of a mover.*

*Cr John Giardina moved an alternative motion to defer the item to the Ordinary Council Meeting to allow time for the applicant to liaise with the complainant with a view to resolve current concerns.*

*The Director Development Services advised she would seek clarification of the outcome and provide an update to all Councillors before the item goes back to Council.*

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 33/2017)**

That Council:

1. Defer the item to the Ordinary Council Meeting.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

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

### Attachment 1

Approval for the Existing Use of Parking of a Commercial Vehicle - Lot 62 (9) Valiant Close, Lesmurdie  
**Site Plan**



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## Attachment 2

Approval for the Existing Use of Parking of a Commercial Vehicle - Lot 62 (9) Valiant Close, Lesmurdie  
**Commercial Vehicle Photos- Provided by the applicant**









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**Site Photos taken on 8 May 2017**











### Attachment 3

Approval for the Existing Use of Parking of a Commercial Vehicle - Lot 62 (9) Valiant Close, Lesmurdie

### Submission Table

Comment		Staff Comment
1.	<p>No objection to the proposal.</p> <ul style="list-style-type: none"> <li>a) The proposed time of operation of the refrigeration unit is under proposed.</li> <li>b) It runs on and off all day and night particularly in the hotter months.</li> </ul>	<p>Noted.</p> <ul style="list-style-type: none"> <li>a) Noted.</li> <li>b) Noted.</li> </ul>
2.	<p>Objection to the proposal.</p> <ul style="list-style-type: none"> <li>a) Cul-de -sac location where noise cannot be absorbed.</li> <li>b) Truck is parked in the front garden along with three other cars.</li> <li>c) Refrigeration unit is often charged late at night and in longer increments than stated.</li> <li>d) Property is a rental not owner occupied.</li> <li>e) Noisy when reversing at 5am.</li> <li>f) Noisy when truck is being loaded at night.</li> <li>g) Believe they have access to parking at a rural location.</li> <li>h) What happens if they decide to work 5 days a week with the truck.</li> <li>i) By giving permission to one truck, it will allow others to park trucks on their property.</li> </ul>	<p>Noted.</p> <ul style="list-style-type: none"> <li>a) Noted.</li> <li>b) Noted.</li> <li>c) The owners have mentioned to the Shire's staff that the refrigeration unit wasn't working properly and was running longer than normal. They have since repaired the unit. But operation of refrigeration unit while parked is not in accordance with the P DEV 22 policy.</li> <li>d) Under the Local Planning Scheme No 3, the applicant can apply for the use with the consent of the owner.</li> <li>e) Noted.</li> <li>f) Noted.</li> <li>g) Noted.</li> <li>h) Every proposal is assessed in accordance with the information provided in the proposal.</li> <li>i) Every proposal is assessed in accordance with the Local Planning Scheme No 3 and the Shire's Policies and a determination is made based on the merits of each case</li> </ul>
3.	<p>No objection to the proposal.</p>	<p>Noted.</p>

4.	No objection to the proposal.	Noted.
5.	<p>Objection to the proposal.</p> <p>a) A noise complaint due to the running of refrigeration unit has been registered with the Shire's Health Department.</p> <p>b) The proposed time of operation of the refrigeration unit is under stated. From August 2016 till the Shire intervened, it was running 24/7. The noise is loud enough to disturb the sleep of the neighbours and result in health problems.</p> <p>c) The hours of operation are proposed at 5 am which means the noise starts at 4.30am, like slamming doors, idling, etc.</p> <p>d) The sheer presence of the truck in the neighbourhood is an eyesore that will lower house values.</p>	<p>Noted.</p> <p>a) The complaint has been dealt with the Shire's staff and a letter was sent requesting either removing or applying for the parking of commercial vehicle under Clause 8.4 of the Local Planning Scheme No 3.</p> <p>b) Noted.</p> <p>c) The hours of operation are not in accordance with the policy P DEV 22.</p> <p>d) Noted.</p>
6.	<p>Comment on the proposal.</p> <p>a) The proposal of refrigeration unit being operated for 1- 2 hours in a day is no problem, but the refrigeration unit has been operated all night and has affected the neighbours.</p> <p>b) If the Shire allows the parking of commercial vehicle, there is a concern about monitoring the operation of the refrigeration unit while parked on site.</p>	<p>Noted.</p> <p>a) Noted.</p> <p>b) The operation of refrigeration unit while the commercial vehicle is parked is not in accordance with the policy P DEV 22- Parking of Commercial Vehicles on Private Property.</p>

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**Confidential Attachment 4**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”*

**This attachment has been circulated to all Councillors under separate cover**

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

**34. Application for Amended Development Approval – Place of Worship – Lot 200 (219) Gooseberry Hill Road, Maida Vale**

Previous Items	OCM 166/2014
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	GS-01/219 & DA14/0502
Applicant	Philip Dadd
Owner	Philip Dadd
Attachment 1	Existing Notice of Determination dated 28 November 2014
Attachment 2	Development Plans
Attachment 3	Submission Table
Attachment 4	Confidential Submitters Map

**EXECUTIVE SUMMARY**

1. Council is requested to consider an application which seeks to amend the planning approval for a place of worship at the subject site (issued 28 November 2014) by deleting from the approval conditions 11 and 12, which require an acoustic report and restrict service operating hours respectively.
2. At the time of advertising the previous application, the Shire received eight (8) submissions, comprising five (5) objections and three (3) non-objections. The key concerns raised relate to the need to retain conditions 11 and 12 for the purposes of protecting amenity for adjoining residential property owners, and that removing these conditions would result in an inability to control noise and activities on-site, and would set an undesirable precedent for other commercial activities in the area.
3. It should be noted that the development of the site as a place of worship has yet to proceed.
4. Having considered the request to amend the approval to removed conditions 11 and 12, the noise likely to be generated by the proposal and the service/operating hours should be viewed in the context of the place of worship being a relatively small scale and benign land use which typically operates outside conventional hours. The applicant's request to delete conditions 11 and 12 is considered to have merit and is not likely to cause undue noise or an undesirable precedent for future proposals.
5. In summary, it is recommended that the planning approval be amended by deleting conditions 11 and 12.



## BACKGROUND

6. Land Details:

<b>Land Area:</b>	1,724m <sup>2</sup>
<b>Local Planning Scheme No. 3 Zone:</b>	Residential R10
<b>Metropolitan Region Scheme Zone:</b>	Urban

7. Locality Plan:



8. The property contains a single dwelling and associated outbuildings, and mature vegetation throughout. It is within close proximity to the Kalamunda Road and Gooseberry Hill Road / Hawtin Road intersection.
9. Surrounding properties contain single dwellings, with the exception of the adjoining property on the western boundary, which contains an indoor swimming pool.
10. Council at its Ordinary Meeting held 24 November 2014 resolved to approve a planning application to change the use of the existing dwelling at the subject site to a place of worship, subject to 13 planning conditions, refer (Attachment 1).
11. On 21 November 2016, the Shire issued an extension to the term of planning approval for the subject place of worship, for a further two (2) years, until 28 November 2018.

## DETAILS

12. Details of the original approved application are as follows (Attachment 2):
- The existing dwelling is to be retained, and converted into a place of worship, and occupied by the Plymouth Brethren Christian Church.
  - It is proposed that up to 64 persons can be accommodated within the proposed place of worship.



- Services are proposed to be held on Mondays between 6.30pm and 7.30pm, and on Sundays between 6.00am and 7.00am.
- Twenty (20) car parking bays are proposed to be available on site.
- No external signage is proposed.
- No extensions are proposed to the existing dwelling or outbuilding on the property.
- A Traffic Impact Statement submitted as part of the application concluded that no traffic impacts were identified.

13. The application is seeking to remove conditions 11 and 12 of the original approval to commence development, as follows:

*"11. The applicant is required to engage an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to undertake a detailed noise assessment in relation to the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the Shire prior to commencing the development. Where such an assessment finds the proposal fails to meet the legislative limits the proponent must submit a noise mitigation plan for approval of the Shire prior to commencing the development.*

*12. Services only being permitted to be held on Mondays between 6:30pm and 7:30pm, and on Sundays between 6:00 am and 7:00 am."*

13. In support of the request, the applicant submitted the following justification:

*"Other trust churches in the Kalamunda Shire are:*

- 1) 3 Leschenaulta Way, Maida Vale*
- 2) 56 Davies Crescent, Gooseberry Hill*
- 3) 508 Kalamunda Road, High Wycombe*
- 4) 1 Grevillea Road, Lesmurdie*
- 5) 5 Rooth Road, Lesmurdie*

*All of these church halls listed above have development approvals without any time restrictions which we request the same for the Gooseberry Hill Road property. Although the intended times of use for this property are mentioned above, as with our other halls sometimes different times are required.*

*The trust feels there being no known problems or complaints with times or noise at any of our other halls it's not unreasonable to ask for these conditions to be removed."*

14. The anticipated hours of operation proposed by the applicant are Monday, 6pm – 8pm and Sunday, 6am – 7am, meaning the only deviation of operating hours from the original application will be during Monday services where people are expected to arrive 30 minutes earlier and leave 30 minutes later. The applicant has however indicated that there may be other times outside the formal church services when people will attend the site.

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## STATUTORY AND LEGAL CONSIDERATIONS

### *Planning and Development (Local Planning Schemes) Regulations 2015*

15. Under Schedule 2, Part 9, Clause 77 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an owner may request that a development approval be amended to delete any condition to which the approval is subject.
16. In considering an application referred to above, the Shire may determine the application as follows:
  - a) Approving the application without conditions; or
  - b) Approving the application with conditions; or
  - c) Refusing the application.
17. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

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

18. Under the Zoning Table (Table 1) of Local Planning Scheme No. 3 (Scheme) the use "Place of Worship" is an 'A' use meaning that prior to determining the proposal it is required to be advertised.

## POLICY CONSIDERATIONS

19. The Shire is currently in the process of developing a local planning policy for the purposes of providing guidance for location, appropriateness, and scale of applications for Places of Worship within the Shire. This policy is being presented to Council for consideration at the Development and Asset Services Committee and Council Meetings shortly. This policy recommends a greater level of consideration being applied to operational aspects of larger scale proposals, including hours of operation and noise being generated, which may result in specific conditions of planning approval in order to manage these aspects.

## COMMUNITY ENGAGEMENT REQUIREMENTS

20. The application was readvertised to surrounding property owners and occupiers in accordance with the requirements of Local Planning Policy P DEV- Public Notifications of Planning Proposals for a period of 14 days. . During the advertising period, the Shire received eight (8) submissions, comprising five (5) objections and three (3) non-objections, refer (Attachment 3 and 4).
21. The concerns raised during advertising are summarised as follows:
  - Noise from official activities and also from people coming and going from the premises.
  - Condition 11 is required to protect the amenity of adjoining residents. Concern that removing condition 11 will exempt the place of worship from relevant noise regulations or reduce the ability for the Shire to control undue noise.

- Operating hours should be included as a condition of planning approval to protect the amenity of adjoining residents. Removing this requirement would set an undesirable precedent for other businesses in the area.
- Hours of operation outside of the original approval.
- Traffic safety and volume increases of the proposal generally.
- Having a premises not occupied regularly in a residential area may attract anti-social behaviour.

## **Internal Referrals**

### **Environmental Health**

22. The application was referred to the Shire's Environmental Health Services for comment. No objections were raised to the condition relating to the acoustic report (condition 11) being removed. It was also noted that an acoustic report could be requested depending on individual circumstances, however if the condition is not applied the operation is still required to comply with the *Environmental Health (Noise) Regulations 1997*.

## **External Referrals**

23. Nil.

## **FINANCIAL CONSIDERATIONS**

24. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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

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

Strategy 4.3.2 Undertake efficient monitoring and compliance of building developments within the Shire.

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

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## SUSTAINABILITY

### Social Implications

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

### Economic Implications

27. Nil.

### Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

29.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Removing conditions 11 and 12 will potentially impact on the amenity for adjoining residential property owners, and result in an inability to control noise and activities on-site.	Unlikely	Moderate	Low	Demonstrate that the proposed use is relatively benign in respect to its activity. The use will still be subject to the requirements of the Noise Regulations.

## OFFICER COMMENT

30. It is important to note that this application is not seeking approval for the place of worship use itself, but rather an amendment to an existing approval to delete conditions 11 and 12.
31. Key issues raised by submissions received during advertising relate to the need to retain conditions 11 and 12 for the purposes of protecting amenity for adjoining residential property owners, and that removing these conditions would result in an inability to control noise and activities on-site, and would set an undesirable precedent for other commercial activities in the area.
32. In respect to condition 11, one of the key reasons this was included was the supporting information that was lodged by the applicant with the original application in 2014 indicated a willingness to undertake a noise assessment, stating as follows:

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*"Whilst it may be a place of worship and music and singing may be part of the service, it is assumed that the sound will not exceed the current noise limits as defined by the Environmental Protection (Noise) Regulations 1997.*

*However, again it should be noted that as part of the DA is may be required that a sample of noise be taken at an existing site for comparative purposes. This can be performed by suitable qualified acoustic engineers if require."*

33. Having regard to the scale of the proposed place of worship, the number of people expected to attend the site, and the limited number and duration of services, it is not normal practice to request a full noise assessment as a condition of planning approval. Rather, if it were considered to be likely that noise would cause an undue impact on surrounding property owners, a noise assessment would have been requested prior to determining the planning approval. In this instance, it is expected that the use would meet the noise limit under the *Environmental Protection (Noise) Regulations 1997*, and should not require further evaluation in this respect.
34. Furthermore, conditions of planning approval are required to relate to a planning purpose, and not necessarily duplicate other legislation where requirements may already be in place. In this respect, the *Environmental Protection (Noise) Regulations 1997* establish noise limits for different types of land use, and the Shire can, where necessary, monitor and control (through compliance measures) levels of noise being emitted from the property.
35. In regard to the other properties referenced above that are used as a place of worship and which are associated with the applicant, the following is noted:
- 3 Leschenaultia Way, Maida Vale – Approved place of worship development on 22 November 2005. This allowed a maximum capacity of 910 persons.
  - 56 Davies Crescent, Gooseberry Hill – Historically used as a place of worship. Approval granted 19 May 2003 for additions and alterations to the church hall.
  - 508 Kalamunda Road, High Wycombe – Approved as a place of worship on 27 October 2003 based on a maximum number of 70 persons.
  - 1 Grevillea Road, Walliston – Approved as a place of worship on 19 May 1986.
  - 5 Rooth Road, Lesmurdie – Approved as a place of worship 26 September 2013.

All approvals listed above, including much larger places of worship, did not include conditions that limited the hours of operation, or require a noise assessment to be undertaken by the applicant. It is further noted that there are no recorded complaints in regard to hours of operation or noise associated with the operation of these facilities in the Shire's records.

36. In regard to hours of operation, the number and duration of place of worship services expected at the site are not considered excessive, however it is noted that they have services which are for the majority of the time outside of normal daylight hours. It is also acknowledged that members of the particular place of worship may wish to attend the site outside of these hours/days for other purposes, which is not considered to be unreasonable. It is considered that the service hours should be viewed in the context of the place of worship

being a relatively small scale and benign land use which typically operates outside conventional hours. In this respect, no objections are raised to the deletion on condition 12.

37. Given the above, it is recommended that the planning approval be amended by deleting conditions 11 and 12.

*Mr Neil McGuinness from 22 Meloway Drive, Maida Vale spoke on the item. Mr McGuinness outlined his concerns regarding possible issues with noise and also advised he is happy to see the property be developed as it is currently in a state of disrepair.*

*Queries were clarified for Cr Dylan O'Connor, Cr Brooke O'Donnell and Cr Andrew Waddell.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 34/2017)**

That Council:

1. Approve the application to amend the planning approval dated 28 November 2014 for a place of worship at Lot 200 (219) Gooseberry Hill Road, Maida Vale, by deleting the following conditions from the approval:
11. The applicant is required to engage an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to undertake a detailed noise assessment in relation to the *Environmental Protection (Noise) Regulations 1997* to the satisfaction of the Shire prior to commencing the development. Where such an assessment finds the proposal fails to meet the legislative limits the proponent must submit a noise mitigation plan for approval of the Shire prior to commencing the development.
12. Services only being permitted to be held on Mondays between 6:30pm and 7:30pm, and on Sundays between 6:00 am and 7:00 am.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote:

For	Against
Cr Michael Fernie Cr John Giardina Cr Geoff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Sue Bilich	Cr Andrew Waddell Cr Sara Lohmeyer Cr Dylan O'Connor
<b>CARRIED (6/3)</b>	

## Attachment 1

Application for Amended Development Approval – Place of Worship – Lot 200 (219) Gooseberry Hill Road, Maida Vale

**Existing Notice of Determination dated 28 November 2014**

### Shire of Kalamunda

2 Railway Road, KALAMUNDA WA 6076

Postal Address

PO Box 42, KALAMUNDA WA 6926

Tel: (08) 9257 9999

Fax: (08) 9293 2715

Email: [kala.shire@kalamunda.wa.gov.au](mailto:kala.shire@kalamunda.wa.gov.au)



## NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

*PLANNING AND DEVELOPMENT ACT 2005*

ADDRESS:	219 Gooseberry Hill Road, Maida Vale	LOT NO.	200
TITLE VOL NO.	1769	FOLIO	409
APPLICATION DATE	27 August 2014	RECEIVED ON	29 August 2014
DESCRIPTION OF PROPOSAL:	Change of Use (from Single Dwelling to Place of Worship)		

The application for approval to undertake development in accordance with the plans attached thereto is:



Granted subject to the following conditions:



Refused for the following reason(s):

### CONDITIONS OF APPROVAL:

1. The provision and maintenance of a total of 20 car spaces including a minimum of one disabled bay.
2. The crossover shall be designed and constructed to the satisfaction of the Shire.
3. Vehicle parking, manoeuvring and circulation areas, except for the overflow area, to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
4. A landscaping plan being submitted to and approved by the Shire prior to the use commencing.



5. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the satisfaction of the Shire.
6. A geo-technical report being submitted to and approved by the Shire within 28 days of this decision.
7. Stormwater is contained on-site, or appropriately treated and connected to the local drainage system to the specification and satisfaction of the Shire.
8. The property not being used for Community Purpose or Club Premises purposes as defined under Local Planning Scheme No. 3.
9. A new effluent disposal system that complies with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974 is to be installed to the Shire's satisfaction.
10. All existing septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The applicant must provide a statutory declaration to the Shire of Kalamunda stating that the site has been inspected and all effluent disposal systems have been removed. A pro-forma for this declaration is available from the Shire.
11. The applicant is required to engage an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to undertake a detailed noise assessment in relation to the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the Shire prior to commencing the development. Where such an assessment finds the proposal fails to meet the legislative limits the proponent must submit a noise mitigation plan for approval of the Shire prior to commencing the development.
12. Services only being permitted to be held on Mondays between 6.30pm and 7.30pm, and on Sundays between 6.00am and 7.00am.
13. Prior to any external lighting being installed/erected, a lighting plan is to be submitted to and approved by the Shire.

In addition to the conditions, the applicant is requested to have due regard to the following:

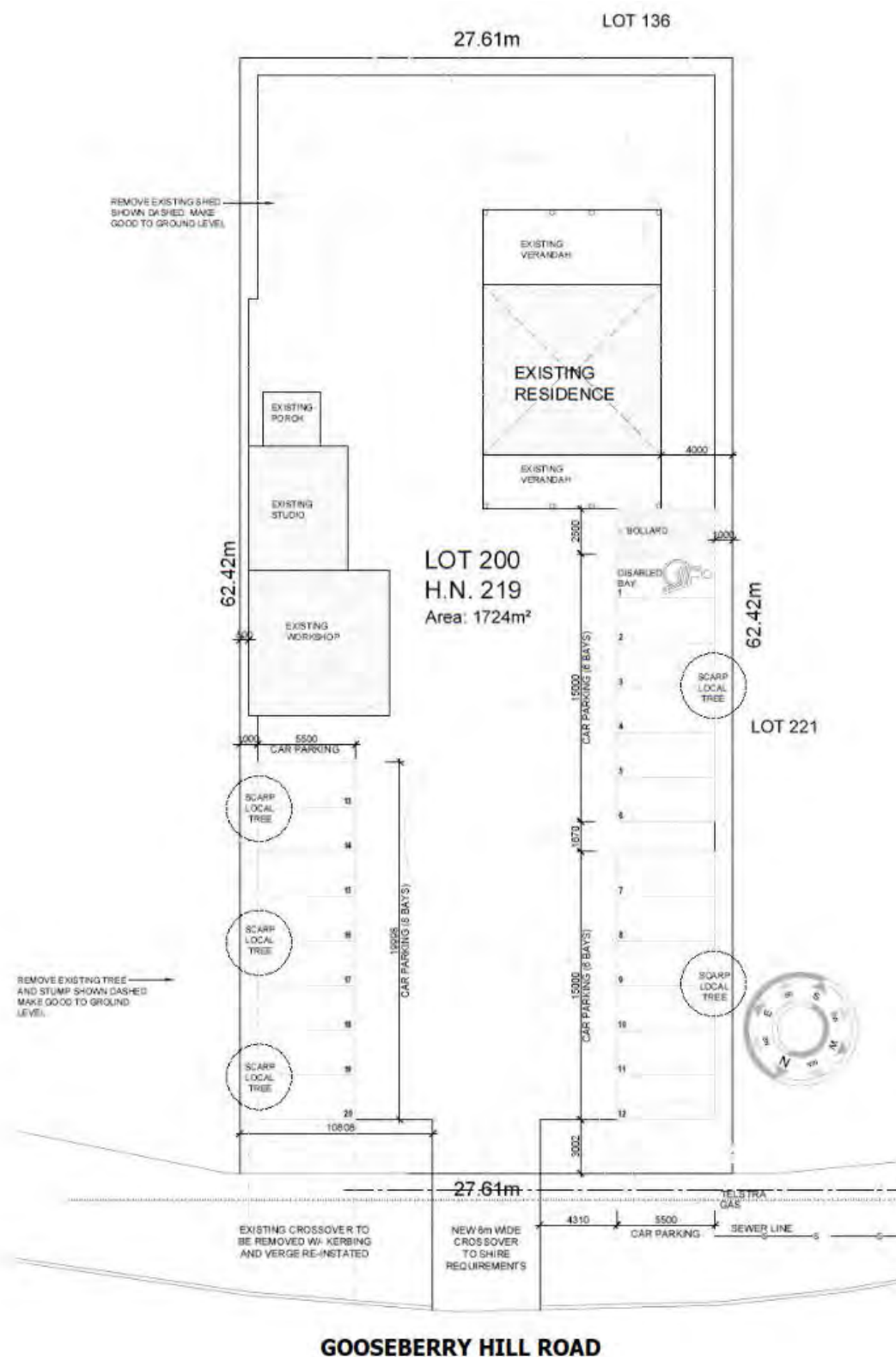
- a) All development must comply with the provisions of Council's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.

- b) The applicant is reminded of their obligations to comply with the Environmental Protection Amendment Regulations (No 2) 2000, whereby vegetation to be removed shall not be burnt on site.
- c) The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment & Conservation. Further, failing to take reasonable measures to control the escape of sand or dust from a development site carries a penalty of up to \$5000 in addition to \$500 for each day the offence is continuing under Shire of Kalamunda local laws.
- d) Prior to any construction, the applicant is required to obtain a building licence approval from the Shire. The building licence application is to be certified in accordance with the *Building Act 2011*.

I hereby sign this approval for the application dated 27 August 2014 to change the use of the existing single dwelling to a place of worship for and on behalf of the Shire of Kalamunda.

Application for Amended Development Approval – Place of Worship – Lot 200 (219) Gooseberry Hill Road, Maida Vale

**Development Plans**

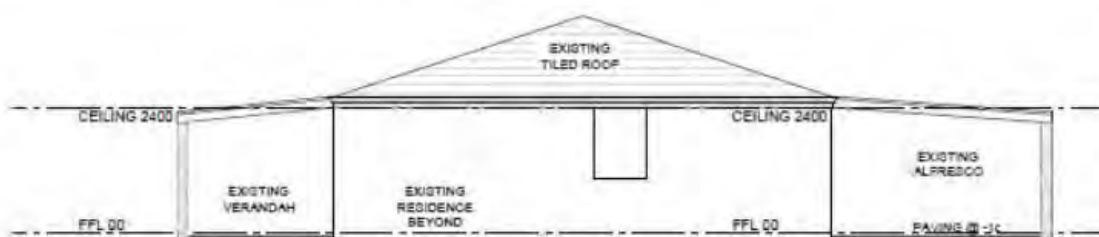




SIDE ELEVATION (NE)  
Scale 1:100



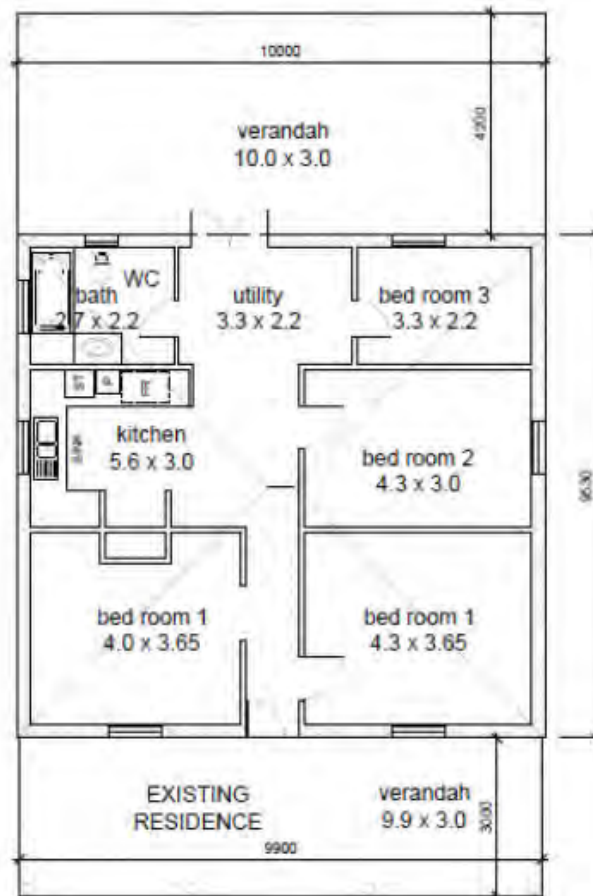
REAR ELEVATION (SE)  
Scale 1:100



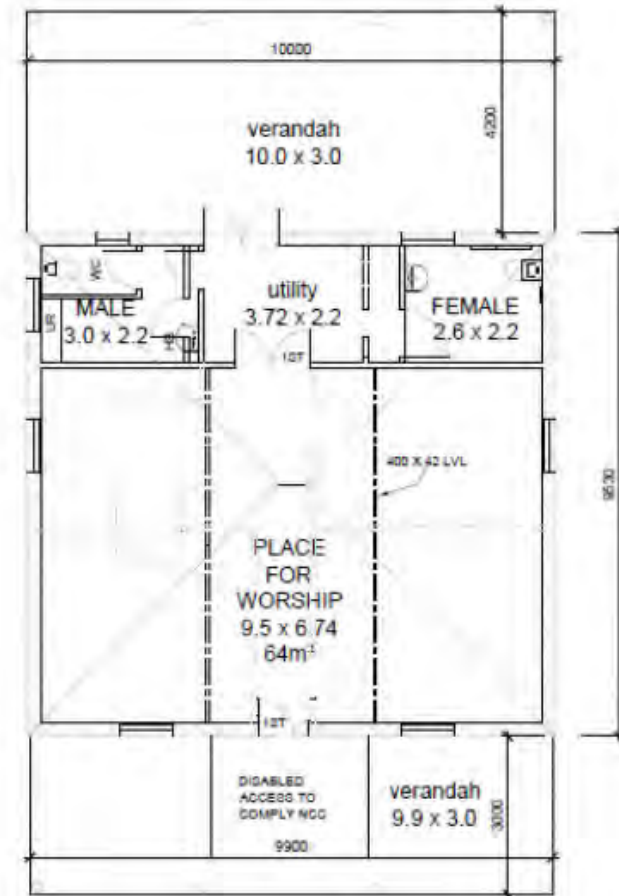
SIDE ELEVATION (SW)  
Scale 1:100



FRONT ELEVATION (NW)  
Scale 1:100



**EXISTING HOUSE FLOOR PLAN**  
Scale 1:100



**PROPOSED PLACE FOR WORSHIP FLOOR PLAN**  
Scale 1:100

### Attachment 3

Application for Amended Development Approval – Place of Worship – Lot 200 (219) Gooseberry Hill Road, Maida Vale

#### Submission Table

Nature of submission	Submitter number	Officer Comment
<b>Non-objection and no comment</b>	4, 5	Noted.
<b>Non-objection</b> <ul style="list-style-type: none"> <li>Having known adults and children from this church for more than 25 years, I have found them to be honourable, decent and most of all respectful to others.</li> </ul>	7	Noted.
<b>Objection</b> <ul style="list-style-type: none"> <li>Conditions 11 and 12 are required to protect the amenity of adjoining residents.</li> </ul>	1, 2, 6, 8	It is considered that the service hours and noise should be viewed in the context of the place of worship being a relatively small scale and benign land use which typically operates outside conventional hours. In this respect, the proposal is not considered to be likely to cause undue noise or amenity impacts as a result of the removal of conditions 11 and 12.
<b>Objection</b> <ul style="list-style-type: none"> <li>Noise from official activities and also from people coming and going from the premises.</li> </ul>	1, 8	It is not expected that the noise generated by these activities will exceed the allowable limited prescribed by the <i>Environmental Protection (Noise) Regulations 1997</i> .
<b>Objection</b> <ul style="list-style-type: none"> <li>The proposal is not appropriate in a residential area.</li> </ul>	2, 3	The place of worship land use is capable of being considered in a Residential zone.
<b>Objection</b>	3, 8	While this aspect of the proposal is not under consideration through the amended planning application, the

<ul style="list-style-type: none"><li>Traffic safety and volume increases of the proposal generally.</li></ul>		
<b>Objection</b> <ul style="list-style-type: none"><li>The removal of conditions 11 and 12 will set an undesirable precedent for other commercial land uses in the area.</li></ul>	6	The removal of these conditions will not have the effect of binding the Shire to make the same decision for other places of worship in the future. Each application is considered on its merits and with due regard to the likely impact on other nearby land uses.
<b>Objection</b> <ul style="list-style-type: none"><li>Having a premises not occupied regularly in a residential area may attract anti-social behaviour.</li></ul>	8	There is no evidence to suggest that the proposal will increase anti-social behaviour.
<b>Objection</b> <ul style="list-style-type: none"><li>The proposal will impact on property values in the area.</li></ul>	3	This is not a valid land use planning consideration.



**Confidential Attachment 4**

Reason for Confidentiality: *Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”*

**This attachment has been circulated to all Councillors under separate cover**

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

**Cr Geoff Stallard disclosed a Direct Financial Interest in this item as he is an employee of Mazenod College. Cr Geoff Stallard left the Chambers at 7.17pm and returned at 7.31pm. Cr Geoff Stallard did not vote on this item.**

**35. Additions to Education Establishment, Design and Technology Centre and associated car parking - Lot 126, (55) Gladys Road, Lesmurdie**

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	GI-08/055
Applicant	Saleeba Adams Architects
Owner	Mazenod College Pty. Ltd
Attachment 1	Site Plan
Attachment 2	Floor Plan
Attachment 3	Elevation Plans
Attachment 4	Applicant's Submission Report
Attachment 5	Traffic Impact Assessment
Attachment 6	Bushfire Management Plan & DFES referral
Attachment 7	Master Plan (Ten year plan)
Attachment 8	Site Photographs
Attachment 9	Schedule Summary of submissions
Attachment 10	DA16/00337 Approval for Clearing Notice
Attachment 11	Flora and Fauna Study
Attachment 12	Confidential Submitters Map
<u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>S5.23 (2) (b) – "the personal affairs of any person;"</i>	
Attachment 13	Acoustic Consultants Report

**EXECUTIVE SUMMARY**

1. An application has been made by Saleeba Adams Architects on behalf of Mazenod College for additions to the existing college for a Design and Technology Centre, new crossover to Pindarra Place and associated landscaping, retaining and earthworks.
2. The application involves the construction of a new building forming part of the Mazenod College 2016 Master Plan which includes a future sports centre and maintenance shed which do not form part of this application.
3. The proposed building incorporates the following:
  1. Entry foyer, metal workshop, metal bulk store, metal machine room, Oxy and welding room, metal spray booth, grinder pod, composite workshop, design pod, wood machine room, wood workshop, wood bulk store, wood workshop, wood spray booth, staff room, tech office, graphics lab, engineering lab, universally accessible toilet and shower, lunch room and store room.

2. Reticulated gas storage, air conditioners, extractor compressor, bin storage and outdoor work area located on the exterior of the proposed building.
3. The proposed building is of tilt concrete, mini orb and colorbond material.
4. The proposal involves the construction of two new parking areas with two new crossovers to Pindara Place including the provision of 14 new car parking bays.

4. It is recommended that the application be supported subject to conditions.

## BACKGROUND

5. An application for the clearing of the land in advance of the proposed development was approved by the Shire of Kalamunda on 9 November 2016 for clearing of existing bushland (0.59ha) refer (Attachment 10). A detailed flora and fauna study was undertaken by Mattiske Consulting in support of the clearing indicated that approximately half the site was either degraded or completely degraded. The balance of the site was considered in relatively good condition. No declared or threatened or priority flora species were recorded on the site. Approval for the clearing of the vegetation was also received from the Department of Environmental Regulation.
6. Mazenod College have developed a ten year master plan which identifies the following proposed development which will be undertaken in stages over time (Attachment 7):
  - a) A new maintenance shed and undercover bus parking;
  - b) A new design and technology centre and associated service areas, including 26 new car parking bays;
  - c) A new exit-only crossover and 7 additional car parking bays to the existing main car park;
  - d) Library additions and alterations;
  - e) Year 9 – 10 classroom upgrade;
  - f) Year 7-8 classroom upgrade;
  - g) Staff room additions and alterations;
  - h) A new sports centre; and
  - i) Minor re-alignment to oval axis and relocation of cricket practice nets.

## DETAILS

7. **Land Details**

<b>Land Area</b>	9.3 hectares
<b>Local Planning Scheme Zone:</b>	Private Clubs and Institutions
<b>Metropolitan Region Scheme Zone:</b>	Urban

## 8. Locality Plan



9. a) Property Location:  
The property is bounded by Gladys Road, Pindara Place, Kershaw Avenue and George Road. The proposed Design and Technology Centre will be located in the northern area of the property which is recently cleared bushland.
- b) Application Detail (Attachments 1-4):
- i. A new two way crossover to Pindara Place is proposed to provide access to new staff parking areas for 7 parking bays as well as providing access for deliveries to the new facility.
  - ii. A second proposed one-way, exit only crossover to Pindara Place is proposed at the northern end of the existing car park comprising 7 new parking bays. It is stated that although not specifically associated with the development of the Design and Technology Centre, this exit will provide relief to internal traffic flows at student pick-up and drop-off times in addition to reducing Gladys Road congestion at those times.
  - iii. The total on-site parking supply includes 97 existing bays, with an additional 14 bays provided as part of the proposed development.
  - iv. The building being 1650m<sup>2</sup> in total site cover, it is stated to be designed in a contemporary style, incorporating existing College aesthetics as well as strong visual elements to provide a clear identity. The design includes the following elements:
    - Cream coloured pre-cast concrete wall elements consistent with the existing buildings;
    - Dark and light grey colorbond walling to the workshop buildings;
    - Light grey colorbond roofing;
    - Black aluminium window framing incorporating rust colours dado spandrels;
    - Wide eaves and verandah overhangs; and
    - Yellow Steelwork.

## STATUTORY AND LEGAL CONSIDERATIONS

### 10. Local Planning Scheme No.3

The property is zoned "Private Clubs and Intuitions" in accordance with Local Planning Scheme No.3.

The proposed land uses are defined as "*Educational Establishment*" which is defined as:

*"Means premises used for the purposes of education and includes school, tertiary institution, business college, academy or other educational centre."*

Education establishment is classified as a "P" use, in accordance with Table 1 of the Scheme which means that the use is permitted by the Scheme.

#### Setback Requirements

Setback	LPS3 Parking Requirement	Setback Proposed	Compliance
Front – Gladys Road	15 metres	15 metres	Complies
Side – Pindara Place	3 metres	3 metres	Complies

#### Site Requirements

Site Coverage	LPS3 Requirement	Proposed	Compliance
	50%	11.3%	Complies
Plot Ratio	0.5	0.113	Complies
Landscape Strip	3m	3m	Complies

## Planning and Development (Local Planning Schemes) Regulations 2015

11. In considering an application for planning approval, Clause 67 of The Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings;
  - Amenity in the locality;
  - The amount of traffic to be generated by the Development, particularly in relation to the capacity of the road system and effect of traffic flow and safety; and
  - Any relevant submissions received on the application.

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## **POLICY CONSIDERATIONS**

### **State Planning Policy 3.7 Planning for Bushfire Prone Areas**

12. The proposed land use falls within the classification of vulnerable land use which is defined as:

A land use where persons may be less able to respond in a bushfire emergency. Examples of what constitutes a vulnerable land use are provided in the Guidelines and include high schools.

A bushfire management plan is required to be submitted with applications for development which are classified as uses that are vulnerable. The applicant has submitted a detailed Bushfire Management Plan.

The application was referred to the Department of Fire and Emergency services for their endorsement.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Local Planning Policy – P-DEV 45 - Public Notification of Planning Proposals**

13. In accordance with the policy the application was advertised to adjoining property owners for a period of 14 days having considered the above items. The application was not considered to be of significant public interest given that the land use and setback are permitted by the Scheme and the proposal does not seek to vary provisions of the Scheme which would cause affect to adjoining property owners.

A total of six submissions were received comprising of four objections and two non-objections. The nature of objections related primarily to traffic management issues, concerns regarding the clearing of native vegetation and potential noise impacts associated with the proposed development.

The submissions received have been addressed in more detail in Attachment 9 of the report.

## **Internal Referrals**

14. The development application was internally referred to Environment Health, Building and Assets (Engineering) with conditions recommended to be included within the Notice of Determination. No objections to the proposed use or development were raised to the proposal from the internal departments.
15. In response to objections raised in relation to noise, it was recommended by Environmental Health Services that the applicant undertake a detailed acoustic report, to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997, and recommendations of that report being implemented to the satisfaction of the Shire of Kalamunda.

An acoustic report was submitted to the Shire of Kalamunda on 15 May 2017 and forms part of Attachment 13 to this report.



The acoustic report was reviewed by Environmental Health Services and it is recommended that:

The applicant use the information contained in the noise report to develop a noise management plan.

The noise management plan should contain the following:

- Complaints procedure, which includes a 24 hour contact number that reaches a real person. The person receiving the call should have the authority to action complaints.
- Provide a letter to neighbours if noise generating activities will occur before 0700 and after 1900 hours (weekdays) and anytime on weekends or public holidays.
- Maintain a complaints register detailing time of event, what action was taken and what was the outcome.
- Modelling for any attenuation strategies proposed in the plan.

## External Referrals

### 16. Department of Fire and Emergency Services (DFES)

The application was referred to DFES as the proposal is within a bushfire prone area and is designated as a vulnerable land use.

Correspondence was received on 12 April 2017 following referral by the Shire of Kalamunda on the 10 February 2017.

DFES recommendation is for support with minor modifications.

DFES advises that the proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved with the submitted Bushfire Management Plan (BMP).

DFES have requested that minor modifications be undertaken to the BMP are necessary to reflect changes to the guidelines in relation to A2.1 – Asset Protection Zone and the removal of A2.2 – Hazard Separation Zone; however as these modifications are minor in nature, re-submission of the updated BMP to DFES is not required.

## FINANCIAL CONSIDERATIONS

### 17. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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OBJECTIVE 4.3.2: Undertake efficient monitoring and compliance of building developments within the Shire.

## SUSTAINABILITY

### Social Implications

19. The additions to the school will expand the education offerings and facilities within the existing education campus, this will provide opportunities for students.

### Economic Implications

20. The proposal will provide improved education facilities for students who reside within the Shire. This may result in improved training and skills development for youth which will further improve employability.

### Environmental Implications

21. The proposal would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

## RISK MANAGEMENT CONSIDERATIONS

22.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Allowing the development may impact on the amenity of the adjacent properties	Possible	Moderate	Medium	A condition of approval is that the applicant provide an acoustic report and detailed noise assessment in relation to the Environmental Protection (Noise) Regulations 1997.
Lack of financial investment into the Education Establishment if the proposal is not supported	Unlikely	Moderate	Low	Demonstrate the proposal will provide a stimulus to the school's overall economic well-being and providing for greater amenities and facilities for students

## OFFICER COMMENT

23. A total of six submissions were received including four objections, three of which are from properties directly adjacent to the proposed Design and Technology Building and car park. It has been assessed that the applicant has addressed the concerns relating to the objections received, and that subject to conditions the application complies with the Local Planning Scheme No.3.

24. The applicant is seeking to expand an existing established college campus with the provision of additional car parking, access, landscaping and facilities. No variations to local planning scheme requirements are proposed in relation to this application.
25. The applicant has provided a traffic impact assessment which has identified that the proposal, with increased traffic flows to the surrounding road network resulting from the redistribution of the existing traffic to Pindara Place and the intersection with Gladys Road can be accommodated within the capacity of the existing road network.
26. In the event that Council supports the proposal, the applicant will be required as a condition of the approval to engage a suitably qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australia Acoustical Consultants) to undertake a detailed noise management plan to comply with the Environmental Protection (Noise) Regulations 1997. It is considered that this will adequately address any potential noise concerns raised by adjoining land owners.

The noise management plan requested will provide further additional information to the acoustic report submitted, ensuring that an ongoing procedure is managed and implemented to the satisfaction of the Shire, to comply with the requirements of the Environmental Protections (Noise) Regulations 1997

*Mr Ian Miller from 10 Pindara Place, Lesmurdie spoke on the item outlining his concerns regarding vegetation, lighting and road access. Mr Miller would like consideration to be given to reforestation as much as possible within the 10 year plan. Mr Miller clarified a query for Cr Michael Fernie.*

*Queries were clarified by Shire Staff for Cr Andrew Waddell, Cr Brooke O'Donnell, Cr Dylan O'Connor and Cr Michael Fernie.*

<b>Voting Requirements: Simple Majority</b>
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#### **COMMITTEE RECOMMENDATION TO COUNCIL (D&A 35/2017)**

That Council:

1. Approves the application for Additions to Education Establishment, Design and Technology Centre, Car parking, landscaping and associated retaining and earthworks at Lot 126, (55) Gladys Road, Lesmurdie, subject to the following conditions:
  - a. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan to the satisfaction of the Shire of Kalamunda.
  - b. Stormwater to be disposed of onsite to the specification and satisfaction of the Shire Kalamunda.
  - c. The applicant is required to engage an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to undertake a detailed noise management plan in relation to the *Environmental Protection (Noise) Regulations 1997* to the satisfaction of the Shire of Kalamunda Health Services prior to commencing the development. Recommendations

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of the report shall be implemented to the Satisfaction of the Shire of Kalamunda.

- d. Sewage and wastewater must be disposed to a suitable on-site effluent disposal system to the satisfaction of the Shire of Kalamunda.
- e. Any oil, chemicals or waste water runoff created by the activities onsite must not directly or indirectly permit to enter the storm water system. Storage areas are to be suitably enclosed and bunded.
- f. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the Shire.
- g. Crossovers shall be designed and constructed to the specification and satisfaction of the Shire.
- h. Measures shall be undertaken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by development works, prior to commencement of development works. Trees being retained shall be protected from development works including the root systems.
- i. A Landscape plan shall be submitted for approval to the satisfaction of the Shire of Kalamunda.
- j. Landscaping areas as indicated and approved by the Shire shall be planted within 2 months of occupation of the proposed development and be maintained thereafter by the occupier to the satisfaction of the Shire of Kalamunda.

Moved: **Cr John Giardina**

Seconded: **Cr Brooke O'Donnell**

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

## Attachment 1

Additions to Education Establishment, Design and Technology Centre and associated car parking - Lot 126, (55) Gladys Road, Lesmurdie  
**Site Plan**





Additions to Education Establishment, Design and Technology Centre and associated car parking - Lot 126 (55) Gladys Road, Lesmurdie

**Floor Plan**



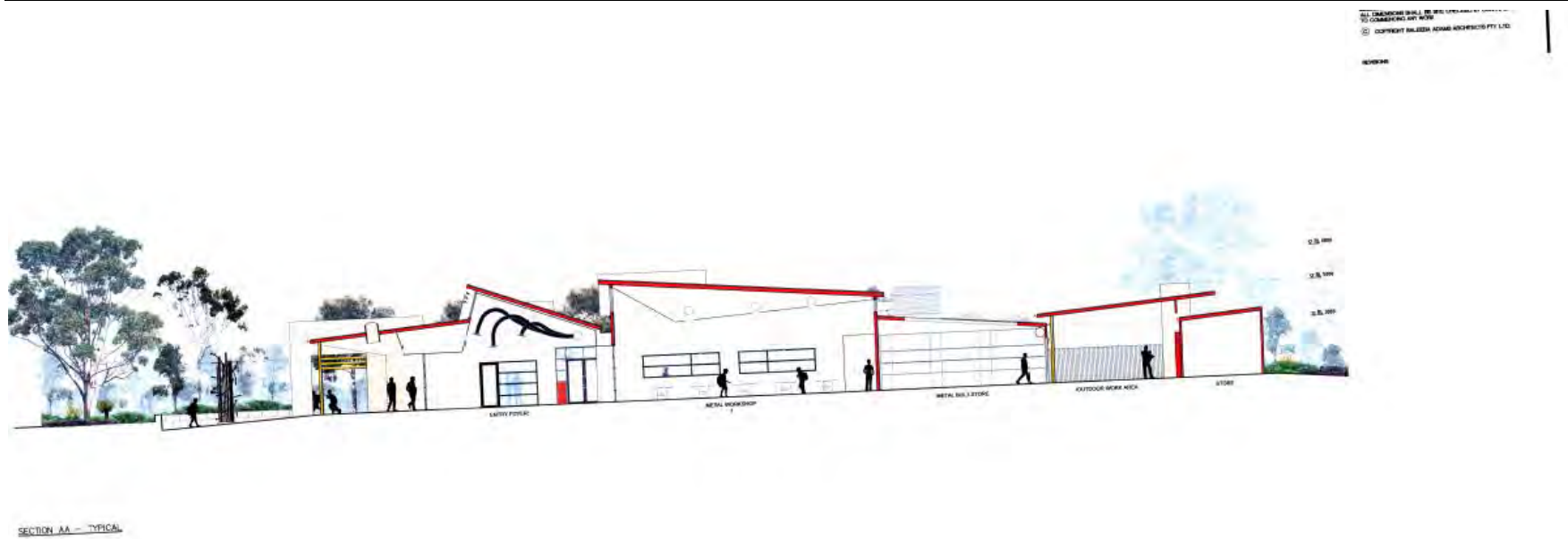
### Attachment 3

## Additions to Education Establishment, Design and Technology Centre and associated car parking - Lot 126 (55) Gladys Road, Lesmurdie Elevation Plans









## Attachment 4

Additions to Education Establishment, Design and Technology Centre and associated car parking  
- Lot 126 (55) Gladys Road, Lesmurdie

### Applicant's Submission Report

7 November 2016

Shire of Kalamunda  
PO Box 42  
Kalamunda WA 6926

Attention: Planning Department, Ross Jutras-Minett



Dear Sir,

**RE: Application for Planning Approval – Design & Technology Centre  
Mazenod College Lot 126, No 55 Gladys Road, Lesmurdie**

Please find enclosed the following items relating to proposed project at Mazenod College.

- A completed application form.
- Three (3) copies of the following design drawings
  - DD01(A) - Site Plan 1:250
  - DD02(C) - Floor Plan 1:100
  - DD03(B) - Elevations 1:100
  - DD04(B) - Elevations 1:100
  - DD05(B) - Sections 1:100
- Traffic Impact Assessment

In regard to the application fee I have calculated the amount as \$10,251 based on a \$4M construction cost. Could you please confirm this and call me for payment via credit card.

Mazenod College proposes to replace the aging woodwork and metalwork facilities with a new Design & Technology Centre at the northern end of the property. Key elements of the proposal are as follows:

#### Land

The existing Mazenod College facilities are located on Lot 126 (No55) Gladys Road, Lesmurdie. The property is bounded by Gladys Road, Pindara Place, Kershaw Avenue and George Road.

The proposed Design & Technology Centre will be located in the northern area of the property which is currently undeveloped degraded bushland. A flora and fauna assessment has been completed by Matiske Consulting and is being assessed by the Shire as part of development application to allow clearing of this area.



### **Access**

A new two-way crossover to Pindara Place will be required to provide access to new staff parking areas as well as deliveries to the new facility.

A second new one-way, exit only, crossover to Pindara Place will be established at the northern end of the existing staff carpark. Although not specifically associated with the development of the Design & Technology Centre this exit will provide relief to internal traffic flows at student pickup and drop-off times in addition to reducing Gladys Road congestion at those times.

A traffic impact assessment for both of the proposed new Pindara Place crossovers has been completed by Shawmac, as attached, with a favourable recommendation.

### **Zoning & Setbacks**

The proposed development will consist of a Design & Technology Centre with associated staff parking areas.

The Shire current Local Planning Scheme 3 zoning for the property is "Institution". Under this zoning the proposed development is a "P" permitted use.

The setback requirements from the street boundaries are as follows:

- Gladys Road      Front setback      15m
- Pindara Place      Side Setback      3m

The proposed building setbacks conform to these requirements.

### **Development in Bushfire Prone Areas**

The Department of Fire and Emergency Services (DFES) has recently revised its guidelines for the classification of Fire Prone Areas in Western Australia. A BAL (Bushfire Attack Level) assessment will be undertaken for the entire College site after clearing of the northern area has been completed.

The BAL results will only effect buildings if they are a BCA class 1, 2, 3 or 10a. The Design & Technology Centre is a BCA class 9b and therefore exempt so the BAL will be used primarily to assist with the creation of a Bushfire Management Plan that integrates with the College's existing evacuation procedures.

### **Stormwater Drainage**

In conjunction with the Shire's engineering staff, Pritchard Francis have prepared a schematic design proposal for the stormwater drainage from all buildings, carparks and general paved areas in the northern area of the property. This strategy incorporates a combination of on-site retention and peak flow into Kershaw Avenue consistent with Shire's drainage standards. The detailed design work and liaison with Shire staff is ongoing.

### **Design Solution**

In order to reduce the overall building bulk the design incorporates a split roof design and a two element building form, in preference to a single large roof over one large building shape.



The building has been designed in a contemporary style, incorporating the existing College aesthetics as well as strong visual elements to provide a clear identity. The design includes the following key elements:

- Cream coloured precast concrete wall elements consistent with existing College buildings
- Dark and light grey colorbond walling to the Workshop buildings
- Light grey colorbond roofing
- Black aluminium window framing incorporating rust coloured dado spandrels
- Wide eaves and verandah overhangs
- Yellow steelwork



#### **Landscaping**

The proposal includes extensive reticulated landscaping to the Pindara Place setback area as well as the general building surrounds.

Existing street trees located along the Pindara Parade road reserve are all retained.

In general terms we believe the proposal is consistent with Council's policies and guidelines and meets all objectives of the current Town Planning Scheme.

We trust the proposal details are clear however should you have any queries or require further information please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Grant Adams'.

Grant Adams  
Director

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**Attachment 5**

[Click HERE to go directly to attachment](#)

**Attachment 6**

[Click HERE to go directly to attachment](#)

**Attachment 7**  
Additions to Education Establishment, Design and Technology Centre and associated car parking  
- Lot 126, (55) Gladys Road, Lesmurdie  
**Ten Year Master Plan**





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**Attachment 8**

[Click HERE to go directly to attachment](#)

## Attachment 9

Lot 126 (55) Gladys Road, Lesmurdie

Additions to Education Establishment, Design and Technology Centre at Lot 126, (55) Gladys Road, Lesmurdie

### Submission Table

Nature of submission	Submitter number	Applicant's Response	Officer Comment
<b>No objection</b>	<b>6, 2</b>	It will be good to have such a prestigious, modern facility in the hills.	Noted.
<b>Comment</b>	<b>Nil</b>	Nil	Noted.
<b>Objection- Application will result in:</b> Excessive Traffic in Pindara Place. Currently cars are parked to drop off / pick up when they exit / access to and from Gladys Road is restricted.  Increased traffic to the street.	<b>5, 4, 3, 1</b> <b>(4) Objections relating to this theme</b>	A Traffic Impact Assessment has been undertaken by Shawmac (Traffic Engineers) with favourable recommendations to the proposal in all regards. This has been provided to the Shire as part of the assessment process.  The D&T facility will not increase student or staff numbers at the College, simply redistribute staff parking and the proposed crossover at Pindara Place and Gladys Road will provide better traffic flows during drop-off and pick-up times	A review of the submitted Traffic Impact Assessment has been undertaken by the Shire's Engineer. It has been recommended that the existing road network is sufficient for the additional traffic proposed.
<b>Objection</b> Object to destruction of bush and trees opposite their residence	<b>1,</b> <b>(1) Objections relating to this theme</b>	Trees and vegetation in Pindara Place will not be impacted.  As a minimum 3m wide landscape area is proposed along Pindara Place boundary, consistent with the requirements of the Shire's Planning Scheme. The proposal also includes extensive landscaping to all building surrounds.	Noted. A landscaping plan has been recommended as a condition of approval, including specific conditions which seek to achieve the re- spread of top soil and the prevention of spread of Phytophthora Dieback across the site. No verge trees are permitted to be removed without the consent of the Shire of Kalamunda.
<b>Objection- Application will result in:</b>	<b>5, 4</b>	An acoustic consultant will be engaged to assess noise from the D&T facility	The application was referred to the Environmental Health Services team as part of

Excessive Noise from the workshop. Already a very high level of noise from the school including loud speakers.	<b>(2) Objections relating to this theme</b>	and ensure adjacent residents are not adversely impacted.  The D&T facility is subject to the operational noise restrictions outlined in the Environmental (Noise) Regulations 1997 and the facility will for the most part operate within the hours of 8:30am and 3pm: well within the hours stipulated.	the application assessment. It has been recommended that a condition of approval be incorporated which requires that the applicant submit a detailed noise assessment in relation to the Environmental Protection (Noise) Regulations 1997 to the satisfaction of that department within the Shire, prior to the commencement of development
<b>Objection- Application will result in:</b> Loss of Environment for various native animals. Concerned about the removal of mature trees. Endangered Black tail Cockatoos use this area.	<b>5, 4 (2) Objections relating to this theme</b>	As a requirement of the approval process for land clearing, a Flora and Fauna assessment has been undertaken by Mattiske Consultants (Environment) with favourable recommendations. This report has been submitted to the Shire of Kalamunda.	The removal of vegetation and clearing was subject to a previous development application which has been approved by the Shire of Kalamunda. DA16/0337, approved on the 11 <sup>th</sup> November 2016. Following review and referral of a Flora and Fauna survey undertaken by Mattiske Consulting.
<b>Objection- Application will result in:</b> Reduced Property Values. We will be overlooked by a commercial style building that will create noise and light pollution.	<b>5, 4 (2) Objections relating to this theme</b>	We are not qualified to comment on property values. Previous college development along Gladys Road have seen the removal of scrub and the provision of new buildings and car parks well maintained gardens, resulting in an improved streetscape which may have has a positive impact on property values.	Property valuation is not a valid planning consideration.
<b>Objection- Application will result in:</b> The footpath on Pindara Place is already used by parents as an unofficial car park causing nuisance to local traffic with frequent use of residents'	<b>4 (1) Objections relating to this theme</b>	The college endeavours to reduce the impact of traffic at peak times and proposes a new crossover at Pindara Place and Gladys Road so as to provide better traffic flows in Gladys Road as well as Pindara Parade. The Traffic Impact Assessment supports this initiative.	<b>Noted.</b>  A review of the submitted Traffic Impact Assessment has been undertaken by the Shire's Engineer. It has been recommended that the existing road network is sufficient for the additional traffic proposed.

driveways and footpaths whilst trying to do U turns.		Specific issues of parking in resident driveways and on footpaths are a Shire matter.	If there are vehicle management issues as a result of the operation of the school, it is recommended that members of the public liaise with the Shire of Kalamunda rangers to report any concerns relating to parking on footpaths or council property.
<b>Objection- Application will result in:</b> The building is positioned too close to Pindara Place.	<b>4, (1) Objections relating to this theme</b>	A setback of 3 metres is proposed to Pindara Place, consistent with the requirements of the Shire's Scheme.	The proposed development complies with Table 2 Site requirements of Local Planning Scheme No.3
<b>Objection- Application will result in:</b> Overlooked by what will virtually be a factory.	<b>4, (1) Objections relating to this theme</b>	<p>In order to reduce the overall building bulk the design incorporates a tilt roof and two element building form, as opposed to a single large roof over one large building shape.</p> <p>The building has been designed in a contemporary style, incorporating the existing College aesthetics as well as strong visual elements to provide clear identity. The design includes the following key elements:</p> <ul style="list-style-type: none"> <li>• Cream coloured pre-cast concrete wall elements consistent with existing college buildings</li> <li>• Dark and light grey colorbond walling to the workshop buildings.</li> <li>• Light coloured grey colorbond roofing</li> </ul>	The height and scale of the proposed building is assessed as being consistent with the existing buildings on-site and complies with the requirements of the Scheme for land zoned Private Clubs and Institutions.

		<ul style="list-style-type: none"> <li>• Black aluminium window framing incorporating rust coloured dado spandrels</li> <li>• Wide eaves and verandah overhangs</li> <li>• Yellow Steelwork.</li> </ul> <p>We believe that the building aesthetic will be architecturally and visually interesting and not present as a factor.</p>	
<p><b>Objection- Application will result in:</b> The School already has enough land within their ground that can be re-purposed for further expansion having far less impact on the local residential properties.</p>	<p><b>4, (1) Objections relating to this theme</b></p>	<p>In order to maintain a high standard of education the demand on providing new high quality facilities is ongoing. There is limited land available for development given that the College property is topographically challenging to the south with extreme slopes, rock, etc. The land to the north, along Pindara Place is the last available land suitable for development.</p>	<p>The proposed development does not exceed site requirements of the Scheme = for plot ratio or open space, therefore is supported.</p>
<p><b>Objection- Application will result in:</b> Any acceptable development would have to involve re-siting and must include the retention of native vegetation buffer to maintain amenity, protect wildlife and reduce noise, traffic and light pollution.</p>	<p><b>4, (1) Objections relating to this theme</b></p>	<p>All development at the College is undertaken within the framework of the Shire's Planning Scheme, assessment and approval processes thereby ensuring the correct balance between development at the College and impact on surrounding residents.</p>	<p>A condition of approval has been recommended, requiring that the applicant provide a detailed landscaping plan, with contents to be approved by the Shire's Environmental Services team. This will provide the required detail regarding species of planting and location, existing trees and required ongoing maintenance.</p> <p>Previous approvals and assessment has granted approval for the clearing of existing native vegetation on site, and this was undertaken in December 2016.</p>

Attachment 10

Additions to Education Establishment, Design and Technology Centre and associated car parking - Lot 126,  
(55) Gladys Road, Lesmurdie  
DA16/00337 Approval for Clearing Notice

Enquiries: Ross Jutras-Minett  
Our Ref: GL-08/055  
Your Ref: DA16/0337

9<sup>th</sup> November 2016

Saleeba Adams Architects  
16 CHURCHILL AVENUE  
SUBIACO WA 6008



Dear Sir/Madam,

**Clearing of Land and Natural Vegetation, – Lot 126 (55) Gladys Road, Lesmurdie**

Please be advised that your planning application dated the 28<sup>th</sup> July 2016 with additional information received 31<sup>st</sup> October 2016 for Clearing of land and Natural Vegetation at the above property, has been **APPROVED** subject to the conditions and advice notes on the attached Notice of Determination.

If the development subject of this approval is not substantially commenced within a period of 2 years or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

If you are not satisfied with any of the conditions imposed, a right of review (appeal) exists against the decision to the State Administrative Tribunal. Appeal rights exist for 28 days after the date of this letter. Appeal forms can be obtained at the State Administrative Tribunal.

Should you wish to discuss the matter further, please contact Ross Jutras-Minett of Planning Services on 9257 9934.

Yours faithfully

Andrew Fowler-Tutt  
**Manager Development Services**

Encl.    *Notice of Determination*  
          *Approved Plans*

**Shire of Kalamunda**

2 Railway Road, Kalamunda WA 6076  
PO Box 42, Kalamunda WA 6926  
T: (08) 9257 9999 F: (08) 9293 2715  
E: kala.shire@kalamunda.wa.gov.au



- 2 -

**Shire of Kalamunda**

2 Railway Road, KALAMUNDA WA 6076

Postal Address  
PO Box 42, KALAMUNDA WA 6926

Tel: (08) 9257 9999  
Fax: (08) 9293 2715

Email: [kala.shire@kalamunda.wa.gov.au](mailto:kala.shire@kalamunda.wa.gov.au)



**NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING  
APPROVAL**

*PLANNING AND DEVELOPMENT ACT 2005*

ADDRESS:	55 Gladys Road, Lesmurdie	LOT NO.	126
TITLE VOL NO.		FOLIO	
APPLICATION DATE	28 <sup>th</sup> July 2016	RECEIVED ON	Revised Information 31 <sup>st</sup> October 2016
DESCRIPTION OF PROPOSAL:	Clearing of Land and Natural Vegetation		

The application for approval to undertake development in accordance with the plans attached thereto is:

☒ Granted subject to the following conditions:

☐ Refused for the following reason(s):

**CONDITIONS OF APPROVAL**

1. Measures shall be taken to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site work.
2. The applicant shall provide a Dust Management Plan, to the satisfaction of the Shire of Kalamunda.
3. All top soil removed during earthworks is to be retained and stockpiled on site, to be re-spread during landscaping or over other disturbed sites, to the Satisfaction of the Shire of Kalamunda.

- 3 -

4. All earthworks, landscaping and development are to be undertaken with measures in place to reduce the spread of *Phytophthora Dieback*. Equipment should be cleaned down before being brought on site, to the Satisfaction of the Shire of Kalamunda.

In addition to the conditions, the applicant is to have regard to the following:

- a) All development must comply with the provisions of Council's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.
- b) Prior to construction on site the applicant is required to obtain a building permit from the Shire's Building Services.
- c) In regards to Condition 2, A Dust Management Plan, the applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment & Regulation.
- d) The applicant is advised that the verge remains the property of the Shire of Kalamunda and any works must not impact on this vegetation. Removal of any vegetation is not permitted. Native trees are protected by legislation as verges have the potential to serve important ecological functions in urban environments.
- e) Any verge trees requiring protection from development works should be in accordance with AS 4970 2009 "Protection of trees on Development sites".
- f) Consideration to be given to cleared trees to be mulched on site and mulch used in landscaping.
- g) A Landscaping Plan will be required to be submitted to the Satisfaction of the Shire of Kalamunda for any redevelopment works planned for the site following the clearing being undertaken.

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I hereby sign this approval for the application dated the 28<sup>th</sup> July 2016 with revised details provided 31<sup>st</sup> October 2016 for Clearing of land and Natural Vegetation for and on behalf of the Shire of Kalamunda.

  
.....  
Andrew Fowler-Tutt  
Manager Development Services

Dated

10.11.16



For: clearing of land and natural vegetation  
 Date: 11/11/16  
 File No: GL-08/055  
 Application No: DA-16/0337



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**Attachment 11**

[Click HERE to go directly to attachment](#)

**Confidential Attachment 12**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – “the personal affairs of any person;”*

**This attachment has been circulated to all Councillors under separate cover**

**Attachment 13**

[Click HERE to go directly to attachment](#)

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

**36.           Reconsideration of Condition of Planning Approval for the Construction of Material Storage Bunkers, Storage of Materials Hardstand, Demolition of Dwelling Earthworks and Fencing – Lot 800 (251) Berkshire Road, Forrestfield**

Previous Items	DA16/0601 – SCM 01/2017
Responsible Officer	Director Development Services
Service Area	Approvals Services
File Reference	BR-08/251
Applicant	Terra Spei Pty Ltd
Owner	Terra Spei Pty Ltd
Attachment 1	Noise and Dust Management Plan
Attachment 2	Illustrations of Equipment

**EXECUTIVE SUMMARY**

1. An application was previously made in 2014 by the Dowsing Group for a warehouse, office and storage of inert materials at Lot 800 (251) Berkshire Road, Forrestfield. In 2016 the applicant sought revisions to the original approval to reflect revised plans for storage bunkers, storage of materials hardstand, demolition of the existing dwelling and earthworks on the portion of Lot 800 Berkshire Road. The modified plans were approved subject to conditions at a Special Council Meeting held in January of 2017. Condition 'h' of the approval reads as follows:  
  
*"No processing or sorting of materials is permitted on-site as part of this development approval."*
2. Subsequent to the decision of Council, the applicant appealed the wording of condition 'h' to the State Administrative Tribunal (SAT).
3. Following mediation between the applicant and the Shire, in accordance with orders from the SAT, pursuant to Section 31 (1) of the *State Administrative Tribunal Act 2004*, the SAT has invited Council to reconsider part of its decision made at the 16 January 2017 Special Council Meeting to approve the application for proposed Construction of Materials Storage Bunkers, Storage of Materials Hardstand, Demolition of Dwelling, Earthworks and Fencing.
4. Officer recommendation is to approve the request for modification of the condition.

**BACKGROUND**

5. In 2013 the applicant applied for a planning approval for a warehouse, office and hardstand on the former Lot 21, and storage of inert materials (former Lots 1 and 20). The application was approved on 27 of May 2014.
6. On 16 March 2015 the Shire refused a development application for a recycling facility on the land. The applicant lodged an appeal with the SAT, who subsequently upheld the decision of Council to refuse the application.



7. On 23 May 2016 the Shire granted a temporary approval for concrete crushing and processing, whereby removal of all waste was to be undertaken by 28 October 2016.
8. At the Special Council Meeting held on 16 of January 2017 Council resolved to approve an application for construction of material storage bunkers, storage of materials hardstand, demolition of dwelling, earthworks and fencing.
9. The following condition and advice note was a part of the approval granted by Council:

*"No processing or sorting of materials is permitted on-site as part of this development approval."*

*"In regards to condition h, the applicant is advised that the processing and sorting of material is defined as the mechanical equipment other than a front end loader / backhoe with solid or rake bucket. The use of any other equipment associated with the movement of material from the truck to storage bunker such as a screening machine is not permitted."*

#### DETAILS

10.	<b>Land Area</b>	3.057 Hectares
	<b>Metropolitan Regional Scheme Zoning:</b>	Urban
	<b>Local Planning Scheme Zoning:</b>	Industrial Development

11. The surrounding area is predominantly characterised by industrial properties. There is also a large portion of bush forever in the locale.

#### LOCALITY PLAN



Lot 800 with previous lot numbers referenced



13. The applicant proposes to alter condition 'h' of the Shire's approval dated 25 January 2017 to read as follows:

*"No processing of screening/sorting of materials is permitted on-site as part of this development approval, except in accordance with the approved Dust and Noise Management Plan."*

14. The applicant is seeking to bring the approval in line with the approved Dust and Management plan and the existing machinery types on site which makes reference to the following:

*"Raking of material using a front end loader with a rake bucket (or similar sized mechanical equipment such as a Bobcat, Posi-Track Loader or Excavator) to pick up any materials and sort into the correct bunker..."*

(See Attachments 1 and 2).

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

15. The property is zoned "Industrial Development" in accordance with Local Planning Scheme No. 3 (the Scheme) with a Structure Plan Zoning of 'Light Industry'. The objectives of the Light Industrial Development zone are as follows:
- To provide for a predominantly light industry located in proximity to residential areas,
  - To ensure that industries are environmentally compatible with surrounding zones and activities; and
  - To ensure the movement of goods and services in and out of the zone cause minimal impact on residential land in the vicinity.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

16. In considering an application for planning approval, Clause 67 of *The Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings;
  - Amenity in the locality;
  - The amount of traffic to be generated by the development, particularly in relation to the capacity of the road system and effect of traffic flow and safety; and
  - Any relevant submissions received on the application.

## **POLICY CONSIDERATIONS**

17. Nil.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

18. Environmental Health have reviewed the Noise and Dust Management Plan required by condition p) of the January 2017 planning approval (refer Attachment 1) and provided the following comments:
1. This approval is limited to the following activities occurring between 0700 and 1900 at Lot 800 Berkshire Road, Forrestfield:
    1. receiving of inert material to the site
    2. unloading of inert material adjacent to storage bunkers
    3. uploading of inert material into storage bunkers
    4. cleaning of the hardstand area of remnant material.
  2. No recycling of inert material is to occur at Lot 800 Berkshire Road, Forrestfield. The approval relates to the storage and transfer of stored inert material only.
  3. Failure to adhere to the enclosed noise management aspects of plan renders regulation 13 of the Environmental Protection (Noise) Regulations 1997 inapplicable, in which case the noise emissions must meet regulations 7 and 8 of those regulations.
  4. All work must be undertaken with greatest due care and attention to ensure -
    - a) the quietest available equipment complying with Australian Standard 2436-1981, Section 6. Control of Noise is used.
    - b) wetting of material before unloading and uploading to minimise dust
    - c) hardstand areas must kept clean to minimise dust from vehicle movements, noting no material can be washed to the stormwater system
    - d) when cleaning hard stand areas all waste water must go through a sand and oil separator
  5. A letterbox drop to all potentially impacted premises, containing information of the complaints number and contact. Complainants must be able to talk to a real person, who can assist them with their concerns.
  6. Noise sampling must be conducted both onsite and at the closest noise sensitive receptor, with updates being provided on a fortnightly basis.
  7. This approval does not limit other measures being considered if noise and dust issues arise during either the construction or operation of the premise.

### External Referrals

19. Nil.

## FINANCIAL CONSIDERATIONS

20. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

Strategy 4.3.2 Undertake efficient monitoring and compliance of building developments within the Shire.

## SUSTAINABILITY

### Social Implications

22. Nil.

### Economic Implications

23. The approved development is considered to provide additional employment opportunities to members of the Shire community.

### Environmental Implications

24. The existing approvals are already beholden to an existing and approved dust and noise management plan. Any alterations to existing conditions should be in line with the approved plan.

## RISK MANAGEMENT CONSIDERATIONS

- 25.
- | Risk  | Likelihood | Consequence | Rating   | Action/Strategy  |
|---|------------|-------------|----------|--|
| The proposed changes to the wording of the condition may cause an increase in noise and dust emissions from the subject site. | Unlikely   | Significant | Moderate | Ensure that the wording of the condition is consistent with the management measures proposed in the Noise and Dust Management Plan |

The additional machinery could result in sorting/screening of material to occur on site	Unlikely	Significant	Moderate	Demonstrate that the types of additional machinery and attachments proposed are consistent with the existing machinery currently allowed for on site.
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#### OFFICER COMMENT

26. The applicant is seeking to amend condition h) of the previous approval granted by Council to enable the use of a number of industrial types of machinery and attachments on the site (Attachment 2). The intent of condition 'h' and the advice note 'b' was to ensure that the types of machinery to be used on site did not allow for any form of processing or sorting to be undertaken on site which would constitute a recycling activity on the premises, which is not permitted under the Scheme.
27. The proposed rewording of the condition as described in the Dust and Noise Management Plan to allow for additional machinery and attachments is still considered to be consistent with the intent of the original condition and therefore the revision as proposed by the applicant is supported.
28. It is noted that there are a number of mitigating measures proposed as part of the Dust and Noise Management Plan in regard to the types of vehicles that may be permitted to operate on-site. It is considered that the proposed measures will address potential noise and dust impacts that may result from their operation.

*Queries were clarified for Cr Dylan O'Connor and Cr Andrew Waddell.*

<b>Voting Requirements: Simple Majority</b>
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#### COMMITTEE RECOMMENDATION TO COUNCIL (D&A 36/2017)

That Council:

1. Approve amending Condition 'h' and advice note b) of the approval granted on 16 January 2017 to read as follows:
- "No processing or screening/sorting of materials is permitted on-site as part of this development approval, except in accordance with the approved Dust and Noise Management Plan."*
- "In regard to Condition h), the wording of the Noise and Dust Management Plan refers to Raking of material using a front end loader with a rake bucket (or similar sized mechanical equipment such as a Bobcat, Posi-Track Loader or Excavator) to pick up materials and sort into the correct bunker."*

2. Advise the applicant that all other conditions as part of the previous approval remain valid.

Moved: **Cr Michael Fernie**

Seconded: **Cr Sue Bilich**

Vote:

<b>For</b>	<b>Against</b>
<b>Cr Michael Fernie Cr Geoff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Sue Bilich  CARRIED (5/4)</b>	<b>Cr John Giardina Cr Andrew Waddell Cr Sara Lohmeyer Cr Dylan O'Connor</b>

**Attachment 1**

[Click HERE to go directly to attachment](#)



## **Attachment 2**

### **Reconsideration of Condition of Planning Approval for the Construction of Material Storage Bunkers, Storage of Materials Hardstand, Demolition of Dwelling Earthworks and Fencing - Lot 800 (251) Berkshire Road, Forrestfield Illustrations of Equipment**

**Wheel Loader – CAT 972K Wheel Loader (215 kW)**



**Excavator – Hitachi ZX225US-5 (122 kW)**



**Posi-Track Loader – Terex PT-100G (100 horse power)**



**Skid Steer Loader – Toyota Huski 5SDK11 (900kg operating load capacity)**



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

**37. Caravan Park Annual Licences 2017/2018**

Previous Items	OCM 54/2015; OCM 112/2016
Responsible Officer	Manager Community Safety
Service Area	Community Safety Services
File Reference	LE – LIC – 001
Applicant	Not Applicable
Owner	Not Applicable

**EXECUTIVE SUMMARY**

1. The purpose of this report is seek approval to renew the caravan park licences for the following premises:
  - Discovery Holiday Park
  - Forrestfield Caravan Park N Park Home Village
  - Hillview Lifestyle Village
  - Advent Park
2. The above four operational caravan parks were inspected in April 2017 by the Shire's Environmental Health Officers. The caravan parks were found to be fully compliant with the *Caravan Parks & Camping Grounds Act 1995* and the *Caravan Parks & Camping Grounds Regulations 1997*.
3. To consider approving the renewal of the caravan park licences, subject to the receipt of the required licence fees, for :
  - Discovery Holiday Park
  - Forrestfield Caravan Park N Park Home Village
  - Hillview Lifestyle Village
  - Advent Park

**BACKGROUND**

4. The *Caravan Parks & Camping Grounds Act 1995* (Act) and the *Caravan Parks & Camping Grounds Regulations 1997* (Regulations) require that the Local Government annually inspects and licences all caravan parks within its municipality.
5. All Shire Environmental Health Officers are authorised persons under the Act and Regulation to inspect caravan parks but not to issue annual licences.
6. At the OCM in June 2016 Council approved the renewal of the caravan park licences, it administers subject to the receipt of the required licence fees. The annual renewal of the licences for the following caravan parks is now due:
  - Discovery Holiday Park
  - Forrestfield Caravan Park N Park Home Village
  - Hillview Lifestyle Village
  - Advent Park

## DETAILS

7. Currently there are four approved caravan parks operating within the Shire of Kalamunda:
- Discovery Holiday Parks Perth 186 Hale Road Forrestfield WA – approved in 2008 and comprises 55 Long Stay Sites, 33 Camp Sites and 63 Overflow Sites
  - Forrestfield Village 353 Hawtin Road Forrestfield – approved in 1968 and comprises 53 Long Stay sites
  - Hillview Lifestyle Village 597 Kalamunda Road High Wycombe – approved in 2006 and comprises 272 park home sites; and
  - Advent Park 345 Kalamunda Road Maida Vale – approved in 2008 and comprises 35 caravan sites.

## STATUTORY AND LEGAL CONSIDERATIONS

8. Section 6 of the *Caravan Park and Camping Grounds Act 1995*, caravan parks and camping grounds must not be operated without licence.
9. Section 7 of the *Caravan Park and Camping Grounds Act 1995* specifies that a local government may approve, refuse or transfer a caravan park or camping ground licence.

## POLICY CONSIDERATIONS

10. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

11. Nil.

### External Referrals

12. Nil.

## FINANCIAL CONSIDERATIONS

13. Licence fees are based upon the number of sites and set under the Act and Regulations. The current fee is \$6 per site and \$3 per campsite and the annual fees applicable are as listed below:
- Discovery Holiday Park – licence fee \$1309.50
  - Forrestfield Caravan Park N Park Home Village - licence fee \$318
  - Hillview Lifestyle Village – licence fee \$1632
  - Advent Park – licence fee \$210.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 6.2 - To ensure local laws are upheld.

Strategy 6.2.1: Develop, implement and monitor local laws across the Shire to ensure they are relevant and realistic.

## SUSTAINABILITY

### Social Implications

15. Nil.

### Economic Implications

16. Nil.

### Environmental Implications

17. Nil.

## RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Compliance – That the caravan parks will not be able to operate if the licences are not approved	Rare	Major	High	Annual inspection program and Council report containing all relevant information to recommend approving their annual licence.

## OFFICER COMMENT

19. The above four operational caravan parks were inspected in April 2017 by the Shire's Environmental Health Officers. The caravan parks were found to be fully compliant with the *Caravan Parks & Camping Grounds Act 1995* and the *Caravan Parks & Camping Grounds Regulations 1997*.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 37/2017)**

That Council:

1. Approves the renewal of the caravan park licences, subject to the receipt of the required licence fees, for:
  - Discovery Holiday Park
  - Forrestfield Caravan Park N Park Home Village
  - Hillview Lifestyle Village
  - Advent Park

Moved: **Cr Geoff Stallard**

Seconded: **Cr Allan Morton**

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

---

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

**38. Review of Local Planning Policy P-DEV45 - Public Notification of Planning Proposals**

Previous Items	OCM 148/2015
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Draft P-DEV45
Attachment 2	Existing P-DEV45

**EXECUTIVE SUMMARY**

1. Council is requested to consider the endorsing (for the purposes of advertising) of a draft amended version of the existing local planning policy P-DEV 45 - Public Notification of Planning Proposals.
2. The draft policy is considered to address issues with, and improve upon, the existing policy, to provide operational considerations as a guidance document containing recommended methods, duration and distances of advertising for various types of planning proposals.

**BACKGROUND**

3. Council at its Ordinary Meeting held 23 November 2015 resolved to adopt P-DEV 45 - Public Notification of Planning Proposals (P-DEV 45).
4. The Shire periodically reviews, revokes and adds new policies to its register. Policies are used to ensure consistency and transparency in decision making as well as adding clarity to and intent to existing legislation.
5. Since the adoption of P-DEV 45 there have been a number of areas that have been identified with the Shire's advertising processes which relate to planning proposals, which could be improved, including:
  - The distance, duration and method of advertising for different types of planning proposals.
  - The recognition of smaller residential proposals that may not require full advertising as per the existing policy provisions.
  - What constitutes a 'significant planning proposal'.
  - The management of private information when reporting on submission to Council.

The proposed draft P-DEV45 aims to address the above matters.



## DETAILS

6. The proposed draft P-DEV45 has been prepared having regard to best practise examples of other local government and industry policies and proposes the following key changes:
  1. An expanded table to address the following:
    - An expansion on the various planning instruments, such as Local Planning Strategies;
    - An expansion of the various methods of advertising, including advertising radius with the inclusion of separate distances for rural and residential/commercial zoned land of 300m and 100m respectively, and media releases.
  2. Additional clarification of what constitutes a significant planning proposal, namely:
    - The planning proposal involves potentially significant urban design, streetscape, building bulk, scale or design impacts;
    - The planning proposal will likely result in significant adverse amenity impacts on a large number of owners in a locality by virtue of traffic, noise, dust, odour, vibration or other impact;
    - The planning proposal involves a significant exercise of discretion under the Local Planning Scheme and/or R-Codes, which will likely result in the abovementioned impacts;
    - The planning proposal that is locally or regionally significant, and involves a site or proposal that is of significant public interest;
    - A development application that requires consideration by a Development Assessment Panel.
  3. Recognition of separation distances or buffers (for example environmental separation distances) under separate state level policies and guidance documents. The Environmental Protection Authority recommend separation distances for different types of commercial, industrial and rural land uses from 'sensitive land uses' (places where people live or regularly spend time). One example is a 24 hour fuel station which is recommended to be located a minimum of 100 metres from sensitive land uses. Accordingly, advertising would be undertaken with a radius of 100m from a site.
  4. The policy includes acknowledgement that there may be instances where landowners and occupiers outside of the 100 metre radius should be consulted. In this regard, the policy recommends a 300 metre radius for rural zoned land.
  5. It outlines the format in which a submission must be lodged with the Shire.
  6. Clarifies that the submitters name and address will not be published in the report to the Committee/Council Meeting, unless required by law. Full copies of the submissions will be made available to Elected Members as a confidential attachment.

## STATUTORY AND LEGAL CONSIDERATIONS

### *Planning and Development (Local Planning Schemes) Regulations 2015*

7. Under Schedule 2, Part 2, Clause 3 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, (the Regulations) the following general provisions apply to local planning policies:
- 1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
  - 2) *A local planning policy –*
    - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
    - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
  - 3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
  - 4) *The local government may amend or repeal a local planning policy.*
  - 5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*
8. The procedure for amending a local planning policy is the same as making a local planning policy. A local planning policy does not bind the Shire in its application of discretion but must given due regard. In the event that a planning policy is inconsistent with the Regulations and a Scheme provision, the Regulations and Scheme shall prevail.

## POLICY CONSIDERATIONS

9. The proposed policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.
10. The Shire's draft Community Engagement Strategy states that we engage with our community because meaningful and effective community engagement will make us a better local government more able to meet community needs and aspirations. Better community engagement also assist in and provides greater legitimacy for governmental decision-making and demonstrate a commitment to accountability, democracy and transparency.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

11. Nil.

## External Referrals

12. The proposed policy will be sent to the Western Australian Planning Commission and the Western Australian Local Government Association for comment during public advertising of the draft policy.

## FINANCIAL CONSIDERATIONS

13. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

## SUSTAINABILITY

### Social Implications

15. If this draft policy is adopted, the Shire will have greater certainty and clarity when dealing with advertising of planning proposals.

### Economic Implications

16. Nil.

### Environmental Implications

17. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 18.
- | Risk   | Likelihood | Consequence | Rating | Action/Strategy   |
|--|------------|-------------|--------|---|
| The draft policy is not adopted resulting in a lack of guidance regarding advertising of planning proposals. | Unlikely   | Moderate    | Low    | Outline the improvements of the draft policy to address issues raised with administration and application of the previous policy. |

## OFFICER COMMENT

19. The Shire is committed to doing more than the minimum when it comes to community engagement and public participation and the draft policy proposes advertising standards that are well above the minimum standards of many other local governments.
20. This draft policy is considered to address operational considerations as a guidance document containing recommended methods, duration and distances of advertising for various types of planning proposals.
21. It is important to note that a balance is required in determining the appropriate advertising methods and distance of planning proposals. In this regard the Shire will apply discretion where appropriate, however the draft policy will be a key instrument used to guide advertising processes. This will depend on the scale, significance and nature of the particular planning proposal being considered. Minimum distance standards have been applied for both urban and rural zoned land to reflect this.
22. It is recommended that the draft local planning policy be adopted for the purposes of public advertising. The draft policy will subsequently be brought back to Council for final adoption and may incorporate modifications as a result of submissions received.
23. If after advertising Council resolve to finally adopt the new P-DEV45 local policy, this will have the effect of revoking the previous policy.

*Queries were clarified for Cr Geoff Stallard.*

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&A 38/2017)

That Council:

1. Pursuant to Clause 3(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, endorses the draft Local Planning Policy P-DEV45: Public Notification of Planning Proposals, for the purpose of advertising for a period of 28 days.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

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

**Attachment 1**

[Click HERE to go directly to attachment](#)

**Attachment 2**

[Click HERE to go directly to attachment](#)

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

*Cr Andrew Waddell disclosed a direct financial interest in this item as he owns a property within the Dual Density Area. Cr Andrew Waddell left the Chambers at 7.49pm and returned at 7.56pm. Cr Andrew Waddell did not vote on this item.*

*Cr Dylan O'Connor disclosed a direct financial interest in this item as he owns a property within the Dual Density Area. Cr Dylan O'Connor left the Chambers at 7.49pm and returned at 7.56pm. Cr Dylan O'Connor did not vote on this item.*

*Cr Allan Morton disclosed a direct financial interest in this item as he owns a property within the Dual Density Area. Cr Allan Morton left the Chambers at 7.49pm and returned at 7.56pm. Cr Allan Morton did not vote on this item.*

*Simon Di Rosso disclosed a direct financial interest and an interest affecting impartiality in this item as he owns a property within the Dual Density Area.*

**39. Consent to advertise new Local Planning Policy P-Dev 54 – Dual Density Design Guidelines**

Previous Items	NA
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-016
Applicant	NA
Owner	NA
Attachment 1	Proposed Policy – Dual Density Code Development
Attachment 2	P-Dev 54 Explanatory Notes
Attachment 3	Examples of poor quality development

**EXECUTIVE SUMMARY**

1. The intent of this report is to consider the following Planning Policy:
  - P-Dev 54 – Dual Density Design Guidelines (The Policy) for the purposes of public advertising.
2. The Policy has been written for the purposes of providing guidance relating to any development or subdivision within the proposed dual density coded zones forming part of the Shire's proposed Scheme Amendment 82.
3. It is recommended that the policy be endorsed for the purpose of advertising.

**BACKGROUND**

4. The Shire periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear, defensible position.
5. In June 2016, Council resolved to approve Scheme amendment 82 to Local Planning Scheme No.3 to introduce dual density codes to the existing urban areas of Forrestfield, High Wycombe, Maida Vale and Kalamunda. The intent of the dual density code under the amendment is to reward high quality development under criteria with higher amenity outcomes associated with the higher density. The amendment is currently with the WA Planning Commission where they have agreed in consultation with the Shire to defer



consideration of the amendment to the 31 August 2017 to allow for the proposed Policy to be adopted by Council.

## DETAILS

6. The policy review will be completed in a series of stages. This stage consists of one (1) policy that has been reviewed and drafted. The policy has been selected based on immediacy and efficiency.
7. The following provides a brief summary of the purpose of the policy. Further details can be found in the policy itself.

### 8. **1 – Draft Planning Policy P-Dev 54: Dual Density Code Development**

The draft policy will complement the proposed Local Planning Scheme No.3 (The Scheme) provisions to create dual density coded zones within the Shire. The policy outlines the process by which an applicant would apply to be able to develop a property at the higher density code, as well as the conditions that the applicant would have to meet to allow such development to take place.

9. The objectives of the policy include:
  - a) Providing policy guidelines in terms of development standards suitable for the Shire of Kalamunda for all residential development within the Local Planning Scheme No.3 area (dual density coded areas).
  - b) Promoting the development of a sustainable community which is environmentally sustainable and utilises best practise measures relating to energy efficiency and water sensitive urban design.
  - c) To create functional and liveable neighbourhoods which accommodate a diverse community and range of household types.
  - d) To create safe neighbourhoods where anti-social behaviour is discouraged through the use of best practice CPTED (Crime Prevention through Environmental Design) principles.
  - e) To encourage new developments to incorporate best practise urban design principles which enhance the built environment and create attractive and functional neighbourhoods.
10. The draft Policy will address the following key elements:
  - Streetscape and Urban Design.
  - Dwelling Diversity.
  - Adjoining Property Applications, Joint Access and Reciprocal Rights of Carriageway.
  - Retention of Dwellings.
  - Dwelling Orientation and Bulk and Scale of Buildings.
  - Stormwater Drainage.
  - Tree Retention, preservation and Landscaping.
  - Utilities and Facilities.
  - Vehicle Access and Parking.
  - Sustainable Design Principles.
  - Street Walls and Front Fencing.
  - Multiple Dwellings within 400m from an Activity Centre.

- Plot Ratio Variance.
- Additional requirements for R25/60 zoned properties fronting Hale Road Forrestfield and Kalamunda Road High Wycombe.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
12. A Local Planning Policy does not bind the Shire in its application of discretion. If a planning policy is inconsistent with the regulations, the regulations prevail.

## **POLICY CONSIDERATIONS**

13. The proposed policy follows the adopted Council templates with some small modifications for structure, legibility and clarity.

## **INTERNAL REFERRAL**

14. The draft policy was circulated to the Shire's Engineering, Health, Building, and Environmental departments for comments and consideration.
15. No objections to the proposed policy was received from the internal departments, and any changes requested were integrated into the draft policy.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

16. The proposed planning policy will be advertised for public comment on the Shire's various electronic media platforms and in the local newspaper for a period of 28 days in accordance with the requirements of Local Planning Policy P DEV-Public Notifications of Planning Proposals. The website and newspaper advertisements will include details of:
  - i. The subject and nature of the proposed policy,
  - ii. The objectives of the proposed policy;
  - iii. Where the proposed policy may be inspected; and
  - iv. To whom, in what form and during what period submissions in relation to the proposed policy may be made.
17. The Shire will also give notice of the policy to the Western Australian Planning Commission during the advertising period.
18. The Shire will also undertake public consultation in the form of Community Information "Drop In Session" during the 28 day advertising period in accordance with the Planning and Development Regulations (Local Planning Schemes) 2015, Schedule 2, Part 4 Clause 4(2) of the deemed provisions.

## **FINANCIAL CONSIDERATIONS**

19. Nil.

## **STRATEGIC COMMUNITY PLAN**

## Strategic Planning Alignment

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

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

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

Strategy 4.3.2 Undertake efficient monitoring and compliance of building developments within the Shire.

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

## SUSTAINABILITY

### Social Implications

21. If this draft policy is adopted, Shire staff will have greater certainty when assessing different forms of development or compliance issues.

22. Additionally, the community will have access to more clarity and transparency in how Administration and Council makes decisions, leading to improved outcomes and reduced timeframes.

### Economic Implications

23. Nil.

### Environmental Implications

24. Nil Sustainable design principles have been incorporated into the policy to ensure greater efficiency and sustainable design. This includes the provision of solar panels and rain water tanks. The use of pervious drainage for paths and driveways is required as part of the stormwater drainage plan.

25. Tree retention, preservation and landscaping has been incorporated into the policy. This includes a requirement for every dwelling/lot adjacent to a public street a minimum of one street tree shall be planted on the verge unless an existing tree exists.

## RISK MANAGEMENT CONSIDERATIONS

26.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Lack of guidance in respect to the	Unlikely	Moderate	Low	Demonstrate the importance in having the proposed policy in

associated Scheme Amendment 82 provisions.				support of the Scheme Amendment 82 provisions.
Without detailed design guidelines infill development within the Shire will not be high quality and will result in adverse amenity impacts.				Ensure guidelines contain detailed requirements to ensure high quality infill development.

## OFFICER COMMENT

27. The proposed policy recommends development standards that are well above the requirements of many other local governments. Without detailed design guidelines there is a risk that infill development within the Shire will result a poor quality built form outcomes which result in adverse amenity impacts. Please refer to attachment 3 for examples of poor quality development which the proposed policy is designed to prevent.
28. The policy will support the proposed Scheme Amendment 82 provisions and provide guidance for future development within dual density coded areas of the Shire. Having such guidance will assist both the Shire Officers responsible for assessing development applications and subdivision as well as provide detailed guidance and provisions for residents of the Shire who wish to apply to develop in these areas. This follows the ongoing discussions with the Western Australian Planning Commission (WAPC) in regards to Scheme Amendment 82 which is currently before the Department for Planning (The Department) for consideration.
29. The provisions identified under Clause 5.2.4 of Scheme amendment 82 have been subject to some modifications recommended by the WAPC in discussion with the Shire. These are described below:
  - The removal of a number of criteria development must satisfy when the higher density code is applied for, namely:
    - The existing building to be demolished.
    - Stormwater drainage demonstrating compliance with the R Codes.
    - A least half of the buildings assessed at R40 being multi storey.
    - Dwelling design to be orientated to address the public street.
    - Landscaping elements to enhance the development and streetscape
    - Limiting vehicle access to the site, including the number of crossovers.
    - Provision of on street parking.
    - Design requirements for onsite visitor parking.

- The removal of the requirement for development to be constructed to plate height for the purpose of subdivision applications at the higher density code.
  - The rewording and inclusion of new criteria the development must satisfy when considering development applications for dual coded areas. In such cases the lower density code will apply unless:
    - The parent lot is at least 1,000m<sup>2</sup> in area, unless the parent lot has access to two or more frontages to a public road, or is the only lot between two lots with two or more frontages to a public road; and
    - The development is designed having due regard to any relevant local planning policy or design guidelines for dual coded areas.
  - The inclusion of new wording specifically for subdivision applications, that the Shire will recommend the lower density be applied unless:
    - The parent lot is at least 1,000m<sup>2</sup> in area, unless the parent lot has two or more frontages to a public road or is the only lot between two lots with two or more frontages to a public road; and
    - The subdivision is designed having due regard to any relevant local planning policy or design guidelines for dual coded areas.
  - In relation to aged persons dwellings or single bedroom dwellings in dual coded areas the additional density bonus allowed for under the RD Codes will not be permitted unless the higher of the dual coding is R60.
30. The inclusion of the new wording into Scheme amendment 82 has been reflected in the proposed policy.
31. The Department has advised that the Scheme Amendment 82 will be considered by the WAPC following the Council's adoption of the proposed policy. As indicated above, the Policy aims to address the provisions of the Scheme Amendment, as well as responding to any proposed changes to the amendment which the WAPC have recommended upon review.
32. The WAPC have indicated that they wish to seek endorsement of the Policy, as part of their consideration of Scheme Amendment 82. The draft policy is therefore brought forward for consent to advertise and consult with the community regarding specific development and subdivisions provisions which may be made available once the Scheme Amendment is finalised.

*Queries were clarified for Cr Michael Fernie.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 39/2017)**

That Council:

1. Pursuant to Clause 3 (1) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and 2.4.2 of Local Planning

Scheme No. 3, endorses the following proposed policy for the purpose of advertising for a period of 28 days:

- Draft Planning Policy P-Dev. 54 – Dual Density Design Guidelines

Moved: **Cr Geoff Stallard**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (6/0)**

**Attachment 1**

[Click HERE to go directly to attachment](#)

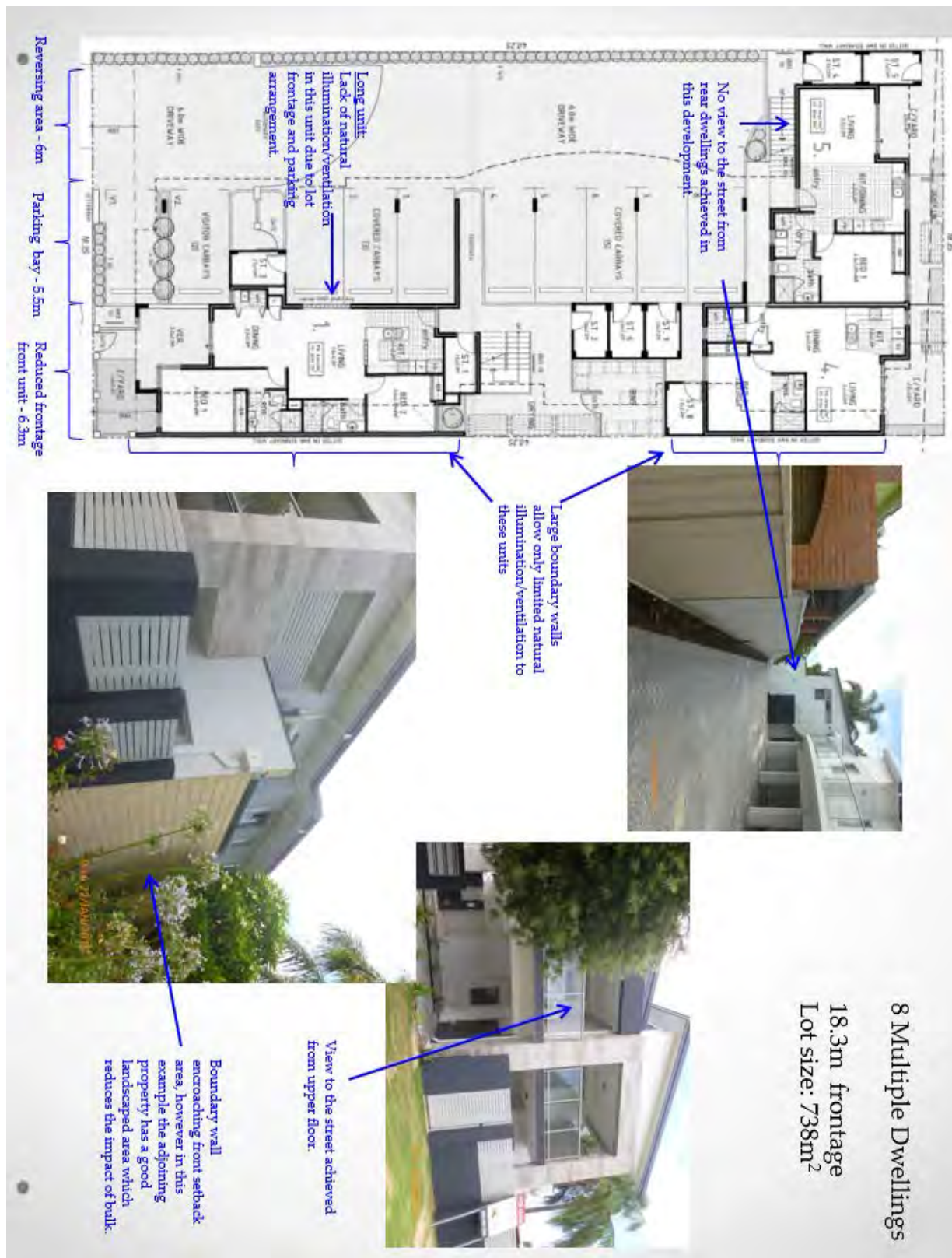
**Attachment 2**

[Click HERE to go directly to attachment](#)



### Attachment 3

Consent to advertise new Local Planning Policy P-Dev 54 – Dual Density Design Guidelines  
**Example of poor quality developments**



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

**40. CONFIDENTIAL ITEM – Consideration of Tenders – Provision of Verge Vegetation Management Services (RFT1707)**

Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (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	N/A
Responsible Officer	Director Asset Services
Service Area	Parks and Environmental Services
File Reference	RFT1707
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Tender Evaluation Report

Reason for Confidentiality  
*Local Government Act 1995 S5.23 (2) (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.”*

Confidential Attachment 2 Price Schedules

Reason for Confidentiality  
*Local Government Act 1995 S5.23 (2) (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.”*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 40/2017)**

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Beaver Tree Services Australia Pty Ltd as the contractor for the Provision of Vegetation Management Services (RFT1707) for a period of fourteen (14) months in accordance with the Price Schedule in Confidential Attachment 2, subject to the provision of their certificate of currency for Public Liability Insurance for a sum not less than \$20,000,000.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

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

**This report item was circulated to all Councillors under separate cover and was discussed at point 15 of the Agenda.**

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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Street Tree – Newburn Road, High Wycombe (Cr Dylan O'Connor)

Q. Can I please have an update on when the tree will be installed in the centre median strip on Newburn Road?

A. The Director Asset Services took this question on notice.

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

12.1 Nil.

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

13.1 Nil.

**14.0 TABLED DOCUMENTS**

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

15.1 **Meeting Closed to the Public**

That the meeting be closed to the public to discuss Confidential Item D&A 40. (provided under separate cover).

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Allan Morton**

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

*The meeting closed at 7.58pm. There were no members of the public in the gallery.*

15.2

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 40/2017)**

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Beaver Tree Services Australia Pty Ltd as the contractor for the Provision of Vegetation Management Services (RFT1707) for a period of fourteen (14) months in accordance with the Price Schedule in Confidential Attachment 2, subject to the provision of their certificate of currency for Public Liability Insurance for a sum not less than \$20,000,000.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

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

15.3

**Meeting Reopen to Public**

That the meeting reopen to the public following consideration of Confidential item D&A 40 (provided under separate cover).

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Geoff Stallard**

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

*The meeting reopened to the public at 7.59pm, as no members of the public were present the Presiding Member did not read the resolutions.*

**16.0**

**CLOSURE**

16.1

There being no further business the Presiding Member declared the meeting closed at 8:05pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017

