

Development & Infrastructure Services Committee Meeting

Minutes for Monday 14 September 2015

UNCONFIRMED



**shire of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.0	PUBLIC QUESTION TIME	4
4.0	PETITIONS/DEPUTATIONS	4
5.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
6.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	4
7.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	5
8.0	DISCLOSURE OF INTERESTS.....	5
9.0	REPORTS TO COUNCIL	5
	38. FORRESTFIELD NORTH DISTRICT STRUCTURE PLAN.....	6
	39. AMENDMENT TO CELL 9 WATTLE GROVE STRUCTURE PLAN	49
	40. PLANNING AND DEVELOPMENT COMPLIANCE POLICY.....	59
	41. PROPOSED INITIATION OF SCHEME AMENDMENT 81 TO LOCAL PLANNING SCHEME NO. 3 – CONSULTING ROOMS IN RESIDENTIAL AREAS.....	66
	42. LOCAL STRUCTURE PLAN – HATCH COURT/STIRLING CRESCENT, HIGH WYCOMBE.....	72
	43. INITIATION OF AMENDMENT 78 TO LOCAL PLANNING SCHEME NO. 3 – HATCH COURT/STIRLING CRESCENT.....	95
	44. PROPOSED INITIATION OF SCHEME AMENDMENT 80 TO LOCAL PLANNING SCHEME NO. 3 – REZONE FROM URBAN DEVELOPMENT TO LIGHT INDUSTRY – HATCH COURT, STIRLING CRESCENT AND KALAMUNDA ROAD	102
10.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	114
11.0	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	114
12.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	114
15.0	CLOSURE	115

MINUTES

1.0 OFFICIAL OPENING

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

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

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

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance & PR
Andrew Fowler-Tutt	Manager Development Services
Nicole O'Neill	Public Relations Coordinator
Donna McPherson	Executive Research Officer to the Chief Executive Officer
Meri Comber	Governance Officer

Guest

Murray Casselton	Town Planning Urban Design and Heritage
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Members of the Public 48

Members of the Press 2

2.2 Apologies

Councillors

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 Julie Kinley, High Wycombe

Q. I have been told the Shire would not be releasing any blocks smaller than 10,000sq metres for light industrial purposes. With the current zoning changes why has the Shire not considered smaller land sizes for business being detrimentally affected by the railway station and what consideration will be made for any smaller land sizes for business not suited to larger land areas?

A. Once the District Structure Plan is adopted the Shire will need to look at the Stage 1 Industrial Area and see if this changes anything for that area as this was envisaged as light industrial; a minimum 1ha size was set. Now this has changed there may be some capacity to re-examine the Stage 1 Area adjacent to where you currently are to see if in-fill is possible there, if not, some other light industrial areas could be examined in the Shire to allow for smaller lots.

4.0 PETITIONS/DEPUTATIONS

4.1 A Deputation was made by Nigel Dickinson of Gooseberry Hill regarding Item 38 on the Agenda, Forrestfield North District Structure Plan. There were no Councillor questions following this Deputation.

4.2 A Deputation was made by Tony Fowler of Kalamunda on behalf of the Nature Reserves Preservation Group together with Peter Forrest of Kalamunda, regarding Item 38 on the Agenda, Forrestfield North District Structure Plan. There were no Councillor questions following this Deputation.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 10 August 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

8.1.1 Nil.

8.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

8.2.1 Nil.

9.0 REPORTS TO COUNCIL

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

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

38. Forreestfield North District Structure Plan

Previous Items	OCM 14/2015 – 23 Feb 2015
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-STU-035
Applicant	N/A
Owner	Various
Attachment 1	Submission Table
Attachment 2	Final Forreestfield North District Structure Plan
Attachment 3	Changes from Advertised District Structure Plan
Attachment 4	Parking Bays at Train Stations in Western Australia

PURPOSE

1. To consider adoption of the Forreestfield North District Structure Plan (DSP) (Attachment 2).

BACKGROUND

2. In June 2014, the State Government announced a decision to proceed with the Forreestfield-Airport Rail Link. Following this decision, the State Government requested the Shire of Kalamunda give consideration to the planning land use opportunities that Forreestfield Train Station could create for the surrounding areas of Forreestfield and High Wycombe.
3. The State Government instructed the Shire to prepare a DSP over the subject land, in order to identify new land use opportunities arising from the planned Forreestfield Train Station.
4. The Shire commenced preparation of the draft Forreestfield North DSP in September 2014 along with a number of technical studies, and presented it to Council for its consideration in February 2015.
5. Council, at its meeting on 23 February 2015, resolved to:
 1. *Deem the Forreestfield North District Structure Plan satisfactory for the purpose of being advertised for a period of 60 days in accordance with the clause 6.2.4 (Adoption and Approval of structure Plans) of Local Planning scheme No. 3*
 2. *Note a public information evening will be organised with landowners to discuss the Forreestfield North Structure Plan.*
6. In June 2015, the Western Australian Planning Commission (WAPC) commenced advertising the rezoning of 115 hectares of land previously known as the Forreestfield/High Wycombe Industrial Area Stage 3 from Rural to Urban under the Metropolitan Regional Scheme (MRS).

DETAILS

7. Subject Area



8. The DSP represents a high-level strategic planning document that provides guidance on future land use, employment, broad density direction and the coordination and provision of major infrastructure. This may include the following:
- Location of high schools;
 - District water management requirements;
 - Movement networks;
 - Coordination of infrastructure provisions;
 - Location and distribution of regional open space;
 - Land use buffers;
 - Environmental assets; and
 - Activity centres.
9. The purpose of the DSP for is to provide a strategic framework to guide the development of the identified precincts within the Subject Area through subsequent local structure planning processes and to support the planning, assessment, coordination and implementation of longer term development within the area as a result of the development of the Forrestfield Train Station.
10. The principal objectives of the DSP are to:
- Place the subject area in its emerging regional context and identify any factors that might influence the future planning and development of the area;
 - Confirm the role and function of the Subject Area in the context of *Directions 2031 and Beyond*; and Sub Regional Framework for the North East Region.

- Develop a spatial plan that defines planning and development precincts based on projected land use, and informs the preparation of local structure plans, Scheme amendments and statutory planning and development proposals;
- Identifies existing environmental assets and district level water management considerations applicable to the area and consider what additional investigations are required to support the planning process;
- Consider the impacts of future development in the Subject Area on the existing transport network and identify what modifications may be required as part of a future staged development process; and
- Identify key services and infrastructure constraints and options for the future coordinated delivery of additional service capacity to the area.

11. The DSP has four defined precincts each with its own character and combination of land uses. These are described below:

P1 – Transit Oriented Development (TOD) Precinct

A primarily commercial, high-density development that leverages opportunities associated with the development of the Forrestfield Train Station. Opportunities exist for mixed-use development outside of existing aircraft noise contours and where noise and vibration from the Forrestfield Marshalling Yards has been adequately mitigated.

P2 – Activity Centre Precinct

A new, well-connected activity centre that will service the future needs of the surrounding population.

P3 – Residential Precinct

A medium and high-density residential area with excellent access to the Forrestfield Train Station, which provides for the enhancement and protection of the significant environmental assets of the area. The residential component could also include an integrated aged care facility.

P4 – Light Industrial Precinct

As directed by the State Government, the aim of this precinct is to retain the original Stage 1 for light industry given its proximity to the Forrestfield Train Station and significant investment in transport infrastructure generally.

STATUTORY AND LEGAL CONSIDERATIONS

12. Clause 6.2.3.4 (Preparation of Structure Plans) of Local Planning Scheme No. 3 (the Scheme) stipulates that a Structure Plan is to contain the following details, amongst other matters:

- a) The area to which the Structure Plan applies;

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- b) Key opportunities and constraints of the Development Area including landform, topography, hydrology, landscape, some vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
 - c) The planning context for the Development Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
 - d) Proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
 - e) The proposed indicative lot pattern and general location of any major building;
 - f) Estimates of future lots, dwellings, population, employment and retail floor space; and
 - g) The proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks.
13. Notwithstanding the above matters, the purpose of the DSP is to provide high-level guidance for a series of Local Structure Plans. The Local Structure Plans will address all of the matters above, including those that the DSP does not address.

POLICY CONSIDERATIONS

Directions 2031 and Beyond

14. *Directions 2031 and Beyond* supersedes *Network City* and replaces *Metroplan* and all other metropolitan strategies. *Directions 2031 and Beyond* is a spatial framework to guide the growth of Perth and Peel.
15. The key features of *Directions 2031 and Beyond* for the Shire are as follows:
- A target of 75% employment self-sufficiency has been set for the north-east sub region, an additional 42,000 jobs over the whole sub-region.
 - An estimated increase in population of 69,000 across the whole sub-region.
 - Several areas around the Shire have potential for increased residential development to accommodate airport, freight, container and light industrial development in the area.
 - Forrestfield and High Wycombe have potential for increased residential development.

Draft Perth and Peel @ 3.5 million including Draft North-East Sub-regional Planning Framework

16. The *Draft Perth and Peel @3.5 million* document is the current draft strategic vision document for Perth and Peel. It acknowledges the historic and future population expansion in the region and provides a high level of certainty on the Shire's ability to provide the land, the infrastructure and the services for the predicted population growth. The document and the associated planning framework identify a connected city as the blueprint for such growth. Forrestfield North is identified as Urban Expansion area in the framework, which is in line with the intention of the DSP.

Kewdale Hazelmere Integrated Masterplan (August 2006)

17. The Kewdale-Hazelmere Integrated Masterplan (KHIM) identified the Kewdale-Hazelmere area as a major strategic area for the freight industry in Perth and Western Australia. The KHIM was prepared by the Department of Planning in consultation with a number of stakeholders, to provide a broad framework to facilitate the rapid expansion and change that is occurring in the freight industry and to accommodate the existing population of residents within the area.
18. The subject land forms part of the Forrestfield Precinct. The Forrestfield Precinct is identified as being 'a significant freight related industrial precinct adjacent to the main interstate freight rail line, the airport and the residential suburb of High Wycombe'.
19. The KHIM was written prior to the announcement of the Forrestfield Airport Rail Link, which has fundamentally changed the strategic context of the area.

Western Australian Planning Commission – Economic and Employment Land Strategy, Perth Metropolitan and Peel Regions (April 2012)

20. The Economic and Employment Land Strategy (EELS), was prepared in response to the ongoing pressures of industrial land supply in the Perth metropolitan market and to ensure that industrial land constraints and shortages such as those that occurred in the mid-2000s did not reoccur. EELS's primary aim is the adequate provision of land over the next 20 years within the Perth Metropolitan and Peel regions for the purposes of employment generating activities (industrial and commercial land uses), with identification of land that is suitable for non-heavy industrial activity in the long term, and strategies to address land supply constraints.
21. The EELS was written prior to the announcement of the Forrestfield Airport Rail Link, which has fundamentally changed the strategic context of the area.

Western Australian Planning Commission State Planning Policy 5.1 (SPP 5.1) – Land Use Planning in the Vicinity of Perth Airport

22. The Subject Area is located 3km to the west of Perth Airport and is largely unaffected by aircraft noise. A small portion of the site is noted as being within the 20-25 ANEF contour and the large majority of the structure plan area is noted as being below the 20 ANEF contour. Table 2.1 in Appendix 1 of SPP 5.1 lists a number of building types and their acceptability within each of the ANEF contours. The DSP meets the requirements of Appendix 1 given that all building types below the 20 ANEF contour are deemed to be acceptable and the proposed land uses that fall within the 20-25 ANEF contour are deemed to be either conditionally acceptable or acceptable. The DSP has responded to the ANEF contours appropriately by locating particular land uses that are acceptable within the relevant ANEF contour.

Western Australian Planning Commission State Planning Policy 5.4 (SPP 5.4) – Road and Rail Transport Noise and Freight Considerations in Land Use Planning

23. SPP 5.4 applies to proposals for new noise-sensitive developments, new railways or major roads, major redevelopments of existing railways or major roads, and new freight handling facilities.
24. The DSP is considered to meet the following objectives outlined by the policy:
- protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals;
 - protect major transport corridors and freight operations from incompatible urban encroachment;
 - encourage best-practice design and construction standards for new development proposals and new or redeveloped transport infrastructure proposals;
 - facilitate the development and operation of an efficient freight network; and
 - facilitate the strategic co-location of freight handling facilities.
25. Further studies regarding road and rail transport noise will be required through the Local Structure Plan.

Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development

26. Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development (DCP 1.6) seeks to maximise the benefits to the community of an effective and well used public transit system by promoting planning and development outcomes that will support and sustain public transport use, and which will achieve the more effective integration of land use and public transport infrastructure.

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27. The following are objectives of DCP 1.6:
- To promote and facilitate the use of public transport as a more sustainable alternative to the private car for personal travel, to enhance community accessibility to services and facilities, including employment opportunities, community services and recreational facilities, and to improve equity in accessibility for those who do not own or have access to a car.
 - To encourage spatial patterns of development that make it easier to plan and efficiently operate public transport services, and for the existing and potential users of public transport to access those services.
 - To ensure the optimal use of land within transit oriented precincts by encouraging the development of uses and activities that will benefit from their proximity and accessibility to public transport, and which will in turn generate a demand for the use of transit infrastructure and services.
 - To ensure that opportunities for transit supportive development are realised, both on public and privately owned land, and that transit infrastructure is effectively integrated with other development, to maximise safety, security and convenience for transit users.
 - To promote and facilitate walking and cycling within transit oriented precincts by establishing and maintaining high levels of amenity, safety and permeability in the urban form, and to promote and facilitate opportunities for integrating transport modes by creating opportunities for convenient, safe and secure mode interchange.

COMMUNITY ENGAGEMENT REQUIREMENTS

28. Council resolved in February 2015 that the DSP is satisfactory for advertising. The DSP was advertised for 60 days, with closing date for submissions being 11 May 2015.
29. During the advertising period, a community forum was held in order to enable affected residents to discuss the proposed DSP with the Shire.
30. 55 submissions were received during the advertising period. Approximately half were supporting the DSP raising a variety of issues and opportunities related to the plan. The other half raised objections to the DSP with the following main considerations:
- Proximity to the airport (airport noise issue);
 - Proximity to the freight rail and rail yards (noise and vibrations issue);
 - General environmental concerns;
 - Objection to closure of Dundas Road;
 - Perceived loss of value of land based on the future zoning allocation for particular properties; and
 - Designation of the District Centre to the new proposed activity centre within the DSP area.
- Refer to (Attachment 1) for Submission Table.

Airport noise issue

31. Perth Airport does not support residential development being located within areas of projected aircraft noise exceeding 50 events over 65 decibels per day. This includes areas that are not identified within the ANEF Contours of *State Planning Policy 5.1*.
32. The DSP has been designed to reflect and comply with the objectives and requirements of *State Planning Policy 5.1: Land Use Planning in the Vicinity of Perth Airport*. The residential density, design of the site, location of parks, and land use selection has all been conducted to comply with the policy. At the DSP stage, the State policy is the only guidance on airport noise. At later planning stages, however, noise and vibration studies will be conducted to determine development and building requirements.

Proximity to the freight rail and rail yards (noise and vibrations issue)

33. Four major stakeholders within the Forrestfield marshalling yards freight rail system and rail yards objected to the DSP. Their concerns were that sensitive land uses being introduced in the proximity of freight rail and freight yards would result in land use conflicts to the detriment of residential amenity and the freight efficiency of the marshalling yards. Representatives of the Freight and Logistics Council emphasised the need for the DSP to acknowledge and cater for the trend of consistent growth in the industry and the regional and interstate importance of the Forrestfield Freight Interchange.
34. In discussion with the Freight and Logistics Council, the Shire agreed to amend the DSP document to better address and recognise their concerns and provide the Council with confidence that the issues raised will be addressed at the Local Structure Plan Stage in the Planning Process. One of the proposed changes will include provisions in Part 1 of the DSP that will specify a requirement for Local Structure Plans to undertake a noise and vibration study prior to identifying subdivision layouts and land uses.

Environmental concerns

35. A number of issues were raised relating to the environment as well as other concerns, namely aged care facilities, future built form and movement and access. In particular it was suggested that the environmental and aboriginal heritage values in the area have not been addressed to a sufficient extent. The planning of the area therefore should, at this level, provide an opportunity to deal with the large number of environmental concerns and that the Shire of Kalamunda should follow its own wildlife, biodiversity and conservation strategies in order to achieve a superior outcome for environmental protection.
36. It should be noted that the District Structure Plan presents a high level plan, that identifies main environmental assets and challenges the plan presents. The DSP outlines broad strategies for dealing with retention of habitat trees for black cockatoo, with establishment of vegetation protection of ecological linkages as well as flora species of conservation significance and establishment of a buffer zone to the Poison Gully Creek Bush forever site along the northern boundary of the subject area.

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37. The DSP references the majority of issues raised in the submissions, however, the requested level of detail is not consistent with the requirements of a DSP. Potential impacts to environmental values identified in the area will be addressed in more detail at the more appropriate, Local Structure Planning Stage.
 38. Other concerns raised related to the loss of rural amenity and the effect on the rich flora and fauna in the area. Those submissions questioned the necessity of increased density that will invariably result in the loss of environmental values and semi-rural amenity of the area. It is suggested that the semi-rural character of the area should be retained, in order to preserve those values.
 39. While it is acknowledged that the intensity of development will increase across the area covered by the DSP, the intention is to retain areas of high environmental value for active and passive recreation the protection of remnant vegetation and through creation of new parklands that would be accessible to public. The majority of the future Public Open Space (POS) area will be rehabilitated and landscaped with the native vegetation in order to support the conservation of environmentally significant values of the Wavy-leaved Smokebush, Black Cockatoo habitat and Bush Forever Sites.

Closure of Dundas Road

40. Business/landowners who presently use Dundas Road for their transport needs have expressed concerns regarding its closure. However, the DSP specifies that while the need for the B-Doubles on the Restricted Access Vehicle (RAV) network exists, the road will not be closed. The State Government has given a commitment to landowners to ensure properties requiring access to the RAV network will continue to have access for their business needs.
41. Another objection to the ultimate closure of Dundas Road raised concerns that the permanent closure will force the traffic through high density residential area and existing streets of High Wycombe. It has to be noted that the Transport Impact Assessment has considered the scenario and made recommendations regarding the future road hierarchy in order to address the impact of the Dundas Road closure in the long term.
42. Current businesses located close to the Milner/Dundas intersection also objected to the realignment and closure of Dundas Road, on the basis that their businesses would not have access anymore. As indicated above, the network will still be available, but Dundas Road will be realigned in the short term.

Loss of land and investment value

43. A number of submissions were received that raised concern that the proposed DSP will devalue their land, and their investment regarding the commercial development of their site where in line with the current zoning, as well as the previously envisaged Industrial Development zoning under Stage 3 of the Forrestfield/High Wycombe Industrial Area.

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44. A large landholding (20 properties - approximately 8 ha) on Milner Road is currently zoned Light Industry and has been developed in accordance with the current zone. The DSP proposes that about the third of the land fronting Dundas Road, become a part of the railway land, as a final location of the southern portion of car parking area for the Forrestfield train station. As such, the land will be required to be purchased by the State Government for that use. The balance of the land fronting Milner Road is identified under the DSP to change zoning to Commercial-Showroom/ Warehousing.
 45. The submitter argues that the overall functioning and value of the landholding as a commercial land use will be affected by:
 1. the future public purpose designation and staging of the railway parking area (for the western portion);
 2. the potential Milner Road widening requirements (for the south-east portion of the landholding) and
 3. the Dundas Road realignment (in short term) and future closure (in the long term).
 46. In terms of the railway land designation over the portion of land fronting Dundas Road, it should be noted that the parking requirements were determined by the Public Transport Authority (PTA) and the DSP only responded to those requirements. Under the DSP staging of the railway parking follows a logical evolution from the land footprint acquired by the PTA for the purpose of the construction site and temporary parking area to the more logical area to the South that will allow the land immediate adjacent to the train station to be developed in accordance with Transit Oriented Development (TOD) principles.
 47. It is acknowledged that the proposal to locate a portion of the PTA car parking requirements of 2,500 bays to the South of the Forrestfield train station has created uncertainty for some landowners. This quantum of bays would make this station one of the largest in the Perth Metropolitan area in terms of parking capacity, and five times larger than Belmont station, which only has 500 bays. It is therefore the responsibility of the PTA and the State Government to confirm, as soon as possible, the rationale for the number of car bays required and certainty for landowners regarding land acquisitions.
 48. The Shire acknowledges that the Light Industrial zone for the properties fronting Milner Road would be a better land use option than proposed Commercial/Showroom- Warehousing and will amend the DSP accordingly.
 49. Milner Road land widening requirements are not defined at this stage and will be determined at the Local Structure Planning stage, when further investigation regarding lot yield and impact on the existing road network infrastructure will be determined.
 50. Dundas Road is currently identified on the Main Roads WA RAV network to access industrial properties near the intersection of Dundas and Maida Vale Roads. In the short term, it is proposed that Dundas Road will be realigned to the west of the future train station and in the long term, once the industrial
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uses cease, Dundas Road will be closed. As such, while the local businesses require access to Dundas Road, it will remain open.

51. The Shire notes the concerns of landowners around PTA's land acquisition. While the Shire is not involved in the process of acquisition, it will continue discussions with PTA to ensure landowners have greater certainty over future requirements.
52. Concerns raised regarding the identification of bush forever over private properties and the effect this designation under the DSP will have on the potential for future development and/or value of their land are noted. The Shire organised a meeting to discuss this issue with the landowners and the Department of Planning. An outcome of that meeting is that the Shire will be conducting some further environmental studies in the area, which might help in ascertaining whether the designation is still warranted on all of the land. The future of the land will have more certainty depending on the conclusions of the study.
53. It should be noted that if the Bush Forever designation over the affected lots is still applicable then the lots should be identified as Parks and Recreation under the Metropolitan Region Scheme and acquired by the State Government for that purpose. This is consistent with the Forrestfield/High Wycombe Industrial Area Stage 1, where some privately owned parcels were identified as Bush Forever and subsequently reserved under the Metropolitan Region Scheme and acquired by the State Government.
54. An objection was raised regarding land shown as future Parks and Recreation in Precinct 1 of the DSP on the basis of the current Vegetation Conservation Notice (VCN) affecting the property, that was due to expire in 2018 and therefore should not be the basis for a decision in relation to the proposed reserve. Furthermore, the location and extent of the proposed reserve and the proposed road network are unreasonable and unnecessary.
55. The existence or potential expiration of a (VCN) does not, in fact, form the basis for identifying this property as 'Parks and Recreation'. Correspondence from the Department of Environment and Conservation from 2008 stated that the conservation site "contains a mosaic of Threatened Ecological Communities (TEC) that are most likely to include: *Eucalyptis calophylla* – *Kingia australis* woodlands, *Banksia attenuate*, Eastern shrublands and woodlands." Smokebush has also previously been recorded throughout the area. The Shire will conduct further environmental studies to verify that TEC is still found on the site. The boundaries and the ultimate area of the proposed land will be further refined at the Local Structure Plan stage.
56. The road network has not been detailed extensively in the DSP as it is subject to further study as part of the Local Structure Planning process. As such, the layout and width of the road is not determined as part of the DSP.

District Centre designation

57. The owners of Belmont shopping centre and Forrestfield shopping centre objected to the DSP on the basis that *State Planning Policy 4.2: Activity Centres* does not identify the activity centre as a District Centre. The submitters comment that the impact of this designation on existing centres is uncertain especially since no detailed economic or retail studies have been conducted.
58. The Shire acknowledges that the District Centre designation was premature and will look to prepare a Retail Sustainability or Needs Assessment to determine the centre's hierarchical status. Additionally, the previously conducted Economic and Market Analysis by AEC Group will be attached to the DSP as a technical appendix; thus providing additional information to substantiate the future decisions made on the size/status of the activity centre.
59. Such a study will need to examine both short term and longer term development occurring in the Shire.

Submissions supporting the DSP

60. There were 21 submissions that offered various levels of support and non-objections to the DSP, while at the same time using the opportunity to make suggestions and raise issues that could potentially be addressed through the future planning of the area.
61. Some of the issues/suggestions raised were:
- To make sure that higher density target in the area is achieved;
 - Traffic free zones, small shuttle buses to service the station, seating around the areas of shops and cafes;
 - New suburb name- Forrest Gate or Forrestgate, Wycombe Heights;
 - More central town centre with continuous interconnected green belt to the north, east and south;
 - More sports fields in the new area- potential solution for Rugby League Club;
 - Use this opportunity to promote Kalamunda Hills as afternoon tea and country drive with bed and breakfasts;
 - Incorporate higher density residential on the north of Maida Vale Road within 800m walkable catchment from the station;
 - The quick connection with the airport and the city should be used to sell and promote the Kalamunda Hills as a major bio-diverse natural environment tourist spot;
 - Identify business, commercial and community opportunities under the DSP;
 - Purposeful engagement of community in vision for the area;
 - Inclusion of the area to the east of Roe Highway as residential development;

- Securing urban-zoned land for integrated aged care facilities and flagging the issues within the DSP document.

62. The submissions of support demonstrate that there is considerable interest and support for this project and that the Shire residents and groups are keen to contribute to the vision and planning process in this area. Some of the issues raised (allocation of business, commercial and community opportunities, for example) have been incorporated in the DSP. Other proposals will be considered at the Local Structure Plan level. The issue of the future name of the area and the branding will be addressed in due course. Once the work on Local Structure Plan(s) commence, there will be more opportunities for community engagement.

FINANCIAL CONSIDERATIONS

63. Funding for the planning and consultant work on the DSP project has been included in the Shire's current budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

64. *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

65. The population of the Subject Area is expected to increase significantly over time, resulting in an increased demand for community facilities. An appropriate hierarchy of community facilities should be established to ensure that all demographic groups are accommodated.

Economic Implications

66. The proposed Forrestfield Airport Link represents a significant economic infrastructure project, which fundamentally changes the strategic importance of the Subject Area. The improved transport connectivity will ultimately stimulate business investment, jobs growth, demand for housing and associated infrastructure and utilities.

Environmental Implications

67. Various environmental studies have been undertaken over the Subject Area. These have assessed environmental opportunities and constraints associated

with proposed land uses to support the MRS amendment process for the area formerly known as Stage 3 which have been referred to the Environmental Protection Authority (EPA) under sec48A of the *Environmental Protection Act 1986*.

68. The Subject Area contains the Poison Gully Creek Bush Forever site (No.123), pockets of remnant native vegetation of predominantly open Jarrah, Marri with Wandoo and Banksia and one threatened Species. A flora and vegetation survey undertaken by the Shire identified the majority of environmental values in the Subject Area as being completely degraded. Some pockets of remnant vegetation were classified as being very good to degraded.
69. Three vertebrate fauna species of conservation significance have been recorded in the area including:
- Forrest Red-Tailed Black Cockatoo;
 - Carnaby's Black Cockatoo; and
 - Quenda.
70. The *Environment Protection and Conservation Act 1999* (EPBC Act) listed flora species- the Wavy-leaved Smokebush is widespread throughout the Subject Area. The Subject Area also contains a Threatened Ecological Community, which is protected under the *Environmental Protection Act 1986*.
71. Further flora and environmental reviews are scheduled to be conducted in 15/16 financial year, in order to inform and support local structure plans. The need to retain and enhance environmental values through the planning process has been acknowledged in the DSP document.

RISK MANAGEMENT CONSIDERATIONS

72.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may recommend that the District Structure Plan be refused.	Unlikely	Major	Medium	Make sure Council is aware of the reasons for the District Structure Plan and its implications in the long term.
Noise related issues from Perth Airport, freight and logistics impact on future residents	Unlikely	Major	Medium	Address noise issues at the local structure planning stage through further assessment, design guidelines and building standards

A OFFICER COMMENT

73. The District Structure Plan for Forrestfield North area provides a high level planning document addressing and responding to the major State Government project that will bring the train connection from the Perth CBD, through the Airport into the Shire of Kalamunda in 2020. Therefore it is vital that the first step in identifying an appropriate land use response that will complement and enhance the new train station, is produced. The District Structure Plan sets out the framework on which further detailed local structure planning work will be based.
74. It is important to note that the purpose of the Forrestfield North DSP is to provide a strategic framework to guide the development of the identified precincts within the area through subsequent local structure planning processes and to support the planning, assessment, coordination and implementation of longer-term development within the area.
75. Once the District Structure Plan is endorsed, three new Local Structure Plans will be prepared; one for each precinct as outlined in the DSP document. The fourth precinct (Industrial development area), already has an existing Local Structure Plan over it; however, this plan will also be reviewed, subject to the potential infrastructure and traffic impact of the three new precincts.
76. Following on the public consultation, further discussions have been had with major stakeholders in order to ascertain the most appropriate course of action in addressing the issues raised through the consultation.
77. In terms of dealing with the airport noise the DSP has been designed to reflect and comply with the objectives and requirements of *State Planning Policy 5.1: Land Use Planning in the Vicinity of Perth Airport*. At the DSP stage, the State policy is the only guidance on airport noise. At later planning stages, however, noise and vibration studies will be conducted to determine development and building requirements.
78. Protection of local environmental values will be guided by the environmental management and biodiversity strategies in order to address planning and other mechanisms that are intended to ensure adequate protection. Strategies are to include a local reserve system that establishes strong and viable environmental linkages between Bush Forever and other areas of high conservation value that retain and rehabilitate ecological linkages.
79. Strategies are required to specifically address the protection and/or enhancement of the following environmental assets:
1. Populations of Wavy-leafed smokebush (*Conospermum undulatum*) and *Banksia attenuate*
 2. Areas of *Eucalyptus calophylla*- *Kingia australis* woodlands.
 3. The integrity and buffers required to support the environmental values of Bush Forever Site 45- Poison Gully Bushland, incorporating the recommendations as contained in the Poison Gully Creek Foreshore Assessment.
 4. The most significant roosting, foraging and potential breeding habitat for Carnaby's and Forest Red-tailed Black Cockatoos.
 5. Habitat for the Quenda/Southern Brown Bandicoot.

80. In order to address the impact of the proximity of the future development to the freight rail line and the rail yards, as well as some major roads, local structure plans will be supported by:
1. An acoustic assessment prepared in accordance with the requirements of the WAPC's State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning and the associated Implementation Guidelines for State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning. The acoustic assessment is to specifically consider the preferred land use distribution within the precinct, noise mitigation measures and detailed design responses for future subdivision and development associated with protecting potentially sensitive uses from:
 - (a) Noise associated with the new Forrestfield Airport Rail Link and station.
 - (b) Noise associated with major road infrastructure in the area including but not limited to Roe Highway, Berkshire Road and Dundas Road.
 - (c) Noise associated with the on-going operation of the Forrestfield Freight Yard and Mainline Freight Rail.
 - (d) Noise associated with the operations of Perth Airport.
 2. An appropriate best practice vibration assessment that specifically considers the preferred land use distribution within the precinct and detailed design responses for future subdivision and development associated with protecting potentially sensitive uses from vibration associated with the on-going operation of the Forrestfield Freight Yard and Mainline Freight Rail.
81. The concerns from commercial landowners regarding the realignment and closure of Dundas Road have been noted. Although the ultimate configuration of Dundas Road is shown as the leftover access to the train station southern parking area, the State Government has made a commitment to keep the realigned Dundas Road open as long as the local businesses still have a need of access.
82. Whilst the Traffic Impact Assessment has been prepared in order to inform the preparation of the Forrestfield North DSP in accordance with the WAPC Transport Impact Assessment Guidelines – Part 2 (Structure Plans), more detailed traffic and transport assessments will be required at the local planning stage. The details of future road capacities, configuration and predicted reclassifications will be supported by the detailed zoning and yield information. Once the local structure planning stage begins, will the level of information necessary for a definite traffic and transport assessment be available.
83. It is understandable that the landowners whose land is or will be impacted by land acquisition for the purpose of car parking requirements have expressed their objection and their anxiety about the timeframes, process and negative

impacts on the ability to use, develop and/or sell their land. It is important that the State Government give certainty to those landowners moving forward.

84. The local structure plan for the Forrestfield North Activity Centre Precinct is to be supported by a retail needs assessment to determine the size, composition and staging of the activity centre development. The retail needs assessment is to be prepared in accordance with the requirements of the WAPC's State Planning Policy 4.2 – Activity Centres for Perth and Peel and any associated guidelines.
85. As stated in the body of this report, the majority of concerns raised by government departments, ratepayers, groups and other stakeholders have been addressed broadly through the District Structure Plan and associated high level studies. The next level of structure planning work and studies will provide more detailed responses to the issues that DSP identifies in this area. It is considered that the DSP correctly identifies opportunities, constraints and context of the subject area and sets out the framework for the implementation of the next level of investigative and planning work. Refer Attachment 2 for the final Forrestfield District Structure Plan document.

Tim Houweling of Cornerstone Legal spoke against the Officer Recommendation on behalf of landowners concerned about the District Structure Plan (DSP). At the conclusion of three minutes, provided in the Shire of Kalamunda's Standing Orders the Presiding Member put a motion to extend the allowed time for the speaker to present further information.

Voting Requirements: Simple Majority

MOTION

1. That the speaker be provided an additional three minutes.

Moved: **Cr Noreen Townsend**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

A Councillor observed that Shire Officers did not understand the requirement for 2,500 parking bays, and that the Officer's Recommendation attempted to ensure the State Government offers some certainty for land owners. The Councillor asked if there were other important issues to the land owners that would justify deferral of the adoption of this DSP.

In response, Tim Houweling stated that the KCCT report proposed a mixed use with car park at the bottom and other developments above. In his view compulsory acquisition by the State Government for the purpose of car park this would not be legal in such a case and therefore the DSP could not be implemented. The main issue is allowing the current land owners to enjoy any increase in land value due to market forces. Tim Houweling indicated

that he is meeting with the Minister for Transport on Wednesday morning and invited representatives from Council to attend.

A Councillor asked if Tim Houweling was aware that if adopted the Plan gives a mechanism, through the Department of Planning, for them to apply their planning principles and not allow the PTA plans to go ahead. Tim Houweling responded at this stage he believed a good deal of serious detailed discussion regarding the moving of the car park needs to take place.

Mr David Bacchion of High Wycombe spoke against the Officer Recommendation, There were no Councillor Questions.

Mr Brad Moore of Forrestfield representing Blanalko (SCT) Limited, spoke against the Officer's Recommendation, there were no Councillor Questions.

A Councillor foreshadowed a motion to defer the item to allow Councillors to gain more information.

A Councillor asked if the Chief Executive Officer could explain the way the parking plan evolved and why the car parking was included in the DSP. Director Development Services responded that this Plan is what a new Townsite should look like and therefore the area next to the train station would ideally be for people to live and work. The locations were selected because the state government indicated that 2,500 bays should be put in; the Shire has asked for justification for such a high number. By showing the car parks in the DSP, which would then be endorsed by the WAPC it becomes a document to be used in the assessment of development applications for public works.

A Councillor noted a previous speaker indicated this DSP did not meet the criteria of the WAPC, how would the planning in the future address vibration and noise? Director Development Services indicated Council's consultants considered State Planning Policy 5.4 which deals with freight rail, and the Shire has also met with the Freight Logistics Council to discuss and ensure their concerns are noted in the DSP and will be identified as part of further studies which will occur as part of the process. The Department of Planning have also been part of these discussions and are satisfied with the outcome with regard to freight rail.

A Councillor observed that initially she felt that Points 2 and 3 looked after Shire Residents with regard to parking and gave land owners some certainty, but after listening to Mr Houweling there is concern that if the Shire does pass Point 1 some bargaining power will be lost. Director Development Services indicated that should Council not adopt the DSP it is still forwarded to the WAPC for their determination. Council could defer the decision, however, once the new planning regulations come into effect on 19 October 2015 Council will be bound to consider it immediately or be in default of the new regulations. Without an adopted DSP the Shire has no plan for the area and therefore the PTA can make an application for public works, if there are no endorsed plans, there is nothing for the Commission to take into consideration in making a determination.

A Councillor asked for clarification that the only parking proposal that is incorporated into the DSP is the full development scenario, Director Development Services confirmed this. He further asked if it were true that

the PTA have already tried to acquire some land through voluntary sales that would fall outside of the A and B section of the full development scenario and is the Shire aware whether those acquisitions of lands are for the purposes of car parking or are they for the purposes of constructing the station?

Director Development Services indicated he believed the PTA had already acquired three properties; the Shire does not know if this is for parking or the station and as these are voluntary acquisitions it is not a requirement that they indicate the land use.

A Councillor asked if it would be beneficial for a Shire Representative to be present at the meeting with the Perth Planning Authority, the Director Development Services indicated they could attend and it may be beneficial to hear the PTA's explanation as to why there was no consultation originally, however, he believed it would be more useful for the Department of Planning to attend.

A Councillor asked why the car parking could not be located on PTA land on the other side of the railway. The Director Development Services indicated that 2,500 bays is a huge area and would take up all the marshalling area. The Councillor asked if this would not be another way of clarifying the number of bays actually needed and help assess the situation. The Director Development Services indicated this could be raised with the PTA.

A Councillor asked why an area for an integrated aged care facility had not been specified. The Director Development Services indicated that this is a very high level plan at this stage and therefore no land use is specified, the document does, however, make reference to this in Stage Three.

A Councillor noted that three areas are shown as car parking, and asked why the Shire simply not shows only one of these area as being set aside for parking. The Director Development Services indicated, as shown on the amended map the only one to be adopted by Council is panel three, this is the evolution strategy taking into account the PTA's previous decision to identify land without consultation. The only thing Council would adopt is the full development scenario including panel 3.

A Councillor noted that he had heard the Shire is helping the PTA to acquire land potentially stifling the interest of land owners, and asked for a response from the officers regarding this suggestion? The Director Development Services indicated the PTA identified land options without consulting the Shire, the Shire looked at the ultimate build-out and best scenario; there is nothing underhand taking place.

A Councillor asked for staff confirmation that the developer Nigel Satterley has no advantages over other developers, Director Development Services responded Nigel Satterley came along to give a developer's perspective to the landowners and typically initiating this type of development requires significant investment. It is understood at the first meeting Nigel Satterley was approached by a number of people and asked whether he was interested in purchasing their land, following that he requested a meeting with land owners. The Shire facilitated the meeting however, stressed that it was a meeting with Satterley and not the Shire. The Director Development Services indicated he was in attendance (as he would have

been at any other meeting with a developer who was looking to buy land in the Shire). He confirmed this is the extent of the Shire's involvement, there are no agreements and a number of other developers have expressed an interest in this area.

A Councillor asked if Shire Officers are aware of any proposal for the Shire to acquire any land in this space, the Chief Executive Officer responded, there is no consideration at this point in time and this would be a decision for Council.

A Councillor noted that points 2 and 3 of the Officer Recommendation do not bind the state government and asked if this could be worded more strongly? Director Development Services indicated that local government cannot compel the state government to act.

Councillor Margaret Thomas left the Chambers at 7.45pm and returned at 7.47pm, she was present for all voting.

The Presiding Member invited the Councillor who foreshadowed a motion to defer the item to speak to it.

There was a five minute adjournment following this item, 7.50pm to 7.55pm.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 38/2015)

That Council:

1. Adopts the attached Forrestfield North District Structure Plan and forwards the plan to the Western Australian Planning Commission along with a summary of all submissions and comments received by the Shire and the recommendations relating to these.
2. Requests the State Government review and justify the parking requirements at Forrestfield Station; and
3. Requests the State Government provide certainty to landowners of the timing and commitment for acquisition of the land identified under Forrestfield North District Structure Plan, required for short and long term public infrastructure.

Moved: **LAPSED**

Seconded:

Vote:

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL

That Council:

1. Defer this item to a Special Council Meeting, time to be determined, to enable Councillors to gather further information.

Moved: **Cr Sue Bilich**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

Forrestfield North District Structure Plan

Submission Table

	Details	Comment
1.	Perth Airport PO Box 6 Cloverdale WA 6985	<ul style="list-style-type: none"> • Does not support residential development within the areas of projected aircraft noise exceeding 50 events over 65 decibels per day (under the NASF Guidelines), unless it can be demonstrated that adequate consideration of built form, design and materials has been undertaken • Under the N65 for Perth Airport, approximately 50 per cent of the land area is affected by the aircraft noise exposure • Further investigation with respect to location, orientation and density should be undertaken at local structure plan stage • Placement of other sensitive land uses, such as child care centres, school and community buildings should be carefully considered with respect to aircraft noise and proximity to the new runway • It is recommended that the Shire uses the N65 in determining the placement of residential development
2.	Water Corporation PO Box 100 Leederville WA 6902	<ul style="list-style-type: none"> • Water Corporation has adopted long term water, wastewater and drainage planning for servicing of this area • The implementation of WC planning for the provision of the infrastructure to service this area is dependent on the timing of the development in the area • Developers will be required to provide water and sewerage reticulation mains and to pay water, sewage and headworks contributions as well as potentially fund new works and upgraded to the current system.
3.	Public Transport Authority PO Box 8125 Perth Business Centre WA 6849	<ul style="list-style-type: none"> • An appropriate buffer from the freight yard should be maintained • Development within the station precinct should be undertaken in close consultation with the PTA to ensure that the impacts are closely managed • It is not PTA's responsibility to ensure noise mitigation for any future development • The staging of the car parking provisions should be offset by the high quality TOD development, undertaken in close consult with the PTA • Forrestfield Station is incorrectly referred to as Forrestfield North Station • Transperth services have a number of concerns in relation to the provision of bus services

4.	Office of Environmental Protection Authority	<ul style="list-style-type: none"> • DSP needs to demonstrate significantly more avoidance of environmental values than the plan currently shows • Of particular concern is that DSP does not protect some key areas of environmental value such as areas containing Wavy-leaved smokebush and Bush Forever Site 45- Poison Gully Bushland • It is necessary to demonstrate the avoidance of most significant roosting, foraging and potential breeding habitat for Carnaby and Forest Red –tailed Black Cockatoo and Quenda/Southern Brown Bandicoot • The Shire should develop appropriate planning mechanisms for inclusion in Local Planning Scheme to ensure the retention and protection of key environmental values within DSP area.
5.	Main Roads WA PO Box 6202 East Perth WA 6892	<ul style="list-style-type: none"> • Roe Highway/Berkshire Road interchange that is currently under construction did not factor in the proposed land use changes • Roe Highway/Maida Vale Road interchange is built in its ultimate configuration • Possible overpass of Sultana Road over the Roe Highway to be used as a residential distributor if the eastern side is developed would have to be financed through developer contributions • Ashby Close access to Berkshire Road will have to be left in/left out only • The development will have to comply with WAPC SPP 5.4 "Road and rail transport noise and freight considerations in land use planning"
6.	Department of Water 7 Ellam Street Victoria Park WA 6100	<ul style="list-style-type: none"> • DoW will provide comments only once the District Water Management Strategy has been assessed
7.	Department of Planning Locked Bag 2506 Perth WA	<ul style="list-style-type: none"> • Reference should be made to the draft Northe-East Dub-regional Framework including a site opportunities/constraints plan and a consolidated local/regional context plan. • District centres should be supported by a retail needs assessment, this should be included. • Should include some discussion about the landfill site and possible pollutants. DSP should also include additional content about noise/amenity/land use implications from aircraft and rail activity. • Bush forever site 45 should not be identified as residential. Any improvements or public access to bush forever sites need to be discussed with WAPC. • Land uses and broad land use zones should be defined. Precinct character statements in s6 should form a preamble to s5.

		<ul style="list-style-type: none">• Forecast housing/employment/land use yields and demographics should be included.• Warehousing/showrooms is not normally considered transit oriented development. Consideration should be given to Mixed Business or Mixed Use zone along the western side of Milner Road.• Reference the need for built form guidelines.• DSP should identify location of primary school.• DSP should note that local open space will need to be provided at the LSP stage by land or cash.• Intensification of land use will need access to reticulated sewerage.• Movement network on the DSP needs to be consistent with the Transport Impact Assessment. Which streets will form the main street function? Which streets will be used to distribute freight and general traffic? Consideration should be given to an additional north-south connection. Cycling and pedestrian connections should rectify any network gaps.• The short and long term statements relating to development in Stage 1 appear to conflict. The first 10-20 year horizon dot point should be removed to outline that higher and better uses may include office/commercial but not residential.• The governance and planning implementation table should include requirements for region scheme amendments, local scheme amendments for development areas and developer contributions, built form guidelines, and land assembly.• It is recommended that the Shire includes a statutory Part 1 section outlining any statutory requirements to be undertaken at a later stage. <p>Traffic Impact Assessment</p> <ul style="list-style-type: none">• To what extent ROM has been interrogated or manipulated should be outlined in the methodology sections.• Being a TOD precinct, it is necessary to take a measured approach to major movement network intervention so as not to induce further demand.• At the DSP or LSP stage, matters to be considered should include ultimate configuration for intersections, heavy vehicle movement projects, detailed design on service roads, proposal to construct roundabouts.• Roundabouts and traffic signals need to be used in appropriate locations to separate industrial and mixed use precincts and to improve safety for pedestrians.• Section 2.8.1 refers to PTA parking being free of charge, this should be removed.
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		<p>District Water Management Plan</p> <ul style="list-style-type: none"> • The DWMS assumes treatment and overflow of excess drainage into Bush Forever site 45. Generally this is not permitted – further information is required before the Department of Planning can advise of the suitability of this approach.
8.	<p>Blanalko (SCT) Pty Ltd PO Box 373 Laverton Vic 3028</p>	<ul style="list-style-type: none"> • Objection • Any land should be Light Industrial, due to the proximity to Forrestfield freight Yard and it being complimentary to the support of freight and rail activities • Introduction of residential land use will result in land use conflicts to the detriment of both residential amenity and industrial land uses • SCT operates heavy freight rail movements 24/7 with continuous rail shunting • No land use sensitive to noise, vibration and other impacts of intensive 24/7 heavy rail operations should not be permitted within 400 metres of the Forrestfield freight Yard, with the preference of 500m or even 1 km. • Alternatively, noise covenants should apply to residential development as well as the erecting of a suitable noise/visual wall facing the main rail corridor that will also address security risks • Vibration/noise investigation should include assessment of grain and iron ore trains when shunted • A pedestrian linkage to accommodate the workforce in Access Park would be beneficial
9.	<p>Freight and Logistics Council of WA Marine House 1 Essex Street Fremantle WA 6160</p>	<ul style="list-style-type: none"> • Objection • The current mix of industrial, mixed use and low density rural residential land uses is compatible with the continued and growing operations of adjoining freight rail lines and Forrestfield freight Yard • The introduction of sensitive land uses under the DSP will result in the land use conflicts to the detriment of both residential amenity and freight efficiency • Forrestfield Freight Yard is the largest rail-based transport hub in the State with over 600 train movements every week, which is expected to almost double by 2031, the facility is essential for the economy of both the State and the nation • Noise, vibration, light-spill and other negative impacts on the surrounding area are inevitable • The Shire and the DoP should defer any decision on DSP until the acoustic and vibration assessment is complete and reviewed by the key stakeholders • It is imperative that the acoustic assessment has regard for the forecast growth in freight rail movements and associated activities

		<ul style="list-style-type: none"> • Greater emphasis needs to be given to the role, operations, value and location of the freight rail lines and Yard within the DSP document • Land use compatibility, mitigation measures and responsibilities need to be addressed at the earliest stage of the planning process
10.	Brookfield Rail GPO Box S1411 Perth WA 6845	<ul style="list-style-type: none"> • Objection • Serious concerns about the proposed introduction of incompatible uses alongside Freight Yard in Forrestfield • The lack of noise monitoring prior to the development of DSP is of concern • The DSP text has insufficient detail about the Forrestfield Freight Yard and the main line • The requirements of the SPP 5.4 are not always enforced by local authorities and state regulatory bodies leaving transport operators to deal with conflicts created by new land developments • Noise and vibration should have been assessed prior to the completion of the DSP • The mixed use boundary is adjacent to the proposed passenger station which puts it in a close proximity of Freight Rail Yard and the main train line • Noise mitigation measures should be considered at DSP level, not at LSP level
11.	Aurizon GPO Box 456 Brisbane Queensland 4001	<ul style="list-style-type: none"> • Objection • Proposed land use and development framework through DSP will result in detrimental impacts on Aurizon's existing and future rail and intermodal operations due to future residential encroachment • Forrestfield North DSP reflects non-compliance with SPP 4.1- State Industrial Buffer Policy and SPP 5.4- Road and Rail Transport Noise and Freight Considerations in Land Use Planning • Further investigations are required, specifically noise and vibration impacts, prior to the adoption of the DSP. It is recommended that a comprehensive Reverse Sensitivity Analysis is commissioned to consider potential impacts from current and future operations of Aurizon • Framework for future planning in the DSP area should not compromise the current and future freight and rail maintenance operations Aurizon carries out at its Forrestfield site • Not support development for sensitive uses within 800m from Aurizon facility
12.	CBH Group GPO Box L886 Perth WA 6842	<ul style="list-style-type: none"> • Although no objection to the DSP, CBH has a long held view that appropriate buffer should exist between industrial land uses, rail and road transport and residential developments to minimise adverse impacts, cumulative effects and non-compatible land uses

		<ul style="list-style-type: none"> • Make sure that the business operation at Forrestfield site, current and future, is not impacted by residential area being situated in close proximity
13.	Fremantle Ports PO Box 95 Fremantle WA 6959	<ul style="list-style-type: none"> • Mixed use zone is located less than 100m from the freight railway line and high density residential less than 200m which has the potential for land use conflict • If the Shire supports the DSP, it is requested that it be subject to the requirements of SPP 5.4 Road and Rail Transport Noise and freight Considerations in Land Use Planning. Built form requirements for quiet house design and notifications of the proximity to freight rail on certificates of title are considered imperative •
14.	T Netherway 25 Stewart Road High Wycombe WA 6057	<ul style="list-style-type: none"> • Noise emanating from the RAC driving school/racing car practice location on Grogan Road- creates more noise than the airport and marshalling yards- earth bunt proposed 10-15 years ago was never installed • Upgrade of Maida Vale Road, Dundas Road and Milner Road to 4 lanes will cause huge traffic and noise problems for surrounding residents • A small portion of high density housing is shown within 500m radius from the train station- that is contrary to PTA requirements
15.	Perron Group PO Box 6028 East Perth WA 6892	<ul style="list-style-type: none"> • Objection to the designation of the District Centre within the DSP • The district centre designation is not identified in the hierarchy of activity centres identified in <i>State Planning Policy 4.2: Activity Centres, in the Draft North east Sub-regional Planning Framework</i> or any local strategic planning document • A comprehensive retail sustainability assessment does not form a part of the document and therefore, the impacts on the Belmont secondary Centre and Forrestfield and Kalamunda District centres cannot be known
16.	Hawaiian Ground Floor 235 St Georges Terrace Perth WA 6000	<ul style="list-style-type: none"> • Objection to the DSP based on the designation of the District centre within the DSP • The proposed district centre sits outside of the Activity Centres hierarchy identified in spp 4.2 • It does not appear in any other strategic planning document at state or local level • A comprehensive retail sustainability assessment does not form a part of the document and therefore, the impacts on the Belmont secondary Centre and Forrestfield and Kalamunda District centres cannot be known

17.	Community Sustainability Advisory Committee	<ul style="list-style-type: none">• Designation of site for integrated aged care• Orientation for solar passive design and wind flow considerations, reduction of building footprint by clustering• Minimising the infrastructure and energy use costs will increase affordability of the development• Landscaping and tree shading for public land and car parking and multilevel car parking will reduce the heat island effect• Location of new parklands?• There are environmentally sensitive sites within the future development area- detailed mapping will be required• Wildlife corridors and linkages should make reference to Kalamunda Wildlife Corridor Strategy, Kalamunda Local Biodiversity Strategy and the District Conservation Strategy• Surveys shouldn't miss significant times such as flowering time• How will the claim stated in the document, that the urbanisation of the site will not have significant impact on the environmental values be ensured?• Habitat fragmentation is a major concern- solutions might include under road tunnels or overhead wires for fauna crossing the roads• Previous flora surveys did not include investigations over different seasons. Additionally, the survey should not be limited to rare and threatened species but also other vegetation that must be considered in the context of future open space and wildlife and walking corridors.• Reference to Poison Gully Creek as part of the drainage network – this development should not impose further capacity on the creek other than what would naturally occur as it is already experiencing erosion issues and the Shire should take responsibility for that• Air traffic noise pollution has not been mentioned• A series of both shallow and deep rooted trees and shrubs could be planted in the areas that might have contamination issues and leaves could be routinely sampled for monitoring• Add cycle/walk path from NE of Brand Road to cycle path on Roe Highway• Walking and cycle paths should be pervious• Wherever possible street trees should be provided along verges and divided carriageways and the undivided carriageways should be minimised as they may cause a heat island effect• Provision of covered secure bicycle/scooter/motorcycle parking for free or very low cost will minimise the need for parking• Given the expected rise in gas prices, consideration should be given to using only electricity
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18.	Nature Reserves Preservation Group Inc Po Box 656 Kalamunda WA 6926	<ul style="list-style-type: none">• DSP vision must take note and implement the recommendations of Kalamunda Wildlife Corridor Strategy, Kalamunda Local Biodiversity Strategy, District Conservation Strategy and Local Planning Strategy• Location of significant new parklands needs to be established now, enhancing and linking existing wildlife corridors, green links, Bushforever sites and creek line corridors• The scale of this structure plan presents an opportunity to integrate past environmental initiative and strategies into a significant, environmentally sensitive development• A complete list of environmental agencies consulted in the process of preparation of DSP should be provided• Increase where possible a buffer to the south of the Poison Gully Creek• Significant upgrading of roads should ensure minimum destruction of remnant vegetation- areas considered for preservation should be clearly shown on the plan• Maps should also support the intent of the plan to retain and protect environmentally sensitive areas and their future uses• In areas including surface/groundwater/drainage and general water management, input and close liaison with Perth Airport environmental staff should be mandatory• Figure 6- Aboriginal heritage plan is confusing- site 25023 extends to a point almost 2 km south of Poison Gully and site 3667 is even more confusing- either a clarification of the relevance of the names or the addition map of creek lines, wildlife corridors and greenways is needed• The establishment of the new rail link has a capacity to present a unique incentive for the Shire to capitalise on its natural assets• How will significant impact on the environmental values be avoided?• Has there been an investigation in the possibilities of the aquifer recharge?• Poison Gully as a part of drainage network is an unfortunate fact that should be closely monitored and care taken to avoid increasing the peak runoff• How does the assessment of vegetation type and condition relate to Kalamunda Biodiversity Strategy? Details of the surveys conducted should be made available• The need to protect both Bush forever sites should be high priority. Just listing them as bush forever sites offers little or no protection under present legislation.• The importance of the ecological linkages cannot be overstated. They should be clearly designated on map attachments
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		<ul style="list-style-type: none"> • Given the wealth of listings of threatened flora the shortcomings of the survey should be acknowledged. The protection of understorey is vital in maintaining biodiversity. All know areas of threatened flora should be protected • Existing trees and vegetation should be retained wherever possible to reduce heat island effect and preserve at least some of the character of the area • Orientation and layout of the roads for passive solar heating and cooling and building orientation and detailing • Harvesting roof runoff, gutter collection to prevent waste through storm drains • Setting aside land specifically for aged care facilities with the provision of such land a condition of development should be given high priority • Provisions should be made, at every opportunity, for planting of trees • This plan can present an opportunity for the Shire of Kalamunda to demonstrate forward thinking and innovation to ensure that the development does not come at the expense of the natural environment
19.	LC Spark 59 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none"> • Objection • The residents all live here for lifestyle reasons • Since 1982, the submitter, her 5 children and 9 grandchildren, all enjoyed the space, the nature environment, with birdsong, bandicoots and beauty of flowering shrubs and trees • They invested so much of themselves in caring for homes and land so that future generations can continue to protect and enjoy it • Kalamunda Shire did very little in the area over past 30 years- no footpaths, no maintenance of bridle paths and verges • Is \$1 million for 2, 5 Acres really a lifetime opportunity? That wouldn't go far in trying to replace what they already have. • It will be difficult to stay with all the building sites, road works and general upheaval. • The nature should be preserved, not destroyed, the wildlife corridors between Brae and Brand Road should not be tempered with • None of the neighbours want to sell- they want to continue on as they are • Use the land you need for the station but leave the rest

20.	L Mallon Lmallon89@gmail.com	<ul style="list-style-type: none"> • Please ensure that the area bound by Brae and Brand Roads is not simply cleared and that the medium density houses are actually built around the trees- the area is full of old Jarrah and Marri, including many important habitat trees
21.	JA Peters 21 Milner Road High Wycombe WA 6057	<ul style="list-style-type: none"> • Objection • Strongly object to the proposal due to the length of residence here (around 30 years) • Concern for the wildlife as their habitat and the environment will be damaged because of the rezoning to high density housing • Due to proximity to Poison Creek, the submitter's property attracts a varied wildlife population • Official environment study should be undertaken with the view to the future sustainability of the local wildlife in the area
22.	C Willis 42 Brand Road High Wycombe WA 6057	<ul style="list-style-type: none"> • Objection • Lived for 29 years in the area proposed for medium density under DSP • Property surrounded by a residue of natural bushland • This is the area of many rare and endangered species of flora and fauna- conospermum undulatum, bandicoots, rainbow bee eaters, wedgtail eagles, racehorse goannas, black cockatoos and a host of other species including snakes, egrets and lizards • In 2020 high density retail and housing will already be in this area, in the shape of Forrestfield Railway precinct. This makes it imperative that surrounding areas are retained for their unique conservation value as well as an attractive complement to the high density focus • After investing and nurturing the natural life in this area, the submitter is not prepared to move, sub-divide or relinquish the lifestyle • Strong objection to any development which encroaches upon the remaining natural habitat or compromises the semi-rural residential lifestyle
23.	N Dickinson 12 Longfellow Road Gooseberry Hill WA 6076	<ul style="list-style-type: none"> • Council should refuse to adopt the proposed DSP until an appropriate plan for the whole Airport/Marshalling Yards/Abernethy Road/ Roe Highway is included • The DSP is premature without revisions to the contiguous industrial developments to the South • The plan is half-baked, contravening many of the Department of Planning/WAPC's own guidelines • This is a politically driven paper exercise requested by Liberal Government to hoodwink people in believing that the train station might be built • Calling the plan Forrestfield North instead of High Wycombe is misleading, pondering to State Government at the expense of honest consultation

24.	T Wright mudatheresa@hotmail.com	<ul style="list-style-type: none"> • Full support to the DSP for Forrestfield North • As someone who wants to buy an apartment near the future train station, suggestion is for a higher density target
25.	T Turner 333 Hawtin Road Forrestfield WA 6058	<ul style="list-style-type: none"> • Like to see the whole area a traffic light free zone by using roundabouts • Small shuttle buses outside of commuter times to service the train station • Plenty of seating around the areas where shops/cafes are going to be located • New suburb name- FORREST GATE or FORRESTGATE in keeping with memory of John Forrest and suggesting that this IS a new gateway to the east of Perth
26.	T & K Whisson 44 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none"> • No objection
27.	S Mueller smarchitect@ozemail.com.au	<ul style="list-style-type: none"> • Once in a lifetime opportunity to incorporate sustainable environmentally responsive planning- create a continuous interconnected green belt to the north (water course), east (hwy), and south (buffer), with the town centre more central. Density in all housing is essential
28.	S Mills 47 Bruce Road Wattle Grove WA 6107	<ul style="list-style-type: none"> • Is there avenue for more sports fields in this area? • Involved with the Kalamunda Bulldogs Rugby League Club that is no longer able to use Pioneer Park • Hockey club in Hartfield Park is also looking for a new venue
29.	S Ducasse jnd@alphalink.com.au	<ul style="list-style-type: none"> • Kalamunda Hills should be promoted like the Dandenong Ranges as an afternoon tea and country drive with b&b facility for people to enjoy – a little town on the hilltop like Sassafras with all the wonderful tea and coffee facilities
30.	PM Ryan 129 Sultana Road West High Wycombe WA 6057	<ul style="list-style-type: none"> • At the public information evening in High Wycombe on 26/3/15 it was stated that State Government through WAPC will approve the rezoning as presented even if Airport Link did not proceed- that gives the P2 and P3 areas finally a clear direction, zoning and a timeline • This is a relief for property owners who can begin to develop their individual plans with certainty • The zoning makes sense as it can be developed with or without train station • 3 separate submissions • Strongly support the DSP

31.	P Royle Phroyle@hotmail.com	<ul style="list-style-type: none">• Are there any plans for higher density residential on the north side of Maida Vale Road within the 800 m walkable catchment?
32.	PM Ryan Michaelryan100@hotmail.com	<ul style="list-style-type: none">• The submitters land might be P2 or P3- his preference would be Urban• Might require a wall or such to separate from industrial land across the road
33.	P Fromont 22 Brand Road High Wycombe WA 6057	<ul style="list-style-type: none">• No objection
34.	L & L Gelmi 24 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none">• Will all the properties in the area be valued the same or will it depend on where they are situated in the area?• We would like to be informed when the properties will be rezoned• Wycombe heights is a nicer name than Forrestfield North
35.	L & K Harper 79 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none">• No objection
36.	K Hort 51 Milner Road High Wycombe WA 6057	<ul style="list-style-type: none">• No objection
37.	KJ Haynes 23 Brand Road High Wycombe WA 6057	<ul style="list-style-type: none">• No objection• Wants to join the reference group
38.	KH Wegener Karl1@inet.net.au	<ul style="list-style-type: none">• The area between Roe Highway/Harold Road/Hawtin Road/Sultana Road East should be included in the plan for residential development
39.	M & K Peel 70 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none">• No objection

40.	L Downs 32 Littlefield Road High Wycombe WA 6057	<ul style="list-style-type: none"> • No objection
41.	D Ramsay 38 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none"> • No objection
42.	B Khouri 10 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none"> • No objection
43.	K McDonald 10 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none"> • No objection
44.	Y Porter 86 Brae Road High Wycombe WA 6057	<ul style="list-style-type: none"> • Owner of Bush forever site as stated in the proposed DSP • Does not want the land to be deemed less value per hectare than land without the designation if the proposed DSP goes ahead • Never requested the land to be made Bush forever so it would be unfair to be penalised on that basis
45.	LM Gates & TK Cicholas 15 Raven Street High Wycombe WA 6057	<ul style="list-style-type: none"> • Agree with the proposal in principle but disagree with the Bush forever overlay over the property which will restrict future development on the property • Site ideal for development given the proximity to the proposed train station • Can the Bush forever boundary be amended, for example, boundary moved closer to the creek? • Considering the land use of the area has completely changed since the property was designated Bush forever, could the designation be re-considered?
46.	Rowley Legal 1 Munro Street East Fremantle WA 6158	<ul style="list-style-type: none"> • Submission relating to lots 760-771 and 776 (lot 9000) -783 Milner Road, High Wycombe- total of 7.9 ha (the Bacchion land)

		<ul style="list-style-type: none">• The western portion of the landholding, currently a nursery, is identified as the long term station parking• The portion fronting Milner Road is identified as Showroom/Warehousing• Dundas Road is proposed to be re-routed to the west of the proposed station and Milner Road will be widened, with a significant majority of the widening on the Bacchion land• Current industrial zoning was a product of significant amount of capital investment, time and effort over the period of some twenty years, identified as industrial under KHIM in 2006• The Bacchion family spent over \$3 million to date and is servicing loans in expectations that the investment will be justified in the future• There was a justified expectation that the process has brought them planning certainty to finally commence the transition from Rural/horticulture uses to industrial and start reaping the benefits of the investment• This proposal will stultify the land value potential for the next 10-20 years• The unprecedented proposal for changing car parking solution has a potential to cause hardship and financial distress to a number of landowners• The DSP is lacking on planning for the bus feeder services and pedestrian and cyclist facilities• The station planning is not in tune with current transit planning, TOD principles and sustainability consideration• The evolving parking facilities is a novel concept requiring some justification, otherwise it presents a denial of natural justice to the landowners affected by the proposal• Provision of multi-level parking would be more equitable solution and will have a much smaller footprint, could be integrated with other development to improve personal safety and convenience• The role of private sector to deliver the optimum solution for Park'n'ride facilities should be explored• State Government behaves as a speculative land developer, since the purchase of land for short term parking will enable them to market and sell that land for its ultimate zoned purpose, at the time of their choosing• If consideration was given to the Maida Vale/Dundas Roads intersection for the train station, the impact on the landowners would have been minimised• In the 5-10 years before the Bacchion land is acquired for long term carpark, the face the deterioration situation
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		<ul style="list-style-type: none"> • The balance of their land (fronting Milner Road) is also affected by the new zoning proposal as well as Dundas Road closure- this land should continue as industrial • There would appear to be no reason why the Milner Road road widening couldn't come from the land on the eastern side of the road • Re-alignment of Dundas Road will considerably affect the traffic and customer exposure to the land while it continues to be used in line with its current zoning
47.	Rowley Legal 1 Munro Street East Fremantle WA 6158	<ul style="list-style-type: none"> • Submission related to lots 728-741 and 757 Dundas Road, Imperial Street and Sultana Road west (Reynolds Family land) • The land is proposed for short term car parking • The proposal to significantly affect a wide swathe of landholdings inside precinct 1 by a plan for short, medium and long term parking is apparently neither supported by rational study and modelling nor reasonable in its far reaching effects on private proprietary rights • The proposal defeats long held legitimate planning expectations developed by substantial effort and investment of owners that the land would enjoy industrial use on long term basis • It is the owner's preference that land should remain industrial and should not suffer short and medium term stultification and possible acquisition for reasons that are not supported • The proposal to realign Dundas Road and ultimately close it will have detrimental effect on the present industrial uses and should not occur
48.	Rowley Legal 1 Munro Street East Fremantle WA 6158	<ul style="list-style-type: none"> • Submission relating to Lot 742 Imperial Street (the Turner land) • The land is proposed for long term station parking • Unlikely that the family would be able to purchase replacement industrial land in this locality with the road train access that their current land enjoys • The business, built over a number of years, is very successful and the land in question forms the central distribution depot and is the key property for the entire business • Rent a Fence is the largest business of this type in WA-any acquisition is unlikely to match the value of the business • The owner's preference is for land to remain industrial that will prevent the land suffering short and medium term stultification and in the long term possible acquisition • The DSP will defeat the long held legitimate planning expectations, developed by substantial effort and investment, of owners of the land in question

		<ul style="list-style-type: none"> • The proposal to realign and ultimately close Dundas Road will also have a significantly detrimental effect on the present industrial uses in the area.
49.	<p>Jackson McDonald GPO Box M971 Perth WA 6843</p>	<ul style="list-style-type: none"> • objection on behalf of the owners of Lot 12 Ibis Place • the DSP proposes to reserve a large portion of the land for Parks and Recreation/Conservation • the proposal will have a significant detrimental impact on the owner's ability to develop the land following the expiry of Vegetation Conservation Notice (VCN) • VCN is due to expire in 2018, is not a permanent fixture and should not be the basis for a decision in relation to the proposed reserve • It is not clear from the DSP that the reason for the proposed reservation over this land is the protection of the TEC, and, there is no evidence of TEC presently on site • The land in question is the only parcel of land to be reserved under the DSP that is not already identified as Bush forever • What is more, the DSP provide no guidance or information as to the mechanism to be utilised in order to acquire the area for the proposed reserve • If not for the DSP, following the expiry of the VCN in February 2018, the owner would be able to develop their land in accordance with the zoning, which was their intention since purchasing the land • the location and extent of the proposed road network is unreasonable and detrimental to this land and should be reviewed
50.	<p>Lesmurdie and Districts Community Association Inc. C/- 2 Orangedale Road Lesmurdie WA 6076</p>	<ul style="list-style-type: none"> • Strongly support the inclusion of integrated aged care with a focus on increasing residential aged care places. • The DSP is the best and earliest opportunity to address the shortage of aged care. • Shire of Kalamunda should explore all options for securing land for aged care facilities.
51.	<p>Aged Care Today 35 Torwood Drive, Gooseberry Hill WA 6076</p>	<ul style="list-style-type: none"> • Strongly support the inclusion of integrated aged care with a focus on increasing residential aged care places. • The DSP is the best and earliest opportunity to address the shortage of aged care. • Shire of Kalamunda should explore all options for securing land for aged care facilities.
52.	<p>Peter Forrest 36 Panoramic Terrace Kalamunda 6076</p>	<ul style="list-style-type: none"> • The District Structure Plan does not outline a creative urban design concept or relevant vision for the area. It is contextually descriptive but does not suggest practical ideas on how the new rail can be utilised to advance the economic development of the region. • Future density is vague and too low for a location with such potential. • Ground level parking for the station will wastefully consume a vast area of land.

		<ul style="list-style-type: none"> • A bold urban development vision utilising the rail could offset difficulties from having fragmented land ownership. • The plan is missing economic development elements including: <ul style="list-style-type: none"> ○ Business centres; ○ Business administration, civic services; ○ Community services, shopping, recreation; ○ Education; ○ Higher density residential; and ○ Tourism services. • No planning provision to attract and service tourism especially around eco-tourism for both local and international visitors. • The immediate vicinity of the station should include significant transit areas for taxis, mini-buses and rental vehicles. Cafes and restaurants should be designed to serve travellers with informative presentations. • The plan should incorporate a broader and flatter high density configuration due to to the proximity of the airport. • Industrial land uses need to be reinforced but relatively confined. • Residential development must have a positive community development focus to provide mixed-age facilities and create a sense of local neighbourhood identity. • Community services should be provided that include health care, convenience shopping, early childhood education and some provision for recreation activity. • Due to microclimate of High Wycombe area, tall shade trees will be invaluable in future. The Shire should develop a tree preservation policy to address this. • How the Bush Forever area will be retained should be expanded in the text. • Community reference group should be involved in the development of future planning.
53.	SW & JC Kinley 15 Ridge Hill Road Maida Vale WA 6057	<ul style="list-style-type: none"> • Support for proposed zoning • Objection to the land at 2 Sultana Road West being shown as short term car parking • As the land has been identified for mixed use, to initially use it as short term parking, and then relocate to the ultimate locations in no way serves to benefit the landowners, nor is the duplication of fund allocation logical

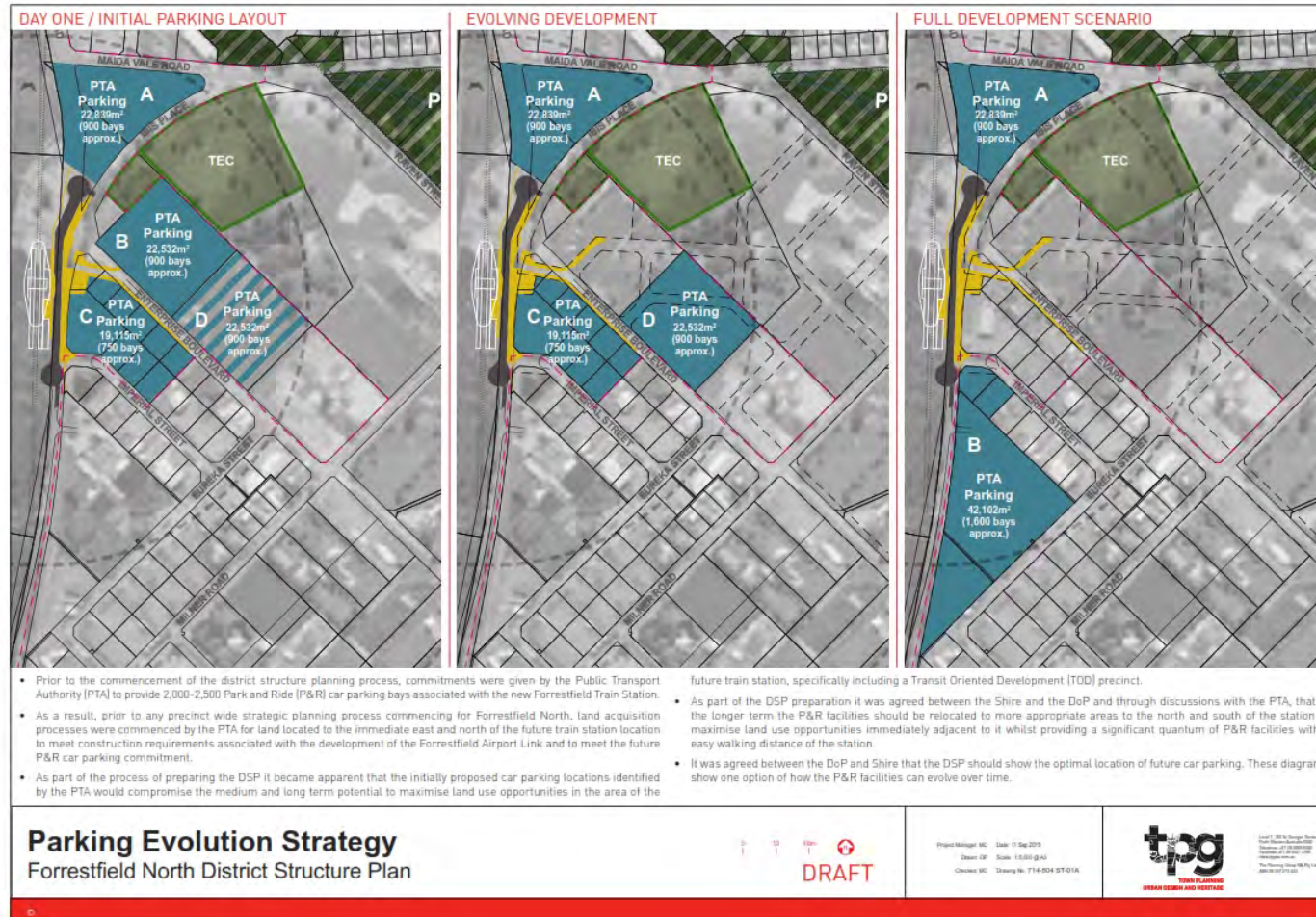
54.	SW Brown 6 Everitt Place High Wycombe WA 6057	<ul style="list-style-type: none">• Objection• The owners run a road train haulage business from their address• The property is on the corner of Dundas and Maida Vale Roads and serves as a flow through depot, utilising first 100 m of Maida Vale Road to enter, exiting on Dundas Road• Road trains then use Abernethy Road to exit the metropolitan area• In all the meetings the owners have been advised that a bypass road will be provided by re-aligning Dundas Road in order not to obstruct access to the depot during construction and that the bypass road will remain open and will carry network 7• Clarification is needed of the statement in the DSP document, on page 34- the bypass road will be closed after the construction of the railway station• Will there be limitations on the business or selling of the property
55.	D Downing 107 Milner Road High Wycombe WA 6057	<ul style="list-style-type: none">• Objection• Objection to the planned downgrade and eventual closure of Dundas Road• It is a direct thoroughfare connecting Forrestfield, Berkshire Road and the industrial area to the South, with Abernethy Road, the airport, Redcliffe and Guildford. It runs alongside the freight rail and Bunbury gas main corridor, has no crossroads and only a few T-junctions• The closure would force all the traffic through the high density residential area and existing streets of High Wycombe• It should be re-aligned to the west of the station and constructed as permanent artery

Attachment 2

Final Forrestfield North - District Structure Plan

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

A replacement page 60 for this attachment was circulated to Councillors prior to commencement of the meeting and is attached below.



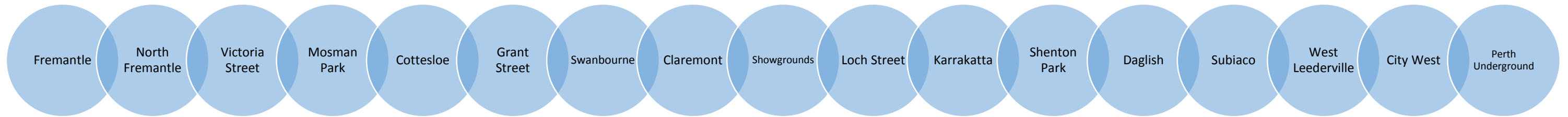
Attachment 3

Forrestfield North District Structure Plan

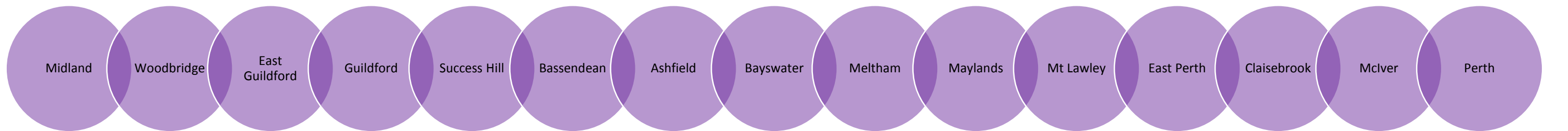
Changes from Advertised District Structure Plan

Modification	
56.	DSP has added Part 1. Part 1 contains the statutory requirements for any development or local structure plans prepared in the subject area. It also includes an implementation table, which identifies the remaining tasks to be completed and who will be responsible for them. Part 2 contains guidance and background information for reference only.
57.	The DSP now makes provision for further noise and vibration assessments to be conducted at the local structure planning stage.
58.	The DSP now makes provision for further studies that address the protection or enhancement of a number of environmental assets at the local structure planning stage.
59.	The reference to 'Service Industry' on the DSP map has been removed.
60.	Land on the west of Milner Road has been modified from Commercial zone to Light Industry zone to form a more consistent and justified outcome.
61.	Bush Forever land is now identified as Parks and Recreation reserve to be consistent with the objective for Bush Forever areas.
62.	An Opportunities and Constraints plan is included on page 15 to show the main reasoning behind a number of decisions as well as informing further planning stages.
63.	The technical appendices have been updated to be consistent with the updated DSP.

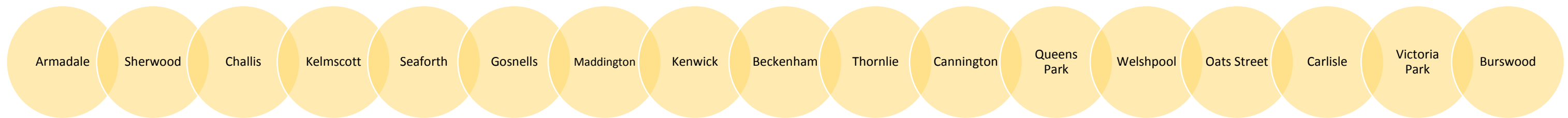
Attachment 4
Forrestfield North District Structure Plan
Parking Bays at Train Stations in Western Australia



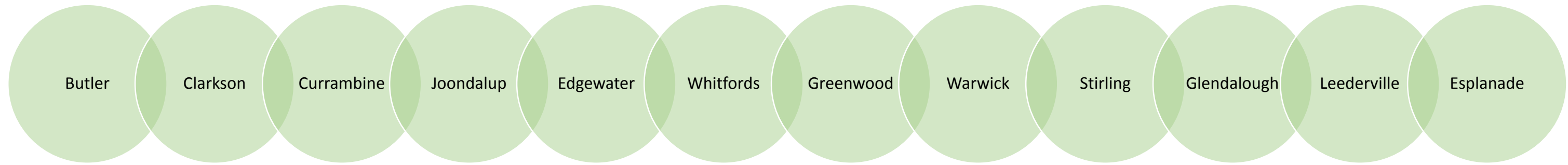
169	89	0	40	106	0	33	37	0	14	0	11	58	0	0	0	0
Total Bays* on Fremantle Line: 557																



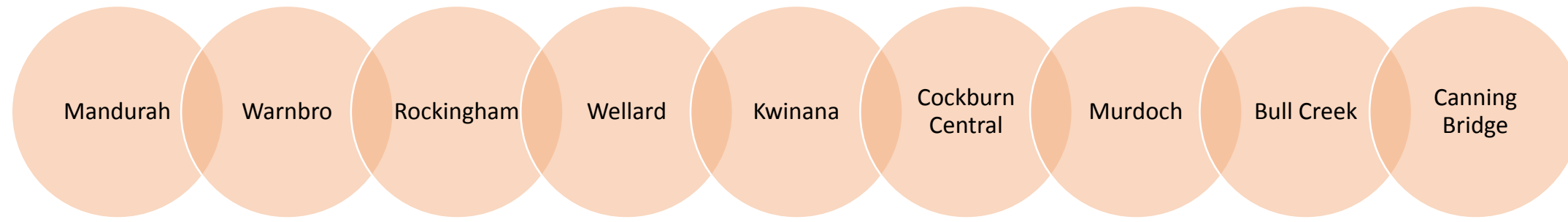
754	0	0	118	0	475	0	236	101	89	38	178	0	0	0
Total Bays* on Midland Line: 1989														



267	47	32	253	41	147	176	474	209	68	303	70	67	73	54	92	52
Total Bays* on Armadale Line: 2425																



Total Bays* on Joondalup Line: 8264



Total Bays* on Mandurah Line: 7499

*Bays. Parking Bays plus Short term bays

Source: <http://www.transperth.wa.gov.au/Using-Transperth/Station-Facilities/Stations-Maps>

Accessed 4 September 2015

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

39. Amendment to Cell 9 Wattle Grove Structure Plan

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-DEV-013
Applicant	Harley Dykstra Planning and Survey Solutions
Owner	Shimmer Holdings Pty Ltd and CK Nominees Australia Pty Ltd.
Attachment 1	Current Wattle Grove Structure Plan
Attachment 2	Proposed Amendment to the Wattle Grove Structure Plan
Attachment 3	Lot 20 Current MRS Zoning Plan
Attachment 4	R30 Code Compared to RMD-R30 Code

PURPOSE

- To consider a proposal to amend the Cell 9 Wattle Grove Structure Plan (the Structure Plan) by changing the density code of Lot 20 (37) Hardey East Road and part of Lots 5 (280) and 6 (276) Hale Road, Wattle Grove to Residential Medium Density (RMD) R30.

BACKGROUND

- Land Details:**

Land Area:	Approximately 26,813m ² in aggregate
Metropolitan Regional Scheme Zone:	Urban, Primary Regional Roads
Local Planning Scheme Zone:	Urban Development
Local Structure Plan Zone:	Residential R20 and R30

- Locality Plan:**



-
4. The amendment area relates to a portion of Lots 5 and 6 Hale Road, Wattle Grove, and the entire Lot 20 Hardey East Road, Wattle Grove.
 5. Council adopted the Wattle Grove Structure Plan in 2000 which was endorsed by the Western Australian Planning Commission (WAPC) endorsed it in March 2001. The Structure Plan facilitates the development of residential, commercial, mixed use, school, motel and community land uses. The amendment area is surrounded by 'Residential' zoned land, which is at various stages of subdivision and developed.
 6. A copy of the adopted Wattle Grove Structure Plan as it relates to the amendment area is included as (Attachment 1).
 7. In May 2015 the WAPC created RMD codes for the R25, R30, R40 and R60 densities and released the design requirements for these RMD codes through Planning Bulletin 112/2015 for Structure Plan areas. The Planning Bulletin advised the reason for creating the new RMD codes is to respond appropriately to higher development costs and the market demand for smaller lots. In effect, the new RMD codes seek to use land more efficiently permitting larger, more flexible housing options for the increasingly popular small lot subdivisions.

DETAILS

8. The proposed amendment to the Structure Plan seeks to:
 1. Modify the density code of Lot 20 Hardey East Road, Wattle Grove from R20 to RMD-R30; and
 2. Modify the density code of a portion of Lots 5 and 6 Hale Road, Wattle Grove from R30 to RMD-R30.
9. The proposed amendment to the Structure Plan is detailed in (Attachment 2).
10. Currently, Lot 20 Hardey East Road is zoned Urban as well as Primary Regional Roads under the Metropolitan Region Scheme (Attachment 3). The implication of this, under R20 coding, is the development potential of the site is limited to five irregular shaped lots. Increasing the density code to RMD-R30, allows development of seven lots with more flexibility on their shape and size.
11. The portion of Lots 5 and 6 includes the area southeast of The Promenade. This area would gain no additional development potential through a recoding from R30 to RMD-R30. The changes, in this case, are to the requirements under the R-Codes in relation to street setback, boundary setback, open space, garage setback, parking, overshadowing and privacy. In effect, the requirements are more relaxed under the RMD-R30 code, and allow a larger building envelope. The full list of changes compared to the R30 code is shown in (Attachment 4).

12. The RMD development standards act as a replacement to existing R-codes standards for the following:

- Building and Garage Setbacks
- Open Space
- Visual Privacy
- Solar Access

All other R-code standards apply, when relevant to the proposal.

STATUTORY AND LEGAL CONSIDERATIONS

13. The properties are zoned 'Urban Development' under Local Planning Scheme 3 (the Scheme). The objectives of the 'Urban Development' zone are as follows:

- *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
- *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*

14. To change a property from an R-Code to an RMD code, a Structure Plan amendment is required.

15. Clause 6.2.4.7 of Local Planning Scheme No. 3 requires Council to consider all submissions received and within 60 days make a decision to either adopt the amendment with or without modifications, or refuse to adopt the amendment.

16. If adopted by Council, the modified Structure Plan will be forwarded to the WAPC for endorsement. In the event that the WAPC refuses the modification, there is a right of review (appeal) to the State Administrative Tribunal.

POLICY CONSIDERATIONS

17. The WAPC's *Liveable Neighbourhoods Policy* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.

18. *Liveable Neighbourhoods* encourages higher density housing in close proximity to activity centres, public open space, commercial facilities and public transport routes.

COMMUNITY ENGAGEMENT REQUIREMENTS

19. The proposal was advertised for a period of 21 days from 27 July 2015 to 17 August 2015 in accordance with Clause 9.4 of the Scheme. Advertising occurred by way of the proposal being referred to affected nearby landowners.

20. No submissions were received during the advertising period.

FINANCIAL CONSIDERATIONS

21. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

23. In regard to Lot 20, the amendment would facilitate the development of a larger variety of lot sizes providing a greater choice of housing which in turn will allow for a potential broader demographic.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 26.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|--|------------|---------------|--------|--|
| Council may resolve not to support the proposal. | Possible | Insignificant | Low | Ensure Council is aware of the planning rationale for the new RMD Standards. |

OFFICER COMMENT

27. The proposal is consistent with the objectives of *Liveable Neighbourhoods and Directions 2013 and Beyond*, in allowing for a mix of residential densities located in close proximity of Public Open Space, commercial facilities and public transport, all of which are provided for in relatively close proximity to the amendment area.

-
28. The current use of Lot 20 and a portion of Lot 6 is a garden and soils supplies business. Lot 5 is currently contains a single dwelling with associated outbuildings. The proposed recoding and subsequent development of the subject land will result in the removal of the existing land use and replacement with residential dwellings, consistent with surrounding development.
 29. Since the rezoning of the three lots to residential and the portion of Lot 20 to Primary Regional Roads, the garden business is not permitted to expand. The applicants are now seeking to progress residential development as per the adopted Structure Plan. These developments are some of the last to occur in Cell 9 and will result in construction of an important road connection via The Promenade.
 30. The proposed density of RMD-R30 represents a minor increase in density from the existing R20 for Lot 20, and no increase in density for Lots 5 and 6.
 31. It should be noted that aside from building setbacks, open space, visual privacy and solar access all other R-code standards relevant to the proposal, in particular site area, building heights and parking still apply.
 32. The implementation of the RMD codes will allow a greater building footprint, smaller setbacks, and fewer overshadowing and privacy requirements. The changes should facilitate a more efficient use of land to reflect current market demand for smaller lots and more contemporary development controls.
 33. Generally, developers would submit a Detailed Area Plan with modifications to the R-Codes for similar small lot subdivisions. If this amendment is adopted, Detailed Area Plans will not be able to modify development controls over the subject area. As a result, all RMD-R30 areas will have consistent requirements.
 34. By removing the ability to create Detailed Area Plans, the Shire will be able to more efficiently assess applications and landowners will have greater clarity when enquiring as to the planning requirements for their property.
 35. Given the above, it is considered the proposal will enable a more efficient use of land and consistent built form outcome than the currently adopted Structure Plan prescribes.

A Councillor foreshadowed a motion to defer this item to the September 2015 Ordinary Council meeting to allow Ward Councillors to have further discussions with staff.

The Officer Recommendation was put, but no seconder was found and the motion lapsed. The foreshadowed motion was then put.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 39/2015)

That Council:

1. Pursuant to Clause 6.2.4.7 of Local Planning Scheme No. 3, adopt the amendment to Cell 9 Wattle Grove Structure Plan by:
 - a) Changing the density code of Lot 20 (37) Hardey East Road, Wattle Grove from R20 to RMD-R30; and
 - b) Changing the density code of the southern portion of Lots 5 (280) and 6 (276) Hale Road, Wattle Grove from R30 to RMD-R30.
2. Pursuant to Clause 6.2.4.9 of Local Planning Scheme No. 3, forward the amendment proposal to the Western Australian Planning Commission for its endorsement.

Moved: **Cr Sue Bilich**

Seconded: **LAPSED**

Vote:

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL

That Committee:

1. Defer this item to the September 2015 Ordinary Council Meeting to allow Ward Councillors to have further discussions with staff.

Moved: **Cr Noreen Townsend**

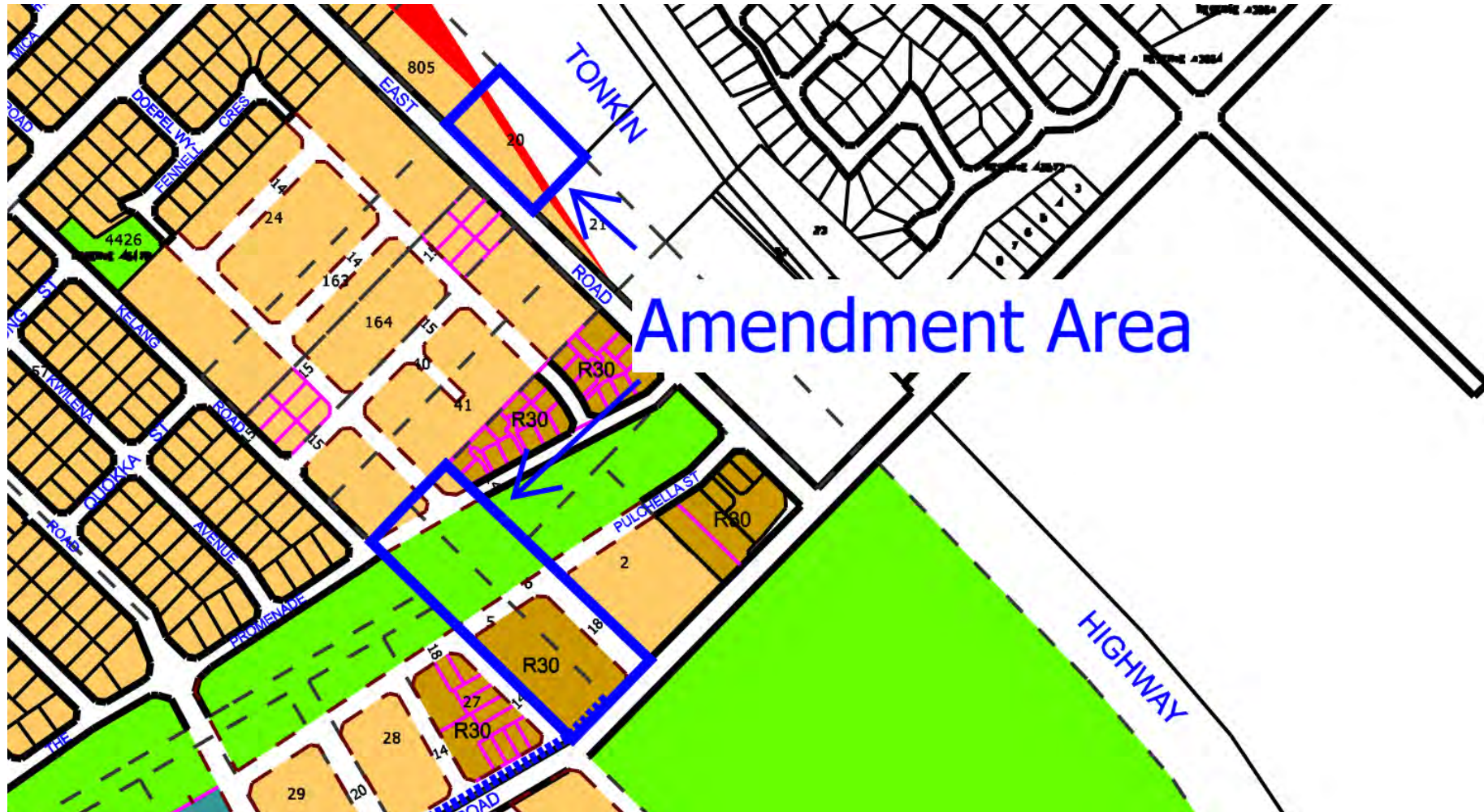
Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

Amendment to Cell 9 Wattle Grove Structure Plan

Current Wattle Grove Structure Plan



Attachment 2

Amendment to Cell 9 Wattle Grove Structure Plan

Proposed Amendment to Wattle Grove Structure Plan



Attachment 3
Amendment to Cell 9 Wattle Grove Structure Plan
Lot 20 Current MRS Zoning Plan



Metropolitan Region Scheme

Form 5

Scheme Certificate

In accordance with clause 42 of the *Metropolitan Region Scheme*
the following information relates to:

Location: Hardey East Road, Wattle Grove

Lot: 20

Plan: 3781

Certificate of Title Vol: 1793



Folio: 991

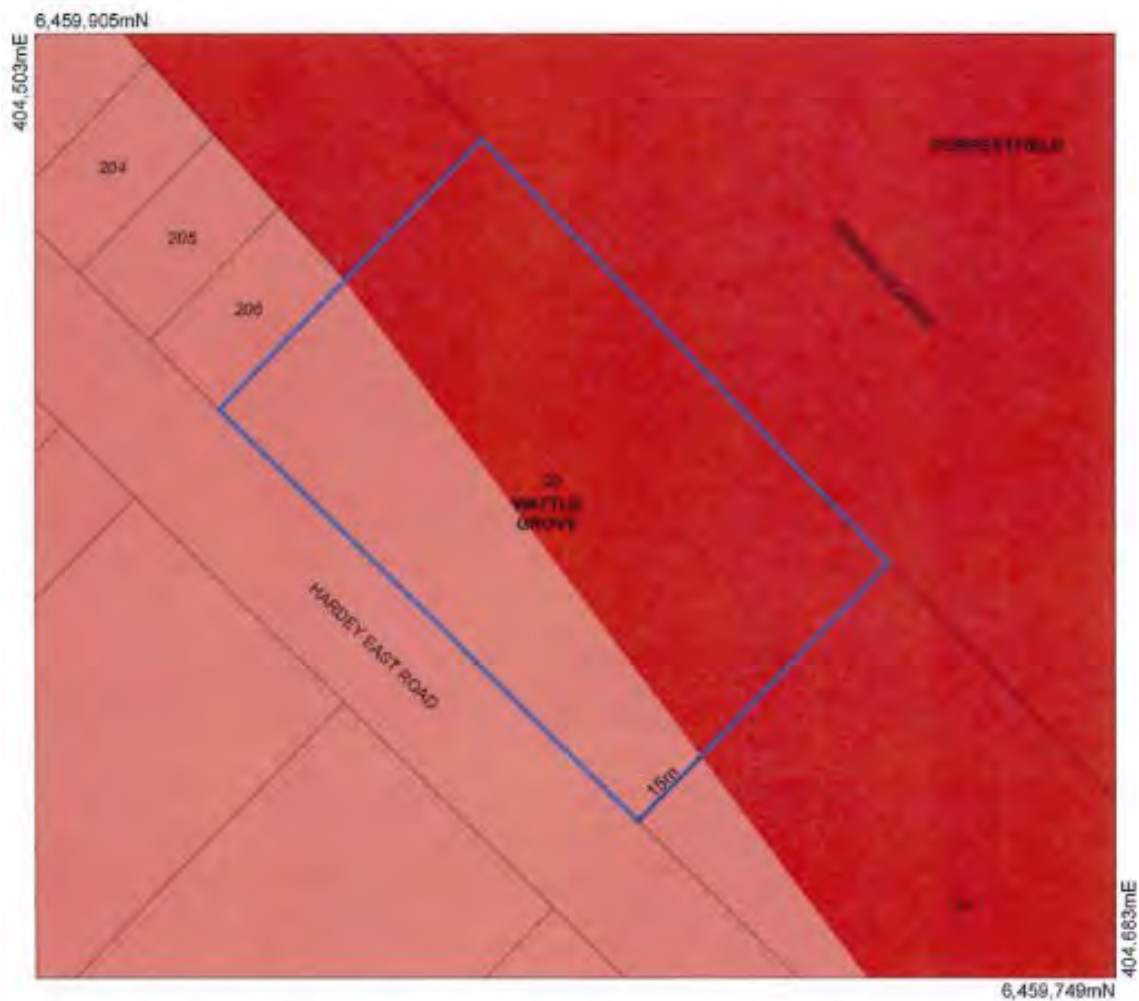
Certificate:
46882621

Receipt:
85581

Date:
4/03/2015

Legend for reserved land and zones

-  Primary regional roads
-  Urban

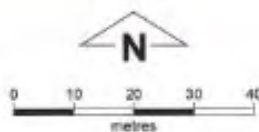


This certificate relates only to the provisions of the Metropolitan Region Scheme and does not claim to indicate the land use allocation under any local government provision.

The intent of this sketch is to show dimensions of the relevant land parcel.

Produced by GeoSpatial Planning Support,
Department of Planning, Perth - Western Australia.

Base information supplied by:
Western Australian Land Information Authority LI 646-2014-3



Coordinates based on MGA Zone 50 (GDA 94)
All dimensions are in metres
Subject to survey

Tim Hillyard
Secretary
Western Australian Planning Commission

Attachment 4

Amendment to Cell 9 Wattle Grove Structure Plan R30 Code Compared to RMD-R30 Code

R-Code	Typical lot type and size	Street setback and front fences		Lot boundary setback		Open space		Garage setback and width and vehicular access		Parking		Overshadowing		Privacy	
		R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision	R-Codes	R-MD provision
RMD - R30	<p>Rear load 10m x 30m – 300m²</p> <p>Front load 10m x 30m – 300m²</p> <p>15m x 20m – 300m²</p>	4m	<p>2m minimum, no average</p> <p>1.5m to porch/veranda, no maximum length</p> <p>1m minimum to secondary street</p> <p>Front fences within the primary street setback area being a maximum height of 900mm above natural ground level, measured from the primary street side of the front fence</p>	<p>Boundary setbacks 1 to 1.5m for wall height</p> <p>3.5m and less (subject to wall length and major openings)</p> <p>Boundary walls 2/3 length one side boundary, max 3.5m high and 3m average height</p>	<p>Boundary setbacks As per RMD – R60</p> <p>Boundary walls To both side boundaries subject to: 2/3 length to one side boundary, 1/3 max length to second side boundary for wall height 3.5m or less</p>	<p>45% open space (55% site cover)</p> <p>24m² courtyard</p> <p>1/3 required OLA area may be covered</p> <p>Minimum dimension 4m</p>	As per RMD – R60	<p>Rear load Nil – provided laneway is minimum 6m wide</p> <p>Front load 4.5m or 0.5m behind dwelling alignment subject to averaging requirements</p>	As per RMD – R60	Two on-site bays	As per R-Codes	35% of the adjoining site area	As per RMD – R40	<p>4.5m to bedrooms and studies</p> <p>6.0m to all other major openings</p> <p>7.5m to balconies or similar</p>	As per RMD – R40

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

40. Planning and Development Compliance Policy

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

PURPOSE

1. To consider the adoption, for the purpose of advertising, of Draft Local Planning Policy – Planning and Development Compliance. Refer to (Attachment 1).

BACKGROUND

2. The review and development of Planning Policies is undertaken on a periodic basis. This Policy has been drafted as an adjunct to the enforcement and administration provisions of Local Planning Scheme No. 3 (the Scheme).
3. A consistent, efficient and effective compliance process is considered to be an important regulatory function at the local level. It supports the integrity of the Scheme to control land use and development in an orderly and proper manner, as well as protects the public from undesirable and unlawful activities.
4. The Shire has an obligation to properly record and investigate all reports and complaints about unauthorised uses and development pursuant to the Scheme. An effective complaint handling system is also a good risk management practice. Failing to deal adequately with complaints may expose council to claims for compensations and the expense of litigation.

DETAILS

5. The draft Policy sets out the objectives and process for investigating and responding to matters of non-compliance with Scheme and ancillary planning instruments, such as local planning policies.
6. The intent of this Policy is to clarify the necessary steps in the compliance process and provide consistent, efficient and effective compliance investigation and action.

STATUTORY AND LEGAL CONSIDERATIONS

7. The Scheme sets out the process for development and adoption of Local Planning Policies. A Policy may be made in respect to any matter relating to the planning and development of the Scheme so as to apply:

- (a) Generally or for a particular class or classes of matters; and
- (b) Throughout the Scheme or in one or more parts of the Scheme area.

POLICY CONSIDERATIONS

- 8. The policy follows the adopted Council template and has been drafted in accordance with the principles of orderly and proper planning.

COMMUNITY ENGAGEMENT REQUIREMENTS

- 9. If Council resolves to prepare a Local Planning Policy, it will be advertised for two (2) consecutive weeks in a paper circulating in the district for a period of 21 days. Following advertising the Policy will be presented to Council to consider final adoption in light of any submissions received and any modifications made to the document following advertising. Council may then determine whether or not to adopt the Policy with or without modifications, or not to proceed with the Policy.

FINANCIAL CONSIDERATIONS

- 10. If the process is initiated there will be a cost involved in its advertising. This will be covered under standard budget considerations.
- 11. The Policy gives guidance as to when legal action, and the associated legal costs, should be contemplated.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

- 13. Adoption of the Policy will provide a consistent and effective way of dealing with compliance matters and ensure that they are dealt with in a proactive manner.

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

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not initiate the Policy.	Possible	Minor	Medium	Make sure Council is aware of the objectives and intent of the Policy.

OFFICER COMMENT

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

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

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 40/2015)

That Council:

1. Pursuant to Clause 2.2 and 2.4.1 of Local Planning Scheme No. 3, adopts the proposed draft 'Planning and Development Compliance' Policy for the purpose of advertising for a period of 21 days.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Planning and Development Compliance Policy

Management Procedure

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

Relevant Delegation

Purpose

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

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

This Policy:

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

Policy Statement

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

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

1.0 Jurisdiction

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

2.0 Priority

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

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

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

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

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

3.0 Circumstances Where Council May Take No Further Compliance Action

The Shire may determine not to take compliance action where:

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

4.0 Undertaking Compliance Action

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

4.1 Planning Infringement Notice

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

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

4.2 Written Directions Notice

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

- a) Where the matter related to an unauthorised use, a Written Direction Notice may be given to the owner or alleged offender seeking the cessation of the use within a specified time period. The specified time period will depend on the nature of the offence and its effect on the public interest.
- b) Where the matter related to an unauthorised built development, a Written Directions Notice may be given to the owner or alleged offender seeking them to remove, pull down, take up, or alter the development, and restore the land as nearly as practicable to its condition immediately before the development started. Where a Written Directions Notice has been issued for unauthorised built development, a minimum of

60 days from the date of the issue of the Written Directions Notice will be allowed for the owner or alleged offender to comply.

4.3 Referral to the Shire’s Solicitors to Initiate Legal Action

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

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

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

4.4 Retrospective Application Seeking Approval

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

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

Related Local Law	
Related Policies	
Related Budget Schedule	
Legislation	
Conditions	
Authority	
Adopted	Next Review Date

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

41. Proposed Initiation of Scheme Amendment 81 to Local Planning Scheme No. 3 – Consulting Rooms in Residential Areas

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/081
Applicant	Nil
Owner	N/A
Attachment 1	Existing and Proposed Excerpt of Zoning Table

PURPOSE

1. To consider initiation an amendment to Local Planning Scheme No. 3 (the Scheme) to modify Table 1 (Zoning Table) of the Scheme to amend the use Consulting Rooms, from an 'X' prohibited use to an 'A' advertise use (Attachment 1).

BACKGROUND

2. Consulting Rooms are currently an 'X' use (not permitted) in the Residential zone under Table 1 (Zoning Table) of the Scheme.
3. The Shire often receives enquiries regarding the possibility of considering the use of Consulting Rooms on Residential zoned land. Whilst in some circumstances a proposal could be considered appropriate, the use is prohibited and there is no discretion to consider a proposal.
4. Where an applicant wishes to proceed in having the use considered a Scheme amendment (rezoning) is required, and the request can take approximately 12 months to process approval before a planning application can be lodged with the Shire for consideration.
5. Given Consulting Rooms is a relatively low intensity use which does not incorporate more than two (2) consultants, it is considered that it is not always inconsistent with a residential use. In this respect, it is considered that Consulting Rooms can be appropriately considered within a development application process, rather than requiring a Scheme amendment in all cases.
6. Under the current Scheme, Council has previously considered the initiation of three (3) Scheme amendments proposing Consulting Rooms as an additional use in the Residential zone, which are detailed as follows:
 - Amendment 39 – 484 Kalamunda Road, High Wycombe. Council initiated the amendment on 15 November 2010, however the amendment did not proceed to advertising or final adoption.
 - Amendment 70 – 18 Collins Road, Kalamunda. Council initiated the amendment on 25 August 2014 with final adoption at its Ordinary Meeting on 24 August 2015.

- Amendment 77 – 182 Canning Road, Kalamunda. Council initiated the amendment on 28 April 2015 and advertising is due to commence in September 2015.

DETAILS

7. Consulting Rooms is defined under Schedule 1 of the Scheme as follows:

“Consulting rooms means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general care”.

8. This Scheme amendment proposes to enable the Shire to consider the use Consulting Rooms as an ‘A’ use in the Residential zone, which would mean that the use is not permitted unless the Shire has granted planning approval after advertising the proposal pursuant to the Scheme.

STATUTORY AND LEGAL CONSIDERATIONS

9. Should Council resolve to initiate the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning.
10. Table 1 (Zoning Table) of the Scheme indicates the uses that can be considered in the Shire in various zones.

POLICY CONSIDERATIONS

11. It is considered necessary that a policy be prepared to outline the Shire’s expectations in regard to the location, siting and design of the development of Consulting Rooms and other non-residential uses in residential areas. This will ensure that the development/use of Consulting Rooms is sympathetic to residential amenity. If Council resolves to initiate the Scheme amendment, a local planning policy will be prepared for Council’s consideration.
12. The Scheme sets out the process for development and adoption of local planning policies. A policy may be made in respect to any matter relating to the planning and development of the Scheme so as to apply:
- (a) Generally or for a particular class or classes of matters; and
 - (b) Throughout the Scheme or in one or more parts of the Scheme area.

COMMUNITY ENGAGEMENT REQUIREMENTS

13. The *Town Planning Regulations 1967* establish the procedures relating to amendments to Local Planning Schemes. Should Council initiate the amendment it will be formally advertised with a consultation period of 42 days.

FINANCIAL CONSIDERATIONS

14. Any costs associated with the preparation of the amendment document and undertaking public advertising will be met through the Planning and Development Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. 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

16. By providing the ability to consider Consulting Rooms in the Residential zone, the amendment could facilitate additional health related and medical consulting services in appropriate locations throughout the Shire. This may ultimately expand on consulting services available to the community, particularly given these services will be in high demand with an ageing population.

Economic Implications

17. The proposed Scheme amendment would ultimately allow the Shire to consider Consulting Rooms in the Residential zone. If Consulting Rooms are approved in appropriate locations, this will facilitate employment opportunities and services to the locality.

Environmental Implications

18. Detailed considerations of proposals for Consulting rooms would be considered at the development application stage if the amendment is approved. In regard to noise, activities conducted in residential areas would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not initiate the amendment.	Possible	Insignificant	Low	Make sure Council is aware of that Consulting Rooms are appropriately classified as an 'A' use in the Residential zone under the Scheme.

OFFICER COMMENT

19. Although Consulting Rooms is a non-residential land use, often the intensity and design of this land use is compatible with a residential area. Accordingly, it is considered appropriate to enable the Shire the ability to consider the use and development of Consulting Rooms based on the merits of a planning application.
20. Amending the Scheme to classify Consulting Rooms as an 'A' use will remove lengthy statutory processes involved with Scheme amendments and enable consideration of the use under a development application only. Typically a consulting room as a low intensity use would result in minor internal modifications to an existing dwelling, rather than construction of a purpose built structure. As such, Consulting Rooms can reasonably retain the residential character of the area.
21. A review of Local Planning Schemes of other Local Governments indicated that Consulting Rooms is predominantly considered an 'A' (advertising) or a 'D' (discretionary) use in the Residential zone. While it is appropriate for Council to consider the permissibility of uses in the Shire based on local characteristics, it is also important that there is a consistent approach to statutory planning under Local Government Schemes.
22. If the amendment is initiated and approved by the Minister, it will still be the Shire's prerogative as the decision maker in considering an application following advertising, to refuse or impose conditions on applications for Consulting Rooms in inappropriate locations, or where the development/use will result in an undue impact on the amenity of a residential area.
23. Should Council resolve to initiate this amendment, a Local Planning Policy will be prepared to give guidance on non-residential uses in the residential zone. The Policy will give guidance over such matters as, car parking, site requirements, building design, landscaping and hours of operation.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 41/2015)

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 81																
Resolved that Council in pursuance of Part 5 of the <i>Planning and Development Act 2005</i> , amends the above Local Planning Scheme as follows:																
1. Modifying Table 1 (Zoning Table) of Local Planning Scheme No. 3 to modify the use 'Consulting Rooms' in the Residential zone, as follows:																
Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development	Consulting Rooms
	P	P	P	A	X	D	D	X	P	X	X	X	X	X	X	

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

**Proposed Initiation of Scheme Amendment 81 to Local Planning Scheme No. 3 – Consulting Rooms in Residential Areas
Existing and Proposed Excerpt of Zoning Table**

Existing Zoning Table Excerpt

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

Proposed Zoning Table Excerpt

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

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

42. Local Structure Plan – Hatch Court/Stirling Crescent, High Wycombe

Previous Items	OCM 66/2013
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-DEV-045
Applicant	Planning Solutions
Owner	Various landowners
Attachment 1	Revised Hatch Court – Stirling Crescent Local Structure Plan and Accompanying Report
Attachment 2	Proposed Hatch Court – Stirling Crescent Local Structure Plan and Accompanying Report
Attachment 3	Zoning Plan
Attachment 4	ANEF Contour Plan
Attachment 5	Flight Paths
Attachment 6	Summary of Submissions

PURPOSE

- To consider adoption of the Hatch Court – Stirling Crescent Local Structure Plan (LSP) (Attachment 1).

BACKGROUND

2. **Land Details:**

Land Area:	Approx. 20.5 ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

3. **Locality Plan:**



4. The proposed LSP covers 14 lots on Hatch Court and Stirling Crescent on the SW corner of Stirling Crescent and Adelaide Street in High Wycombe. The LSP covers the majority of a larger Urban Development precinct.
5. The subject land was rezoned from Rural to Urban under the Metropolitan Region Scheme (1187/57) in 2010. Under the provisions of Local Planning Scheme No. 3 (the Scheme) the land is zoned Urban Development, which requires a structure plan to be in place prior to any development occurring.
6. The subject site is currently being used for rural-residential purposes.
7. To the north of Adelaide Street, is land in the City of Swan proposed to be zoned Industrial Composite through the Hazelmere Enterprise Area Structure Plan. To the east of Stirling Crescent there is existing residential development. To the west of the site is land leased by Perth Airport for industrial purposes. To the south is vacant Urban Development zoned land, which does not form part of the LSP. A zoning plan of the area is included at Attachment 3.
8. A Local Structure Plan for Lot 1499 (71) Stirling Crescent was adopted by Council on 24 June 2013 but was not supported by the Department of Planning (DoP). The DoP advised that they would only consider a structure plan that included a broader land area including lots on Hatch Court.
9. In response to the decision of the DoP the Applicant lodged the updated Hatch Court – Stirling Crescent Local Structure Plan (LSP) with the Shire in February 2015 (Attachment 2). Following advertising and further discussions with the Shire, a revised version of the advertised plan is now being presented for Council's consideration (Attachment 1). This report will refer to the revised version as the 'proposed LSP'.

DETAILS

10. The proposed LSP covers the following properties:
 - Lots 1, 8, 9 and 1499 Stirling Crescent, High Wycombe;
 - Lots 10-16 Hatch Court, High Wycombe; and
 - Lots 51-53 Hatch Court, High Wycombe.
11. The proposed LSP is comprised of the following elements:
 - 162 residential R20 lots;
 - 13 Residential R15 lots;
 - 5 Residential R25 lots;
 - 4 Grouped housing sites, capable of being subdivided into approximately 50 more lots;
 - Public open space/drainage reserve of 6.5 ha;
 - A Resource Enhancement Wetland located around an existing water course; and
 - An internal road network.

12. In support of the proposal, the applicant has undertaken a number of studies, including:

- Transport Assessment;
- Local Water Management Strategy (LWMS);
- Review of Wetland Management Boundary and Category;
- Environmental Assessment;
- Aboriginal Heritage Assessment; and
- Engineering Services Study.

With regard to the above documents, the applicant has provided the following justification for the proposed LSP.

Coordinated Development

13. The previously submitted structure plan for Lot 1499 was not supported by the DoP as it was only created over one lot and it did not address to a sufficient degree the connectivity to the rest of the Urban Development area. The current proposal incorporates all Hatch Court properties, meaning a more comprehensive and coordinated development approach was undertaken. However, the proposed LSP excludes lots to the south, abutting Kalamunda Road.

Stormwater Drainage

14. The applicant is required to address drainage issues as part of the Local Water Management Strategy (LWMS). As this site is low lying and has a watercourse running through it, drainage issues could be restrictive to development potential. The applicant has demonstrated to the Shire through the LWMS that the site is capable of retaining its stormwater on site without limiting development potential.
15. The Department of Water (DoW) has raised a number of issues related to the LWMS. As a result, additional water monitoring will be performed this winter and the final LWMS resubmitted to the DoW in October 2015. The inclusion of a DoW approved LWMS in the final LSP documentation, prior to the endorsement by the Western Australian Planning Commission (WAPC) will be required.

Road Traffic and Noise

16. A transport assessment has been prepared which shows the existing and proposed road network has the capacity to support the development of the subject site in accordance with the proposed densities and access to the surrounding roads.
17. Adelaide Street is due to become a main industrial route when it is connected to Abernethy Road. The rezoning of Hazelmere to an industrial outcome will have the biggest traffic impact on nearby residential properties. Additionally, if Adelaide Street is not connected to Abernethy Road, industrial traffic may use Stirling Crescent and Kalamunda Road as its only access to Abernethy Road.

Perth Airport Australian Noise Exposure Forecast (ANEF) Contours

18. The western portion of the LSP area is within the 25-30 ANEF contour and the remainder of the site is within the 20-25 ANEF contour (refer Attachment 4). The Department of Planning uses Draft State Planning Policy 5.1 to assess developments within the ANEF area.
19. For areas within the 20-25 contour, the policy states that the maximum dwelling density should generally be limited to R20. The LSP proposes that the maximum density within this contour will be R25. It is considered that R25 will provide a minimal increase in number of the lots within this noise contour and is therefore considered acceptable.
20. For areas within the 25-30 contour, the policy states that density should generally be kept to a minimum. In the proposed LSP, the density of residential land within this contour is R20 and R15. The majority of land within this contour, however, is reserved for public open space.
21. Perth Airport's 2014 N65 plan is a forecast model that represents a more restrictive approach than the ANEF Contours in State Planning Policy 5.1. The model is not supported in any State policy or legislation but it predicts the proposed LSP area being affected by between 100 and 200 events of aircraft noise per day over 65 decibels.
22. Aircraft movements are forecast to increase with the addition of the third runway and increased daily aircraft movements. The third runway will be built approximately 900m away from the subject area.
23. The Perth Airport Masterplan shows more than 100 departures per day forecast to fly directly overhead the subject area (Attachment 5). It also shows approximately another 100 arrivals per day landing on the new third runway.

Resource Enhancement Wetland

24. Parts of the watercourse on the site are designated Resource Enhancement Wetland by the Department of Parks and Wildlife (DPaW). These have been assigned a 30m buffer by the proposed LSP in lieu of a 50m buffer recommended by DPaW. The smaller buffer is deemed acceptable due to the degraded nature of the site.

Developer Contribution Arrangements

25. The proposed LSP contains an addendum indicating the general requirements of a Developer Contributions Plan (DCP) and what the plan would include. It does not provide any cost estimates as these will be calculated at a later stage.
26. Clause 6.5.5 of Local Planning Scheme No. 3 (the Scheme) states that the local government shall not withhold its support for subdivision or development solely for the reason that a DCP is not in effect. The implication of this provision is that development and subdivision can occur prior to the Gazettal or initiation of a DCP in the Scheme. This is an unfavourable outcome in most cases as it could enable early subdividers to avoid paying contributions purely because the contribution was not yet calculated or initiated.

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27. To circumvent this issue, the Applicant has also submitted a Scheme amendment request to include a new Development Contribution Area in Schedule 12 of the Scheme. This request is included in the current round of Council items for consideration.

STATUTORY AND LEGAL CONSIDERATIONS

28. Under Clause 4.2.1 of the Scheme, the objectives of the Urban Development zone are stated as follows:
- To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
 - To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.
29. Clause 6.2 – Development Areas deals with the purpose, preparation, approval and operation of Local Structure Plans.
30. The Urban Development Zone requires the preparation of a Structure Plan before the area can be developed. Clause 6.2.3.3 of the Scheme states that a Structure Plan may relate to only a part of a Development Area.

POLICY CONSIDERATIONS

31. *Directions 2031 and Beyond* is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years. The Connected City model is the preferred medium density future growth scenario for the metropolitan region. To achieve a connected city pattern of growth the following targets have been set:
- 50% improvement on current infill residential development trends of 30 and 35%; setting a target of 47% or 154,000 of the required 328,000 dwellings as infill development.
 - 50% increase in the current average residential density of 10 dwellings per gross urban zoned hectare; setting a target 15 dwellings per gross urban zoned hectare of land in new development areas.
32. *State Planning Policy 5.1: Land Use Planning in the Vicinity of Perth Airport* applies to the land in the vicinity of the Perth Airport, which is, or may in the future, be affected by aircraft noise, and includes the following objectives:
- To protect Perth Airport from unreasonable encroachment by incompatible, noise sensitive development, to provide for its ongoing development and operation.
 - To minimise the impact of airport operations on existing and future communities with reference to aircraft noise.

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33. *Perth Airport Masterplan 2014* predicts future expansion of Perth Airport and identifies likely aircraft manoeuvres as a result. Relevant to the proposed Structure Plan, the Perth Airport Masterplan shows approximately 100 departures from the third runway per day directly over the subject area.
34. The Hazelmere Enterprise Area Structure Plan is a District Structure Plan prepared by the City of Swan, which establishes a broad land use framework and principles to guide future development of the area. The study area includes land located immediately along the northern side of Adelaide Street. The Plan designates composite industrial lots with the provision of a suitable interface for the urban land uses located on the southern side of Adelaide Street. The plan also considers connecting Adelaide Street through to Abernethy Road in order to prevent industrial traffic using Stirling Crescent to access Kalamunda Road.

COMMUNITY ENGAGEMENT REQUIREMENTS

35. The advertised version of the LSP (Attachment 2) was advertised under clause 6.2.4.5 of Local Planning Scheme No. 3 from 30 March 2015 to 24 April 2015. Letters were sent to the neighbouring landowners and a notice was published on the Shire's website.
36. At the conclusion of advertising, there were a total of 14 submissions. 12 of those submissions were objections to the proposal, one showed no objection, and one was a general suggestion. See Attachment 6 for summary of submissions.
37. The main issues raised in the submissions were:
- Large areas of wetlands and Public Open Space (POS) identified on properties;
 - Impractical/undesirable lot layouts and development pattern; and
 - Noise from the airport and the industry.

Large areas of wetlands and POS identified on properties

38. Resource Enhancement (RE) Wetlands are identified by the Department of Parks and Wildlife and carried through onto the proposed LSP. The RE Wetlands also require a 30m buffer to any development. As such, it was determined that this area was the most practical area to provide Public Open Space (POS). Prior to any subdivision, a development contributions arrangement will be created to ensure equity and fairness of financial obligations among all landowners in the LSP area.

Impractical/undesirable lot layouts and development pattern

39. The lot layout has been reviewed in order to address the buffer issues to the airport land and the geometry of the existing property boundaries. The new road/lot layout follows the existing boundaries wherever possible, thus enabling a better facilitated future development of land in fragmented ownership.

Noise from airport and industry

40. The original proposal contained R40 residential zoned areas under the 20-25 ANEF contour. The Applicant was advised to modify the proposal as the proposed density was not considered acceptable under the 20-25 ANEF contour.
41. The applicant subsequently reduced the density of these areas to R25, which is deemed to meet the requirements of State Planning Policy 5.1 on the basis of its strategic need in the broader region.
42. It is critical to note that the subject land is located 900m east of the third runway's centreline. As such, the land will experience a very high level of noise exposure associated with aircraft on final approach and take off when the runway becomes operational.
43. The original proposal did not address a buffer between the residential land to the northwest of the LSP area and the Perth Airport land adjacent. In further consultation with the Shire, in order to address the noise issues, the applicant modified the plan by increasing the depth on lots abutting industrial uses. This would allow the residences to be located further away from those uses.
44. Additionally, the LSP text refers to a Noise Management Strategy requirement prior to development as well as a Local Development Plans for lots affected by noise. Finally, an existing earth bund on Airport Land was identified as a reducing factor on the noise levels within the site.

FINANCIAL CONSIDERATIONS

45. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

46. *Kalamunda Advancing: Strategic Community Plan to 2023*
- 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.
- Strategy 4.2.1 Facilitate the delivery through strategies and policy development of a diverse range of housing within the Shire to ensure inclusiveness in population accommodation.

SUSTAINABILITY

Social Implications

47. Staged development of the site might cause some loss of rural-residential amenity for properties in the area.

Economic Implications

48. Nil.

Environmental Implications

49. The remnant vegetation on site is considered mainly Degraded or Completely Degraded with a small area of Degraded-Good condition vegetation in the western Resource Enhancement Wetland. That area is proposed to be retained within the future POS area. The site comprises of two Resource Enhancement Wetlands that are proposed to be incorporated, together with the appropriate buffers, within the future POS. There are no Threatened Ecological Communities within the site and the site is not identified as containing Bush Forever vegetation.

RISK MANAGEMENT CONSIDERATIONS

50.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Future residents being exposed to noise from Perth Airport	Likely	Major	High	Ensure residents are fully informed of potential noise issues through the land subdivision process and require building standards to address noise mitigation.

OFFICER COMMENT

51. The proposal is in line with the Structure Plan requirements for Development Areas within the Shire's Local Planning Scheme No.3 and addresses the Department of Planning request to include a wider area of Urban Development land in this location in order to achieve a better planning outcome. It should be noted however that land fronting Kalamunda Road is excluded from the structure plan area.

52. It is also acknowledged that the proposal is generally compliant with Scheme and policy requirements, in particular the applicant has amended the LSP to ensure the requirements of State Planning Policy 5.1 are met. That said, the proximity of the site to the planned third runway will expose the land to high levels of noise associated with aircrafts on their final approach or take off.

53. In the context of the future planning of the subject area, the Perth Airport Masterplan shows, the construction of a third runway will expose the subject land to approximately 100 departures per day that will be directly over the subject area. This level of noise will likely have an effect on future residents and it is unlikely that mitigation efforts through construction can achieve a feasible outcome due to the number and intensity of the aircraft movements.

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54. The Shire has received a request from land owners on Hatch Court to amend the Scheme to rezone the land area bounded by Kalamunda Road, Stirling Crescent, Adelaide Street and Perth Airport to Light Industry as opposed to the residential land use outcome proposed under the LSP. The merits of this proposal is discussed in a separate report to Council titled Amendment No. 80 to Local Planning Scheme No. 3.
55. Whilst it may be argued that the LSP in its current form addresses Scheme and Policy requirements, the Shire is concerned that, while the residential use proposed may be acceptable, it is not the best or most appropriate future use of the land. Appendix 3 highlights the locational attributes of the site for freight and logistics activities and the land use mix of existing industrial land uses to the North and East of the site and the potential exposure of existing and proposed residential land uses to noise associated with Perth Airport suggest a light industrial land use outcome is preferable.
56. Notwithstanding the planning argument around the most appropriate land use outcome for the site, from the Shire's perspective determination of the LSP rests with the Western Australian Planning Commission.

Aaron Lohman of the Roe Group spoke against the Officer Recommendation on behalf of Todd Burgess. There were no Councillor questions.

Mr David Jones of High Wycombe spoke against the Officer Recommendation. There were no Councillor questions.

Terry Pinker, Forrestfield spoke against the Officer Recommendation, there were not Councillors questions..

Rodney Sully of High Wycombe spoke against the Officer Recommendation and asked if the Shire had approached the WAPC to ask them what they believe the best land use and has the Shire approached the WAPC for advice on the proposed suitability of the District Structure Plan to proceed to advertising stage.

Director Development Services responded the Shire has approached the Department of Planning , who can see both scenarios, as residential the land would meet minimum standards but they can see significant issues with building residences in that area, they are open to the light industrial outcome also. With regard to the advertising of the Structure Plan, this has been advertised and once it has been out for public comment it will not be advertised again.

Jan Davis of High Wycombe, spoke to the Officer Recommendation, there were no Councillor questions.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 42/2015)

That Council:

1. Notes the Hatch Court/Stirling Crescent Local Structure Plan (Attachment 1).
2. Pursuant to Clause 6.2.4.9 of Local Planning Scheme No. 3, forwards the Hatch Court – Stirling Crescent Local Structure Plan (Attachment 1) and the Summary of Submissions (Attachment 6) to the Western Australian Planning Commission for its determination.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

Vote: **For**
 Cr John Giardina
 Cr Frank Lindsey
 Cr Geoff Stallard
 Cr Allan Morton
 Cr Justin Whitten
 Cr Andrew Waddell
 Cr Dylan O'Connor
 Cr Sue Bilich
 Cr Margaret Thomas
 Cr Simon Di Rosso

Against
Cr Noreen Townsend

CARRIED (10/1)

Attachment 1

Revised Hatch Court/Stirling Crescent Local Structure Plan and Report

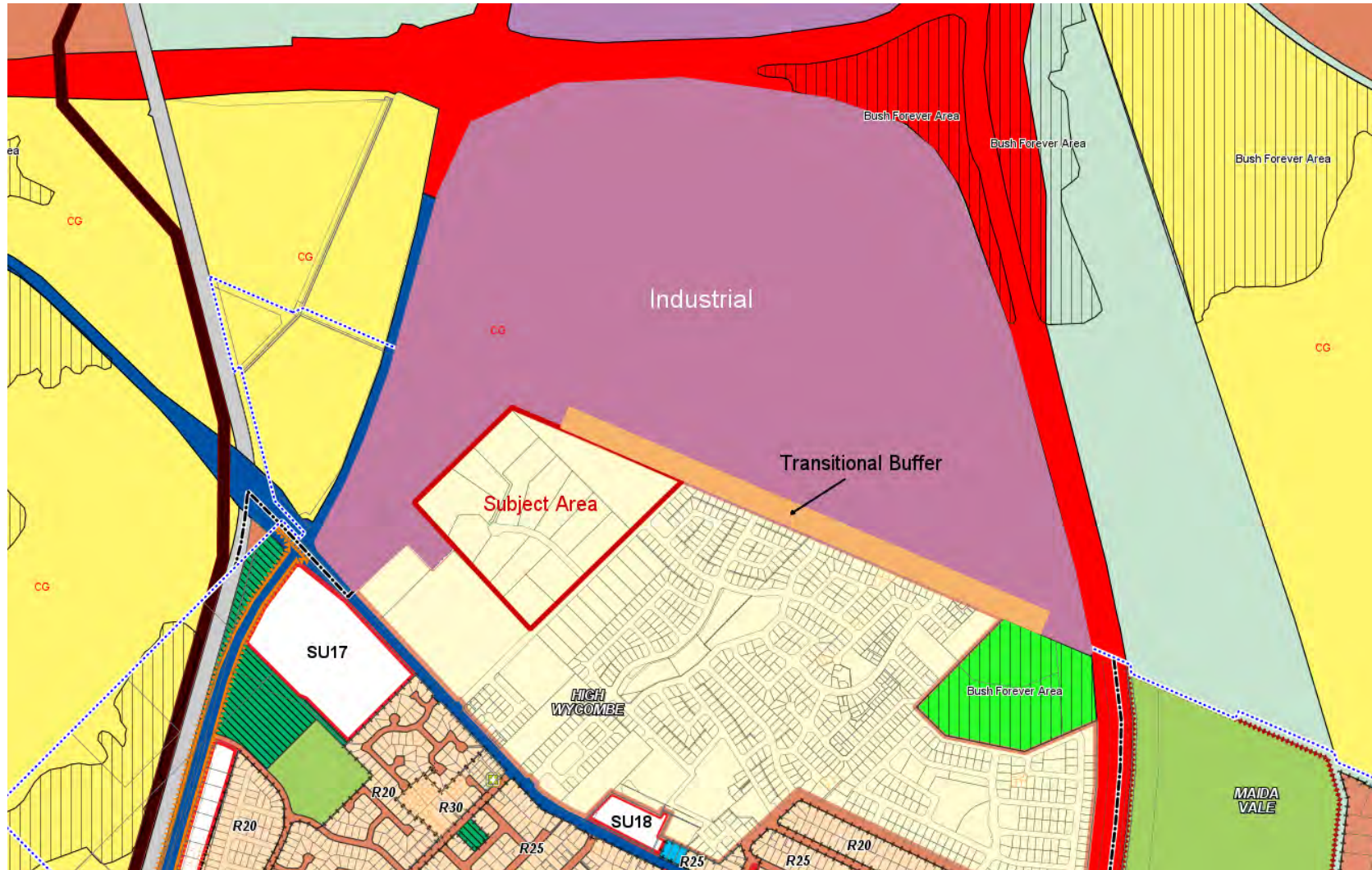
[Click here to go directly to the document](#)

Attachment 2

Proposed Hatch Court/Stirling Crescent Local Structure Plan and Report

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

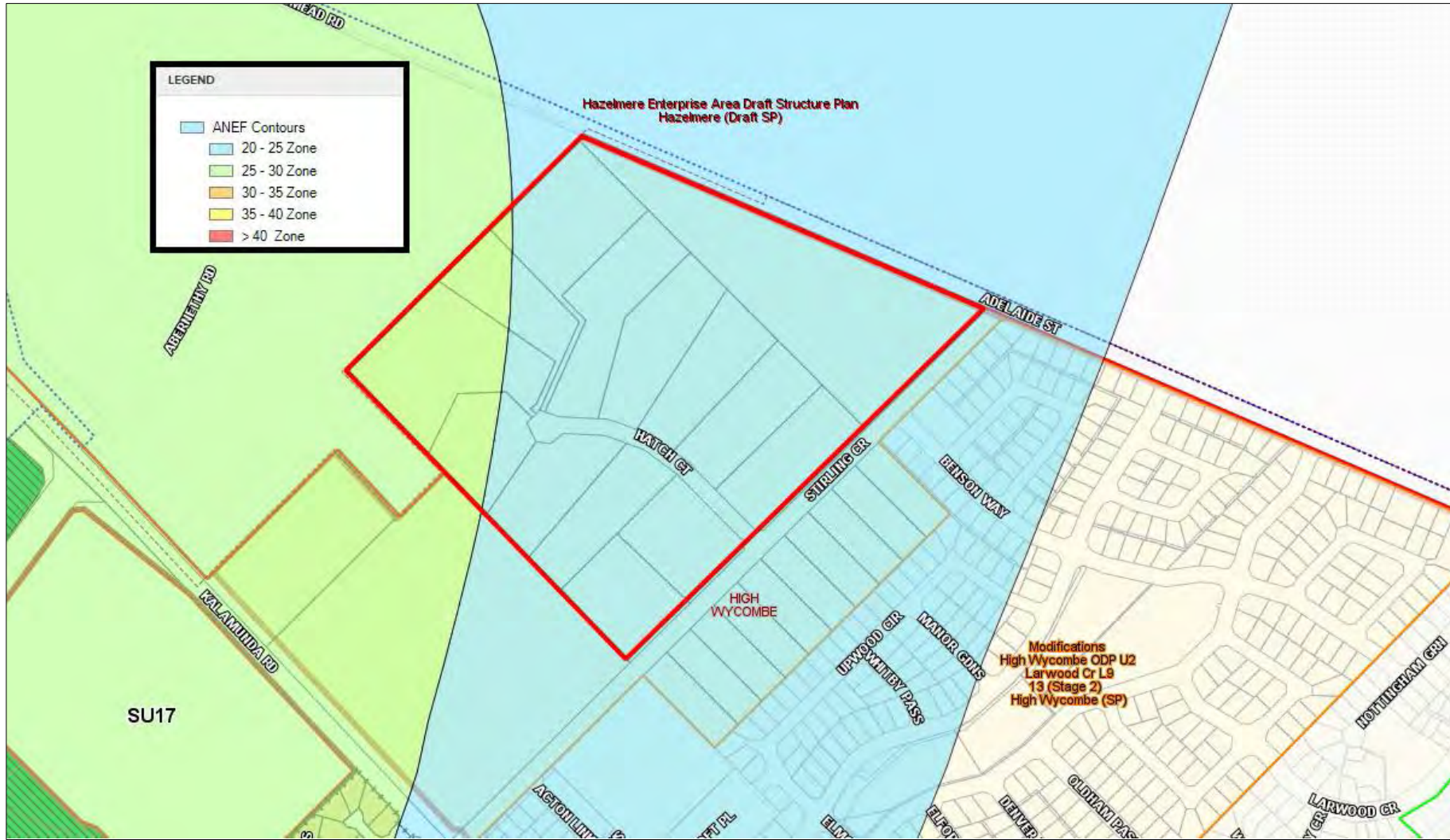
Attachment 3
Local Structure Plan - Hatch Court/Stirling Crescent, High Wycombe
Zoning Plan



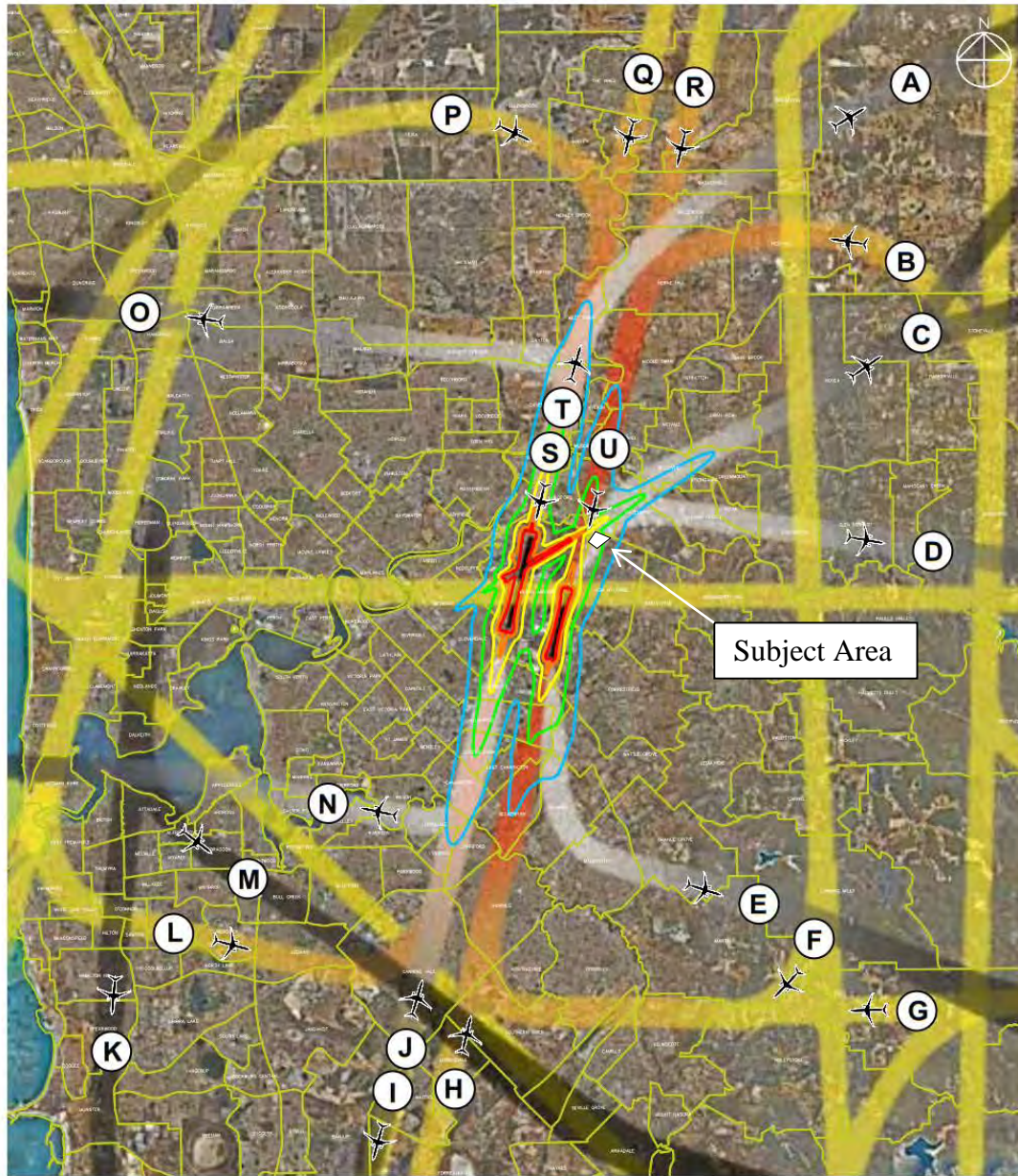
Attachment 4

Local Structure Plan - Hatch Court/Stirling Crescent, High Wycombe

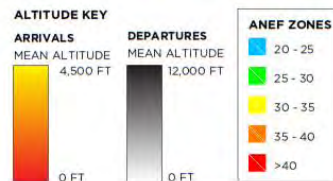
ANEF Contour Plan



Attachment 5 Local Structure Plan - Hatch Court/Stirling Crescent, High Wycombe Flight Paths



2059 AVERAGE DAY							
FLIGHT PATH	OPERATION	AVERAGE NO. OF JET MOVEMENTS		FLIGHT PATH	OPERATION	AVERAGE NO. OF JET MOVEMENTS	
		DAY	NIGHT			DAY	NIGHT
A	Departure	2	2	L	Arrival	54	<1
B	Arrival	30	<1	M	Departure	<1	<1
C	Departure	64	29	N	Departure	71	28
D	Departure	<1	<1	O	Departure	62	33
E	Departure	73	29	P	Arrival	31	<1
F	Arrival	33	<1	Q	Arrival	38	48
G	Arrival	26	<1	R	Arrival	40	44
H	Arrival	<1	19	S	Arrival	69	48
I	Departure	3	2	T	Departure	64	35
J	Arrival	<1	34	U	Arrival	70	44
K	Departure	<1	<1				



These flight paths represent where the majority of aircraft will fly, however all areas of Perth will have aircraft from Perth Airport, Jandakot or RAAF Base Pearce flying overhead from time to time.

Figure 7.6 2059 ANEC arrivals and departures flight path diagram
Source: Perth Airport Pty Ltd

Attachment 6

Local Structure Plan - Hatch Court/Stirling Crescent, High Wycombe

Summary of Submissions

Details		Comment	Staff Comment
64.	S & J Crichton 29 Hatch Court High Wycombe	No intention to develop in the proposed manner.	Noted, future amendments may be considered by the Shire on a case-by-case basis.
		The Shire should work collaboratively with the landowners to create a plan that ensures all parties are satisfied.	The Shire is not the proponent for the proposed LSP. Advertising was conducted as per the requirements of Local Planning Scheme No. 3.
		Poor interface between industrial and residential on Adelaide St. A transitional area would be more appropriate.	The Hazelmere Enterprise Area Structure Plan designates composite residential/industrial lots with a residential interface along Adelaide Street and light industrial uses to the rear to manage land use conflict.
65.	Todd Keen 42 Stirling Cres High Wycombe	No Objection.	Noted.
66.	Paul Elliss 90 Stirling Cres High Wycombe	High density residential needs traffic calming devices to stop heavy vehicles using Stirling Cres to access Abernathy Road.	Medium density residential that is proposed will not increase or reduce heavy vehicles using Stirling Crescent. Future road extensions/alignments should dissuade heavy vehicle usage as detailed in the transport assessment.
67.	D & J Lee 30 Hatch Court High Wycombe	There was no consultation since 2 years ago.	Consultation was provided as part of the structure plan assessment process. The previous structure plan was advertised in 2013.
		No opportunity to review technical reports.	Technical reports were provided on the Shire's website.

Details		Comment	Staff Comment
		Technical reports have significant impact on individual properties.	Noted. Individual impacts may be addressed through a developer contributions arrangement prior to subdivision.
		A large portion of the property is identified as wetlands. Does not understand the implications and ramifications of the report. Technical report says there will be no compensation for public open space contribution.	Resource Enhancement Wetlands must be ceded to the Crown free of charge at the subdivision stage. The proposed LSP requires a developer contributions arrangement be created prior to subdivision. This may entitle landowners to compensation for providing public open space.
		The Resource Enhancement Wetlands classification should be reviewed because the report states that the vegetation is almost completely degraded, the report contemplated classifying the area as Multiple Use, and the report stated that a management category of Resource Enhancement is not accurate.	The RE Wetlands classification was reviewed previously by the Department of Parks and Wildlife, resulting in part of the area being reclassified as Multiple Use as well as a 30m buffer in lieu of 50m generally required.
		There is no value of an isolated pocket of wetlands.	Refer to the Environmental Assessment for information relating to the value of the wetlands.
		The classification may have significant negative implications on property value which was never discussed with the owner.	The RE Wetland classification was assigned by the Department of Parks and Wildlife and does not form part of the structure plan assessment process.
68.	Todd Burgess 3A Fraser Street East Fremantle	Allowing residential abutting Adelaide St will mean industrial business require buffers. However, no buffers are required from the Perth Airport land to the West, which may have industrial buildings built up to the boundary. This is not compatible with residential development.	The Hazelmere Enterprise Area Structure Plan designates composite residential/industrial lots with a residential interface along Adelaide Street and light industrial uses to the rear to manage land use conflict.

Details		Comment	Staff Comment
			The airport land has been addressed in the proposed LSP through providing for larger lots abutting the boundary, and by requiring noise assessments for lots in close proximity.
		The use of the area would be more suited to light industry as it is surrounded by light and general industry.	Noted.
		Unless Adelaide St is extended and kept in public ownership, all industrial traffic will travel south through Stirling Cres residential areas to get to Abernathy Rd.	Measures to accommodate increased industrial traffic in the area are proposed in the Hazelmere Enterprise Area Structure Plan.
69.	Masterplan Planning Consultants	<p>The development pattern focusses on the maximisation of lot yield for lot 1499 and negatively affects a number of other properties. The street layout requires multiple land swaps since roads do not follow lot boundaries.</p> <p>No opportunity to comment on plan prior to formal advertising. The LSP should be more reflective of all landowners' aspirations rather than just the proponents.</p>	The LSP has since been updated to reflect a more equitable street layout. This enables development mostly without any land swaps.
		Lot 13 consists of 30% proposed public open space. 84% of future residential lots require some form of land swap with three abutting landowners in order for development to occur. Lot 1499, however, has only 16% of its lots that require land swap arrangements, meaning 58 can be developed independently.	Open space requirements will be addressed through a developer contributions plan. Some compensation may be available for provision of open space.
		The lot yield statement says that at an average of 450sqm, 67 R20 lots are possible. But in the concept subdivision plan, the lots are an average of 507sqm, reinforcing the inefficient design of the LSP. It also represents an undesirable response to government policy initiatives which are targeted towards maximising yields under the applicable R-Codes density.	The lots have been designed to respond to competing issues, such as the State Government targets for housing density and the need for larger lots close to Perth Airport and adjoining industrial land.

Details		Comment	Staff Comment
		The LSP suggests there may be service upgrades required but there is no draft Development Contribution Plan provided. Some landowners appear to be making much larger POS contributions than others. As such, some mechanism should be provided to compensate these owners.	A developer contribution plan will be prepared prior to commencement of development or subdivision. The proposed LSP has been updated to show all items a developer contribution plan should include.
		A fire management plan should be required now since its conclusions may impact the residential uses proposed.	The fire management plan is currently being prepared and will be endorsed by the Shire prior to finalisation of the proposed LSP by the Western Australian Planning Commission.
		An ethnographic/archaeological survey should also be undertaken now as it could affect the proposed LSP layout.	Aboriginal Heritage Assessment was undertaken to inform the preparation of the LSP. Due to fragmented land ownership, individual landowners should arrange site-specific ethnographic and archaeological site surveys and consultation to determine any significant sites prior to subdivision.
		Recommends new layout to align streets to lot boundaries.	This has been addressed in the proposed LSP.
70.	Rowe Group for Enviropipes Pty Ltd	The proposal considers ANEF but not industrial noise.	Noted. The proposed LSP and concept plan have been updated to respond to potential noise issues from adjoining industrial uses.

Details		Comment	Staff Comment
		<p>There is a conflict between existing and future industrial, and future residential. No suitable buffers have been proposed. The LSP area is sited directly adjacent to steel and pipe manufacturers, transport depots and logistics centres. A range of other general industry uses may be permitted on the land abutting the LSP to the west. Some of these existing uses operate 24/7 and the LSP has not addressed any noise issues.</p> <p>The WAPC, during the decision on MRS Amendment 1187-57, stated that “noise attenuation measures and memorials on title” should be used. The LSP does not acknowledge the commercial and industrial land uses to the north, east and west.</p>	<p>Part 1 of the proposed LSP has been updated to require noise assessment prior to subdivision and development of lots adjoining industrial land.</p>
		<p>Recommends noise attenuation walls, bunds, or physical separation buffers. These should be located within the LSP area and funded by the proponent at the subdivision stage.</p>	<p>Requirements for specific sites will be addressed at subdivision stage.</p>
		<p>Recommends memorials placed on all future residential titles notifying about noise from the airport and adjoining commercial and industrial land uses.</p>	<p>Notice on titles will be required as a result of noise assessments prior to subdivision.</p>
71.	Rodney Sully 24 Hatch Court High Wycombe	<p>Does not object to residential development.</p> <p>LSP doesn't allow landowners to develop individually. Significant sections could be left undeveloped for a long time.</p> <p>Lot 1499, 8 and 9 have no shared roads or open space. These lots could get subdivision approval without a DCP in place. The burden of costs should be shared between all landowners.</p>	<p>Noted.</p> <p>The proposed LSP has been updated to reflect a more equitable street layout.</p> <p>A developer contribution plan will be prepared prior to commencement of development. This will ensure a fair contribution of land and costs between landowners.</p>
72.	Louie Carnicelli 26 Hatch Court High Wycombe	<p>Objecting because he bought it rural and would like it to stay as rural.</p>	<p>Land is identified as Urban Development under Local Planning Scheme No. 3 and Urban under the Metropolitan Region Scheme since October 2010.</p>

Details		Comment	Staff Comment
73.	G & W Muir 9 Hatch Court High Wycombe	Devaluation of land proposed for Public Open Space. Recommends rezoning such land as Special Rural.	Areas of public open space are required for residential developments through <i>Liveable Neighbourhoods</i> . The public open space in the proposed LSP is located on wetland and buffer areas since the land would not otherwise be able to be developed.
		Housing density not compliant with ANEF contours. Aeroplane noise is distressing in the area; recommends not allowing any higher than R20 density.	Noted. The proposed LSP has been modified to conform to <i>State Planning Policy 5.1: Land use planning in the vicinity of Perth airport</i> .
		Evaluation of air quality not included. Brickworks, airport and asphalt industry in close proximity but no air quality evaluation has been done. Recommends evaluation prior to development.	Air quality shall be addressed on a case-by-case basis as issues arise.
		100 year storm water storage location for area A is planned to be on lot 11. However, lot 11 may not be available when other lots are to be developed.	Due to the fragmented ownership of the land comprising the structure plan area, timing is a matter that will need to be discussed and resolved by individual landowners. A staged approach to drainage will occur at subdivision stage through the preparation and implementation of urban water management plans.
		Filling in of artificial dam on lot 10 should not occur as it is more of a pond that is surrounded by large old trees and is frequented by birds and fauna. The environmental report says a number of species are not likely to frequent the area but there is evidence available of them from the submitter.	The dam will need to be decommissioned to allow for future residential development. This will involve the netting and relocating of any Oblong Turtles that reside in the dam prior to decommissioning.

Details		Comment	Staff Comment
		Object to the removal of many mature trees, which are the habitat of many birds and contribute to the environmental sustainability. Industrial development has left very few large mature trees, so those that remain should be preserved.	The Environmental Assessment indicated that the native vegetation on the site has been heavily modified with the historical aerial photographs showing a history of past clearing for rural purposes. The native vegetation remaining on the site occurs sporadically and in generally poor condition. Native tree species will be retained where possible.
		There is evidence of a correlation between proximity to airports and numerous health impacts including auto-immune deficiencies. Therefore, reconsideration of land uses is required.	The Shire is bound by the requirements of draft State Planning Policy 5.1 regarding residential development near Perth airport. Its requirements have been met in the proposed LSP. Possible rezoning would have to be subject to a Local Planning Scheme No. 3 amendment.
74.	J Muir & B Retallack 15 Hatch Court High Wycombe	Object because the ANEF shown on the plan is incorrect and will affect the R-Code permissible. Development is not designed to be done in stages. There are some landowners who will not sell or develop. Each developed area should have to contain its own stormwater. The proposal shows 100 year storm level on lot 11, not owned by the proponent. Existing land levels would need to be altered to allow for drainage and sewerage.	Noted. LSP has been updated and R-Codes have been modified as a result. Noted. The proposed LSP has been updated to allow a more equitable development pattern. Due to the fragmented ownership of the land comprising the structure plan area, timing is a matter that will need to be discussed and resolved by individual landowners. A staged approach to drainage will occur at subdivision stage through the preparation and implementation of urban water management plans.
		Lots identified as Public Open Space will be devalued.	Noted. A developer contributions plan will be created which may compensate landowners who

Details		Comment	Staff Comment
			are required to cede more public open space than others.
		There is a need for more housing, but not in this area. There will be more noise from the airport and industrial land and likely be more pollution and, therefore, complaints from new residents.	Current zoning in this area is Urban Development, which allows for residential land use.
		Personally distressed by the development process.	Noted.
75.	P & K Sands 14 Hatch Court High Wycombe	Not suitable for R20-R40 because of proximity to the airport and resulting health and wellbeing impacts from noise and air pollution. There is currently light, noise and air pollution from surrounding industries as well. These industries are expanding to the north that will further decrease the amenity of the area.	Noted. The residential density codes have been updated to address the airport noise. Conditions of subdivision may be applied to lots adjoining industrial land uses.
		The proposal will have a negative impact on existing wildlife habitats.	The Environmental Assessment confirms the suitability of the proposed LSP on existing flora and fauna habitats.
		There are several subdivisions offering higher density residential living nearby. Retaining the structure plan area as rural residential would offer diversity in this locality.	State Government targets aim to increase density in Urban zoned land such as the subject site.

Details		Comment	Staff Comment
76.	Perth Airport	<p>The land is situated in 20-25 ANEF contour which should be treated as 'conditionally acceptable' depending on an assessment of the level of noise exposure at the specific site and the nature of the proposed development. Development within the 25-30 contour is not supported.</p> <p>The land is shown in the Perth Airport Master Plan 2014 as being subject to between 100 and 200 aircraft noise events above 65dBA per day.</p> <p>The new runway should be considered when judging the current noise footprint, given the increase in airport capacity that the new runway will provide. The land, being 900m east of the new runway will experience a very high level of noise exposure.</p>	<p>Noted. The proposed LSP has been modified to decrease residential densities in accordance with draft State Planning Policy 5.1 – Land use planning in the vicinity of Perth airport.</p>
		<p>Perth Airport operates 24/7. Its viability would be crippled if the imposition of restricted operating hours or restricted capacity are enforced.</p> <p>Perth Airport works with stakeholders to define and apply a regime of measures for managing aircraft noise impacts with a focus on areas expected to be exposed to significant levels of aircraft noise. One of the most critical measures is land use planning and management. Advances in aircraft noise management by implementing quieter aircrafts, operational procedures and operating restrictions can be lost through inappropriate land use planning and management by State and Local Authorities. Based on the proximity of the site approximately 900m east of the new runway and the associated aircraft movements, it is clear that residential development is not appropriate in this location and Perth Airport recommends the proposal is not supported by the Shire.</p>	<p>The proposed LSP has been modified to decrease residential densities in accordance with draft State Planning Policy 5.1 – Land use planning in the vicinity of Perth airport.</p> <p>The Perth Airport Masterplan shows this site as falling within the 20-25 ANEF Contour. If this contour is not suitable for residential development, then State Planning Policy 5.1 should be updated accordingly.</p>

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

43. Initiation of Amendment 78 to Local Planning Scheme No. 3 – Hatch Court/Stirling Crescent

Previous Items PS 61/2010 PS 28/2011
 Responsible Officer Director Development Services
 Service Area Development Services
 File Reference PG-LPS-003/075
 Applicant Planning Solutions
 Owner Various owners

Attachment 1 Proposed Hatch Court Local Structure Plan

PURPOSE

- To consider initiating Amendment 78 to Local Planning Scheme No. 3 (the Scheme) to apply a new Development Contribution Area into schedules 11 and 12 of the Scheme.

BACKGROUND

- Land Details:**

Land Area:	Approximately 20.5Ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

- Locality Plan**



- Local Planning Scheme No. 3 currently has three Development Areas, two of which also include a Development Contributions Arrangement.

-
5. As is further explained in the related Council item for the Hatch Court-Stirling Crescent Local Structure Plan (LSP), a Development Contribution Plan (DCP) is required for this LSP to be considered. Due to the nature and location of public open space, drainage sites, and possible road upgrades, the LSP requires a comprehensive and coordinated approach to infrastructure provision. The first step for this is to initiate a Local Planning Scheme amendment that applies a Development Contribution Area (DCA) over the subject site.

DETAILS

6. The proposed Scheme amendment includes a new Development Area (part 4) in Schedule 11 as well as a new Development Contributions Area – DCA3 in Schedule 12 and notation on the Scheme map.
7. The proposed Development Area and Development Contributions Area covers the same region as the proposed Hatch Court-Stirling Crescent Local Structure Plan (Attachment 1).
8. The Development Contributions Area includes costs for upgrading and provision of infrastructure, and administration of the contributions scheme.
9. The subject site is currently zoned Urban Development, which generally requires a Local Structure Plan prior to any development or subdivision. The applicant proposes the imposition of a Development Area over the site to further reinforce this requirement through a notation on the Scheme map.

STATUTORY AND LEGAL IMPLICATIONS

10. The scheme amendment will follow the statutory process outlined in the *Town Planning Regulations 1967*.
11. Schedule 11 of Local Planning Scheme No. 3 includes 'Development Areas', which require a Local Structure Plan (LSP) prior to any development or subdivision of land.
12. Development Areas may also include a Development Contribution Arrangement, which are detailed in Schedule 12 of Local Planning Scheme No. 3.

POLICY CONSIDERATIONS

13. State Planning policy No.3.6 – Developer Contribution for Infrastructure (the Policy) sets out the principles underlying developer contribution and the form, content and process for the preparation of a Developer Contribution Plan.

COMMUNITY ENGAGEMENT REQUIREMENTS

14. All scheme amendments are subject to public consultation. In order for Council to undertake public consultation, the amendment will first need to be referred to the Environmental Protection Authority (EPA) for comment.
15. Subject to no objections being received from the EPA, the amendment must be advertised for public comment for a period of 42 days.
16. The Town Planning Regulations provide that where an amendment is consistent with the MRS and State planning policies and strategies, then the consent of the Western Australian Planning Commission (WAPC) will not be required to advertise the amendment. Given that the proposed amendment is consistent with the MRS zoning and State planning policies and strategies, the consent of the WAPC to advertise the Amendment is not required in this instance.

FINANCIAL CONSIDERATIONS

17. Any costs associated with the preparation of the amendment document and public consultation will be charged to the applicant.
18. Cost consideration of initiating the scheme amendment will include the preparation of engineering designed drawings for scheme roads and drainage. This cost is estimated to be between \$60,000 and \$70,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *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

20. A timely and coordinated approach to the delivery of Scheme infrastructure can assist with meeting the needs of businesses looking to locate into the area.

Economic Implications

21. Nil.

Environmental Implications

22. Environmental issues are addressed at the local structure planning stage.

RISK MANAGEMENT CONSIDERATIONS

23.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Possible	Insignificant	Low	Make sure Council is aware of the Scheme requirements and the objectives and intent of the proposed amendment.

OFFICER COMMENT

24. In considering the proposed scheme amendment, Council should be mindful of the concurrent Council Agenda Items – Hatch Court / Stirling Crescent Local Structure Plan and the Proposed Scheme Amendment 78 to Local Planning Scheme No.3 which have implications for this proposal. While it is recommended that the proposed Scheme amendment be initiated, until such time as the Western Australia Planning Commission has determined whether to support the proposed Local Structure Plan, the amendment will not proceed to advertising. In this respect it is recommended that the Council seek the consent of the Western Australian Planning Commission to advertise this amendment, subject to and following its decision on the Hatch Court/Stirling Crescent Local Structure Plan.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 43/2015)

That Council:

Subject to the Western Australian Planning Commission endorsing the Proposed Local Structure Plan for Hatch Court/Stirling Crescent:

1. Initiates Amendment 78 to Local Planning Scheme No.3, in accordance with the following:
 - a) Inserting Part 4 to Schedule 11 that reads:

"PART 4: HATCH COURT/STIRLING CRESCENT, HIGH WYCOMBE, DA3

In respect of the Urban Development zone immediately adjacent Adelaide Street, High Wycombe, identified as Development Area 3, the structure plan(s) for this area must ensure a comprehensive development approach with appropriate respect for surrounding sensitive land uses."
 - b) Inserting the following into Schedule 12 as Table Ref No. DCA3;

Ref no.	DCA3
Area:	Schedule 11: DA3 - Lots 1, 8, 9 and 1499 Stirling Crescent and Lots 10-16 and 51-53 Hatch Court, High Wycombe.
Relationship to other planning instruments	The development contribution plan generally conforms with the <i>Kalamunda Advancing: Strategic Community Plan to 2022</i> (Draft).
Infrastructure and Administrative items to be found	<p>The landowners within DCA3 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 6.5 of the Scheme.</p> <ol style="list-style-type: none"> 1. Infrastructure costs including: <ol style="list-style-type: none"> a) Upgrading of Hatch Court; b) Upgrading of the Hatch Court and Stirling Crescent intersection; c) Land and earthworks required for the drainage of all internal roads – Water Sensitive Urban Design principles to be incorporated as per the adopted Local Water Management Strategy. d) Land required for public open space as shown on the Hatch Court – Stirling Crescent Local Structure Plan and the cost of landscaping/wetland restoration; 2. Administrative costs including: <ol style="list-style-type: none"> a) Costs associated with the preparation of the development area framework to meet the statutory requirements and obligations including the local water management strategy and monitoring, structure plan design and report, drainage strategy and development contribution costings; and b) Costs to prepare and administer cost sharing arrangements including preliminary engineering drainage and design costs, valuations, annual or more frequent reviews and audits (where identified as appropriate at the discretion of the local government) and administrative costs.
Method for Calculating Contributions	<p>All landowners within DCA3 shall make a proportional contribution to the cost of infrastructure and administrative items based on net lot areas.</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA3 which will be reviewed annually.</p>

	<p>Owners' cost contribution – net lot area (m²) x contribution rate</p> <p>Where</p> $\text{Contribution rate} = \frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{Total area of DCA (m}^2\text{)}}$ <p>Net lot area = lot area (m²) – area of road reserve (m²) – wetlands & associated buffers (m²)</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA3 which will be reviewed annually.</p>
Period of Operation	10 years.
Priority and timing of infrastructure	The timing and provision of infrastructure will be developer driven and subject to market demand for land. Infrastructure is generally to be provided within the 10 year operating period for the DCP.
Review Process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Billing Cost or other appropriate index and approved by the qualified person undertaking the certification of costs.</p>

and,

- c) Inserting an overlay onto the Local Planning Scheme Map reading "DA3" over the following lots:
- a. Lots 1, 8, 9 and 1499 Stirling Crescent; and
 - b. Lots 10-16 and 51-53 Hatch Court, High Wycombe.

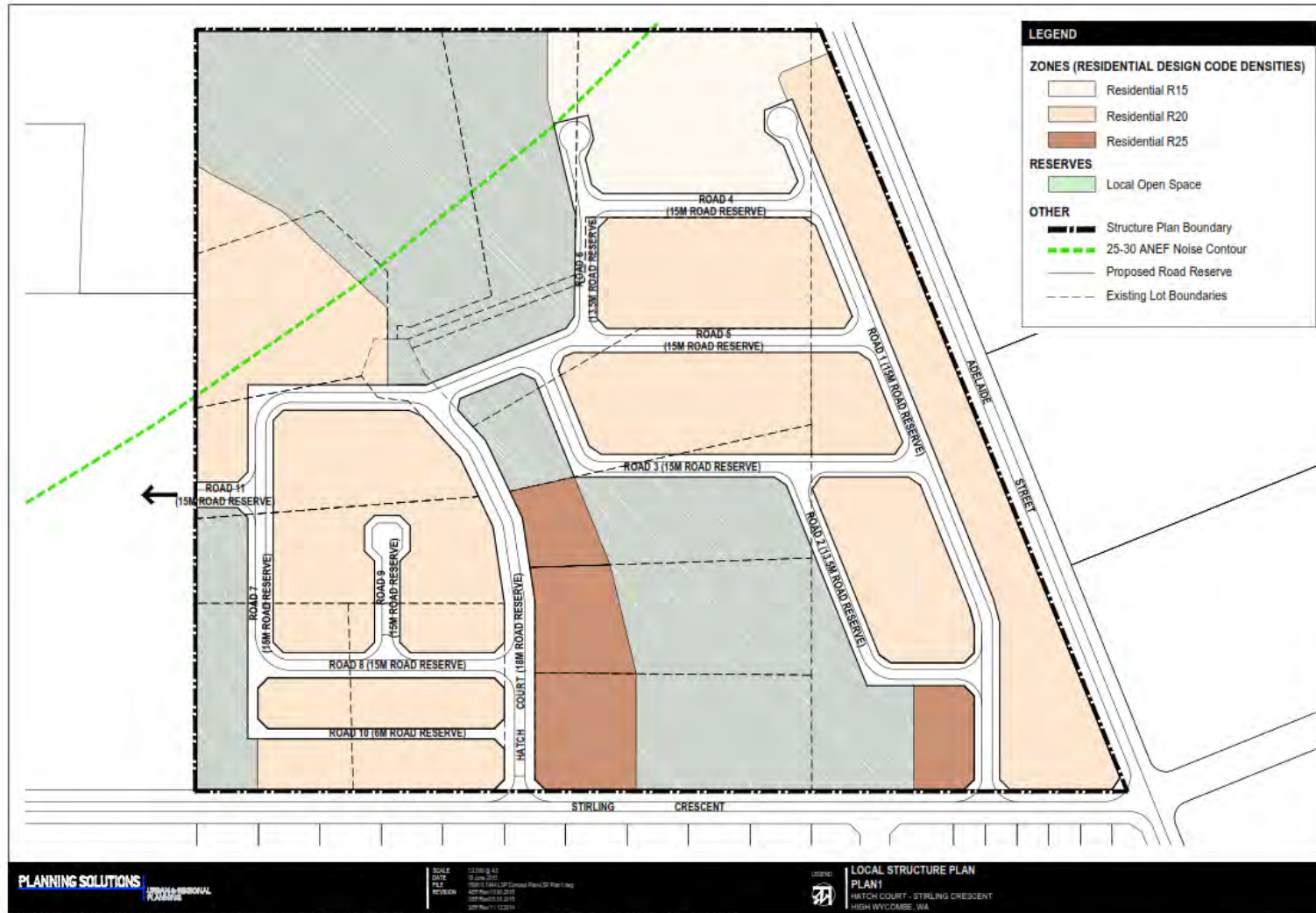
Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Voted: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

Initiation of Amendment 78 to Local Planning Scheme No. 3 – Hatch Court Stirling Crescent Proposed Hatch Court Local Structure Plan



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

44. Proposed Initiation of Scheme Amendment 80 to Local Planning Scheme No. 3 – Rezone from Urban Development to Light Industry – Hatch Court, Stirling Crescent and Kalamunda Road

Previous Items	OCM 66/2013
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/080
Applicant	Hames Sharley
Owner	Various owners

Attachment 1	Existing and Proposed Scheme Zoning Map
Attachment 2	ANEF and N65 Contour Plan
Attachment 3	Zoning Context Plan

PURPOSE

1. To consider whether to initiate an amendment to Local Planning Scheme No. 3 (the Scheme) to rezone the following lots from Urban Development to Light Industry.

- Lots 10 – 16 and 51 – 53 Hatch Court, High Wycombe;
- Lots 1, 8, 9 and 1499 Stirling Crescent, High Wycombe; and
- Lots 200 and 201 Kalamunda Road, High Wycombe.

Refer to (Attachment 1).

BACKGROUND

2. **Land Details:**

Land Area:	Approximately 30.08Ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban
Structure Plan Zone:	Nil

Locality Plan

3.



4. The subject land was rezoned from Rural to Urban under the Metropolitan Region Scheme (1187/57) in 2010. Under the current Scheme zoning of Urban Development, a structure plan is required to be in place prior to any development occurring.
5. A local structure plan to facilitate residential development for Lot 1499 (71) Stirling Crescent was adopted by Council on 24 June 2013 but was not supported by the Department of Planning (DoP). The DoP advised that they would only consider a structure plan that included the adjacent Hatch Court lots.
6. The applicant lodged the revised Hatch Court – Stirling Crescent Local Structure Plan with the Shire in February 2015 with modifications to the Structure Plan received prior to advertising. This structure plan has been advertised and will be presented for Council's consideration as a separate proposal. While the proposed structure plan includes several lots which are also included in this Scheme amendment request, it should be noted that the Hatch Court – Stirling Crescent Local Structure Plan is not related to the proposed Scheme Amendment and were submitted by different applicants.

DETAILS

7. The applicant lodged a request initially including Lots 10 – 16 and 51 – 53 Hatch Court, and Lots 1, 8, 9 and 1499 Stirling Crescent. However, it is considered that any proposed Scheme amendment in this location incorporating a Light Industry zone should include all lots bound by Kalamunda Road, Stirling Crescent and Adelaide Street as this is considered a logical expansion of industrial activity in the area and in line with orderly and proper planning. Therefore Lots 200 and 201 were also included in the proposed Scheme amendment area.
8. The land included in the proposed amendment comprises 16 lots ranging between one (1) and eight (8) hectares in size comprising land bounded by Kalamunda Road, Stirling Crescent, Adelaide Street and Perth Airport. Each lot contains an existing dwelling and associated outbuildings. The subject site is currently being used for rural-residential purposes. The subject land is surrounded by industrial land uses to the North and West of the site and residential land uses to South and East. (Refer Attachment 3)
9. The proposal will ultimately facilitate the future development of the lots within the Scheme amendment area for light industrial purposes.
10. The Scheme amendment area adjoins airport land with a mixture of light industry, transport and logistics uses to the west. Adjoining to the north is land in the City of Swan proposed to be zoned Industrial Composite through the Hazelmere Enterprise Area Structure Plan. Residential uses are located to the south and south-east of the site.
11. The applicant is yet to provide a detailed concept plan. This is expected to be provided as part of a more detailed Scheme amendment report should Council resolve to initiate the proposed amendment.

STATUTORY AND LEGAL CONSIDERATIONS

12. Should Council resolve to initiate the amendment, it will be determined 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.
13. In the event that Council does not initiate the amendment, the process ceases and there is no right of review (appeal) to the State Administrative Tribunal.

Local Planning Scheme No. 3

14. The subject lots are currently zoned Urban Development under the Scheme, which includes the following objectives under Part 4.2.1 (Residential Zones):
 - *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*
15. The applicant proposes to rezone the subject lots to Light Industry, which under Part 4.2.4 (Industrial Zones) of the Scheme, includes the following objectives:
 - *"To provide for predominantly 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."*

POLICY CONSIDERATIONS

Economic and Employment Lands Strategy: Non-Heavy Industrial

16. Economic and Employment Lands Strategy: Non-Heavy Industrial (EELS) was prepared to ensure that adequate forward planning is undertaken and to identify the areas, type and locations of industrial land required in the future. A key objective of the EELS is to facilitate ongoing availability of supply of industrial land.
17. The subject Scheme amendment area is not specifically identified in the EELS as a potential industrial area. However, the EELS recommends the ongoing identification of strategically located industrial land to secure future industrial activities in the region.

State Planning Policy 5.1: Land Use Planning in the Vicinity of Perth Airport

18. State Planning Policy 5.1 (SPP 5.1) applies to the land in the vicinity of the Perth Airport, which is, or may in the future, be affected by aircraft noise, and includes the following objectives:
- To protect Perth Airport from unreasonable encroachment by incompatible, noise sensitive development, to provide for its ongoing development and operation.
 - To minimise the impact of airport operations on existing and future communities with reference to aircraft noise.
19. The western portion of the Scheme amendment area is within the 25-30 ANEF contour and the remainder of the area is within the 20-25 ANEF contour (refer Attachment 2). SPP 5.1 is used to assess developments within the ANEF area.
20. Light Industrial is classified as an acceptable land use under SPP 5.1 for areas identified within both the 20-25 and 25-30 ANEF contours.

Hazelmere Enterprise Area Structure Plan (City of Swan)

21. The Hazelmere Enterprise Area Structure Plan is a District Structure Plan prepared by the City of Swan, which establishes a broad land use framework and principles to guide future development of the area. The study area includes land located immediately along the northern side of Adelaide Street.
22. The plan designates composite industrial lots with the provision of a suitable interface for the urban land uses located on the southern side of Adelaide Street. The plan also considers connecting Adelaide Street through to Abernethy Road in order to prevent industrial traffic using predominantly Stirling Crescent to access Kalamunda Road.

COMMUNITY ENGAGEMENT REQUIREMENTS

23. The *Town Planning Regulations 1967* establish the procedures relating to amendments to Local Planning Schemes. Should Council initiate the amendment it will be formally advertised with a consultation period of 42 days.

FINANCIAL CONSIDERATIONS

24. Any costs associated with the preparation of the amendment document will be borne by the applicant. Costs associated with public consultation will be met through the Planning and Development Services budget.

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.

SUSTAINABILITY

Social Implications

26. If the amendment is initiated and proceeds to approval, the lots will be able to be developed for light industrial purposes, which may result in some loss of the existing rural-residential amenity for properties in the area.

Economic Implications

27. The proposed Scheme amendment would ultimately facilitate light industrial land uses, which in turn will expand upon the existing employment areas in and around the airport precinct which take advantage of the close proximity of road, rail and air transport infrastructure in the area.

Environmental Implications

28. If Council initiates the proposed Scheme amendment, relevant environmental studies in respect to local water and wetland management, and environmental significance will be required to be prepared for the proposal.

RISK MANAGEMENT CONSIDERATIONS

- 29.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not initiate the amendment.	Possible	Insignificant	Low	Ensure Council is aware that the proposed amendment is considered to be consistent with the objectives of the Local Planning Scheme and policies, and Light Industry is considered to be the best and most appropriate zoning of the land.

OFFICER COMMENT

30. Under the objectives of the Scheme, Light Industry should be compatible in close proximity to residential uses, given that it will only enable light industrial uses which do not adversely affect the amenity of the locality by virtue of emissions. In this regard, the use itself is not considered inappropriate for the land.
31. Given the proximity of the amendment area to airport land, strategic industrial areas, and access to key freight routes it is considered that the lots included in the Scheme amendment area would represent a logical expansion of light industrial land uses. Whilst this land is not specifically identified in the EELS, identifying appropriate land as being potentially suitable for light industrial purposes is addressing one of the key recommendations of the EELS.
32. The existing lots within the Scheme amendment area are considered to be appropriately sized for industrial development, as it will enable a mixture of light industrial land uses. It is however acknowledged that some of the lots greater than one (1) hectare in size may be suitable for further subdivision into smaller lots.
33. Given the Metropolitan Region Scheme (MRS) enables the light industrial zone to be considered under the Scheme, no amendments would be required under the MRS.
34. A key consideration is to determine the appropriateness of the proposed amendment with a view of protecting the amenity of residential land uses to the south-east and south-west of the amendment area. From an urban design perspective, the interface between light industrial and residential land uses should be appropriately managed to ensure minimal undue impacts on the amenity of existing residential areas. In this regard, it is considered appropriate that a local development plan be prepared for the Scheme amendment area as part of the amendment process.
35. In regard to traffic and access to the Scheme amendment area, Adelaide Street will likely become an industrial route for heavy vehicles if it is connected to Abernethy Road. The proposed Scheme amendment will ultimately allow light industrial development, which will result in additional industrial traffic using Stirling Crescent. Whilst this outcome is not considered to be the most desirable outcome, the traffic should only relate to industrial uses within the amendment area, as a majority of traffic from surrounding industrial uses will be directed onto Adelaide Street, Abernethy Road, and Kalamunda Road, which is considered acceptable.
36. It is expected that if initiated, the applicant will be required to prepare the necessary documentation, including a scheme amendment report, development contribution cost schedule, a local development plan, concept plans and supporting studies such as traffic, wetland, environmental, Aboriginal heritage and engineering assessments.
37. In considering this amendment proposal, Council should be mindful of the concurrent Council Agenda Items for the Hatch Court / Stirling Crescent Local Structure Plan. While Council is able to consider both the Local Structure Plan

and this proposed Scheme amendment concurrently, it is considered appropriate to determine the most suitable land use for the subject area in the context of surrounding land uses, the locational attributes of the site and the objectives of the Scheme and relevant policies.

Rodney Sully of High Wycombe asked with regard to the industrial zoning change proposal, when advertising for this would commence and the expected timeframe?

Director Development Services indicated that advertising would take place following endorsement by the Commission, there are new regulations to be applied from 19 October 2015 for the state government to hold timeframes as this would be low-priority we would expect 6-9months.

Is it typical for the applicant of the light industrial zoning change to bear the costs associated with providing a new structure plan and all associated costs relating to it, the Director Development Services indicated the applicant pays the cost of the amendment, if a further Structure Plan is required is still to be determined.

A Councillor referenced point 32 of the report which indicates lot sizes greater than one hectare may be suitable for further subdivision into smaller lots and asked how many and what size these would be? The Director Development Services indicated that the minimum lot size would one hectare, however, it may be worth considering further subdivisions in some locations as a buffer between the residential and light industrial areas.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 44/2015)

That Council:

1. Initiates Amendment 80 to Local Planning Scheme No.3, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 80

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

1. Rezoning Lots 10 – 16 and 51 – 53 Hatch Court, Lots 1, 8, 9 and 1499 Stirling Crescent, and Lots 200 and 201 Kalamunda Road, High Wycombe from Urban Development to Light Industry.

2. Requests the consent of Western Australian Planning Commission to advertise Amendment 80, subject to and following its decision on the Hatch Court/ Stirling Crescent Local Structure Plan.
3. Subject to amendment documents being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

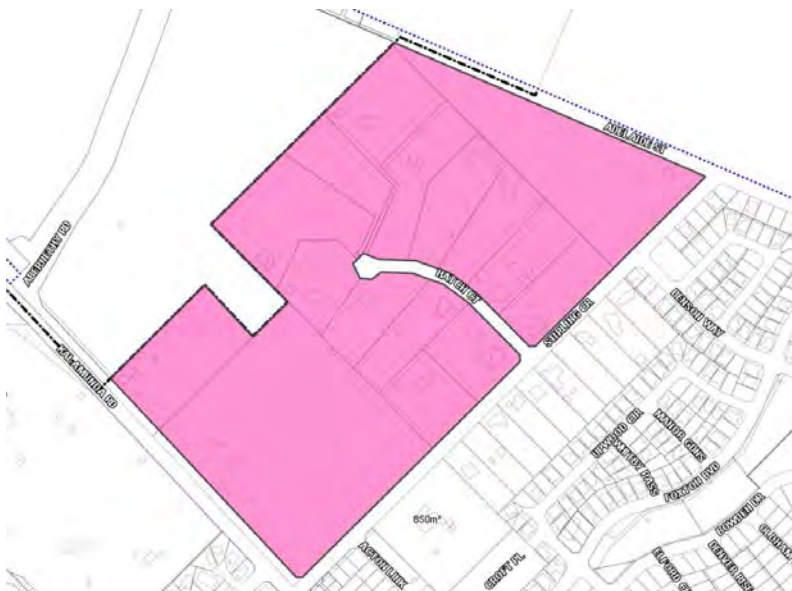
Attachment 1

Proposed Initiation of Scheme Amendment 80 to Local Planning Scheme No. 3 – Rezone from Urban Development to Light Industry – Hatch Court, Stirling Crescent and Kalamunda Road

Existing and Proposed Scheme Zoning Map



Existing Zoning: Urban Development



Proposed Zoning: Light Industry

LEGEND

METROPOLITAN REGION SCHEME RESERVES

PARKS AND RECREATION	PRIMARY REGIONAL ROADS
RESTRICTED PUBLIC ACCESS	OTHER REGIONAL ROADS
RAILWAYS	PUBLIC PURPOSES -
PORT INSTALLATIONS	DENOTED AS FOLLOWS:
STATE FORESTS	H HOSPITAL
WATER CATCHMENTS	HS HIGH SCHOOL
CIVIC AND CULTURAL	TS TECHNICAL SCHOOL
WATERWAYS	CP CARPARK
	U UNIVERSITY
	CG COMMONWEALTH GOVERNMENT
	SEC STATE ENERGY COMMISSION
	SU SPECIAL USES
	WSD WATER AUTHORITY OF WA
	R REGION

LOCAL SCHEME RESERVES

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

ZONES

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

OTHER

R CODES	SCA KALAMUNDA TOWN CENTRE
ADDITIONAL USES	DESIGN CONTROL AREA
RESTRICTED USES	SPECIAL USE AREA
SCHEME BOUNDARY	ENVIRONMENTAL CONDITIONS
LOCAL GOVERNMENT BOUNDARY	SCS - SCA 30MEEF
DEVELOPMENT AREA	SCA / SCA 300M POULTRY FARM BUFFER
	NO ZONE

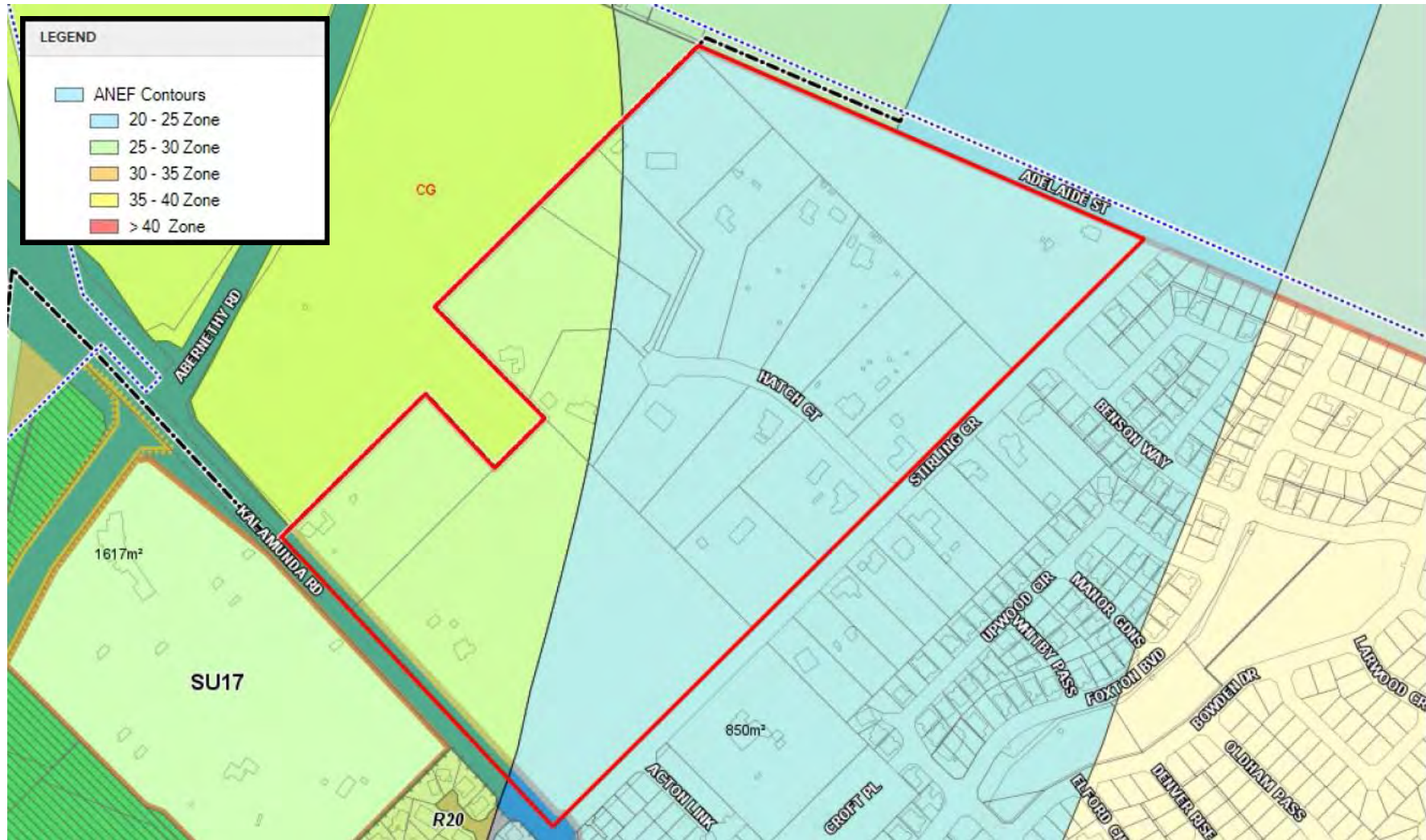
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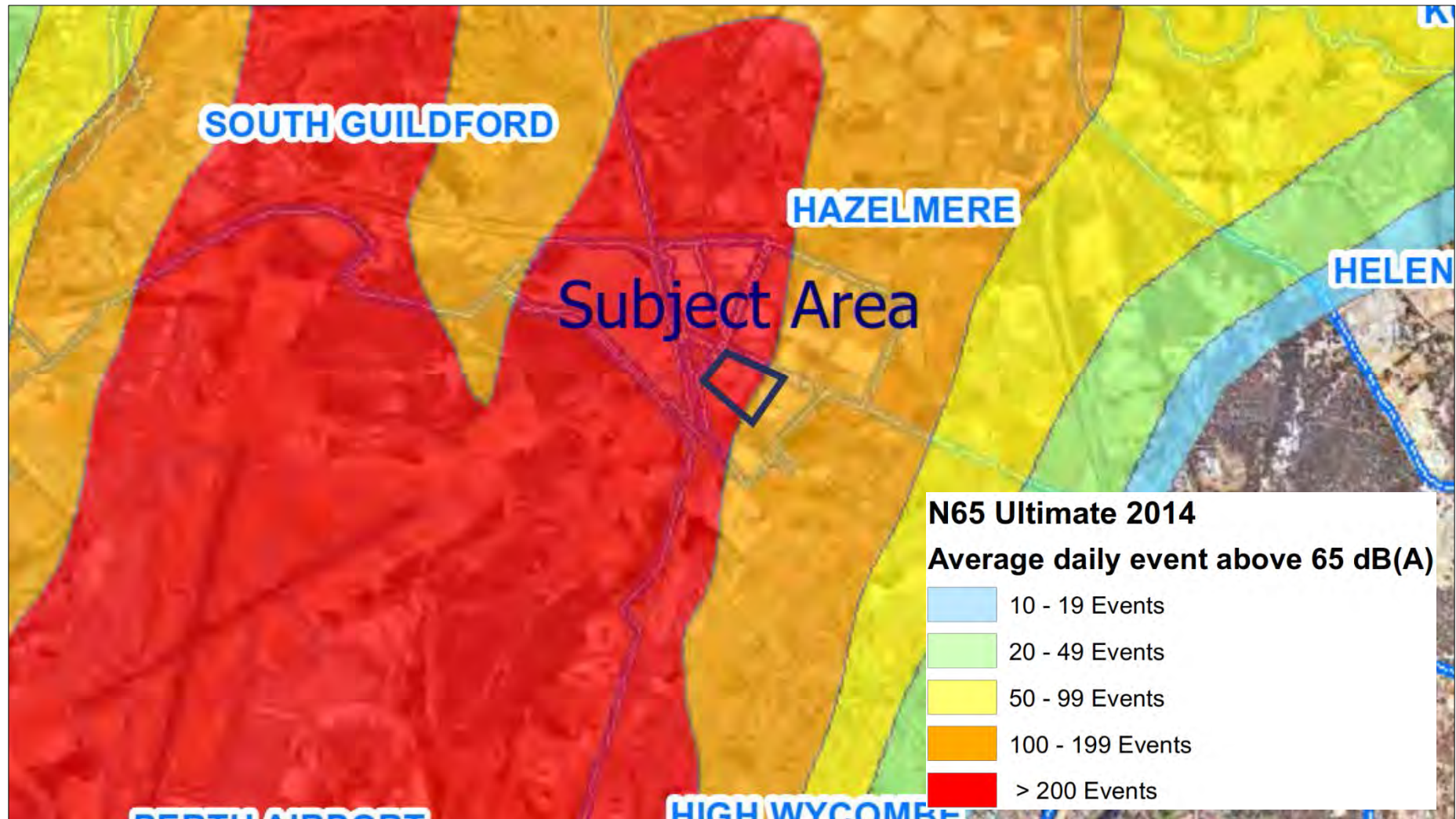
SHIRE OF KALAMUNDA
 LOCAL PLANNING SCHEME NO. 3
 (DISTRICT SCHEME)

Attachment 2

Proposed Initiation of Scheme Amendment 80 to Local Planning Scheme No. 3 – Rezone from Urban Development to Light Industry – Hatch Court, Stirling Crescent and Kalamunda Road

ANEF and N65 Contour Plan

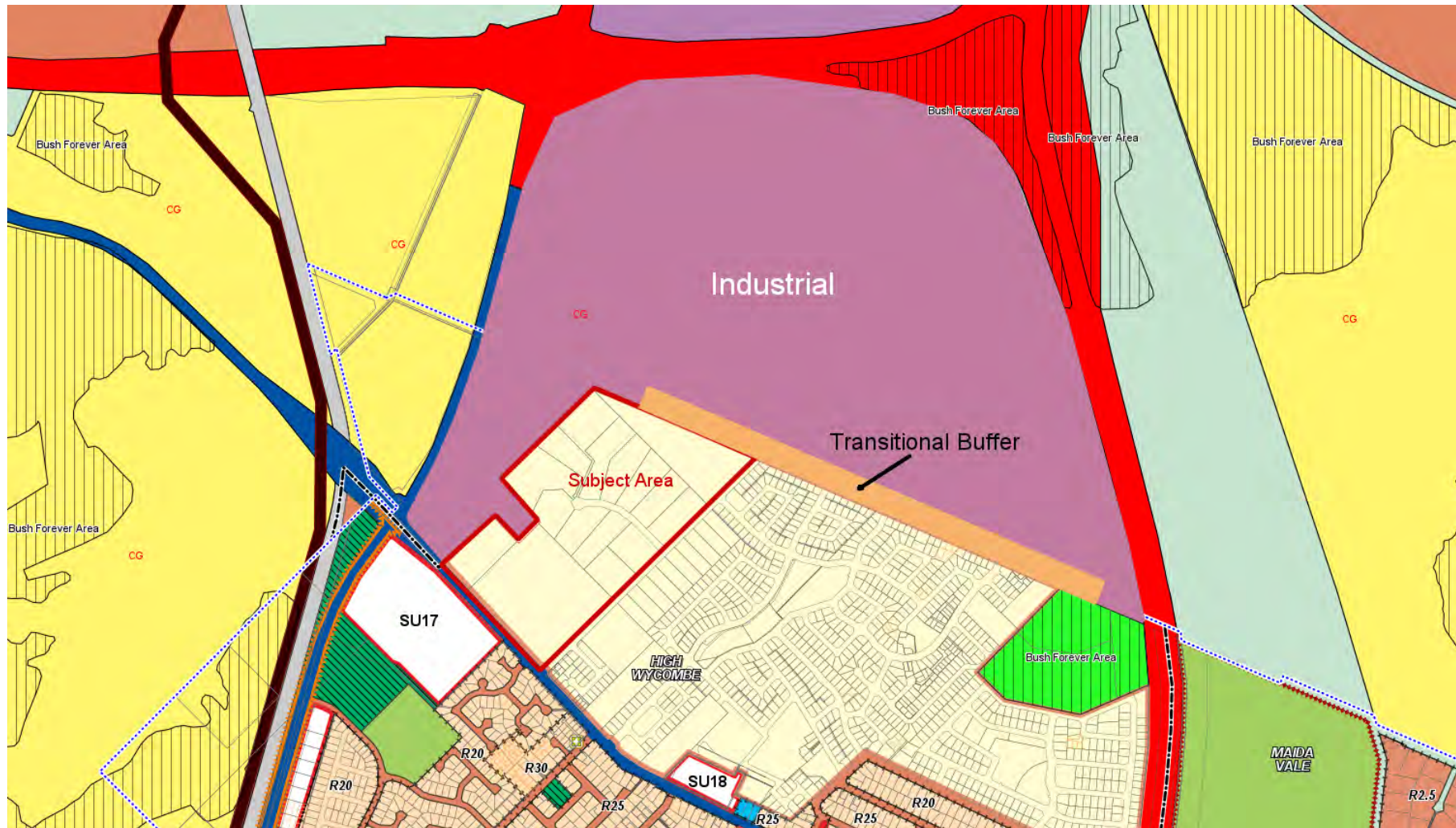




Attachment 3

Proposed Initiation of Scheme Amendment 80 to Local Planning Scheme No. 3 – Rezone from Urban Development to Light Industry – Hatch Court, Stirling Crescent and Kalamunda Road

Zoning Context Plan



10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Nil.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 With reference to Item 35 on the D&I Agenda of 10 August 2015. Local Planning Scheme No.3 Amendment – Lot 59 (40) Wilkins Road, Kalamunda – Rezone from Regional Reserve – Parks and Recreation to Special Use (Residential Aged Care)

Q. Cr Lindsey noted that the reserve being considered is not part of the Darling Range Regional Park, and asked the Director Development Services what the status of the two adjoining reserves is.

A. The two reserves immediately to the east of the subject site are not currently listed in the Darling Range Regional Park network.

12.2 Cr Andrew Waddell – Over Height Building

Q. I have been notified of an extremely high shed being erected at 3 Kite Crescent in High Wycombe; could this be investigated to ensure that all the necessary approvals have been obtained to ensure it is compliant?

A. An application for planning approval for an outbuilding at 3 Kite Court, High Wycombe, was received in November 2014. The application comprised a 9m x 7m (63sqm) outbuilding with a 7m x 7m (49sqm) carport attached, located behind the main dwelling on the lot.

The application proposed variations to the allowable outbuilding wall height (3m in lieu of 2.4m maximum) and floor area (63sqm in lieu of 60sqm maximum) under the Residential Design Codes (R-Codes). The application was advertised to surrounding property owners for comment and no objections were received during the advertising period.

An assessment of the application was undertaken against the design principles of the R-Codes, which included consideration of the impact of the proposal on the streetscape and on adjoining properties. Given the proposal was considered to comply with the design principles, and no objections were received from adjoining property owners during advertising, the application was approved under delegated authority on 2 December 2014.

15.0 CLOSURE

- 15.1 There being no further business the Presiding Member declared the meeting closed at 8.24pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2015